

Final Action: 9/23/04

ORDINANCE NO. 12588

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 35, ARTICLE VIII, OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "MOTOR VEHICLES AND TRAFFIC/VALET PARKING", TO PROVIDE FOR THE ESTABLISHMENT OF VALET PARKING IN COMMERCIAL AND RESIDENTIAL DISTRICTS CITYWIDE, RELATED PERMITS, FEES, RULES AND REGULATIONS AND APPEALS, ENFORCEMENT PROVISIONS AND FINE SCHEDULE; MORE PARTICULARLY BY AMENDING SECTIONS 35-301 THROUGH 35-311 AND ADDING NEW SECTIONS 35-312 THROUGH 35- 315 TO SAID CODE; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. Chapter 35, Article VIII, of the Code of the City of Miami, Florida, as amended, is amended to read as follows:

“Chapter 35”

MOTOR VEHICLES AND TRAFFIC

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ARTICLE VIII. VALET PARKING

Sec. 35-301. Purpose; Permit and license required.

(a) The purpose of this Article is to:

- (1) Reduce the disruption of vehicular and pedestrian traffic that valet parking service operations may create;
- (2) Minimize hazardous conditions that valet parking service 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.

(b) No person, establishment or entity shall conduct valet parking service on public right-of-way as herein defined without first obtaining a permit from the Director of the Department of off-street parking and paying the fee therefor to the chief financial officer of DOSP or his designee.

Sec. 35-302. Definitions.

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Department or DOSP means the City of Miami department of off-street parking.

Director means director of the City of Miami Department of off-street parking.

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NET means the applicable City of Miami neighborhood enhancement team office.

Officer means Police, Parking Enforcement specialist, Code enforcement officer.

Permit means the receipt of a valet parking permit under the terms and provisions of this article.

Permittee/Operator means valet company and its employees.

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Tandem parking means the storage of vehicles, irrespective of how configured, that requires moving at least one other vehicle in order to reach the vehicle sought.

Valet parking service area or ramping means the public right-of-way to be utilized for the valet parking service.

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Officer means Police, Parking Enforcement specialist, Code enforcement officer.

Permittee/Operator means valet company and its employees.

Sec. 35-303. Boundaries.

Valet parking service shall only be permitted within office, commercial and industrial districts citywide comprising areas with a zoning designation of O, C-1, C-2, CBD, I, SD-1, SD-2, SD-4, SD-5, SD-6, SD-7, SD-8, SD-9, SD-11, SD-14, 14.1, 14.2, SD-16, 16.1, 16.2. Furthermore Residential Districts shall be allowed to obtain Special Event temporary permits as referred to in Sec. 35-315.

Sec. 35-304. Permit fee; exceptions.

The biannual permit fee for establishing or maintaining a valet parking service shall be \$500.00 from the effective date, paid to the Department in the amount of Five Hundred Dollars (\$500.00) plus the following ramping fees:

Ramping Fee;

- (a) If the operation of the valet parking service requires the rental of metered or non-metered parking spaces or area, the permittee/operator shall also pay a ramping fee of the rate established by DOSP per metered parking space or the rate for every 20 linear feet per day to the Department. All rates are stated in Section 35-194 of the parking rate ordinance.
- (b) The City Manager, the Director, or their designees, may waive said permit fee and ramping fee for valet parking service exclusively serving a city-owned and operated facility.

Sec. 35-305. Permit application.

(a) Application for a permit to conduct a valet parking service shall be made at the Department in a form deemed appropriate by the director and City Attorney. Such application shall include, but not be limited to, the following information:

- (1) Name and address of the proposed permittee/operator. If incorporated, permitte/operator must provide copies of their articles of incorporation and bylaws;
- (2) Copy of a valid certificate of use and occupational license issued by the City;
- (3) Copy of current liability insurance in accordance with the provisions of Section 35-308 of this code;
- (4) Site plan (at an appropriate scale) showing the proposed Tandem parking arrangement, if any, the lay-out and dimensions of the existing public right-of-way and adjacent private property, proposed location, size of proposed mobile stands, tables, chairs, umbrellas, keybox, location of doorways, location of trees, parking meters, bus shelters, sidewalk benches, trash receptacles, driveways, and any other sidewalk obstruction either existing or proposed within the pedestrian areas. Under no circumstances shall permanent structures or equipment be permitted. The site plan shall clearly identify the valet parking service area, and shall also show the proposed location, number of parking stalls and

distance to the off-street parking facility providing the parking spaces for the valet parking service;

