

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
FEBRUARY 24, 2009 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Valet Parking Ordinance	Resolution ✓ Ordinance Motion Discussion Only	David Fieldman Village Manager

SYNOPSIS

An ordinance has been prepared amending the Village Code to create a Valet Parking Ordinance.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2008-2013 identified *Authentic Downtown – The Heart of Our Community*. A supporting objective of this goal is *Easy Access and Parking in Downtown*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the March 3, 2009 active agenda.

BACKGROUND

Village staff received a request from the Downtown Management Corporation (DMC) to allow for the operation of valet parking services in the downtown area. The DMC feels that permitting the operation of valet parking immediately adjacent to specific businesses, especially restaurants, would improve access and increase business.

The current Village Code does not specifically permit or prohibit valet parking operations. The proposed Valet Parking Ordinance would permit the operation of valet parking on public streets provided that certain conditions are met and the Village Manager issues a valet parking permit. The key elements of the proposed Valet Parking Ordinance are as follows:

- An application for valet parking permit shall be filed with the Village. The application shall include contact information about the operator, a copy of their Illinois business license number, a general description of the proposed operation including a site plan for the loading zone and proof of insurance.
- Permits may be issued for properties located within the Downtown Business District.
- Vehicle loading shall take place in an approved loading zone. Any loading zone on a public street shall be approved by the Village Engineer. The Village may require loading zones to be shared by permit holders.
- Vehicles shall be parked on private, nonresidential property pursuant to a written agreement or on the fourth level of the Village parking deck or in Parking Lot A (southwest corner of Main and Warren).
- Valet operations shall not obstruct traffic flow or block a no parking zone.

- The permit may contain conditions necessary to promote public safety.
- Permit holders shall provide an indemnification and waiver agreement.
- The annual fee for a valet parking permit is \$25

The DMC supports the proposed ordinance.

ATTACHMENTS

Proposed Valet Parking Ordinance

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ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING VALET PARKING PROVISIONS

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading**/underline; deletions by ~~strikeout~~):

Section 1. That Section 14.86. is hereby amended to read as follows:

14.86. Parking prohibited in specified places.

(a) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty feet of a crosswalk at an intersection, unless otherwise specifically marked as a parking space;
- (7) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (8) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the Village indicates a different length by signs or markings;
- (9) Within fifty feet of the nearest rail of a railroad grade crossing;
- (10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of such entrance when properly posted;
- (11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
- (12) On the roadway side of any vehicle parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (14) At any place where official signs prohibit parking.
- (15) In a designated fire lane on public property.
- (16) In any fire lane on private property which is designated as required under Section 17-45 of this Code and for which the Village has entered into an agreement with the property owner, lessee or manager for enforcement of the fire lane restrictions.
- (17) In any parkway, except on an authorized driveway.
- (18) In an authorized valet loading zone.

(b) No person other than a police officer, as provided in Section 14-91 shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful or start to cause to be started the motor of any motor vehicle, or shift, change, or move the levers, brake, starting device, gears, or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so.

Section 2. That Section 14.179ART is hereby added to read as follows:

14.179ART Article XI. Valet Parking

Section 3. That Section 14.180. is hereby added to read as follows:

14.180. Definitions.

As used in this chapter, the following terms shall mean:

Business. A business located within the DB Downtown Business District which makes valet parking services available to its customers.

Customer. Any person granting temporary custody of a motor vehicle to a valet parking operator for the purpose of valet parking.

Valet Loading Zone. A location which has been approved by the Village and designated as an area for pick up and discharge for valet parking.

Valet Parking Operator. A corporation, partnership, business association, or other organizational entity who, through its agents and employees, provides valet parking services.

Valet Parking Services. A service provided to customers by which an attendant on behalf of a business establishment takes temporary custody of the customer's vehicle and moves, parks, stores or retrieves the vehicle for the customer's convenience.

Section 4. That Section 14.181. is hereby added to read as follows:

14.181. Valet Parking - Permit Required.

It shall be unlawful for any person to offer or provide valet parking services in the Village without a valid valet parking permit issued in accordance with this section.

