

ORDINANCE #69139
Board Bill No. 285

An ordinance pertaining to valet parking, recommended and approved by the Parking Commission of the City of St. Louis; providing a mechanism for the creation of valet parking zone permits; requiring a permit for all operators of Valet Parking Services; requiring a permit for all valets; establishing standards of operation; authorizing the City to establish Special Valet Zones and the Director of Streets to seek one or more valet operators that would have the right to operate within the Special Valet Zone; authorizing the Director of Streets to charge certain fees; containing penalty provisions, and a severability clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. ESTABLISHMENT OF VALET PARKING ZONES

A. Pursuant to the provisions of this Section, valet parking zones shall be established on such public streets and in such places and in such number as shall be determined by the Director to be in the best interest of the City, its citizens and visitors.

B. A valet parking zone shall be created only upon the written request submitted to the Director by the owner or occupant of the property adjacent to the site of the proposed valet parking zone and the subsequent approval by the Director of a permit therefore setting forth the terms of the operation of the valet parking zone, which terms shall include, but may not be limited to, those set forth in this Section. Each such request must be accompanied by a non-refundable initial permit application fee not to exceed three hundred dollars (\$300). Each such permit shall obligate the holder thereof (the "permittee") to operate the valet parking zone and perform all of the obligations, duties and responsibilities set forth in the permit and in this Section. All such permits shall be subject to renewal by the Director as of April (1st) of every calendar year. All such permits renewed shall also be subject to an annual fee not to exceed two hundred dollars (\$200.00) payable by the renewal date. In determining whether to renew a permit, the Director shall consider the manner in which the valet parking zone has been operated, the degree to which the applicant has complied with the requirements set forth in this Section and the permit and the best interests of the City and its citizens and visitors. In establishing the initial permit application fee and the renewal fee the Director shall annually take into account the cost of administration, investigation, enforcement, record keeping, and all associated overhead of the valet parking program.

C. Valet parking zones shall be established only on public streets and adjacent sidewalks as specified in the permit to be issued pursuant to Subsection (B) above. The Director shall determine the location and length of all valet parking zones based on factors including, but not limited to, traffic flow, pedestrian safety, the number of zones already in the area where the zone is requested, the hours of operation requested, and the impact on the overall streetscape.

D. The Director shall provide appropriate signage, at the cost of the applicant, prohibiting parking in valet parking zones between times designated by the Director and designating such zones "No Parking, Valet Only, Tow Away Zone".

E. The permittee shall remove all vehicles to be parked by valets from the valet parking zone and from any other portion of a public right-of-way as quickly as possible and in any case within ten (10) minutes. Vehicles so removed shall not be parked in public streets or alleys.

F. The permittee, at its own expense and cost, shall keep the valet parking zone in a neat and clean condition, free from nuisance and filth and provide for the removal of snow, ice, trash and waste therefrom.

G. The permittee shall operate the valet parking zone, or cause the same to be operated, in accordance with all requirements of this Section. In the event that the permittee retains the services of a valet parking company, the permittee shall ascertain that the company has a valid permit to operate a valet parking service and shall provide written notice of the name of the company as directed by the Director.

H. The City reserves the right to add, modify or eliminate street locations and times at any time in order to protect pedestrian traffic and improve conditions for the flow of motor vehicular traffic. The valet parking zone permit may be suspended if the sidewalk or street area is needed for parades, festivals or other such special events. Except for temporary suspensions for special events as set out above, the permittee is entitled to prompt notice of the City's intent to suspend or revoke and is entitled to a hearing before the Director. The permittee may appeal the decision of the Director to the City Board of Public Service.

I. The Director, at this discretion, may issue a daily non-recurring valet parking zone permit, provided however that the permit holder would be required to utilize a valet parking service permit holder in the performance of the valet operations. The fee for the daily non-recurring parking zone permit shall be twenty dollars (\$20.00) per day.

SECTION TWO. PERMIT TO OPERATE A VALET PARKING SERVICE

No person shall engage in any business of operating valet parking service in the City without first obtaining a permit pursuant to this section. The operator shall also be required to possess a valid business license from the City.

