

20.150

VALET PARKING ORDINANCE CITY OF MOUNT CLEMENS, MICHIGAN

20.151 Sec. 1 – Definitions

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

Badge means an emblem or device identifying an individual as being an employee of a valet parking service.

Parking means the halting of a motor vehicle, whether or not occupied, when not loading or unloading.

Pick-up and Drop-off Point means a designated location where a valet parking attendant shall take possession of a motor vehicle and drive such motor vehicle to an area to be parked and to which such vehicle shall be returned to the owner or driver.

Revocation means the termination of a valet parking license which shall not be eligible to be renewed or restored.

Suspension means the temporary withdrawal of a valet parking license for a set period of time.

Valet Parking Attendant means an employee of a valet parking service who operates, drives and parks motor vehicles in the course of his/her employment.

Valet Parking Service means a person or persons, or a business which provides motor vehicle pick-up and drop-off services for the purpose of temporarily parking such vehicles.

20.152 Sec. 2 – Service Requirements

The valet parking service shall:

- (1) Provide sufficient personnel to handle all requests for valet parking promptly and to prevent motor vehicle congestion at pick-up and drop-off points.
- (2) Procure and maintain the following minimum insurance coverage subject to the following conditions:
 - a. Workers' compensation insurance. Worker's compensation insurance including employers liability coverage, in accordance with all applicable laws.
 - b. Garage liability insurance. Garage liability insurance with limits of liability of not less than \$1,000,000.00 combined single limit.
 - c. Commercial general liability. Commercial general liability insurance with limits of liability not less than \$1,000,000.00 combined single limit.
 - d. Garage keepers legal liability insurance. Garage keepers legal liability insurance with limits of liability of not less than \$100,000.00 per occurrence; or commercial general liability insurance endorsed to provide the equivalent of this coverage.
 - e. Additional insured. Garage liability insurance and commercial general liability insurance, as described above, shall name the city as additional insured for all activities connected with the valet parking service and shall include an endorsement stating the following as "additional insured": the city, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and their board members, including employees and volunteers. This coverage shall be primary to the additional insureds, and not contributing with any other insurance or

similar protection available to the additional insureds, whether said other available coverage be primary, contributing or excess.

f. Cancellation notice. Thirty days' advance written notice of insurance cancellation, non-renewal, reduction and/or material change in coverage must be provided to the city. Notice of cancellation, material change or reduction must be attached to the certificate of insurance, or otherwise evidenced as in effect under the policy listed.

g. Proof of insurance coverage. The following certificates and policies shall be provided to the city:

- (i) Two copies of certificate of insurance for workers' compensation insurance;
- (ii) Two copies of certificate of insurance for garage liability insurance;
- (iii) Two copies of certificate of insurance for garage keepers legal liability insurance;
- (iv) If so requested, certified copies of all policies mentioned above will be furnished.

h. Expiration. Renewal certificates and/or policies must be provided to the city at least ten days prior to the expiration date of any required insurance coverage.

(3) Hire and retain as valet parking attendants only personnel 18 years of age or older, with valid state driver's licenses.

20.153 Sec. 3 - Attendant requirements

The valet parking attendant shall:

- (1) Be subject to all state and city traffic laws applicable to motor vehicles.
- (2) Be 18 years of age or older.
- (3) Possess a valid state driver's license.
- (4) Not operate during those days and times of day nor operate upon those streets, alleys or other public ways, or places prohibited by regulations promulgated by the Director of Public

Services.

- (5) Not create excessive noise or squeal tires of motor vehicles while performing valet services.
- (6) Present upon request an identification badge with a photograph of the attendant and the number of the valet parking service's license.

20.154 Sec. 4 - Shelter

No valet parking service or attendant shall erect or maintain any form of shelter in the public right-of-way for the use of attendants or patrons of the service.

20.155 Sec. 5 - Key boxes

No parking service or attendant shall erect or maintain an unattended key box or other device for the storage of keys to motor vehicles on or attached to city property or in the public right-of-way.

20.156 Sec. 6 - Parking areas

All vehicles parked by an attendant shall be legally parked in conformance with city ordinances. No attendant shall park a vehicle in a street parking area or in a public parking lot on the days and during the times the regulations of the meters are in force without approval of the Director of Public Services.

20.157 Sec. 7 - Signs

A valet parking service may place a sign at the pick-up and drop-off point subject to the approval of the Director of Public Services or his/her designee.

20.158 Sec. 8 - Duties of the Director of Public Services

The Director of Public Services may, from time to time, designate areas as pick-up and drop-off points for a valet parking service. All licensees shall stop only at such designated areas to pick up and drop off vehicles and shall only operate between the hours of 6:00 p.m. and 2:00 a.m., Monday through Sunday.

20.159 Sec. 9 - Interference with public right-of-way

No valet parking service or attendant shall interfere with the free flow of traffic, congest, block, or otherwise interfere with a public right-of-way, or cause vehicles to block or interfere with the use of metered parking spaces, either in a street parking area or in a public parking lot, except as provided in Section 20.168.

