

ORDINANCE NO. 2019-_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 76, "PARKING METERS," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, BY AMENDING SECTION 76.06, "PARKING METER ZONES AND FEES ESTABLISHED," TO ELIMINATE REFERENCES TO VALET PARKING PERMIT; BY CREATING CHAPTER 77, "VALET PARKING," TO PROVIDE DEFINITIONS, PERMITTING, REGULATIONS AND STANDARDS FOR VALET PARKING SERVICES; PROVIDING FOR PENALTIES AND ENFORCEMENT; BY AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO REQUIRE VALET PARKING OPERATIONS UTILIZING PUBLIC PROPERTY OR PUBLIC RIGHTS-OF-WAY TO COMPLY WITH CHAPTER 77; PROVIDING EXISTING VALET OPERATORS 30 CALENDAR DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE TO APPLY FOR THE REQUIRED VALET OPERATOR PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pompano Beach finds that it is in the best interest of the public to promote the safe and legal operation of valet parking that utilizes public streets and public right-of-way for the use and convenience of businesses and the general public;

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 76.06, "Parking Meter Zones and Fees Established," of Chapter 76, "Parking Meters," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

(A) *Designation of spaces; installation of meters; cost of parking or standing vehicle in parking meter space.*

(1) Table 76.06 (A) establishes public parking facilities as Parking Meter Zones. The marking off of individual parking spaces in the Parking Meter Zones and the installation of parking meters in the spaces is authorized, ratified, and confirmed. The placement of the meters shall be in accordance with applicable city ordinances.

...

(5) ~~A "valet parking permit" may be available to~~ Pompano Beach business owners, including, but not limited to, hotels, restaurants and other businesses such as an office building or bank, who desire to utilize public parking for the storage of customers' vehicles during a valet parking occurrence, may enter into by a license agreement between the City of Pompano Beach and the owner of the business or the city's designated valet operator. The license agreement must be approved by the City Commission.

(a) The monthly cost of the ~~"valet parking permit"~~ license shall be \$50.00 per parking space, including applicable taxes except as amended by a separate ~~valet parking license~~ agreement. Any public parking spaces utilized for ramping shall be included in the license agreement and be subject to the same fee.

(b) The ~~valet parking permit~~ license shall prohibit overnight parking. Any vehicle left overnight may be removed by the city at the owner's or licensee's expense.

(c) The ~~valet parking permit~~ license will be valid for a period between 5:00 p.m. and midnight. For a period between 11:00 a.m. and midnight, the ~~permit~~ license shall be \$60.00 per parking space, including applicable taxes.

~~(d) Valet parking for the general public in the Pier Garage shall be operated by the city's parking contractor only.~~

SECTION 2. That Chapter 77, "Valet Parking," of the City of Pompano Beach Code of Ordinances is hereby created to read as follows:

§ 77.01 PURPOSE.

The purpose of this chapter is to regulate valet parking operations that use public rights-of-way or publicly owned property and to:

(A) Expand the opportunity to provide valet parking in a safe and efficient manner and to promote economic development in the city; and

(B) Minimize potential hazardous conditions or disruptions that may be created by valet operations and protect the health, safety and welfare of the public.

§ 77.02 DEFINITIONS.

When used in this Chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this Section.

(A) **ADA.** The Americans with Disabilities Act.

(B) **APPLICANT.** A person or business entity requesting a valet operations permit who will be held responsible for compliance with the terms and conditions of the permit and the provisions of this Chapter. The Applicant must submit with the application a written consent of the owner of the business for whom the valet operator is conducting the valet operation.

(C) **CUSTOMER.** The vehicle owner or driver that transfers the possession or custody of their vehicle to a valet service for temporary or short term storage in the City.

(D) **MANUAL OF TRAFFIC CONTROL DEVICES.** A document issued by the Federal Highway Administration (FHWA) of the United States Department of Transportation (USDOT) to specify the standards by which traffic signs, road surface markings, and signals are designed, installed, and used.

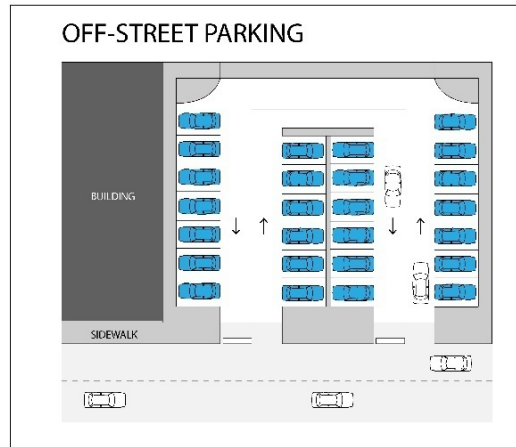
(E) **METER RATE.** The posted hourly rate in effect at the time of the use of the metered parking space, as approved by the City Commission, and as amended from time to time.