A. Any person desiring to operate a valet parking business shall make an application for the permit to the Director and paying a filing fee in an amount determined from time to time by the Director. The filing fee shall be based on the determination of Director of the costs associated with the administration of program to permit valet parking services, including, but not limited to, review, investigation, adjudication and all associated overhead. In no event shall the cost of such permit exceed three hundred dollars (\$300.00). The application shall contain the following information and such additional information as may be determined by the Director:

1. The name, age, business address and residence of the applicant if a natural person; if a corporation, its name, address of its principal office, and the names of its principal officers together with their respective addresses; if a partnership, association, or other unincorporated entity, the names of the partners, or the names of those comprising the association or company with the address of each.
2. The experience of the applicant in the provision of such services and whether any similar permit in any jurisdiction has ever been revoked, and if so, the circumstances of such revocation.
3. The uniform and insignia to be used to designate the applicant's employees.
4. Whether the applicant or any of its principal officers or employees has ever been convicted of a felony or a violation of any narcotic law, or a crime involving moral turpitude. The Director or his designee may require a criminal record check at their discretion.

B. Insurance. The Director, after consultation with the City Counselor, shall determine the types and coverage limits of insurance that shall be required of all valet parking service operators. No permit shall be issued or continued in operation, and no person shall operate a valet parking service unless and until such owner shall file with the Director a written certificate of insurance showing that the policy or policies as required by the Director are in full force and effect and that they cannot be cancelled without thirty (30) days' written notice to the Director. The policies shall be issued by insurance companies qualified to do business in the State of Missouri, and shall name the City of St. Louis Missouri as an additional insured.

C. Issuance. Upon receipt of the completed application, fee, and satisfactory proof of insurance, the Director shall conduct any investigation deemed appropriate to determine whether a permit should issue. The determination of the Director shall be final.

D. Regulations for all Permit Holders. All valet parking service permits holders shall at all times:

1. Only relocate vehicles to the location specified in the Valet Parking Zone Permit.
2. Only utilized the number of parking spaces specified for drop off and pick up in the Valet Parking Zone Permit.
3. Not allow any vehicle to be parked for more than ten (10) minutes in a parking spaces designated for drop off and pick up in the Valet Parking Zone Permit (no "VIP" parking).
4. Not allow any "double parking" in the parking spaces designated for drop off and pick up.
5. Not place any cones, traffic control devices or temporary structures of any type in the public right of way at any time.
6. Only operate on days and times specified in the Valet Parking Zone Permit.

E. Suspension and Revocation. Any permit issued hereunder may be suspended or revoked for any reason that would justify a refusal to issue the permit originally or by reason of any failure by the permittee to comply with the provisions of this code, or any condition imposed by the Director or his designee upon issuance of the permit. Prior to any suspension or revocation

a permittee is entitled to notice of the City’s intent to suspend or revoke which shall include an enumeration of the causes, and is entitled to a hearing before the Director. The permittee may appeal the decision of the Director to the City Board of Public Service.

SECTION THREE. VALET PERMIT

No person shall work as a valet in the City without first obtaining a valet permit from the City authorizing the holder to work as a valet in the City. Upon application by a valet parking service permit holder the Director may issue a re-occurring temporary valet permit.

A. Application for a valet permit shall be made to the Director. The applicant for the permit shall comply with the following requirements:

1. Be at least eighteen (18) years of age.
2. Be able to speak and understand directions, oral and written, in the English language.
3. Be in possession of a valid driver’s license as prescribed by the laws of the state of his/her residency and immediately report any administrative action or change in status of this license to the Director or his designee.
4. Be in possession of current criminal background checks performed by the county police department, the City police department or such other entity as the Director may direct, showing the applicant has not been convicted of a felony and has no drug or alcohol related convictions involving the operation of a motor vehicle.
5. Provide with the application an intent to hire or engage letter from the holder of a valet parking service permit.
6. Provide with the application a current (no older than 10 days) Missouri Department of Revenue Driver Record Report or if an Illinois resident, an abstract of driving record from the Illinois Secretary of State.
7. Furnish the full name and residential address of the applicant (post office box addresses will not meet this requirement), telephone land line and cell phone numbers as well as email addresses if available.
8. Furnish certification that the applicant will comply with all current and future rules and regulations promulgated by the Director.
9. Acknowledge by signature at the time of original permitting and at any renewal the receipt of a copy of the current Director’s Rules for Valets which shall include an acknowledgement that by accepting the Valet Permit the valet assumes the responsibility of becoming familiar with and adhering to each applicable section of the Director’s Rules for Valets.

