

- **ARTICLE VIII. - VALET PARKING^[5]**

[Share Link to section](#)[Print section](#)[Download \(Docx\) of sections](#)[Email section](#)[Compare versions](#)

Footnotes:

--- (5) ---

Editor's note— Ord. No. 2015-14, § 2, adopted Oct. 20, 2015, set out provisions intended for use as Art. VII, §§ 19-100—19-105. For purposes of classification, and at the editor's discretion, these provisions have been included as Art. VIII, §§ 19-130—19-135.

- **Sec. 19-130. - Definitions.**

[Share Link to section](#)[Print section](#)[Download \(Docx\) of sections](#)[Email section](#)[Compare versions](#)

The following words when used in this article shall, for the purposes of this article, have the following meanings:

Public right-of-way shall mean a public roadway, highway, street, sidewalk, or alley.

Valet parking service area shall mean the space located in a public right-of-way and approved by the city for the loading and unloading of passengers to and from motor vehicles and for the valet stand.

Valet stand shall mean the mobile stand, table, chair, umbrella, key box and any other objects or equipment necessary for the operation of the valet parking service.

(Ord. No. 2015-14, § 2, 10-20-15)

- **Sec. 19-131. - Permit required; application process; FDOT rights-of-way.**

[Share Link to section](#)[Print section](#)[Download \(Docx\) of sections](#)[Email section](#)[Compare versions](#)

(a)

Permit required. A person operating a business establishment may not provide on-street valet parking services unless the person has a valet parking permit issued under this article.

(b)

Application process.

(1)

A completed application for a valet parking permit and all applicable fees shall be submitted to the office of community sustainability on a form provided by the city. No fee shall be prorated or refunded. The application must be made by the owner or lessee of the premises benefitting from the proposed valet parking service. If the application is made by a lessee, such application shall include the written consent of the property owner.

(2)

Within thirty (30) days of receipt of a completed application, the public services department director shall either approve or deny the permit. If the permit is approved, the permittee shall be subject to a permit fee and annual permit renewal fees each year thereafter. Fees shall be established by resolution of the city commission. The permit fee and annual permit renewal fees shall include the city's fee and any rent due under a FDOT right-of-way lease.

(3)

The following standards and criteria shall be used in reviewing the application:

a.

Permits shall be issued only for public rights-of-way owned or leased by the city.

b.

Valet parking services shall be operated only by commercially licensed and insured vendors holding a valid occupational license.

c.

Permits shall be issued only to applicants that provide documentation that they have procured sufficient accessible private off-street parking spaces for their valet parking services. On-street parking spaces and parking spaces otherwise located on property owned or maintained by the city shall not be used by the permittee to park vehicles.

d.

The valet parking service area shall be located on the public right-of-way abutting the boundary lines of the property on which the permittee's business or property is located. The location of the valet parking queue is restricted to existing designated on-street parking spaces. No more than two (2) on-street parking spaces shall be used as part of the valet parking queue. Except as otherwise set forth herein, the valet parking service area shall not be established or extended in front of another property unless the applicant secures the written consent of the affected property owner. If an on-street parking space abuts two (2) separate properties, the permit for the use of such space for a valet parking queue shall be awarded on a first come, first served basis.

e.

Permits will not be issued where the drop-off and pick-up of vehicles will interfere with the safe operation of driveways, street intersections, crosswalks or other prohibited areas.

f.

Permits will not be issued where the stacking of drop-off and/or pick up of vehicles will interfere with the safe traffic operation on adjacent streets or unduly delay or interfere with normal traffic operations.

g.

Permits will not be issued where there is another permitted valet parking service area located one (1) block away or less. A "block" will be considered the distance from one (1) street to the next, north, south, east and west.

h.

If any of the above criteria is not met, the city may deny the permit application.

If a permit is issued and any of the above criteria cease to be met, the same shall be a violation of this article and may be cause for the city to revoke or suspend a permit.

(c)

FDOT rights-of-way.

(1)

City lease. If the valet parking service operates in whole or in part on any right-of-way owned or maintained by the Florida Department of Transportation (FDOT) and such right-of-way is leased to the city, the applicant shall be required to abide by and be subject to all terms and conditions of such lease which may include, but are not limited to, the following:

1.

Payment of rent plus applicable taxes.

2.

Indemnification and insurance requirements.

3.

Maintenance of right-of-way requirement.

4.

Termination provision, even if prior to expiration of valet parking permit.

5.

Periodic governmental inspections.

6.

Waiver of legal rights, monetary claims, and damages of any sort for the loss of occupancy of the leased property.

7.

Prohibition of any portable or temporary advertising signs in leased right-of-way.

