AUG 2004

ORDINANCE 2004-022

Amending 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 12, Motor Vehicles and Traffic, Article II, Stopping, Standing and Parking, Division 2, Parking Meter Zones to repeal Sec. 12-82, Valet parking zones and to add Division 4, Valet Parking

WHEREAS, the City is very dense, particularly in the City Center and Five Points area with many restaurants, clubs, theaters, retail establishments, and other establishments which attract many visitors; and

WHEREAS, parking and congestion are significant concerns for residents of and visitors to the City; and

WHEREAS, the City does not presently have an ordinance which regulates valet parking throughout the City; and

WHEREAS, this lack of regulation has resulted in improper circulation patterns, storage of vehicles on City streets, loading and unloading of vehicles that interferes with vehicular and pedestrian circulation, and the disruption of adjacent residential neighborhoods; and

ORIGINAL STAMPED IN RED

WHEREAS, the purpose of this ordinance is to allow valet parking to be conducted in the City as a means to increase convenience of access to certain parking spaces, while regulating aspects of this activity so as to limit its potential to create traffic congestion, unsafe circulation patterns, or otherwise degrade the public health, safety, and welfare; and

WHEREAS, the City Center and Five Points area of the City present unique issues for valet parking due to the high parking demand and existing congestion; and

WHEREAS, these unique conditions require the need for the coordinated management of valet parking pursuant to a permit issued by the City to valet parking services; and

WHEREAS, regulating valet parking in this manner in the City Center and Five Points will reduce congestion and improve access both during the construction of the anticipated streetscape improvements and following their completion, NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 28th day of July, 2004, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 12, Motor Vehicles and Traffic, Article II, Stopping, Standing and Parking, Division 2, Parking Meter Zones is amended to repeal Sec. 12-82,

Valet parking zones, and to add Division 4, Valet Parking, to read as follows:

Division 4. Valet Parking

Sec. 12-120. Purpose.

City Council finds that the use of public streets and rights-of-way for valet parking, while providing a public benefit to some by making parking more convenient, may also impede travel, interfere with the rights of others using the streets and public rights-of-way, affect the public safety, and create a public nuisance. Therefore, valet parking may be permitted as a special privilege, not as a matter of right, subject to the regulations in this code.

Sec. 12-121. Definitions.

ORIGINAL
STAMPED IN RED

For purposes of this Division, the following words shall have the following meanings:

(a) *Applicant* means a person requesting a Valet Parking Permit.

(b) *Director of General Services* means the Director of General Services or his or her designee.

(c) *Valet parking* means typical practices associated with, and the act of, driving another person's vehicle to and from a parking location so that said person and any passengers originally within the vehicle may unload and load at or near their immediate destination.

(d) *Valet parking service* means a person valet parking, including any persons, subcontractors, or agents employed or otherwise assisting said person.

(e) *Public right-of-way* means any area dedicated for public use as a public street, pedestrian way, or other thoroughfare, including but not limited to streets, roadways, parkways, alleys, sidewalks, and pedestrian ways.

(f) *Permit* means a Valet Parking Permit.

Sec. 12-122. Permit Required.

A permit is required for any valet parking service that conducts any portion of its operation, including but not limited to the receiving, moving, or return of vehicles upon the public right-of-way. No permit is required for a valet service that is entirely conducted upon private property, and no permit is required for a non-recurring valet parking service at a dwelling unit. An applicant issued a permit pursuant to this code, any valet parking service operating under such a permit, and any premises that would benefit from the valet parking resulting from the permit are not required to obtain an encroachment, franchise, or other similar permission from the City for any fixture or structure located within the public right-of-way provided information regarding the size and location of said fixture or structure is made a part of the application required within Section 12-123 below and said fixture or structure is not explicitly excluded from the permit by condition.

Sec. 12-123. Process for Permits and Renewals.

(a) New applications for a permit shall be submitted to the Business License Division. New applications shall include the following information:

(1) The name, address, and telephone number of the applicant, the valet parking service, and a person associated with the valet parking service immediately available during all hours of its operation.

(2) A signed statement from the owner of each premises that would benefit from the valet parking, granting permission to the valet parking service to valet park the vehicles of his or her patrons.

(3) The hours of operation of all premises that would benefit from the valet parking and the hours of operation of the valet parking service at each premises. Where the premises that would benefit from the valet parking is an auditorium, convention center, or other major venue, the application may substitute a yearlong event schedule that includes anticipated event times rather than hours of operation.

(4) The number of employees assigned to valet park for each premises that would benefit from the valet parking.

(5) The seating capacity or other capacity of all premises that would benefit from the valet parking.

(6) The location where vehicles would queue prior to receipt by the valet parking service, the location where patrons would drop-off vehicles, and the location where the valet parking service would return vehicles to patrons.

(7) The location where vehicles would be parked or stored for each premises that would benefit from the valet parking.