(F) **OFFICER.** Any person authorized by law, ordinance, or the City Manager to enforce the provisions of this chapter including, but not limited to a law enforcement officer, park ranger, parking enforcement specialist,

public service aide, code enforcement officer, or other person who is authorized by the city to issue parking citations, violation notices or other such notices authorized by Chapters 76 and 77 of the City Code.

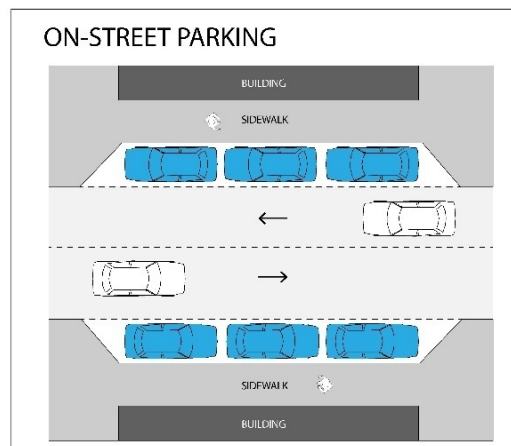
(G) ***OFF-STREET PARKING SPACE.*** Metered or non-metered parking spaces located on property owned or leased by the city for the purpose of providing public parking, including both public lots and public garages.

Diagram of Off-Street Parking Space



(H) ***ON-STREET PARKING SPACE.*** Metered or non-metered public parking spaces within a public right-of-way.

Diagram of On-Street Parking Space



(I) ***PARKING ADMINISTRATOR.*** Any person employed or contracted by the city to assist in the permitting, regulation and enforcement of a valet operations permit.

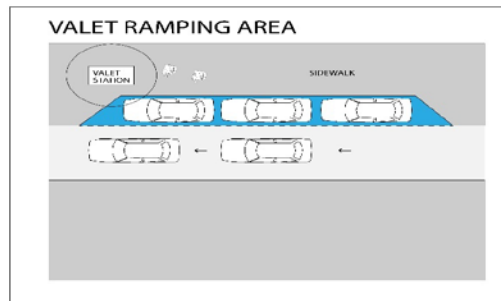
(J) **PERMIT.** A valet operations permit issued by the city pursuant to the provisions of this chapter.

(K) **PIER PARKING GARAGE.** The City-owned Pier Parking Garage containing approximately 643 parking spaces inclusive of approximately 100 valet spaces located at 275 Seabreeze Way, Pompano Beach FL 33062.

(L) **RAMPING.** The temporary transfer of a vehicle from a customer to a valet attendant for the purpose of parking the vehicle in an authorized parking lot, garage or storage area.

(M) **RAMPING AREA.** An area of right-of-way or area within a parking facility where a customer stops their vehicle in order to transfer the vehicle to a valet attendant for the purpose of parking the vehicle in an authorized parking lot, garage or storage area. Likewise, it is an area in which the customer picks up their vehicle from a valet attendant after being temporarily stored.

Diagram of Ramping Area

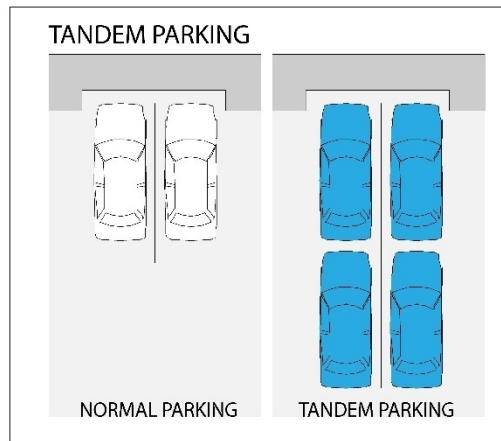


(N) **RIGHT-OF-WAY.** The surface and space on, above, and below any real property in which the city has an interest in law or equity, open to travel by the public, including but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk or bridge.

(O) **SPECIAL EVENT.** An event determined by the City Manager to require a temporary valet permit for a business or resident that contracts for valet parking services subject to City Code Section 77.13.

(P) **TANDEM PARKING.** The type of storage for valet parking that requires moving at least one vehicle in a parking space in order to reach and move another vehicle to another space.

Diagram of Tandem Parking



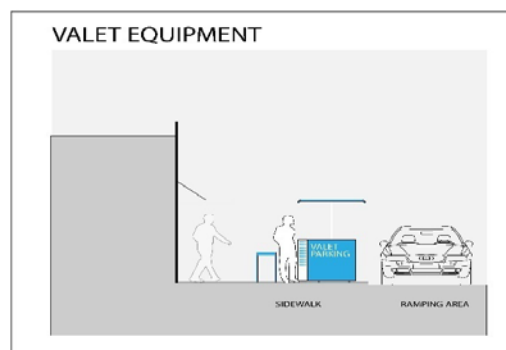
(Q) **TEMPORARY LANE.** The tapered portion of a public right-of-way approaching and departing from the curbside valet operation area from and to the vehicular travel lane located within the ramping area delineated by a traffic device.