It is the responsibility of each applicant to review any applicable lease and to be fully apprised of all the terms and conditions of such lease. Applicants may request a copy of any applicable lease from the office of the city clerk. The permittee shall also be subject to all other permit requirements, conditions and restrictions set forth in this article.

(2)

Application documentation. Before a valet parking permit may be issued, the applicant shall provide the city with all requested documents required for compliance with the subject lease or as otherwise required by the city.

(3)

Termination of lease; waiver of damages. By accepting a permit issued under this article, the permittee agrees to and acknowledges the following: If the subject lease is terminated for any reason, the permit shall be simultaneously revoked; and the permittee waives any claim for damages due to such termination and revocation. A revocation pursuant to this subsection is not appealable to the city commission.

(d)

Permits shall be valid from October 1 to September 30, unless revoked or suspended earlier. No fee shall be prorated or refunded. The city shall begin to process renewal permit applications on July 1 of each year. To renew a permit, the permittee shall comply with the application procedures set forth under this article and pay all applicable fees and taxes. The permittee shall apply for and secure the renewal permit on or before September 30 of each year. The failure to secure a renewal permit on or before September 30 shall result in a penalty of twenty-five (25) percent of the renewal fee and may be cited as a violation of this article. If a permit is not timely renewed or a renewal application is denied, the valet parking service shall cease to operate.

(e)

A valet parking service, permitted and operated in accordance with this article, shall not be an obstruction of a sidewalk as provided in [section 19-11](#) of this Code.

(Ord. No. 2015-14, § 2, 10-20-15)

- **Sec. 19-132. - Permit conditions and restrictions.**

Share Link to sectionPrint sectionDownload (Docx) of sectionsEmail sectionCompare versions

(a)

Passengers shall not be loaded or unloaded within traffic lanes that are open to through traffic.

(b)

The valet parking service shall not interfere with the regular flow of vehicular and pedestrian traffic. The vendor shall not park vehicles in the queue or allow stacking of vehicles or blocking of the travel ways of any street, alley, parking lot or sidewalk.

(c)

The permit issued shall be personal to the permittee only and shall not be transferable in any manner.

(d)

The subject permit or a copy of the permit must be at the valet parking service area at all times.

(e)

The valet stand shall be located on the sidewalk in such a manner that a clear pedestrian path is maintained at all times. The city is authorized to require a mandatory minimum pedestrian path, as circumstances dictate. Under no circumstances shall permanent structures or equipment be permitted.

(f)

The permittee shall conduct valet parking services only during the hours of operation of the permittee's business.

(g)

The valet stand shall be of quality design, materials, and workmanship; safe and convenient for patrons; compatible with the use in the immediate vicinity; maintained with a clean, attractive appearance and in good repair at all times; and removed at the close of business each day.

(h)

Valet parking service areas shall be maintained in a neat and orderly condition at all times and shall be kept clear of all trash and debris.

(i)

The city shall have priority of use of the public right-of-way and the discretion to temporarily suspend a permit for any of its special events or other community events.

(j)

The city may require the temporary removal or relocation of valet parking service when street, sidewalk, or utility repairs necessitate such action. Under no circumstances shall the city be deemed responsible or liable in any way

for any damage or loss resulting from the removal of or a failure to remove the valet parking service area or valet stand.

(k)

If found to be necessary for the protection of the health, safety and welfare of the public, the department of public services, police and fire departments or emergency service providers may require the permittee to immediately remove or relocate all or parts of the valet parking service and valet stand, and, if necessary, the city may remove or relocate the same in emergency situations. Law enforcement personnel are authorized to direct traffic, including drop-off and pick-up vehicles, as conditions may require. Under no circumstances shall the city be deemed responsible or liable in any way for any damage or loss resulting from the removal of or the failure to remove the valet parking service area or valet stand.

(l)

All valet parking service areas are subject to periodic inspections by the city to ensure compliance with this article.

(m)

All valet parking permits are subject to discontinuance due to the expiration or revocation of any and all utility permits and access permits that have been issued to the city.

(n)

If a permittee closes its business for ninety (90) days or more, the permit shall automatically expire.

(o)

No advertising signs or business identification signs shall be permitted in the valet parking service area unless approved by the city.

(p)

Permittees shall ensure that the valet parking service area is adequately staffed to ensure that the valet service is operated in a manner that will not result in illegal parking in the queue or stacking and/or blocking of the travel ways of any street, alley, parking lot or sidewalk. The valet parking service area shall be staffed by a minimum of two (2) people, with one (1) person dedicated to oversee the queue.

(q)

All valet parking service employees or independent contractors who operate motor vehicles shall have in their possession a valid Florida Driver's License in good standing.