(8) The route between the vehicle drop-off and return locations and the parking location.

(9) A signed statement from the operator of any parking facility designated as the parking location regarding that facility's ability to accept the vehicles. The statement shall include:

a. The total number of parking spaces within the parking facility.

b. The number of parking spaces within the parking facility to be reserved for the premises that would benefit from the valet parking.

c. An estimate of the percent usage of the parking facility prior to and subsequent to the proposed valet parking were it approved.

d. The number of parking spaces within the parking facility that is reserved because they satisfy the parking requirements of the Zoning Ordinance.

(10) A contract pending approval of a permit or an executed contract between the applicant and each operator of a parking facility designated as a parking location. Each contract shall contain a provision that it cannot be canceled without at least 60 days notice to the other party and to the City.

(11) The location of any proposed signs for the valet parking service and any

ORIGINAL
STAMPED IN RED

proposed attendant stands.

(12) Proof that the applicant has insurance in force satisfying the requirements of Section 12-128.

(13) Payment of a nonrefundable permit fee plus a parking space use. The permit fee is 30 dollars. The permit fee to renew a previously approved permit is 5 dollars. The parking space use fee shall equal the prevailing hourly rate of the associated parking meter(s) multiplied by the number of hours the parking meter(s) would otherwise have been in service. A parking space use fee shall not be charged where the parking space is not regulated by a parking meter; however, the City reserves the right to install a parking meter at any time. Fees shall not be pro-rated based upon when the application was submitted during the calendar year.

(14) Where the applicant proposes to valet park in conjunction with a once-a-year or otherwise special event that lasts no more than 7 calendar days, the items required within subsections 9 (d) and 10 may be excluded from the application. However, the Director of General Services reserves the right to require that the applicant submit these documents upon his or her determination that the information is necessary to make his or her decision.

ORIGINAL
STAMPED IN REC

(b) Applications to renew a previously approved permit may be limited to:

(1) A cover letter signed by the applicant and the owner of each premises that would benefit from the valet parking stating that the items provided within the previously approved application have not changed;

(2) A contract for the parking location (in accordance with subsection (a)(10) above);

(3) Proof of insurance (in accordance with subsection (a)(12) above); and

(4) Fees (in accordance with subsection (a)(13) above).

(c) Once the Business License Division determines an application is complete, the Business License Division will forward the application to the Director of General Services who will make his or her decision to approve, approve with conditions, or deny the application. The criteria that the Director of General Services shall consider when making his or her decision are set forth in Sec. 12-127.

(d) The Director of General Services may seek counsel from other City agencies prior to making his or her decision. The Director of General Services must make a decision within 30 days after the Business License Division determines that an application is complete. If the Director of General Services fails to issue a decision within the time frame above, the application shall be considered approved.

(e) The Director of General Services shall return the application and the decision regarding the application to the Business License Division. If the application is approved or approved with conditions, the Business License Division shall issue a Valet Parking Permit to the applicant.

Sec. 12-124. Term of Permit.

Every Valet Parking Permit shall expire at midnight on the 31st day of December next occurring after issuance unless otherwise specified on the permit.

Sec. 12-125. Operating Requirements.

(a) The valet parking service shall only accept vehicles at, and return vehicles to, the approved drop-off and return locations. Dimensions of drop-off and return locations shall be determined by the Director of General Services.

(b) The valet parking service shall only move vehicles between the approved drop-off and return locations and the approved parking location. Said movement of vehicles shall occur only along the approved route.

(c) The valet parking service shall not use on-street parking spaces for valet parking.

(d) The valet parking service shall not park any vehicle upon private property without written authorization by the property owner or an authorized agent of the property owner.

(e) The valet parking service shall provide adequate staffing to receive, park, and return vehicles so that traffic is not impeded by the activities of the permit. Vehicle queuing is allowed only within the area approved for vehicle queuing.

(f) The valet parking service shall ensure that at least five feet of clearance is provided along all pedestrian walkways.

(g) The valet parking service shall post in a conspicuous location a copy of the permit and a diagram of the approved route between the approved drop-off and return locations and the approved parking location.

(h) Except where an applicant proposes to valet park in conjunction with a once-a-year or otherwise special event that lasts no more than 7 calendar days, each valet parking service shall display at each drop-off and return location a sign no less than 6 square feet that includes letters and numerals plainly visible from the street stating:

(1) "Valet Parking";

(2) The name of the valet parking service;

(3) The hours of operation of the valet parking service; and

(4) The parking fees, if any.

(i) The valet parking service shall notify the City Police Department whenever a vehicle has been left for a period longer than 48 hours without a prior contractual arrangement for such period of time.

(j) Each person employed by or otherwise assisting the valet parking service shall have a valid driver's license.

Sec. 12-126. Penalties.

Any person violating these regulations or any condition of a permit issued pursuant to this code shall be guilty of a misdemeanor, and the Director of General Services may revoke the respective permit as set forth within Section 12-127.