(R) **VALET AREA.** All areas where valet operations are conducted including, but not limited to, the ramping area, the adjacent sidewalk area, storage area and public streets as identified in the valet permit.

(S) **VALET ATTENDANT.** The person, acting on behalf of a valet operator, who take possession or custody of the customer's vehicle and transports such vehicle to a storage area for the purpose of parking the vehicle and subsequently returns the vehicle to the customer upon their return.

(T) **VALET EQUIPMENT.** Items used in the valet operation including but not limited to mobile stands or booth, traffic control devices, signs, tables, chairs, umbrellas, key boxes, and any other objects necessary for the valet operation that are proposed to be placed within the valet area.

Diagram of Valet Equipment on a Sidewalk

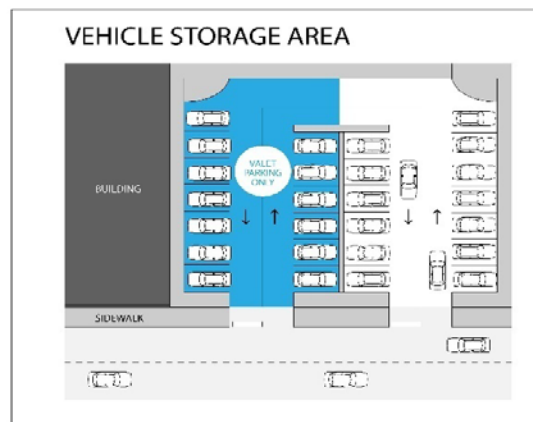


(U) **VALET OPERATOR.** A person who owns a valet operation and holds a current business tax receipt issued by the city pursuant to Chapter 113 of Code of Ordinances to provide valet parking services.

(V) **VALET OPERATION.** Activities associated with providing valet parking services that include, but are not limited to, ramping, storage, taking custody of a customer's vehicle or delivering the vehicle back to the customer, storing customer's keys and all the equipment, devices, signage, tables, chairs and similar items used to support valet parking services.

(W) **VEHICLE STORAGE AREA.** The location where the valet attendant parks a customer's vehicle while in the care and custody of the valet operator.

Diagram of Vehicle Storage Area



(X) **ZONING CODE.** That section of the city's Code of Ordinances that establishes the minimum standards for zoning and development activities within the boundaries of the city, as amended from time to time.

§ 77.03 PERMIT APPLICATION AND MODIFICATIONS.

(A) A person, establishment, business or entity who conducts valet operations entirely on private property, including the ramping area and storage area, is not required to have a permit. Notwithstanding, such valet operations shall be required to obtain a business tax receipt and comply with all applicable City Codes governing valet operational standards and code of conduct and customer protection regulations prescribed in this Chapter.

(B) **Valet Operations on Public Property or Right of Way.**

(1) A person, establishment, business or entity who conducts valet operations, of any sort, on public property or right-of-way including, but not

limited to, its ramping area or storage area, or utilizes a public right-of-way to move vehicles between its ramping area and its storage area, is required to have a permit from the city for valet operations.

(2) It shall be a violation for any person, establishment, business or entity to provide or allow valet operations upon public property and right of way for its patrons or invitees utilizing a valet operator that does not possess a valid and active permit.

(C) A valet operations permit application shall be submitted to the Parking Administrator on a form provided by the city found on its website. Unless otherwise provided herein, the Application shall require, at a minimum, the following information:

(1) Name, address and telephone number(s) of the applicant as well as the telephone number at which the valet operator can be reached, Monday through Friday, 8:00 a.m. to 5:00 p.m. and during all hours of the valet operation;

(2) Proposed hours of the valet operation, location and address of the valet operation, both the ramping area as well as the storage area;

(3) Name, address and contact number of the business, entity, or person that the valet operation will serve;

(4) Proposed fees charged to customers;

(5) Number of public parking spaces being leased from the city for ramping area; number of off-street parking spaces being leased from the city for vehicle storage or the number of parking spaces being provided if leased or privately owned. Note that if public parking spaces are being used for ramping or storage, an agreement must be provided evidencing the city's approval. On-street parking in the public right-of-way may not be used for storage;

(6) A copy of current liability insurance naming the City of Pompano Beach as co-insured and demonstrating compliance with Section 77.11, Liability and Insurance.