- (5) Photographs, drawings, or manufacturers' brochures fully describing the appearance of all proposed mobile stands, tables, chairs, umbrellas, keybox or other objects related to the valet parking service; and
- (6) Copy of the agreement/contract for the provision of the off-street parking spaces that includes identification of the location of vehicle storage spaces.
 - (b) Applications shall be accompanied by an annual nonrefundable application fee of \$150.00.
 - (c) Applications shall be forwarded by the Director to all City Departments which may be affected by the granting of the permit, including but not limited to, public works; building; planning and zoning; police; risk management; corresponding NET office. The City Departments within 45 calendar days review and submit comments on the application(s) back to the Department.
 - (d) Within 50 calendar days of receipt of a completed application, the director shall issue a letter of intent to approve or deny the permit. The director shall provide a copy of the permit approval or denial to the finance Department when the decision is made.

Sec. 35-306. Permit requirements, restrictions and when not permitted.

- (a) Permits shall be issued only for pedestrian areas and public right-of-way under the maintenance jurisdiction of the City of Miami.
- (b) Valet parking service shall be operated only by commercially licensed and insured vendors of parking services holding valid city occupational licenses.
- (c) Permits shall be issued only to permittees/operators that provide certification, in a format approved by the Director and City Attorney, that they have procured sufficient accessible off-street parking spaces for their valet parking services. On-street parking spaces shall not be included in the computation of sufficient parking spaces for valet parking.
- (d) A permit shall not be issued when another valet parking permit has already been issued for a valet parking area immediately adjacent to the proposed permit area. Furthermore, a permit shall not be issued when the proposed permit

area is on the same side of one City block of another valet parking area, unless authorized by the Public Works Director.

(e) Permits or copy of valid permit must be at valet ramping area at all times.

Sec. 35-307. Standards and criteria for application review.

The following standards and criteria shall be used in reviewing the application required in section 35-305:

- (1) The location of the valet parking service area is restricted to existing designated on-street parking spaces.
- (2) The width of the valet parking service area shall comprise a minimum of three parking spaces (approximately 60 linear feet).
- (3) Mobile stands, tables, chairs, umbrellas, keyboxes and any other objects necessary for the operation of the valet parking service shall be located on the sidewalk in such a manner that a minimum six-foot wide clear pedestrian path is maintained at all times. In areas of congested pedestrian activity, the director is authorized to require a wider pedestrian path, as circumstances dictate. Under no circumstances shall permanent structures or equipment be permitted, unless authorized by the Public Works Director.
- (4) Mobile stands, tables, chairs, umbrellas, keyboxes and any other objects necessary for the operation of the valet parking service shall be of quality design, materials, and workmanship, both to ensure the safety and convenience of users, and to enhance the visual and aesthetic quality of the urban environment. Design, materials, and colors shall be sympathetic and harmonious with an urban environment. The NET administrator and the director of the city planning and zoning Department shall be responsible for the review and approvals required by this subsection.
- (5) Permits will not be issued where the drop-off and pick-up of vehicles interferes with the safe operation of driveways, street intersections, crosswalks or other prohibited areas.
- (6) Permits will not be issued where stacking of drop-off and pick-up of vehicles interferes with the safe traffic operation on adjacent streets or unduly delays normal traffic operations.
- (7) Tandem storage of vehicles arrangements will be evaluated for meeting technical standards.

- (8) The permittee/operator shall abide by the terms and conditions set forth in the Guides and Standards developed by the department, as amended. The entire permitting process shall be completed within 50 calendar days.

Sec. 35-308. Liability and insurance.

(a) Prior to the issuance of a permit, the permittee/operator shall furnish the Director with a signed statement, approved by the City Attorney, that the permittee/operator shall hold-harmless, indemnify and defend the City of Miami, its officers and employees and the Department and Board of Directors, their officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.

(b) Permittee shall furnish and maintain such public liability and property damage insurance to protect from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance, shall be provided from an insurance company with an A.M. Best rating of not less than "A" and a Financial Strength Rating of not less than "X," acceptable to the risk management division, and shall provide coverage of not less than \$1,000,000.00 for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insured the City of Miami, DOSP and Board of Directors, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the permit period without 45 days written notice to the risk management division and the Director at the address shown in the permit. Additionally, permittee shall provide "garage keepers" legal liability insurance providing collision and comprehensive coverage for vehicles under the control of the valet parking operator with a minimum of \$500,000.00 per location with a maximum self-insured retention (SIR) or deductible of \$1,000.00.

