

Sec. 11.01. Purpose.

The purpose of this ordinance is to:

- (1) Reduce the disruption of vehicular and pedestrian traffic that valet parking operations may create;**

- (2) Minimize hazardous conditions that valet parking operations may create in order to protect the health, safety, and welfare of the public;**

- (3) Promote the safe and legal operation of valet parking services for the use and convenience of businesses and the general public.**

(Ord. of 6-1-1998, Doc. #31261)

Sec. 11.02. Definitions.

Unless the context clearly indicates or requires a different meaning, the terms used in this chapter shall be defined as follows:

- (1) ***Division Manager:*** The Manager of the City of Orlando Parking Division or his/her designee;
- (2) ***Chief of Police:*** The Chief of Police of the City of Orlando, Florida or his/her designee;
- (3) ***City:*** The City of Orlando, Florida and its authorized agents;
- (4) ***Licensee:*** Person who is awarded a valet parking service license by the City of Orlando;
- (5) ***Parking Division:*** The Division of Parking of the City of Orlando, Florida;
- (6) ***Person:*** Any individual, firm, corporation, partnership, company, or association;
- (7) ***Public Property:*** Any property owned or controlled by the City of Orlando, Orange County, State of Florida, or Orlando Utilities Commission, including any right-of-way, bus lane, or utility corridor or any other property owned by a governmental body for the benefit of the public;
- (8) ***Ramping:*** The loading and unloading of passengers to and from motor vehicles within a City-approved valet parking zone or space;

(9) **Storage:** The parking of motor vehicles in a parking facility for a limited time (less than 12 hours) by a valet parking operator;

(10) **Traffic:** Pedestrians, motor vehicles, buses, and other conveyances either singly or together while using any street or roadway for purposes of travel;

(11) **Traffic Control Devices:** Any sign, signal, or device placed or erected by authority of the City or other public body having jurisdiction for the purpose of regulating, warning, or guiding traffic;

(12) **Traffic Lane:** Any street or roadway improved, designed, or ordinarily used for vehicular travel;

(13) **Transportation Engineer:** The Transportation Engineer of the City of Orlando or his/her designee;

(14) **Valet Parking Service:** The ramping and storage of vehicles by a valet parking operator;

(15) **Valet Parking Operator:** Any person who is authorized by the City to provide valet parking service on public property;

(16) **Valet Parking Space:** A space approved by the City for the ramping of vehicles associated with a valet parking service;

(17) **Valet Parking Zone:** Any public right-of-way, not regularly used for parking, which is approved by the City for the ramping of vehicles associated with a valet parking service.

Sec. 11.03. License Required.

(1) *Requirement.* No person shall operate a valet parking service on public property unless licensed to do so by the City.

(2) *Exemption.* This Chapter only applies to valet parking services operating on behalf of or in conjunction with a commercial establishment or commercial activity. Occasional valet parking service provided at a private residence or in connection with a social, charitable or fund-raising activity are hereby exempt from the requirements of this Chapter, but may be subject to other restrictions.

(Ord. of 6-1-1998, Doc. #31261)

Sec. 11.04. Application.

A person wanting to utilize a valet parking service on a public right-of-way or on private property but, requiring the use of a public right-of-way for the maneuvering of the vehicles, must apply in writing to the Division Manager for a valet parking service license. The application must be completed by the commercial property owner or lessee to be benefited by the proposed valet parking service. The applicant must provide the following information:

(1) the names, address and telephone numbers of:

(a) the applicant;

(b) if applicant is a lessee, the owner; and

(c) any independent contractor the applicant intends to use as a valet parking operator;

(2) the proposed location, particularly if the proposed location is on a public right-of-way, of any:

(a) valet parking podium;

(b) stand; or

(c) sign;

(3) the location and number of the valet parking spaces, or the location and size of the valet parking zone being requested;

(4) the location of the off street parking area or facility the valet parking operator intends to use for the storing of the vehicles, and a signed contract or agreement showing that the valet parking operator has acquired the legal right to store the vehicles in that area or facility;

(5) proof of insurance as provided for in section 11.12 of this Chapter.

(Ord. of 6-1-1998, Doc. #31261)

Sec. 11.05. Review and Issuance.

(1) *Review.* The Division Manager shall forward the application to all City departments which may be affected by the granting of the license being requested. These departments shall include, but not be limited to Orlando Police, planning, and transportation. The departments will have 30 days to review and submit comments on the application back to the Division Manager.

(2) *Issuance.* After reviewing the application and the comments submitted by the affected departments, and all the appropriate fees have been paid, the Division Manager may issue a valet parking service license to the applicant unless denial of the application is warranted under section 11.07 of this Chapter.

(Ord. of 6-1-1998, Doc. #31261)

Sec. 11.06. Fees.