ORIGINAL
STAMPED IN REC

Sec. 12-127. Grounds for Revocation and Denial.

(a) The Director of General Services may revoke or deny a permit for any one of the following reasons:

(1) The valet parking service fails to cooperate with the City Police Department in the investigation of any crime committed at, in proximity to, or between the drop-off and return location and the parking location.

(2) The applicant has made a material misrepresentation in his or her application.

(3) The valet parking service prescribed by the applicant would or does substantially impact traffic or disrupt the peace and quiet within any area of the City.

(4) The valet parking service at the specified location would be or is incompatible with other uses in the vicinity.

(5) The applicant, valet parking service, or premises benefiting from the valet parking violated any condition of a previous or existing permit within the City during the past five years.

(6) The applicant, valet parking service, or premises benefiting from the valet parking service fails to comply with other criteria set forth herein.

(7) The building, structure, lot, or equipment upon the premises benefiting from the valet parking fails to comply with all applicable health, zoning, fire, building, and safety laws of the State of South Carolina or the City.

ORIGINAL
STAMPED IN REC

(b) The Director of General Services shall notify an applicant in writing by certified mail when a permit is revoked or denied. An applicant may appeal a decision of the Director of General Services to the City Manager or his or her designee within 30 days of receiving the decision.

(c) Unless the public health, welfare, or safety requires more immediate action, revocation is effective 48 hours after written notice is delivered to the applicant.

Sec. 12-128. Insurance Requirements.

(a) Prior to the issuance of a permit, the valet parking service shall maintain garage liability with a limit of not less than $300,000 for each accident and garage keeper's liability coverage with a limit of not less than $125,000 for each accident.

(b) The City shall be named as an additional insured under the garage liability and garage keeper's liability policies of the valet parking service.

(c) Any deductibles must be declared and approved by the City.

(d) The insurance policies shall be endorsed to state that coverage shall not be changed or cancelled except after 30 days prior written notice by certified mail has been given to the City of such change or cancellation.

(e) Prior to the issuance of a permit, and at all times while the permit is in effect, the applicant shall maintain on file with the Director of General Services a certificates of insurance showing evidence of the required coverage limits and naming the City as additional insured.

(f) If the insurance policies issued to the valet parking service are cancelled for any

reason, the permit issued is automatically suspended. To reinstate the permit, the valet parking service shall provide new policies of insurance to the City.

Sec. 12-129. Indemnification.

The valet parking service agrees to indemnify, hold harmless, release and defend (even if the allegations are false, fraudulent, or groundless), the City, its officers and employees, from any and all liability, loss, suits, claims, damages, costs, judgments, and expenses (including attorney's fees and costs of litigation) which in whole or in part result from, or arise out of:

(a) Any act or omission of its employees;

(b) The operations of the valet parking service;

(c) Any condition of property used in the operation; or

(d) Any acts, errors, or omissions of the valet parking service.

ORIGINAL
STAMPED IN RED

Sec. 12-130. Conformance with Applicable Laws.

(a) Nothing in this Division authorizes or is intended to authorize the parking of vehicles by a valet parking service in a manner contrary to applicable laws of the State of South Carolina and parking and traffic regulations of the City.

(b) If a parking meter is present at the approved drop-off or return location, the Director of General Services shall place upon the parking meter a sign reserving the parking space for valet parking only during the approved hours of operation.

Sec. 12-131. Conditions Imposed on Permit.

(a) The Director of General Services may impose conditions upon the permit that are reasonably necessary to protect the peace and tranquility of any residential area, mitigate traffic impacts, protect other uses in the area, or protect the public health, welfare, and safety.

(b) An applicant issued a permit pursuant to these regulations, any valet parking service operating under said permit, and any premises that would benefit from the valet parking resulting from said permit shall comply with all conditions imposed upon the permit pursuant to subsection (a) of this Section.

(c) An applicant may appeal the imposition of a condition(s) upon the permit in accordance with procedure and time frame established within Section 12-127 (b).

Sec. 12-132. Reservation of Rights.

The approval of a permit provides only for the nonpermanent and nonexclusive use of the public right-of-way. Applicants, valet parking services, and the premises benefiting from the valet parking shall have neither property interest in, nor any entitlement to the granting or continuation of any permit for the use of, any public right-of-way.

Secs. 12-133—12-140 Reserved.

This ordinance is effective as of final reading. Valet Parking Services operating under a business license issued during 2004 shall have 60 days to submit a complete application for a Valet Parking Permit to the Business License Division.

Requested by:
Marc Mylott, Zoning Administrator

Mayor

Approved by:

City Manager

ORIGINAL
STAMPED IN REL

Approved as to form:

City Attorney

ATTEST:

City Clerk

Introduced: 7/21/2004
Final Reading: 7/28/2004