20.160 Sec. 10 – License Required

No person, either as owner, agent or otherwise, shall operate, conduct, maintain, advertise or otherwise be engaged in the valet parking service business upon the streets, alleys, or other public ways or places unless the owner holds a currently valid license for a valet parking service pursuant to this ordinance.

20.161 Sec. 11 – License Terms

The issuance of a license under this ordinance does not grant the licensee any right, license, franchise, or property right in any part of the public right-of-way under the license itself or under the terms of any revocable approval for use of the public right-of-way issued or utilized in connection with such license. The City and any of its law enforcement officers, or identified employees, may require that the licensee temporarily or permanently suspend its valet parking operation, the use of its valet drop-off location, or remove its valet parking sign from a part or all of the public right-of-way in order to protect public safety, to facilitate special transportation needs, to license construction, for parades and other special events, or for other public purposes.

20.162 Sec. 12 – Application

Application for valet parking service licenses under this division shall be made upon such forms as prescribed by the City Clerk, with the accompanying license fee as set forth in a resolution adopted by the city commission. The city shall have thirty (30) days to process such applications, as provided in Section 20.163.

20.163 Sec. 13 – Investigation

The application shall be referred to the Director of Public Services, who shall have thirty days to investigate the application and background of the applicant. Based upon such investigation, the

Director of Public Services shall approve or deny the license application. In making this determination, the Director of Public Services shall consider:

- (1) The proposed location of the pick-up and drop-off point of valet parking service or services;
- (2) The traffic patterns in the area;
- (3) The availability of parking in the area;
- (4) The proposed parking area for motor vehicles parked by the valet parking service or services, if the proposed parking area involves public parking areas or municipal lots, the director of public services shall consult and receive approval from the city manager for utilization of such public parking areas or municipal lots;
- (5) The proposed location of signs; and
- (6) Whether the applicant has previously operated in this city or state or in another city or state under a valet parking license or permit and whether any such license or permit has previously been revoked or suspended.

20.164 Sec. 14 - Denial; Appeal

Any person denied a license by the Director of Public Services pursuant to Section 20.163 or who believes after not less than forty five (45) days that the investigation of the application is not being properly evaluated may appeal to the city commission in writing, stating reasons why the license should be granted. The city commission may grant or deny the license after a public hearing, and such decision shall be final. The city commission may elect on its own motion to review any determination of the Director of Public Services granting or denying a license.

20.165 Sec. 15 – Transfer

Each license issued under the provisions of this division shall expire at 12:00 midnight on December 31st of each year.

20.166 Sec. 16 – Renewal

Annual renewal of any license under this division shall require conformance with all of the requirements of this article. Application of renewal for licenses authorized under this division may be made no more than 30 days before the expiration date.

20.167 Sec. 17 - Revocation and suspension

- (a) *Authority to suspend.* The Director of Public Services or his/her designee may order any license issued under this division suspended for a period not to exceed one year when a licensee fails to comply and to maintain compliance with, or violates any application, provision, standard or requirement of this article, or any regulation promulgated under this article, or any other applicable laws, ordinances or regulations.
- (b) *Automatic suspension.* Upon receipt of a ten-day notice of cancellation from the licensee's insurance carrier as required in Section 20.152, a license shall be automatically suspended as of the date set forth in such notice as the date of cancellation unless, prior to such date, the licensee presents new proof of insurance to the clerk.
- (c) *Revocation.* If a licensee has been suspended two or more times previously, the city manager or his designee may order its license revoked if the licensee again fails to comply and to maintain

compliance with, or violates any application, provision, standard or requirement of this article, or any regulation promulgated under this article, or any other applicable laws.

(d) *Notice of suspension or revocation.* Notice of suspension or revocation shall be given to the licensee by first class mail.

(e) *Appeal of suspension or revocation.* Upon written request of the licensee, a hearing to appeal such suspension or revocation shall be held before the city commission. Upon receipt of a written appeal, the city commission shall set a hearing date within a reasonable period. Notice of such hearing shall be given in writing by first class mail to the appellant at least three days prior to the date of the hearing. The notice shall state the grounds for the suspension or revocation of the license and shall state the time and place where such hearing shall be held.

(f) *Reapplication after suspension.* After the termination of the designated period of suspension, a former licensee may reapply for a new license. Before a new license is issued to a former licensee, the former licensee shall be required to meet all of the qualifications and pay all fees set forth in this division.

20.168 Sec. 18 - Use of public parking spaces

A licensed valet parking service may utilize designated parking areas of the public right-of-way, including metered parking with the approval of the Director of Public Services or his/her designee. The applicant shall pay the city for each public parking spot utilized for each hour or part of an hour utilized at the rate of \$5.00 an hour.

This ordinance shall take effect on its publication as required by law.

Introduction and First Reading:	April 2, 2012
Second Reading and Adoption:	April 16, 2012
Effective Date:	April 26, 2012

City of Mount Clemens,
a Michigan Municipal Corporation,

By: _____
Barb Dempsey, Mayor

By: _____
Lynne Kennedy, City Clerk