(c) The permittee/operator shall provide proof of all required insurance prior to receiving the permit.

Sec. 35-309. Form and conditions of permit.

The permit shall be issued on a form deemed suitable by the director and city attorney. In addition to naming the permittee/operator, the conditions set forth in preceding sections of this article, and any other information deemed appropriate by the director, the permit shall also contain, the following conditions:

- (1) Each permit shall be effective for six months, subject to biannual renewal. Any renewal of a permit shall require compliance with all requirements for permits in the same manner as an original application.
- (2) The permit issued shall be personal to the permittee only and shall not be transferable in any manner.
- (3) The permit may be temporarily suspended by the director for a "community" or "special event." The permittee shall be entitled to a pro rata credit on the next permit payment due for any permit suspended a full business day or longer pursuant solely to this subsection. Advance notice will be provided to permittees whenever practical.
- (4) The Director may require the temporary removal or relocation of valet parking service when street, sidewalk, or utility repairs necessitate such action, if not able to relocate DOSP will credit the permittee/operator for number of days out of service.
- (5) The Department of fire-rescue or the police Department may immediately remove or relocate all or parts of the valet parking service in emergency situations. Officers of the police Department, or such special officers as are assigned by the chief of police or DOSP, are hereby authorized to direct traffic, including drop-off and pick-up vehicles, as conditions may require, notwithstanding the provisions of this chapter or other applicable traffic ordinances.
- (6) Under no circumstances shall the city, the Department and the Board of Directors, and its officers and employees be deemed responsible or liable in any way for any damage or loss resulting from the removal of the permittee/operator equipment and other objects necessary for the operation of the valet parking service during emergencies. Furthermore, the permittee/operator agrees and acknowledges by accepting a permit issued pursuant to this article that the City, the Department and the Board of Directors are to be held harmless in connection with its actions under this section.

- (7) The permit shall be specifically limited to the area shown on the approved site plan attached to and made part of the permit.
- (8) The permittee/operator shall use positive action to assure that its use of the sidewalk in no way interferes with sidewalk users or limits their free unobstructed passage.
- (9) Mobile stands, tables, chairs, umbrellas, keyboxes and any other objects necessary for the operation of the valet parking service shall be maintained with a clean and attractive appearance and shall be in good repair at all times and removed at the close of business each day.
- (10) The sidewalk area covered by the permit shall be maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris on a periodic basis during the day, and again at the close of each business day.
- (11) No advertising signs shall be permitted on the sidewalk or in the public right-of-way; this shall not prohibit the use of one business identification sign located on the sidewalk, bearing no advertising and not exceeding five square feet in area, to be affixed to the valet parking service stand to identify "Valet Parking."
- (12) No mobile stands, tables, chairs, umbrellas, keyboxes nor any other objects necessary for the operation of the valet parking service shall be attached, chained, or in any manner affixed to any tree, post, sign, or other fixtures, curb or sidewalk within or near the permitted area. All valet parking service objects necessary for the operation of the valet parking service, other than required traffic cones, shall be located no closer than 30 inches behind the face of curb on the sidewalk.
- (13) The permit covers only the pedestrian and public right-of-way. Valet parking services and objects necessary for the operation of the valet parking service located on private property shall be governed by other applicable City regulations.
- (14) The permittee/operator shall provide written notification to the Director and the Chief of Police when operation of the valet parking service begins. Said notice shall be delivered within 24 hours of such commencement.

- (15) Tandem parking of vehicles shall be limited to a maximum of three (3) vehicles (i.e. a maximum of two (2) vehicles shall be required to be moved to reach the vehicle sought).
- (16) The permittee/operator shall have available on-site for display upon request a valid occupational license and valet parking permit issued pursuant to this article.

Sec. 35-310. Valet permittees/operators code of Conduct; required customer protection regulations.

Permittees/operators shall require their employees and independent contractors to meet the following requirements:

- (1) All employees who operate motor vehicles shall have in their possession a valid Florida Driver's License in good standing and shall abide by all City, Miami-Dade County and State traffic regulations.
- (2) All employees shall be in similar uniform.
- (3) All employees shall wear on their uniform a name tag identifying the employee's name and the name of the valet operator/company.
- (4) All employees shall perform their duties in a courteous and professional manner.
- (5) All employees must comply with the requirements of this Article and all applicable laws, statutes, ordinances, rules and regulations relating to traffic safety.
- (6) Pricing for services shall be identified on any "signage" used by the valet operator. The size print of the foregoing information shall be equal to the largest size print used on any "signage" used to identify the service or valet operator. Claim tickets shall also indicate the price for the service. The print size of the foregoing shall be equal to that used for any other information displayed on the ticket.
- (7) The claim ticket shall identify the valet operator's company name, correspondence address and a phone number for questions/complaints. All of the foregoing print shall be of equal size.