- (1) Each application must be accompanied by a non-refundable \$50 application fee.**

- (2) The annual fee for a valet parking service license is \$500 per valet parking space, up to a maximum of \$2000. If the license is for a valet parking zone, then annual fee will be a flat rate of \$2000.**

- (3) In addition to the other fees required by this section, an applicant must pay an annual \$50 fee for each sign, podium, or stand the applicant intends to place on the public right-of-way.**

- (4) There will be a one time fee for each sign that must be placed in the public right-of-way by the City as a result of the proposed valet parking service. The fee for each of the City signs will be determined on a case by case basis, depending on the actual cost incurred by the City.**

(Ord. of 6-1-1998, Doc. #31261)

Sec. 11.07. Denial, Revocation, or Suspension of License.

(1) **Denial.** The Division Manager shall deny any application if:

(a) the applicant fails to comply with any of the requirements of the Parking Division or any other applicable law;

(b) the applicant makes any false statement of material fact on the valet parking service application;

(c) the Division Manager determines that the operation of a valet parking service at the applied for location would:

(i) endanger the health, safety or welfare of persons or property;

(ii) unreasonably interfere with pedestrian or vehicular traffic;

(iii) unreasonably interfere with the use of any pole, sign, fire hydrant, traffic signal or any other object already permitted at or near the proposed valet parking service location;

(iv) unreasonably interfere with any other permitted use permitted at or near the proposed valet parking service location;

(v) not be in compliance with the submitted and approved operation plan as required by section 11.08(2) and (3); or

(vi) otherwise not be in the public interest.

(2) **Revocation.** The Division Manager may revoke an existing valet parking service license if:

(a) the licensee fails to comply with the requirements of the valet parking service license, the Parking Division, or any other applicable law;

(b) the licensee makes any false statement of material fact on the valet parking service application;

(c) the Division Manager determines that the operation of a valet parking service at the applied for location would:

(i) endanger the health, safety or welfare of persons or property;

(ii) unreasonably interfere with pedestrian or vehicular traffic;

(iii) unreasonably interferes with the use of any pole, sign, fire hydrant, traffic signal or any other object already permitted at or near the proposed valet parking service location;

(iv) unreasonably interfere with any other permitted use permitted at or near the proposed valet parking service location;

(v) not be in compliance with the submitted and approved operation plan as required by section 11.08(2) and (3); or

(vi) otherwise not be in the public interest.

(3) The City Council may at any time unconditionally revoke a valet parking services license issued by the Parking Division pursuant to this Chapter if the City Council finds that such a revocation would be in the public interest.

(4) *Suspension.* The Division Manager may temporarily suspend a valet parking service license if the public right-of-way being used by the valet parking service is needed for a special event, an emergency or other use including, but not limited to, construction, maintenance, or repair of a street, utility, or any other component of the City infrastructure. The Division Manager may authorize a refund of a portion of the annual license fee if the suspension is for three (3) months or longer and if the licensee is not the cause of the conditions necessitating the suspension.

(Ord. of 6-1-1998, Doc. #31261)

Sec. 11.08. Rules and Regulations.

In addition to any other requirements of this Chapter, any valet parking operator authorized by the City to provide valet parking service on public property shall comply with the following requirements:

- (1) The valet parking operator shall possess a valid occupational license to operate the valet parking service within the City;
- (2) The valet parking operator shall submit a written traffic plan, approved by the Transportation Engineer and Parking Division Manager, which shows in detail the operation of the valet service, including, but not limited to, the size, shape, and location of the valet parking zone and the size, shape, location, and support of any signage;
- (3) The parking operator shall operate in accordance with the submitted and approved plan;
- (4) The valet parking operator shall maintain a key control booth at all valet parking locations until 3:00 a.m. or until all cars have been claimed, whichever occurs first;
- (5) The valet parking operator shall not load or unload passengers within traffic lanes that are open to through traffic;
- (6) The valet parking operator shall not store cars in the valet parking spaces or zone. A vehicle is considered stored if it remains in the valet parking spaces or zone for more than fifteen (15) minutes;
- (7) The valet parking operator shall comply with all applicable federal, state, and local statutes, laws, ordinances, rules, and regulations relating to traffic safety;
- (8) If incorporated, the valet parking operator shall provide the City with a copy of its articles of incorporation;

(9) A licensee wishing to change its location, size, or hours of operation must submit a new application to the Division Manager as per section 11.04 of this Chapter;

(10) The valet parking service shall not interfere with the regular flow of pedestrian traffic.

(Ord. of 6-1-1998, Doc. #31261)

Sec. 11.09. Traffic Control Devices.

(1) The City may require the licensee (at its sole cost and expense) to set up the appropriate traffic control devices as approved by the City in order to facilitate the movement of traffic in an expeditious manner. No traffic control devices or signage of any kind shall be placed upon or within traffic lanes without the prior approval of the Transportation Engineer.