(7) The zoning of the property being served as well as the property being used for vehicle storage; and

(8) Valet operations plan, including a drawing or sketch with dimensions of the valet area and the following information:

(a) The dimension of the inside and outside customer floor areas and seating capacity for the business(s) to be served by the valet operator. If there is more than one type of business on a single property such as a

restaurant and a bar, each type of business must be identified separately. The estimated maximum rate of vehicle arrivals and departures for a business within a 15-minute period shall be provided;

(b) The size and location of the proposed ramping area including dimensions and the number and location of existing marked public parking spaces, if any, that are proposed to be used by the valet operator;

(c) Photographs of the proposed ramping area;

(d) The proposed placement of traffic cones in the ramping area permitted under this Chapter;

(e) The location of the off-street vehicle storage area(s) that may be used by the valet operator and the number of potential spaces that may be used for valet operations; and

(f) A valet operations route map showing the roads that may be used to transport vehicles from the ramping area to the storage area and the storage area to the ramping area.

(g) Proof that the applicant is authorized to conduct valet operations for a specific person, establishment, business or entity at the location of proposed valet operations by providing an executed contract or other document of equal reliability.

(D) An application shall be accompanied by a non-refundable fee of \$250.00 made payable to the City of Pompano Beach for the initial permit and \$150.00 annually for permit renewals for the same permit location and circumstances.

(E) A valet operator wishing to change the size or location of a ramping area or storage area, any other change that may affect the valet operation, and a change to the hours of operation or any similar revisions to the permit must submit an amendment to the original application and pay a fee of \$150.00 at least five business days prior to the requested change for review by the Parking Administrator. Approval or denial of the application to amend the permit will be provided within five business days of receipt of a completed application for amendment to the permit.

(F) A valet operator wishing to change the business it is servicing or the location in relation to the business it serves must submit a new application to the Parking Administrator.

(G) A valet operator will notify the Parking Administrator of any change of ownership of the business the valet operator serves or a change in the name of the business it serves.

(H) In addition to a permit, valet operators shall be required to obtain a city business tax receipt to operate a business within the city's jurisdiction.

§ 77.04 APPLICATION REVIEW PROCESS.

(A) Within seven business days of receiving the initial application, the Parking Administrator shall determine if the information provided is complete and notify the applicant of any deficiencies in the application. Upon submittal of additional information in response to the Parking Administrator's 1st request, the Parking Administrator will determine if the application is complete and, where there are deficiencies, shall make a 2nd request for additional information. If an applicant fails to provide additional information within 30 calendar days in response to the Parking Administrator's 2nd request, the application shall be considered withdrawn by the applicant and a new application shall be required together with the appropriate fee stated in Section 77.03. The complete review of the application shall not commence until the application is determined to be complete. Once the application is determined to be complete, the Parking Administrator shall submit the application to other city divisions and departments with interest in the valet parking operation for their review and comment including, but not limited to, Zoning, Engineering, Building, Police, Risk Management, and Fire.

(B) Within 45 calendar days of receipt of a complete application the city shall:

(1) Approve the permit, approve the permit with conditions or deny the permit; or,

(2) Issue written comments to the Applicant for further response.

§ 77.05 STANDARDS AND CRITERIA FOR APPLICATION REVIEW.

The following standards and criteria shall be used in reviewing the application and such standards and criteria must be met in order for a permit to be approved.

(A) Valet operations in the following rights-of-way shall not be permitted:

(1) Within rights-of-way that are not under the city's jurisdiction, unless the applicant obtains an independent permit from the governing authority with jurisdiction over the respective public right-of-way. If approval is obtained from the governing authority with jurisdiction, the

applicant for valet operations must notify the Parking Administrator in writing of such approval and include the approval or permit in the application.

(2) On rights-of-way having speed limits greater than 30 miles per hour, except on Atlantic Boulevard, between Dixie Highway and Pompano Beach Boulevard.

(3) On State of Florida Department of Transportation owned and/or operated roadways including, but not limited to, Federal Highway and A1A.

(4) During times of significant traffic demand on public rights-of-way used for the ramping area and valet operation routes as determined by the City Engineer.

(5) On a street abutting or within a single-family residential zoning district.

(B) A ramping area and valet operation route between a ramping area and a vehicle storage area shall not be located in the following areas:

(1) In a vehicular or bicycle travel through-lane or turn-lane;

(2) On a sidewalk;

(3) On an unpaved surface or in a location that would damage swales, drainage areas, landscaping, irrigation systems, or other similar right-of-way features;

(4) In the sight lines of regulatory signs and traffic control devices;

(5) On the same side of the right-of-way and within 100 feet of another ramping area permitted to be used pursuant to a valet parking permit;

(6) Within 20 feet of a crosswalk at an intersection;

(7) Within 15 feet of a fire hydrant

(8) In front of a public or private driveway;

(9) Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;

(10) At any place where official traffic control devices prohibit standing and stopping or parking within 50 feet of the nearest rail of a railroad crossing;

(11) Within 50 feet of a transit stop;

(12) Within a school zone during a period of two hours before classes commence and two hours after school is dismissed;

(13) Within 40 feet of a loading zone;

(14) Within the sight triangles of streets, alleys or driveways;

(15) Within any parking spaces used to comply with the minimum parking standards of Chapter 155, Zoning Code; or

(16) Within areas that conflict with the need for public parking as determined by the City Manager or his or her designee or by the Parking Administrator.