B. The Director will deny (or revoke if appropriate) an application for a valet permit if the Director determines that:

1. The applicant has made any material intentional misstatement or misleading statement, or omission of fact in the application.
2. The applicant has been convicted of or pled guilty to any one of the following:
 - a. Felony violation of any state statute or law involving any crime against persons, including but not limited to all forms of assaults within ten (10) years of the application or within ten (10) years of release from prison for said felony conviction.
 - b. Felony violation of any state statute or law within ten (10) years of the application or within ten (10) years of release from prison for said felony conviction.
 - c. Driving while his or her Missouri's driver's license was suspended or revoked within five (5) years of the date of the application.

d. Driving while intoxicated or some other drug or alcohol-related traffic offense within five (5) years of the application.

e. Criminal or driving activity which the Director determines may pose a risk of danger to the traveling public.

3. The applicant has violated any provision of this code, including nonpayment of administrative penalties.

4. If the Director determines that charges in the nature of the above-listed violations are pending against the applicant, the Director may hold the application until the charges have been resolved to the Director's satisfaction.

C. Upon approval of the application for valet permit and payment of the appropriate fee, the Director shall issue valet permit to the applicant. The driver shall display the valet permit as instructed by the Director during all times that he is working.

D. The fee for a valet permit shall be determined annually by the Director and published by the Director. The fee shall not exceed one hundred dollars (\$100.00) per year and will be established taking into account the cost of administration, investigation, enforcement, record keeping, and all associated overhead of the valet parking program. The valet permit shall be valid for one (1) year from date of issuance.

E. The fee for any replacement license shall be determined annually by the Director and published by the Director.

F. A fee of fifty dollars (\$50.00) per permit will be assessed for failure to renew a valet permit by the prescribed date. Permits may be renewed up to sixty (60) days in advance of expiration. Permits allowed to expire will require the permittee to begin the process as though applying for the first time including all tests, documentation and fees.

G. If the Director denies a permit to an applicant or places the application on hold because of pending charges, the decision shall be in writing stating the reason for said action and the procedure for appeal pursuant to this ordinance and sent by certified or registered mail to the applicant.

H. Altering or forging a valet permit is prohibited and shall result in revocation of such permit.

SECTION FOUR. ESTABLISHMENT OF SPECIAL VALET ZONES AND SELECTION OF OPERATORS.

A. In certain areas of the City the Director of Streets may determine that due to a multiplicity of businesses, limited street frontage, high volumes of traffic, and a lack of readily available public parking to provide for the public safety and general welfare of its citizens, it is in the best interests of the City, to prohibit the establishment of multiple valet parking zones operated by multiple valet parking service operators selected by the parking zone permit holders. In such areas the Director may establish a Special Valet Zone within which the City of St. Louis will select an exclusive valet parking service to operate. When the Director of Streets has made this determination that a Special Valet Zone is necessary, the Director will publish in the City Journal and in one newspaper of general circulation within the City that the City will be accepting proposals from valet parking services to operate in the Special Valet Zone in accordance with rules and regulations established by the Director. The proposal and its review will be in accordance with City Ordinance _____ as amended, regarding selection of professional services for the City. The City of St. Louis may enter into a one year agreement with the selected valet parking service such terms and conditions as determined by the Director of Streets in conjunction with the City Counselor. This agreement may be extended not more than two one year terms.

SECTION FIVE. PENALTIES. Any person who violates or fails to comply with or who permits or causes any person in his/her/its employ to violate or fail to comply with any of the provisions of this ordinance shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) or a term of imprisonment of not more than ninety (90) days or both such fine and imprisonment. Each day that such violation continues shall constitute a separate violation of the provisions of this ordinance.

SECTION SIX. SEVERABILITY. It is hereby declared to be the intention of the Board of Alderman that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section, and subsection hereof and that the Board of Alderman intends to adopt each said part, section and subsection separately and independently of any other section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless

the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

Approved: March 28, 2012