

ORDINANCE NO. 2016-423

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DENTON BY ADDING A NEW DIVISION 4 “VALET PARKING” TO ARTICLE IV “STOPPING, STANDING, AND PARKING” OF CHAPTER 18 “MOTOR VEHICLES AND TRAFFIC” IN ORDER TO PROHIBIT VALET PARKING IN THE CITY OF DENTON DOWNTOWN IMPLEMENTATION AREA (DTIP); PROVIDING EXCEPTIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND PENALTY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Denton (City) recognizes that there are issues associated with the provision of Valet Parking Services in the rights-of-way within the City of Denton, particularly in the downtown area, including traffic flow stoppages, unanticipated traffic movements, parking violations, and unauthorized use of public areas and private parking lots; and

**WHEREAS**, the City desires to alleviate such issues so that they do not interfere with the rights of others using the downtown streets and right-of-ways, which may affect public safety and create a public nuisance, especially in the Denton Downtown Implementation (DTIP) Area, until such other resolution is implemented; and

**WHEREAS**, the City Council finds that prohibiting Valet Parking Services in the Downtown Implementation Area is in the best interest of the health, safety, and general welfare of the citizens of the City of Denton; NOW THEREFORE,

**THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS HEREBY ORDAINS:**

**SECTION 1.** The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference as true.

**SECTION 2.** The Code of Ordinances of the City of Denton, Texas, as amended, is hereby further amended by adding the following new Division:

**CHAPTER 18 “MOTOR VEHICLES AND TRAFFIC”**

**ARTICLE IV “STOPPING, STANDING, AND PARKING”**

**DIVISION 4 “VALET PARKING”**

**SEC. 18-145. DEFINITIONS**

For purposes of this article:

(1) “COLLEGE OR UNIVERSITY” means an institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees.

(2) “DOWNTOWN IMPLEMENTATION PLAN AREA” (DTIP) is identified as the area bounded generally by Carroll Boulevard to the west, Frame and Exposition Streets to the east, Parkway and Withers Streets to the north, and Sycamore Street to the south, and is more particularly described in City of Denton Resolution No. R2010-032, adopted on or about August 17, 2010, as amended.

(3) “FUNDRAISING ACTIVITY” means an activity that seeks financial support for a charity or public cause.

(4) “SPECIAL EVENTS” means a temporary outdoor use on private property that is authorized by a valid permit issued pursuant to Sec. 35.12.9 of the Denton Development Code, as amendment, and that extends beyond the normal uses and standards allowed by the Denton Development Code. “Special events” include, but are not limited to, outdoor entertainment, education and cultural events, art shows, sidewalk sales, haunted houses, carnivals, fairs, special auto sales, grand openings, festivals, home exhibitions, and church bazaars.

(5) “VALET PARKING SERVICE” means accepting possession of a vehicle for the purpose of parking the vehicle for the operator or retrieving a parked vehicle on public or private property and returning it to the operator, regardless of whether a fee is charged, for customers, guests, or invitees of a business.

#### **SEC. 18-146. PROHIBITION**

It shall be unlawful for any person to provide Valet Parking Services, whether or not the public right-of-way is used, in the Downtown Implementation Area (DTIP) unless otherwise exempted herein.

#### **SEC. 18-147. EXEMPTIONS**

Section 18-146 does not apply to the following:

- (1) Private residences;
- (2) College or University functions on campus or immediately adjacent thereto, which are officially sanctioned by the College or University;
- (3) Fundraising activities; or
- (4) Special Events authorized by a valid permit issued by the City, which specifically allows Valet Parking Services pursuant to an approved plan. Such plan must, at a minimum, establish the hours of operation, fees (if any), the location where vehicles will be parked, and evidence that the owner of the property where the vehicles will be parked has authorized such parking throughout the duration of the permit.

#### **SEC. 18-148. VIOLATIONS**

(1) It shall be an offense for any person to provide or engage in a Valet Parking Service within the Downtown Implementation Plan Area (DTIP) unless an exemption enumerated within Section 18-147 applies.

(2) It shall be an offense for any person to fail to obey a lawful order of a police officer enforcing the provisions of this Chapter.

**SECTION 3. Repealer.** Any ordinance, resolution, or code of the City of Denton in direct conflict with the provisions of this Ordinance is hereby repealed.

**SECTION 4. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and section of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5. Penalty.** Any person, firm, or corporation that violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

**SECTION 6. Effective Date.** This Ordinance shall become effective beginning January 2, 2017 at 12:00 a.m., and in compliance with Section 2.09(c) of the Denton Charter, the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

PASSED AND APPROVED this the 13 day of December, 2016.



CHRIS WATTS, MAYOR

ATTEST:

JENNIFER WALTERS, CITY SECRETARY

BY: Jane Richardson, Asst.

APPROVED AS TO LEGAL FORM:

ANITA BURGESS, CITY ATTORNEY

BY: Jennifer W. DeLuca