

9.8.0 - RULES FOR VALET SERVICES

9.8.1 - Definitions

Defined terms used in these rules shall have the meanings assigned to them in City Code, Chapter 13-5 or as follows:

Attendant: Means a person who operates a vehicle between a designated area and a parking facility on behalf of a Permit or License Holder.

Compliance Plan: Means the written plan regarding the licensee's or permittee's internal program and policy decisions and proposed actions in order to come into compliance with the standards established by the City's valet laws and regulations, in order to avoid further violations of the City's ordinances or Director's Rules.

Designated Area: Means the parking spaces designated along the curb line of a business or residence where an attendant may receive or return vehicles.

Director's Rules: Means these rules and procedures established by the Director of Transportation, under section 13-5-3, to provide additional guidance and clarity on the provision of valet services.

District Service Area: Means the parking spaces designated along the curb line of a business or residence where an attendant may receive or return vehicles of two or more premises located within the same block face.

Double Park: Means to park alongside another vehicle already parked parallel to the curb.

License Holder: Means a person(s) who holds a license from the city under chapter 13-5 of the code to operate a valet parking service whose business is or includes the provision of valet parking services to and from a service location so that the driver and passengers in the vehicle may unload and load at their immediate destination. License holder includes any employee, agent or representative of the licensee.

Notice: Means a communication such as a letter, citation or civil penalty, warning or announcement.

Permit Holder: Means a person(s) who holds a permit from the City under chapter 13-5 of the code to operate a valet parking service at a designated area or district service area at their establishment or residence. The term includes any employee, agent or independent contractor hired by the permit holder.

Traffic Control Device: Means signs, markings, and other devices used to regulate, warn, or guide road users of current or changed roadway conditions. Pursuant to Texas state law a police officer is recognized as a traffic control device.

9.8.2 - Duties of the Director

- A. The Director, with assistance from Parking Enforcement, shall enforce the Director's Rules and the requirements contained in Chapter 13-5 of the City Code.
- B. The Director, with assistance from Parking Enforcement and Right-of-Way Management, shall provide notification to the Permit and License Holders in writing through issuance of citation or correspondence, of each violation of Chapter 13-5 and the Director's Rules.
- C. The Director shall install, within three calendar weeks, regulatory signage to establish or maintain a valet service area at the Permit or License Holder's sole cost.
- D. Within one year of rule implementation, the Director shall conduct a public meeting on potential rule revisions. The meeting shall be held by the Urban Transportation Commission, who will provide a recommendation to the Director. Thereafter, on an annual basis the Director shall

review the rules and conduct a public hearing with the Urban Transportation Commission, if requested or needed.

9.8.3 - Duties of the Permit Holder

- A. The Permit Holder shall comply with all applicable traffic laws, requirements contained in Chapter 13-5 of the City Code and the Director's Rules.
- B. The Permit Holder shall display Director approved supplemental traffic control devices at the beginning of each day or hours of operation that valet service is offered.
- C. The Permit Holder shall remove Director approved supplemental traffic control devices at the end of each day or hours of operation that valet service is offered.
- D. The Permit Holder shall keep a copy of the approved permit on site at all times during hours of operation and will present the document to City officials upon request.
- E. The Permit Holder shall not allow pedestrian access in the right-of-way to be blocked due to the provision of valet services.
- F. Application may be made jointly by two or more premises within the same block face by the owner(s) or lessee(s) of those premises benefiting from the proposed district service area.

9.8.4 - Duties of the License Holder

- A. The License Holder shall comply with all applicable traffic laws, Director's Rules and the requirements contained in Chapter 13-5 of the City Code.
- B. The License Holder shall keep a copy of the approved license on site at all times and will present the document to City officials upon request.
- C. The License Holder shall maintain an unobstructed, minimum 6 feet wide pedestrian pathway, at all service locations.
- D. The License Holder shall provide valet services at the times listed on the regulatory signs that mark the designated area or provide sufficient notice that service has been temporarily suspended.
- E. The License Holder shall provide adequate staffing to ensure that vehicles do not remain in the designated area or district service area longer than the times listed in Section 5.02.
- F. The License Holder shall provide attendants the following:
 - 1. Training and a manual on local and state laws governing valet parking. Training must detail what constitutes a violation and how to avoid violations.
 - 2. City approved method of identifying attendants.
 - 3. Director approved retro-reflective material on each attendant's outerwear to enter the street after dusk.
 - 4. Uniform or shirt which identifies the attendant as an authorized employee of the License Holder.
- G. The License Holder shall maintain custody of the keys to a vehicle while the vehicle is unattended.
- H. The valet operator shall immediately inform a customer of a parking citation issued to the customer's vehicle during the time the vehicle was parked by the License Holder.

9.8.5 - Vehicle Handling

- A. The License and Permit Holder shall not:
 - 1. Double park a vehicle.

2. Receive, deliver or park a vehicle on any portion of the public right-of-way, outside of the designated area or district service area.
 3. Leave a vehicle unattended in the public right-of-way, except within the designated area or district service area.
 4. Park a vehicle on private property, unless written authorization has been obtained from the owner or lessee of the property.
 5. Violate a law relating to the stopping, standing, or parking of motor vehicles.
 6. Allow attended vehicles of the operator's customers to temporarily queue in the traffic lane adjacent to the designated area or district service area if:
 - (a) traffic behind the queue obstructs an intersection;
 - (b) blocks public access to a business or residence; or
 - (c) creates a safety hazard.
- B. The Licensee and Permit Holder may allow the following:
1. Vehicles may remain in a designated area or district service area for no more than 45 minutes.