(C) When a valet operation proposes to include the use of unmarked public parking spaces within the ramping area, the length of the ramping area shall be a minimum of 66 linear feet and a maximum of 110 linear feet.

(D) When a valet operation proposes to use marked public parking spaces within the ramping area, the length of the ramping area shall be a minimum of three marked parallel parking spaces and a maximum of five marked parallel parking spaces. If the area of marked parking spaces is angle parking, the minimum and maximum number of spaces is determined by the preceding paragraph.

(E) The width of the ramping area shall be a minimum of 10 feet from curb face.

(F) Transition lanes shall be provided at the entry and exit points of the ramping area. Transition lanes shall be located entirely within the ramping area and be delineated with reflective traffic cones provided by the valet operator. A mobile sign stating, "Valet Parking" shall be placed at the entry point to the valet operations area. Traffic control devices shall be placed to guide the vehicles to the curb so that the distance between the travel lanes and vehicle is maximized.

(G) When a proposed valet operation includes a street in a residential base zoning district on the route(s) between the ramping area and storage area(s), the applicant shall demonstrate that no alternate route can reasonably be taken that will not include the residential street.

(H) The requirements provided herein shall be in accordance with standards and criteria as determined by the City Engineer, as may be amended from time to time. All traffic control devices shall be consistent with the current Manual of Uniform Traffic Control Devices.

(I) To protect the health, safety and welfare of the public, the city may impose special conditions that are more stringent than the criteria provided

in this section. Any errors or omissions in the city's review and approval of a permit application shall not relieve the applicant from complying with all applicable requirements. Conditions of approval after a permit is issued may be modified based on a review of the actual valet operations in the field. Any inconsistencies or conflicts within this chapter may be resolved by a unilateral decision of the City Manager or his or her designee.

§ 77.06 VALET EQUIPMENT IN PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY.

(A) Valet parking equipment proposed to be located on a public sidewalk or other public pedestrian path shall be located in such a manner as to satisfy the minimum width for an accessible route required by Chapter 4 of the Florida Building Code, as amended from time to time.

(B) No permanent structures are permitted in the public right-of-way. Valet equipment shall not be affixed, attached or chained in any manner to the right-of-way or any existing features within the right-of-way.

(C) All valet equipment proposed for use must be described in the permit application including a photograph or drawing of the proposed valet podium or valet booth and the location of each piece of equipment within the operation, including dimensions, color, and other architectural descriptions. The permit application must also state where the valet equipment is stored during the time that the valet operation is not functioning.

(D) Where public parking spaces are used for ramping, for example on a public street with on-street parking, and case the parking spaces are metered by remote meter stations or by a pay-by-phone system, the valet operator shall bag single meters two hours prior to the use of valet parking spaces or shall cordon off the ramping area with FDOT approved red or orange cones. Valet operators must deposit with the city the prescribed per bag charge, which deposit is refundable upon the return of the bag(s) in good condition.

(E) The City may approve valet operations serving city-owned or operated facilities on behalf of the City without charging fees required in this Chapter.

§ 77.07 VEHICLE STORAGE IN PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY.

A. The storage of vehicles in the public right-of-way or on public property is not permitted unless provided in a parking agreement approved by the city.

B. Storage of vehicles in a ramping area is not permitted except as qualified in Section 77.08.

C. The storage area for valet parking vehicles may be located up to 1,320 feet away from the primary pedestrian entrance to the property being served.

§ 77.08 RAMPING AND STORAGE FEES.

(A) If the valet operation requires the use of public parking spaces for ramping or storage, whether spaces are metered or non-metered, the operator shall, in addition to the permit fee, be required to pay for use of the parking space(s) at the rate established by the city as more fully described in Chapter 76.06 of the Pompano Beach Code of Ordinances or at the rates specified in a separate valet parking agreement with the city, as amended from time to time.

(B) Parking space fees are due and must be received by the city no later than 10 business days prior to the date the permit takes effect and 10 days prior to every annual renewal thereafter while the valet permit is in effect.

(C) Where public parking spaces are controlled by a single parking meter for each space, the valet operator will be responsible for securing spaces designated for the ramping area by placing meter bags obtained from the City or its contracted agent over each meter. There will be a deposit for the cost of each bag, payable to the city along with the parking space fee, for the duration of valet operations until the bag is returned in good condition.