Sec. 25-311. Operational regulations and restrictions for Valet parking service.

- (1) The public on-street/curbside parking spaces, metered or non-metered, shall only be used for ramping of vehicles. Ramping of vehicles shall consist of allowing the customer to enter or exit a vehicle and to turn it over to or retrieve it from a valet parking operator employee. Ramping shall only be permitted and operated in the public on-street/curbside spaces provided by the department for ramping. There shall be no storage of vehicles in the area used for ramping. A vehicle will be considered stored if it remains in the ramping area for more than ten (10) minutes. Ramping spaces shall not be blocked by any type of sign, structure or other type of object. These spaces shall not be cordoned off by any type of signage, rope or barrier of any kind;
- (2) The permittee/operator shall possess a valid occupational licence to operate the valet parking service within the City;
- (3) The permittee/operator shall maintain a key control booth at all valet parking locations until all cars have been claimed; or the permittee/operator shall have a 24 hour phone number for after hours vehicle pick up information.
- (4) The permittee/operator shall not load or unload passengers within traffic lanes that are open to through traffic;
- (5) The valet parking service shall not interfere with the regular flow of vehicular or pedestrian traffic.

Sec. 35-312. Department denial, revocation, or suspension of permit; removal of equipment or personal property of the permittee/operator and storage fees.

- (a) The Director may deny, revoke, or suspend a permit for any valet parking service authorized in the City if it is found that:
 - (1) The permittee/operator has not maintained required insurance;
 - (2) The Director determines that the operation of a valet parking service, due to changing or changed conditions of pedestrian or vehicular traffic, cause congestion necessitating removal of valet parking service which endangers the health, safety or welfare of persons or property; unreasonably interferes with pedestrian or vehicular traffic; unreasonably interferes with the use of any pole, sign, fire hydrant, traffic signal or other object already permitted at or near the valet parking service area; or otherwise not in the public interest; or

- (3) The permittee/operator has failed to correct violations of this article or conditions of the permit within three days of the director's notice of same being delivered in writing to the permittee at the address shown on the permit application;
- (4) If permittee/operator is found in violation of the same offense three (3) times within a permit period;
- (5) The permittee/operator made any false statements or omission of material fact on the application, site plan or elsewhere in connection with securing a permit.
 - (b) Stands, tables, chairs, umbrellas, key boxes and other objects necessary for the operation of the valet parking service may be removed by the Department or City, and a reasonable fee charged for labor, transportation, and storage, should the permittee/operator fail to remove said items at the close of business on a daily basis. Under no circumstances shall the city, the department and the Board of Directors, and its officers and employees be deemed responsible or liable in any way for any damage or loss resulting from the removal of the permittee/operator equipment and other objects necessary for the operation of the valet parking service. Furthermore, the permittee/operator agrees and acknowledges by accepting a permit issued pursuant to this article that the City, the Department and the Board of Directors are to be held harmless in connection with its actions under this section.
 - (c) Upon denial or revocation, the director shall give notice of such action to the applicant or the permittee/operator in writing stating the action which has been taken and the reason thereof. If the action of the Director is based on subsection(s) (a)(1) or (2) of this section, the action shall be effective upon giving such notice to permittee. Otherwise, such notice application shall become effective within ten calendar days unless appeal to the City Commission is made.

Sec. 35-313. Appeals of Permit Denial or Revocation.

(a) Appeals shall be initiated within ten days of a permit denial or revocation by filing a written notice of appeal with the City Manager, and a copy of same delivered the same day to the director. Any revocation effective immediately may also be appealed to the city commission by such filing within ten calendar days.

(b) The City Manager shall place the appeal on the first non-planning and zoning City Commission agenda for which proper notice can be given to the permittee, and shall notify the director thereof. At the hearing the City Commission may modify, grant or deny the appeal, and the decision of the City Commission shall be final subject to appeal to the appropriate court of competent jurisdiction, according to the Florida Rules of Civil Procedure.

(c) The filing of a notice of appeal by a permittee shall not stay an order by the Director to remove valet parking service or parts thereof. Vestiges of the valet parking service shall be removed immediately, pending disposition of the appeal and final decision of the City Commission.

Sec. 35-314. Enforcement; fine schedule and penalty provisions.

