

ORDINANCE NO. C-13-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING CHAPTER 26, "TRAFFIC AND PARKING" BY AMENDING ARTICLE VIII, OF THE CODE OF THE CITY OF FORT LAUDERDALE, FLORIDA, "VALET PARKING ON RIGHTS-OF-WAY AND PUBLIC PARKING FACILITIES", TO PERMIT VALET PARKING ON PORTIONS OF PUBLIC RIGHTS-OF-WAY AND PUBLIC PARKING FACILITIES ON A PERMANENT BASIS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Chapter 26, TRAFFIC, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to amend Article VIII, Valet Parking on Rights-of-Way and Public Parking Facilities to read as follows:

CHAPTER 26
TRAFFIC AND PARKING

ARTICLE VIII.

VALET PARKING ON RIGHTS-OF-WAY AND PUBLIC PARKING FACILITIES

Sec. 26-221. Purpose.

The purpose of this article is to:

- (a) Promote the safe and legal operation of valet parking for the use and convenience of businesses and the general public;

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Sec. 26-222. 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.

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Department means the ~~parking and fleet services department~~ of transportation and mobility for the city ~~or such other department responsible for the administration and operation of the city's parking system.~~

Director means director of the ~~parking services division~~ department of transportation and mobility or his or her designee.

Division means a division of the ~~parking and fleet services department~~ department of transportation and mobility titled parking services division, responsible for the administration and operation of the city's parking system ~~or such other division with this responsibility.~~

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Sec. 26-223. Permit required.

- (a) — No person, establishment or entity shall conduct valet operations using a ROW or parking facility unless a permit has been issued in accordance with this article except as provided in section 26-232 for temporary valet permits.
- (b) — ~~A valet operator with a current business tax receipt issued by the city prior to the effective date of this article shall have thirty (30) calendar days from the effective date of this article to apply for the required permit as provided herein.~~

Sec. 26-224. Permit application.

- (a) Application for a permit to conduct valet operations shall be submitted to the division on a form provided by the director. Unless otherwise provided herein, the following is a list of the minimum requirements required to complete an application. Additional information necessary in order to determine if the requirements of this article have been met may be required by the division:

...

- (e) An application shall be accompanied by a non-refundable application fee of two hundred sixty-five dollars (\$265.00) for the initial permit and one hundred fifty dollars (\$150.00) annually for permit renewals for the same location. After

~~October 1, 2011, t~~These fees may be amended by resolution adopted by the city commission.

Sec. 26-225. Application review process; permit review criteria.

- (a) Within five (5) business days of receiving a permit application, the division shall determine if the information provided is complete and notify applicant of any deficiencies in the application. Upon submittal of additional information the division will determine if the application is complete and shall notify the applicant if there are deficiencies. If an applicant fails to provide additional information requested by the division within two weeks of notification, the application shall be considered withdrawn by the applicant and a new application will be required. The review of the application shall not commence until the application is determined to be complete by the division. Once the application is determined to be complete, the division shall submit the application to other city departments with interest in the valet operation for their review and comment, including but not limited to urban design and planning and zoning, engineering, building services, police, fire, and risk management departments.

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Sec. 26-227. Valet equipment.

- (a) Valet equipment proposed to be located within a sidewalk or other public pedestrian path shall be located so that the minimum width for an accessible route required by ~~section 11-4.3.3~~ Building Book Accessibility, Chapter 4 of the 2010 Florida Building Code, as amended from time to time, is provided.

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Sec. 26-228. Ramping fee and ramping space rental.

- (a) If the valet operation requires the use of public parking spaces, whether 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 metered rate established by the city as more fully described in subsection (b) of this section or at a rate based on every twenty

(20) linear feet of parking area per day as established by resolution adopted by the city commission, as amended from time to time.

- (b) Rates for metered parking spaces are provided in Section 26-161 of the City Code as the same may be amended. The fee for metered public parking spaces incorporated into a ramping area shall be calculated based on the following formula: the meter rate times the number of parking spaces reserved times the hours of use for each day of the valet operation. The fee shall be paid in full, in advance, to the division ~~quarterly~~ annually. If the annual rate exceeds five thousand dollars (\$5,000.00) this may also be paid quarterly or semi-annually upon approval of the director. Florida state sales tax is included in the meter rate if the meters are off-street
- (c) Parking space fees are due and must be received by the department no later than ten (10) business days prior to the date the permit takes effect and ten (10) days prior to every annual renewal or, if approved by the director, every quarter or semi-annual period thereafter while the valet permit is in effect.
- (d) Where the 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 division over each meter upon the approval of and payment for the permit and parking space fee for the ramping area spaces during the permitted hours and days of the valet operation. There will be a deposit for the cost of each bag, payable to the division along with the parking space fee, for the duration of valet operations until the bag is returned in good condition. Effective on the date this article takes effect, the deposit shall be \$15 per meter bag. The deposit for bags ~~provided after October 1, 2014~~ may be amended by resolution adopted by the city commission when such adjustment is necessary to ensure cost recovery to the department.

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Sec. 26-229. Operational standards.

- (a) Applicant must comply with all applicable requirements of the city code, Ch. 316, F.S. (State Uniform Traffic Control) and all other applicable laws.

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- (y) The operator shall maintain insurance as required by section 26-231 of this article.

If after inspection by city of the actual valet operation, non-compliance with any of the foregoing requirements is identified, the ~~parking~~ transportation and mobility director and public works director are authorized within their discretion to modify conditions of the permit, temporarily suspend the permit or revoke the permit, in accordance with Sections 26-234 and 26-235 of this article.

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Sec. 26-232. Temporary valet permit.

A temporary valet permit may be issued in any zoning district in the city at the discretion of the director subject to the following:

- (a) An operator may apply for a temporary valet permit at the division on a form provided by the director no later than seven (7) days prior to the proposed special event, unless such application is for a declared emergency as provided in subsection (e) of this section.

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- (c) Temporary valet permits are restricted as follows:
 - (1) Special Event for non-residential use.
 - a. No more than ~~two (2)~~ six (6) temporary valet permits will be issued for the same location within any twelve-month period.

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Sec. 26-234. Temporary suspension of permits.

- (a) A permit may be temporarily suspended by the director if the city engineer determines the portion of the ROW that is part of a 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 location, or the ramping area must be utilized for public safety operations; or by a contractor or utility provider for necessary repairs to the street or structure adjacent to the ramping area. Written notice to the valet operator shall be provided within three (3) business days of director's identification of the event. If the event is to be held or occur sooner than three (3) business days after the director identifies the event, parking services will make reasonable efforts to notify the valet operator at the contact phone number and/or email address shown on the permit application.

- (b) The director or other city official may require the temporary removal or relocation of valet operation when street, sidewalk, or utility repairs necessitate such action. The division will provide a minimum of three days written notice to the operator except for emergency situations. In the event of an emergency, the parking services division or other city department will make reasonable efforts to notify the operator at the contact phone number and/or email address shown on the permit application.

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~~Sec 26-238. Termination of this Article VIII.~~

~~This valet parking on public property ordinance shall expire twelve months from the effective date of this ordinance unless amended or extended by ordinance of the city commission.~~

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this the _____ day of _____, 2013.

PASSED SECOND READING this the _____ day of _____, 2013.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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