(D) When the public parking spaces to be used in the valet operations have a multi-space meter, the number of parallel parking spaces used in a ramping area will be considered to be the length of the ramping area divided by 22 feet, rounded up to the nearest whole number of feet, and the hourly rate shall be the rate charged at the multi-space meter nearest to the business where the valet operation will be conducted.

(E) The City Manager or his or her designee may approve valet operations serving a city-owned or operated facility on behalf of the city without charging the fees required by this article.

§ 77.09 VALET OPERATIONAL STANDARDS.

(A) Valet operators must comply with all applicable requirements of the city code, the State of Florida Uniform Traffic Control regulations, and all other applicable laws.

(B) Valet operators shall be responsible to ensure that the following requirements are met during valet operations:

- (1) Safe and efficient movement of vehicular, pedestrian, and bicycle traffic;
- (2) Unimpeded transit access and operation;
- (3) Access to public utilities;
- (4) Access by the public to right-of-way features, including but not limited to kiosks, mailboxes, and multi-space meters;
- (5) Access for emergency vehicle operations;
- (6) Unimpeded ingress/egress of other businesses or institutions in the area;
- (7) Undisturbed quality of life in areas through which valet operations may be conducted; and
- (8) Providing clearly marked, mobile signage concerning valet parking and placement of traffic cones in the area used for ramping, where applicable.

(C) The valet operations shall be limited to the storage areas, ramping areas, valet operation routes and valet equipment locations specified in the permit.

(D) Ramping shall only be permitted within the boundaries of the ramping area specified on the drawing or sketch attached to the approved permit. There shall be no storage of vehicles in the ramping area, except when a vehicle parking in a ramping area is waiting for a parking attendant to transfer the vehicle to a storage area or when the parking attendant is waiting for its customer to retrieve its vehicle. The maximum waiting time permitted is five minutes.

(E) A minimum of two attendants is required at all times during valet operations unless otherwise provided in the permit. If, in the sole determination of the City Manager or City Engineer or a local law enforcement officer, a valet operation is likely to create or contribute or is creating or contributing to an unsafe or hazardous condition, or unreasonably impacts adjacent streets or sidewalks to the extent that it threatens the safety of vehicular, or pedestrian movement or both in the area, a valet operator may be required, as a condition of permit approval or at any time after written notice to the operator, to provide, at operator's sole cost and expense, detail police officers or public safety personnel to direct traffic in the traffic lanes adjacent to the valet operation area during the hours of operation.

(F) Storage of vehicles must be in compliance with all zoning regulations and the City code.

(G) Storage of vehicles on public right-of-way or other public on-street and off-street property is strictly prohibited, unless specifically authorized and stated on the approved permit.

(H) Ramping of vehicles is limited to stopping a vehicle in order to allow a customer to enter or exit a vehicle for transfer to or obtaining a vehicle from a valet attendant.

(I) Valet equipment shall not be located in the ramping area or right-of-way except as provided in the permit.

(J) Valet operators shall clearly identify the vehicles in their possession during the entire time that said vehicles are in their possession. Such identification shall be made by placing the name of the establishment that the valet operator is serving on the vehicle so that it is visible and legible through the front windshield, either on the dashboard or on the rear view mirror by hangtag.

(K) Parking and traffic citations issued to vehicles for a violation caused by the valet operator while the vehicle was under the custody and control of the valet operator shall be the sole responsibility of the valet operator.

(L) Use of handicap parking spaces for valet parking requires the proper display of the customer's current handicap placard or handicap license plate. Vehicles that a valet operator has parked in such handicap spaces without a properly displayed handicap placard or license plate will be issued a handicap parking space citation of \$250, or the amount in effect at the time of the violation, and the valet operator shall be responsible for payment of the citation.

(M) Permits issued under this article shall be conspicuously displayed at all times at the valet operation location identified on the permit and shall be available for inspection upon request of the city.

(N) The valet operator shall maintain at all times an applicable and current business tax receipt issued by the city to be displayed at the valet operation location identified on the permit.

(O) The valet operator shall take all actions necessary to ensure that its use of the sidewalk in no way interferes with pedestrians using the sidewalk in accordance with ADA requirements or limits the free and unobstructed passage by pedestrians except as provided in the permit.

(P) Valet equipment such as, but not limited to, chairs, umbrellas, key boxes and any other objects necessary for the valet operation shall be maintained, have a clean and attractive appearance, be in good repair at all times, and be removed at the close of valet operations each day.

(Q) The sidewalk area covered by the permit shall be maintained by the valet operator in a neat and orderly appearance at all times, free of trash and debris during valet operations and the area shall be cleared of all debris on a periodic basis during the valet operations and at the close of each day.

(R) 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, bearing no advertising other than the name of the valet operator and not exceeding five square feet in area, to be affixed to a valet operator service stand on the sidewalk and identify "Valet Parking."

(S) Valet business identification signage shall include, but not be limited to, the name of the valet company, contact phone number, the rate to be charged to the customer, and the latest vehicle pickup time.