(a) Enforcement. The Officers shall enforce the provisions of this article. This shall not preclude other law enforcement agencies or regulatory bodies from any action as necessary to ensure compliance with this article and all applicable laws. For any violation of a provision of this article the officer shall issue a notice of violation/citation to the permittee/operator. The notice shall state the nature of the violation, amount of fine, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing within ten (10) calendar days after service of the notice and that failure to appeal the violation within the ten (10) calendar days, shall constitute an admission of the violation and a waiver of the right to appeal.

(b) Additional Enforcement. As an additional means of enforcement, the Department may seek injunctive relief and/or the city may follow procedures to revoke occupational licenses as set forth elsewhere in the City code when there are repeat violations of this article. Additionally, the Department, may withhold issuance of any new valet permits and suspend current valet parking permits until past due violations are paid in full.

(c) Rights of violator; payment of fine; right to appeal. Once served with a notice the permittee/operator shall elect to pay the civil fine or request an administrative hearing within the above mentioned ten (10) calendar day period. The administrative hearing shall be conducted in the manner prescribed in Sec. 2-826 of the city code. Appeals therefrom shall be in the manner prescribed in Sec. 2-828 of the City code.

(d) Recovery of unpaid fines. The Department may institute proceedings in a court of competent jurisdiction to compel payment of civil penalties. A certified copy of an order imposing a fine may be recorded in the public records.

(e) The following civil fines shall be imposed for each violation. Fines will be paid to the Department with One Third (1/3rd) remaining with the Department and Two Thirds (2/3rds) being forwarded to the City Finance Department. The description of violations below are for informational purposes only and the civil penalties attached are meant only as proposed figures not intended to limit the nature, number of or amount of fines to be imposed for the violations which may be cited in this article. To determine the exact nature of the activity prescribed or required the specifics of this article must be examined:

(1)	Unauthorized/illegal ramping	\$150.00 per offense
(2)	Unauthorized/illegal storage	\$250.00 per offense
(3)	Lapse of Insurance (from date of lapse)	\$150.00 per day
(4)	Operation without permit	\$500.00 per day
(5)	No name tag	\$ 25.00 per offense
(6)	No uniform	\$ 25.00 per offense
(7)	No valid FL drivers license	\$ 25.00 per offense and immediate removal of the employee from service.
(8)	Violation of Guides & Standards	\$ 50.00 per offense
(9)	Other violation of this Article	\$ 50.00 per offense

Sec. 35-315 Special Events and Residential Areas

(a) Valet Service - Special Event

Valet services operating for a special event may apply for a special event permit at DOSP. Special event parking shall be restricted to any event occurring no more than twice per year and lasting no longer than three (3) days in length. The special event permit will allow the valet operator to request from the Department, additional ramping and/or storage space, if available, as long as it does not reduce the number of parking spaces needed to serve the general public in the area of the request.

(b) Valet Service - Residential

Valet service may be provided for non-commercial uses, including private functions in residentially zoned areas for a one (1) day. Valet operators must meet the same criteria as a regular day to day valet operation as referenced in the permit application Sec. 35-305. Valet operators must complete a Temporary Valet Parking Permit Form and submit this form to DOSP fourteen (14) days prior to the scheduled event.

Note: Temporary Valet Parking Permit Requests submitted within less than fourteen (14) working days of a scheduled event will only be accepted for situations deemed as an emergency. An emergency is defined as a situation or occurrence of a serious nature, developing suddenly and unexpectedly within less than fourteen (14) working days of the event and demanding immediate attention.

The following requirements must be satisfied:

- (1) *Ramping.* Valet ramping may be provided either on private property at the location to be serviced or on public property. Ramping on public property shall not occur in any other location than the public on-street/curbside parking spaces provided for ramping. Ramping from a moving lane of traffic is strictly prohibited unless authorized by the City. The ramping area shall be determined as stated in Section 35-304A entitled,
- (2) *Storage.* Storage of vehicles must be in compliance with Section 35.305, entitled, Permit application. Storage of vehicles on public right-of-way is strictly prohibited, unless authorized by DOSP.
 - a. *Storage on public right-of-way.* Valet operators may request the use of public right-of-way for storage under the following conditions:
 1. Private or public storage (parking lot and/or garage) is not available within 2,500 feet of the location to be serviced.
 2. All prohibited parking regulations (fire hydrants, crosswalks, etc.) are strictly enforced.

Section 2. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

Section 3. If any section, part of a section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof.^{1/}

^{1/} This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.