(2) If, in the determination of the Transportation Engineer or Chief of Police, a valet parking operation on public property creates or contributes to an unsafe or hazardous condition, or a valet parking operation on other property impacts adjacent streets or sidewalks to the extent that it threatens the safety of vehicular and/or pedestrian movement in the area, then the Transportation Engineer or Chief of Police may require the valet parking operator to provide, at its sole cost and expense, off-duty, uniformed police officers to direct traffic in the traffic lanes adjacent to the valet parking zone. If, in the sole determination of the Transportation Engineer or Chief of Police, the hiring of such officers to direct traffic does not adequately address the threat to public safety, then the Transportation Engineer or Chief of Police, in the interest of protecting the public health, safety, and welfare, may order the termination of the valet parking service at a particular location until the threat to public safety has been adequately addressed.

(Ord. of 6-1-1998, Doc. #31261)

Sec. 11.10. Employees.

Employees of the valet parking operator shall at all times comply with the following requirements:

- (1) All employees shall possess and carry a valid Florida Driver's license;**

- (2) All employees must be on the payroll of the valet parking operator and not independent contractors;**

- (3) All employees shall display a name tag identifying the valet parking operator and the employee's name;**

- (4) All employees shall wear a standard uniform;**

- (5) All employees shall comply with the requirements of this Chapter and all applicable laws, statutes, ordinances, rules and regulations relating to traffic safety.**

(Ord. of 6-1-1998, Doc. #31261)

Sec. 11.11. Ramping and Storage of Vehicles.

(1) *Ramping of Vehicles.*

(a) The ramping of vehicles shall be allowed within City-approved valet parking spaces and zones only. The ramping of vehicles within traffic lanes or outside the City-approved valet parking space and zone is a violation of this Chapter and subject to the penalty provided in Section 11.14.

(b) The storage of vehicles within a City-approved valet parking spaces or zone is prohibited. A vehicle is considered stored if it remains in the valet parking space or zone for more than fifteen (15) minutes.

(2) *Storage of Vehicles.*

(a) *On Private Property.* The valet parking operator may store vehicles on private lots which are properly permitted and zoned as parking areas. The valet parking operator shall provide to the Parking Division a copy of the proper City license issued to the parking facility owner and documentation from the parking facility owner authorizing the valet parking operator to use the facility.

(b) *On Public Property.* The valet parking operator may lease City parking spaces in order to store vehicles. The City and valet parking operator shall enter into a lease for the City spaces. The fee for such spaces shall be established by the Parking Division Manager and approved by City Council.

(c) A valet parking operator wishing to store its vehicles in a parking area or facility other than the one(s) identified in the license application must notify the Division Manager a minimum of 30 days before the change is to take place. The same documentation requirement applies for a change as for a new application.

Sec. 11.12. Insurance.

(1) The valet parking operator shall purchase, maintain, and keep in full force and effect insurance written for not less than the limits of liability specified below or required by law, whichever is greater:

(a) Workers' Compensation and Employer's Liability Insurance in the minimum amount of \$500,000 per person/per occurrence;

(b) Garage Liability in the minimum amount of \$500,000 per person, per occurrence covering bodily injury and property damage resulting from the valet parking operator's ramping and storing of vehicles on public property;

(c) Garagekeepers Legal Liability Insurance in the minimum amount of \$250,000 per location, per occurrence with a maximum deductible of \$1,000 to provide collision and comprehensive coverage for vehicles under the control of the valet parking operator.

(2) All insurance companies providing the required coverages shall be rated A- or better by Best's Rating Guide.

(3) The City shall be named as an additional insured on all liability insurance required herein except Workers' Compensation.

(4) Insurance Certificates evidencing all required insurance coverages and providing that the coverage shall not be cancelled or modified without 30 days prior written notice to the City shall be filed with the Parking Division prior to the operation of the valet service.

(Ord. of 6-1-1998, Doc. #31261)

Sec. 11.13. Indemnification of City.

The valet parking operator shall agree in writing to indemnify, hold harmless and defend the City, its representatives, employees, and elected and appointed officials, from and against all liability, claims, damages, suits, losses, and expenses of any kind, including reasonable attorney's fees and costs (and reasonable attorney's fees and costs on appeal) arising from its use of public streets, sidewalks, or public parking areas in providing valet parking service and arising from any negligent act, omission or error of the valet parking operator, its agents or employees, or arising from the failure of the valet parking operator, its agents or employees, to comply with each and every requirement of this Chapter or with any other federal, state, or local traffic law.

(Ord. of 6-1-1998, Doc. #31261)

Sec. 11.14. Penalty.

Any person who violates any of the provisions of this Chapter shall be punished as provided in Section 1.08 of the Orlando City Code.

(Ord. of 6-1-1998, Doc. #31261)