(T) Valet equipment including, but not limited to, mobile stands, tables, chairs, umbrellas, key boxes or any other objects necessary for the valet operation shall not be attached, chained, or in any manner affixed to any tree, post, sign, or other fixtures, features, curb or sidewalk within or near the valet operation area.

(U) The sidewalk, curb, or other public right-of-way shall not be altered or defaced in any way, including holes, stakes, or other disturbance.

(V) Tandem parking is strictly prohibited in the right-of-way.

(W) The valet operator shall maintain insurance as required by the City.

(X) Valet operators shall pay all fines and fees, including towing charges, arising in connection with a patron's vehicle which is in the possession of the valet operator at the time such charge is incurred.

(Y) Public parking spaces permitted to be used pursuant to permit may not be sublet, assigned, devised, transferred, encumbered or sold at any time.

(Z) If, after inspection by the city of the actual valet operation, non-compliance with any of the foregoing requirements is identified, the City Manager or Parking Administrator is authorized within their discretion to modify conditions of the permit, temporarily suspend the permit or revoke the permit in accordance with this chapter.

§ 77.10 OPERATOR'S CODE OF CONDUCT AND CUSTOMER PROTECTION REGULATIONS.

The following describes the operator's code of conduct including the required customer protection regulations.

(A) Valet operators shall require all persons working in conjunction with the valet operation including, but not limited to, employees and persons under contract with the valet operator and any persons performing any service associated with the valet operations, referred to in this section as employees, to meet the following minimum requirements.

(1) All employees who operate motor vehicles shall have in their possession at all times a valid Florida driver's license in good standing and shall abide by all City of Pompano Beach, Broward County, and State of Florida traffic regulations;

(2) All valet employees shall be dressed uniformly and on their shirt shall be printed the valet operator's name and phone number and the employee's name or assigned employee number;

(3) The name and phone number of the valet operator as well as the employee's name or assigned employee number shall be printed in no less than 14 pt. font on the uniformed shirt;

(4) All employees shall perform their duties in a courteous and professional manner;

(5) All employees engaged in the valet operations must comply with the requirement of this article and all applicable laws, statutes, ordinances, rules and regulations;

(6) The customer claim ticket shall identify the valet operator, correspondence address, and a telephone number for questions and complaints. The print size of the foregoing shall be at least equal to the largest size font used for any other information displayed on the ticket;

(7) All parking attendants must have had a minimum of eight hours of training provided by the valet operator concerning driving practices, insurance liability, professional communication skills, professional attire, and other related subjects in order to perform their duties as a professional in charge of a vehicle; and

(8) The city may request that an attendant be removed from duty, where the City, in its sole discretion, determines that the attendant failed to comply with the professional standards.

§ 77.11 LIABILITY AND INSURANCE.

(A) As a condition to the issuance of the valet operations parking permit, a valet operator shall submit to the city its agreement 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 fees and costs for appeal, associated with or arising out of or from the permit, the use of public right-of-way or other public areas for valet operations or arising from any negligent act, omission or error of the valet operator, its agents or employees or from the failure of the valet operator, its agents or employees, to comply with each and every requirement of this article or with any other federal, state or local traffic law or any combination of same.

(B) The valet operator shall provide and maintain such public liability and property damage insurance to protect the city from all claims and damage to property or bodily injury, including death, which may arise from valet operations. 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 "VII" acceptable to the city's risk management department and shall provide coverage of not less than \$1,000,000 for bodily injury and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing and shall name as additional insured the City of Pompano Beach and the Pompano Beach Community Redevelopment Agency, in case any of the storage area is owned by the CRA, and City Commission, its officials and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the permit period without 30 days written notice to the city's risk management division and the Parking Administrator at the address shown in the permit. Additionally, the valet operator shall provide "garage keepers" legal liability insurance providing specified causes of loss coverage, collision coverage, and comprehensive coverage for vehicles under the control of the valet parking operator with a minimum of \$500,000 per location with a maximum self-insured retention (SIR) or deductible of \$1,000.

(C) The valet operator shall provide proof of all required insurance prior to receiving a permit and upon each renewal thereafter.

§ 77.12 THE PIER PARKING GARAGE VALET OPERATIONS.

The City of Pompano Beach may operate valet parking in the Pier Garage (Garage), utilizing up to 100 valet spaces located on the ground floor of the Garage and expanding to the second floor depending upon demand and space availability. The following valet parking operations for the Garage shall be applicable.

(A) The city may engage a parking management contractor to conduct its valet operations in the Garage and detail the provision of services in a separate agreement between the city and the parking management contractor.