(r)

All valet parking service employees or independent contractors shall comply with this article and all applicable city, county, and state traffic laws and regulations.

(s)

All valet parking service employees or independent contractors shall perform their duties in a courteous and professional manner.

(Ord. No. 2015-14, § 2, 10-20-15)

- **Sec. 19-133. - Indemnification; insurance.**

(a)

Prior to the issuance of a permit, the applicant shall furnish the city with a signed statement that the permittee shall hold-harmless, indemnify and defend the city, its officers, agents and employees and, if applicable, the FDOT, its officers, agents, and employees, for any claims for damages to property or injury to persons, including death, which may be occasioned by any activity carried on under the terms of the permit or in connection therewith. The statement shall also include that the permittee shall be responsible for the performance of and payment for any environmental remediation that may be necessary, as determined by the FDOT or other agency with jurisdiction, within the valet parking service area, and that the permittee shall indemnify, defend, and hold harmless the city, its officers, agents and employees and, if applicable, the FDOT and its officers, agents, and employees, from any claim, loss, damage, cost, charge, or expense arising out of any such contamination.

(b)

Permittee shall furnish and maintain public liability and property damage insurance for the benefit of the city, its officers, agents and employees and, if applicable, the FDOT, its officers, agents and employees, to protect from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name the "City of Lake Worth" and the "Florida Department of Transportation", if applicable, as additional insureds. The insurance required hereunder shall be in amounts approved by the city and in accordance with any other requirements established by the city. The applicant shall provide proof of all required insurance prior to receiving the permit.

(c)

The inclusion of the FDOT language set forth in (a) and (b) above is applicable and required if the permittee is operating the valet parking services area anywhere on property owned or maintained by the FDOT or on property that is otherwise subject to an FDOT lease with the city.

(Ord. No. 2015-14, § 2, 10-20-15)

- **Sec. 19-134. - Denial, revocation or suspension; appeals.**

[Share Link to section](#)[Print section](#)[Download \(Docx\) of sections](#)[Email section](#)[Compare versions](#)

(a)

The city may deny, revoke or suspend a valet parking permit if it is found that:

(1)

Any required business permit has been suspended, revoked or canceled;

(2)

The permittee does not have a current business tax receipt issued by the city;

(3)

The permittee does not have insurance as required under this article or as otherwise required by the city;

(4)

Changing conditions of pedestrian or vehicular traffic that cause congestion necessitating the removal of the valet parking services. Such decision shall be based upon a finding of the city that the minimum pedestrian path is insufficient under existing circumstances or the valet parking services are unreasonably impeding the flow of

traffic and such conditions represent a danger to the health, safety or general welfare of pedestrians or vehicular traffic.

(5)

The permittee has failed to correct a violation of this article or condition of its permit or the permittee has failed to pay a violation or citation fine imposed for a violation of this article or condition of its permit;

(6)

The permittee has received two (2) citations or notices of violation within a six-month period, whether corrected or not; or

(b)

Upon denial, revocation or suspension, city shall provide notice of such action to the applicant or the permittee in writing, stating the action which has been taken and the reason therefor. If the action of the city is based on subsection (a)(3) or (4) of this section, the action shall be effective twenty-four (24) hours after the city's postmarked date of mailing of notice to permittee. Otherwise, such notice shall become effective within ten (10) days after the city's postmarked date of mailing of such notice to the permittee. Notice shall be hand-delivered or sent by certified mail, return receipt requested.

(c)

Appeals shall be handled as follows:

(1)

An appeal shall be initiated within ten (10) days of the city's postmarked date of mailing of the written notice of the denial, revocation or suspension of a valet parking permit by delivering a written notice of appeal with the city manager. If the appeal is not timely delivered by the permittee, the permittee shall be deemed to have waived his or her right to challenge the denial, revocation or suspension, whichever is applicable.

(2)

If the appeal is timely delivered, the city manager shall place the appeal on the next available regular city commission agenda. At the hearing upon appeal, the city commission shall either uphold the denial, revocation or suspension of the permit or reverse the denial, revocation or suspension of the permit, with or without conditions. The decision of the city commission shall be final and effective immediately.

(3)

The filing of a notice of appeal by a permittee shall not stay a denial, revocation or suspension of a permit.

(Ord. No. 2015-14, § 2, 10-20-15)

- **Sec. 19-135. - Enforcement of violations.**

Share Link to sectionPrint sectionDownload (Docx) of sectionsEmail sectionCompare versions

In addition to the remedies provided in [section 19-134](#), the city may enforce violations of this article in accordance with [chapter 2](#), article VI "Code Compliance" or article X "Supplemental Code Compliance Procedures" of this Code.

(Ord. No. 2015-14, § 2, 10-20-15)