9.8.6 - Violations, Suspensions and Civil Penalties

- A. Failure to comply with chapter 13-5 shall result in denial of an initial or renewal of a valet permit or license application. Upon six convictions of any violation of chapter 13-5 within one year of a permit or license being issued may result in revocation of the permit or license.
- B. The City reserves the right to revoke a permit or license immediately without prior notice and prior to any specific number of convictions if the City observes the license or permit holder engage in behavior or acts in a manner that results in an immediate threat to public health and safety.
- C. The following violations are examples, but are not an exhaustive list of possible violations of chapter 13-5 which may result in the City pursuing revocation of a license or permit, denial of an initial or renewal permit, and/or seeking penalties allowed under section 13-5-53 (Penalty):
 1. Operating an on-street valet parking service on public right-of-way without a valid on- street valet operating license.
 2. Offering valet service at a business establishment on public right-of-way without a valid valet permit.
 3. Parking vehicle(s) within the right-of-way outside the designated area or district service area."
 4. Allowing attendants to operate customer's vehicles without a valid class A, B or C Texas driver's license.
 5. Operating without City approved liability/garage keepers insurance.

The following violation(s) shall result in a civil penalty up to \$500 per occurrence:

6. Receiving, delivering or parking vehicle(s) on any portion of the right-of-way outside the designated area or district service area.
7. Leaving a vehicle that has been received, unattended in the street except within the designated area or district service area.
8. Parking a vehicle on private property without written authorization from the owner or lessee of the property.

9. Operating an on-street valet parking service without a copy of the approved permit present on site during operations.
 10. Operating an on-street valet parking service with an expired, suspended or revoked operating license or permit.
 11. Allowing a vehicle to remain in a designated area for more than 45 minutes, except when customers have been provided sufficient notice that unclaimed vehicles may be returned to the designated area or district service area, after the service hours posted on the regulatory signs.
 12. Allowing attended vehicles of the operator's customers to:
 - (a) obstruct an intersection;
 - (b) block public access to a business or residence; or
 - (c) create a safety hazard.
 13. The License Holder not maintaining custody of the keys left by customers.
 14. Reducing pedestrian pathway to less than 6 feet wide.
 15. Not placing a valet tag inside the vehicle.
- D. Licenses or Permits may be suspended based on the following:
1. According to chapter 13-5, each violation is a separate offense and may occur daily.
 2. Upon receipt of a seventh conviction within one year of a license permit being issued, a license or permit shall be suspended for one week and no valet operation may occur while a permit is suspended. Prior to end of the suspension period, the License or Permit Holder will have to provide the City a compliance plan for improving their operations and proposed action to avoid future violations.
 3. Receipt of any additional convictions within one year of a license or permit being issued will result in a two week suspension of the license or permit. Prior to the end of the suspension period, the License or Permit Holder will have to provide the City a compliance plan for improving their operations and proposed action to avoid future violations.
 4. Nothing herein waives the right of the City to immediately suspend a license or permit based on immediate threats to public health and safety issues.
- E. Designated areas or district service area that are "abandoned" or are not utilized for 10 consecutive business days will be subject to license or permit revocation.

9.8.7 - Approved Supplemental Traffic Control Devices

- A. The Director shall determine if, for the benefit of the traveling public, additional regulatory signage is needed to better delineate the designated area or district service area.
- B. The Director may require or allow the use of banners, permit posts, delineators, or other devices to be installed advertising the provision of valet services at the expense of the license or permit holder.

9.8.8 - Establishing Designated Areas or District Service Areas

- A. The location and specifications of a designated area or district service area shall be approved by the City's Traffic Engineer or authorized representative.
- B. Except as may be provided for below, a designated area or district service area shall comply with the following requirements:
 1. Shall utilize a minimum of 66 feet in curb length, unless an exception has been granted by the City's Traffic Engineer.

2. May not exceed the length of the Permit Holder's property frontage, unless Permit Holder obtains written permission from the business fronting the additional spaces or files for permit jointly.
 3. Shall be permitted only on City streets that are a minimum of 28 feet wide, curb to curb.
 4. Shall be permitted only within designated public parking spaces, as authorized by the City's Traffic Engineer.
 5. Shall not block or conflict with a crosswalk or an intersection.
 6. Shall not be located within 5 feet of a driveway.
 7. Shall not create a conflict with a designated bus stop.
 8. Shall not reduce the unobstructed space on a sidewalk, for the passage of pedestrians to less than 6 feet wide, unless a greater distance is required by the City's Traffic Engineer and warranted by special pedestrian traffic conditions.
 9. Shall not be located within the area used by vehicle detection devices near signalized intersections.
 10. Shall not impede emergency vehicles movements.
 11. The Director shall not issue new permits or licenses for valet operating services located on the following public rights-of-way. Existing valet permits or licenses on the listed public right-of-way may continue operation until their permit expires by its terms or is otherwise revoked. The Director may, in conjunction with the Director of the Public Works Department, authorize a valet zone that is designed and deemed compatible through a Capital Improvement Project.
 - (a) East or West Cesar Chavez (from Interstate Highway 35 to MOPAC),
 - (b) Lavaca Street (from Cesar Chavez to Martin Luther King Jr. Blvd),
 - (c) Guadalupe Street (from Cesar Chavez to Martin Luther King Jr. Blvd),
 - (d) Third Street (from Trinity to Nueces Streets)
- C. Requests for additional use of parking areas must be evaluated by the Traffic Engineer or authorized representative. Prior to approval for an increase in a designated area or district service area, space needs and vehicle service usage data may be requested for further consideration.