(B) The Garage valet operations will be provided at any time there is demand for valet parking services, but generally during the lunch and dinner hours, between 11:00 a.m. and 1:00 a.m., seven days a week. The valet operations may also be made available for customers visiting the city's

oceanfront beach, particularly during high demand periods at the discretion of the parking management contractor and as may be prescribed in a separate agreement between the city and the parking management contractor.

(C) The fee charged for Garage valet parking will be at the rate established by the city as more fully described in Section 76.06 of the City Code.

(D) The Pier Garage valet entry and exit as well as the ramping area for the Pier Garage is depicted in Exhibit “A” in the appendix. The city may move and add ramping areas at its own discretion in order to operate valet parking more efficiently as well as conveniently.

§ 77.13 TEMPORARY VALET PERMIT.

(A) An applicant may submit an application for valet operations permit application for a short term usage as described below; however, a complete application must be submitted not less than 14 calendar days prior to the requested event date, except in cases of a demonstrated hardship.

(B) A temporary valet permit may be issued in the following instance where:

(1) The event is held at a commercial or nonresidential facility only such as a grand opening of a retail facility or special event;

(2) The term of the permit is not more than a 72-hour period;

(3) Only three permits may be issued during a 12-month period;

(4) Proof of insurance must be provided as prescribed herein naming the City and others, where applicable, as additional insured(s);

(5) Payment of a temporary permit per diem fee of \$100 fee each day of the permitted term; and

(6) Compliance with all other applicable requirements of this Chapter, including, but not limited to, payment for ramping and storage if on City-owned property or public right-of-way as described herein.

(C) A temporary valet permit may be issued at the discretion of the City Manager.

§ 77.14 SUSPENSION AND REVOCATION; RIGHT OF APPEAL.

(A) A permit may be temporarily suspended by the City Manager or Parking Administrator if the City Engineer or local law enforcement officer determines that the portion of the public right-of-way that is part of the valet operation, pursuant to a permit, needs to be free and clear of valet operations for a limited period of time because of an event that is expected to cause excess pedestrian or vehicular traffic or congestion at the valet operation locations or the ramping area must be used for public safety operations or used for utility provider repairs.

(B) The City Manager may also suspend or revoke a valet operation permit where the valet operator violates this Chapter.

(C) Notice of temporary suspension may be given by oral communication with the valet operator by a representative of the city using the telephone number provided on the permit application or by written communication signed by the City Manager or his or her designee. A Notice of Permit Revocation must be provided in writing and forwarded by certified mail to the address provided by the valet operator on its application. Any notice provided hereunder shall inform the valet operator of the nature of the violation or action necessitating the suspension or revocation and that such suspension or revocation may be appealed within ten days of such Notice by writing to the City Manager and stating the rationale for the appeal.

(D) Failure to appeal the suspension or revocation within ten days of serving the Notice shall constitute an admission of the violation or acceptance of the suspension or revocation and a waiver of the right to an appeal and hearing by the City Manager.

(E) It shall be unlawful for any person, establishment, business or entity to conduct or provide valet operations upon public property or right of way when a valet operations permit has been suspended or revoked.

§ 77.15 ENFORCEMENT AUTHORITY

(A) The City's Parking Administrator, parking enforcement officer, authorized law enforcement agencies and City Code Compliance Inspectors shall enforce this Chapter. If the Parking Administrator, a parking enforcement officer, a law enforcement officer or a City Code Compliance Inspector finds a violation of this Chapter, a notice of violation may be issued.

(B) Violations of §77.03(B)(1) and §77.14(E) shall be punishable under §10.99.

(C) Violations of §77.03(B)(2) shall be enforced by City Code Compliance Inspectors.

SECTION 3. That Section 155.5102, “Off Street Parking and Loading,” of Chapter 155, “Zoning Code,” of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

...

J. OFF-STREET PARKING ALTERNATIVES

1. General; Alternative Parking Plan

The Development Services Director is authorized to approve an alternative parking plan that proposes alternatives to providing the minimum number of off-street parking spaces required by Table 155.5102.D.1,

...

6. Valet and Tandem Parking

An alternative parking plan may propose to use valet and tandem parking to meet a portion of the minimum number of off-street parking spaces required for a development in accordance with the following:

a. Number of Valet or Tandem Spaces

...

e. Any valet operations, of any sort, on public property or right-of-way including, but not limited to, its ramping or storage area or utilizes a public right-of-way to move vehicles between its ramping and its storage area, shall be required to comply with Chapter 77, City Code.

SECTION 3. An existing valet operator shall have 30 calendar days from the effective date of this ordinance to apply for the required valet operator permit as provided herein.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of

this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2019.

PASSED SECOND READING this _____ day of _____, 2019.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

JES:jrm
1/10/2019
L:ord/ch77/2018-200a

EXHIBIT A

DEPICTION OF PIER GARAGE, ITS VALET PARKING ENTRANCE AND EXIT LOCATION AS WELL AS THE INITIAL RAMPING AREA

