

AMENDING CHAPTER 16

AN ORDINANCE TO ESTABLISH AND PERMIT VALET PARKING AND VALET PARKING REGULATIONS IN THE CITY OF GREENSBORO.

07-256

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO THAT:

Section 1. There is hereby enacted a new Sec. 16-204 to Article IV of Division 4 of the Greensboro City Code to read as follows:

DIVISION 4. VALET PARKING

Sec. 16-204. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Valet operator means (a) a person whose business is served by valet parking service, (b) a person who provides valet parking service, and (c) any employee or agent of a person described in (a) or (b) who provides, or participates in the provision of, valet parking service. For purposes of this Article IV, valet operator shall not mean the City of Greensboro or a person acting on behalf of the City of Greensboro.

Valet parking service means accepting possession of a vehicle on the right-of-way for the purpose of parking the vehicle for the operator or retrieving a parked vehicle and returning it to the operator on the right-of-way, regardless of whether a fee is charged. Valet Parking shall only be operated in connection with a designated valet parking zone.

Section 2. There is hereby enacted a new Sec. 16-205 to Article IV of Division 4 of the Greensboro City Code to read as follows:

Sec. 16-205. Permits.

(a) *Permit required.* No valet parking service is permitted unless a permit allowing such activity has been issued pursuant to this section. The operator shall also be required to obtain a valid privilege license from the City but the tax collector cannot issue such privilege license until the valet parking permit has been obtained.

(b) *Permit application.* An application for a valet parking permit shall be made in writing on a form prescribed by the Transportation Director. The application must contain the following:

- (1) The name, age, business address and residence of the applicant if a natural person; if a corporation, its name, address of its principal office, and the names of its principal officers together with their respective addresses; if a partnership, association, or other unincorporated entity, the names of the partners, or the names of those comprising the association or company with the address of each.

(2) The experience of the applicant in the provision of such services and whether any similar permit in any jurisdiction has ever been revoked, and if so, the circumstances of such revocation.

(3) Whether the applicant or any of its principal officers or employees has ever been convicted of a felony or a violation of any narcotic law, or a crime involving moral turpitude, or conviction of any impaired driving offense.

(4) A written justification of the need for valet parking service by the business to be served.

(5) The uniform or insignia to be used to designate the applicant's employees.

(6) A scale drawing of the location and limits of the proposed valet parking service activities, including an identification of any on-street parking spaces or loading zones that would be affected by the activities;

(7) An operation plan that includes the days and times when valet parking services will be provided.

(8) An indemnity and release form as prescribed by the Director.

(9) Proof of insurance as required by the Director.

a. Insurance. No permit shall be issued or continued in operation, and no person shall operate a valet parking service unless and until there is in full force and effect a motor vehicle liability insurance policy insuring such owner and each employee thereof, and unless and until such owner shall file with the City Clerk a written certificate of insurance showing that the policy or policies are in effect and that they cannot be cancelled without thirty (30) days written notice to the City Clerk. The policy shall cover property damage and bodily injury of not less than one million dollars (\$1,000,000) per occurrence.

(10) Any other information reasonably required by the Director.

(11) Payment of a non-refundable application fee in the amount of \$200.00 per location served.

The permit application requirements of this section shall also apply to permit renewals.

(c) Permitting criteria. The Director shall issue or deny a valet parking permit taking into consideration the following factors:

(1) whether the application is complete;

- (2) the extent to which the valet parking service might unreasonably disrupt the flow of pedestrian and vehicular traffic, including the location of the proposed valet parking service in relationship to traffic control devices;
- (3) the extent to which the valet parking service might unreasonably interfere with or impinge upon on-street parking;
- (4) the proximity of traditional on-street and off-street parking to the business to be served by the valet parking service; and
- (5) the proximity and relationship to any other previously permitted valet parking service.

A permit shall specify (i) the business served; (ii) the location and limits of the valet parking service activities; (iii) the days and times when the valet parking service is permitted; (iv) any additional restrictions or requirements regarding the location or operation of the valet parking service; (v) identification tag requirements for valet operators; (vi) the permit expiration date; and (vii) any other conditions on the permit.

A permit shall not be valid until the applicant has paid a right-of-way use fee established by the Director taking into consideration the amount of right-of-way and other public property and facilities occupied by the valet parking service and potential lost meter revenue.

(d) Authority of the City. The City reserves the right to determine and designate appropriate street locations and times for the operation of valet parking services. Once the City has determined and designated appropriate street locations and times for the operating of valet services, the service shall be limited to parking or unloading vehicles only at those street locations and times. No cars will be parked in on street parking areas. The City reserves the right to add, modify or eliminate street locations and times at any time in order to protect pedestrian traffic and improve conditions for the flow of motor vehicular traffic.

(e) Revocation. The City may revoke a permit issued pursuant to this section for any reason that would justify a refusal to issue the permit originally or by reason of any failure by the permittee to comply with the provisions of this Code.

(f) Temporary suspension or modification. The City may temporarily suspend or modify a permit issued pursuant to this section when warranted by traffic conditions and anticipated traffic conditions, such as parades, festivals or other such special events.

(g) No rights established. Nothing in this article is intended to establish any legal right to provide a valet parking service or any legal property interest in a valet parking permit.

Section 3. There is hereby enacted a new Sec. 16-206, to Article IV of Division 4 of the Greensboro City Code to read as follows:

Sec. 16-206. Violations.

(a) It shall be unlawful for a valet operator to provide or engage in valet parking service without a valid valet parking permit issued pursuant to this article. A valet parking permit that has expired or that has been suspended or revoked is not a valid permit.

(b) It shall be unlawful for a valet operator to provide or engage in valet parking service in violation of the terms and conditions of a valet parking permit that pertains to the valet parking service.

(c) It shall be unlawful for a valet operator to stop or direct traffic.

Section 4. There is hereby enacted a new Sec. 16-207 to Article IV of Division 4 of the Greensboro City Code to read as follows:

Sec. 16-207. Enforcement.

(a) Any person who violates Sec. 16-206 (a) shall be subject to a civil penalty of \$500.00 for each day during which such violation occurs.

(b) Any person who violates Sec. 16-206 (b) or (c) shall be subject to a civil penalty of \$100.00 for each violation.

(c) A violation of this Article shall not constitute an infraction or misdemeanor punishable under G.S. 14-4.

Section 5. There is hereby enacted a new Sec. 16-208 to Article IV of Division 4 of the Greensboro City Code to read as follows:

Sec. 16-208. Appeals.

The denial, revocation, or suspension of a valet parking permit, or the issuance of civil penalties, may be appealed within ten (10) days after notice of such action. Appeals shall be heard by the City Manager or the City Manager's designee. A ruling on appeal is subject to further review in the Superior Court of Guilford County by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the Clerk of Superior Court within thirty (30) days after notice of the decision has been sent to the appellant.

Section 6. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflicts

Section 7. That this Ordinance shall become effective upon adoption.

The foregoing ordinance was adopted by the City Council of the City of Greensboro on the 5 day of Nov, 2007 and will become effective upon

adoption.

Juanita F. Cooper
City Clerk