1. An application for a valet parking permit shall be filed with the Village by the operator or business on a form supplied by the Village and shall include:

a. The operator's company name and license holder, address, and telephone and facsimile numbers.

b. The operator's state of Illinois business license number.

c. The business name, address, telephone and facsimile numbers, and the name of the local manager for the business.

d. A general description of the valet parking operation as proposed, including the site or sites upon which cars will be temporarily stored and the location of all valet loading zones.

e. Copies of any leases or other written agreements pursuant to which a business or operator is authorized to use real property which it does not own for the temporary storage of customers' vehicles.

f. If a valet parking operation will be performed for the business by a separate operator, a copy of a fully executed contract between the business and the operator.

g. The operator's insurance company name, address, telephone number, amount of coverage and effective dates of the policy. Proof of the operator's insurance for protection from claims under the workers' compensation act and claims for bodily injury including personal injury and death, sickness or disease or death of any and all employees or of any person other than such employees, and from claims or damages because of injury to or destruction of property including loss of use resulting therefrom which may arise from the valet parking operation in the following specified amounts:

<u>Type Of Insurance</u>	<u>Limits</u>
<u>Workers' compensation</u>	<u>Statutory limits</u>
<u>Comprehensive automobile liability</u>	<u>\$1,000,000.00</u>

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including owned, non-owned and hired

<u>General liability aggregate</u>	<u>\$2,000,000.00</u>
<u>Bodily injury:</u>	
<u>Annual</u>	<u>\$1,000,000.00</u>
<u>Each occurrence</u>	<u>\$1,000,000.00</u>
<u>Property damage:</u>	
<u>Annual</u>	<u>\$500,000.00</u>
<u>Each occurrence</u>	<u>\$500,000.00</u>
<u>Umbrella</u>	<u>\$2,000,000.00</u>

The operator shall name the Village as an additional named insured under the above said liability and umbrella policies, which policies shall provide that no policy or any part thereof may be terminated or modified except upon thirty (30) days' prior written notice to the Village.

The operator shall provide the Village with a proper insurance certificate showing the policy limits and coverages afforded the Village, and upon request, with certified copies of the policies.

Every operator shall procure and maintain such insurance coverage, at its sole expense, at all times during which any valet parking operation is being conducted and at all times any valet parking permit is in effect.

2. Valet parking permits may only be issued to businesses or operators for valet parking services located within the DB Downtown Business District.

3. No valet parking permit shall be issued without an indemnification and waiver agreement signed by the applicant promising to hold harmless and defend the Village or any of its agents, officials, and employees from and against any property damage, personal injury or death that may result from granting the permit or from the valet parking operation.

4. Upon receipt of a completed application form, payment of all required fees and compliance with all other applicable requirements of this section, and upon review and recommendation from the Downers Grove Downtown Management Corporation Board and approval by the Village Manager, the Village may issue a valet parking permit. Such permit may contain such conditions and limitations as are necessary to promote safe and sound passenger loading and unloading, vehicle transfer, and traffic movement, as may be determined by the Village. The Village may require loading zones to be shared by one or more permit holders.

5. No valet parking permit or renewal thereof, shall be issued to any applicant who has violated any of the provisions of this section two (2) or more times within a one hundred eighty (180) day period prior to the date of the application, or three (3) or more times within the three hundred sixty five (365) day period prior to the date of the application.

6. Valet parking permits shall be nontransferable.

7. Within ten (10) days after a change in status of any of the information required, per the application, the business or operator shall file an amended application for valet parking permit.

Section 5. That Section 14.182. is hereby added to read as follows:

14.182. Permit Fees.

The fee for a valet parking permit shall be twenty-five dollars (\$25.00) per year beginning on the date the permit is issued by the Village.

Section 6. That Section 14.183. is hereby added to read as follows:

14.183. Valet Loading Zones.

Any valet loading zone on a public right of way in conjunction with a valet parking operation within the Village shall be approved by the Village engineer, or his or her designee, and shall be conducted in accordance with the requirements of this section:

1. All such loading shall take place:

a. In a driveway or private parking lot; or

b. In the approved "authorized valet loading zone". An approved valet parking transfer zone shall be the on the street area immediately adjacent to the curb, as designated in an approved valet parking permit. No valet loading zone shall be effective unless and until the designation is approved.

2. All vehicles accepted for valet parking shall be immediately removed to the storage area specified in the valet parking permit.

3. Each valet loading zone shall, during the hours in effect, be designated and posted as a no parking zone.

4. The Village Manager may, in his/her sole discretion, revoke or move a transfer zone at any time if it is determined that the transfer zone, or its location, has increased traffic congestion or traffic hazards in the public streets, or otherwise has impaired the public health, safety or welfare.

Section 7. That Section 14.184. is hereby added to read as follows:

14.184. Specified Storage Areas for Valet Parking Operations.

Section 8. That Section 14.185. is hereby added to read as follows:

14.185. Operating Procedures.

1. Every business establishment for which a valet parking permit is issued shall, during the hours of service, display a sign, providing valet information. The sign shall be easily visible to patrons as they enter the authorized valet loading zone and shall only be displayed during the hours that valet parking service is provided.

2. No valet parking operator shall park or cause its agents to park customers' vehicles upon the streets or public rights of way. The fine for any parking or compliance violations incurred by a vehicle while in the custody of a valet parking operator shall be the sole responsibility of the valet parking operator and shall, upon the occurrence of a final determination of liability, constitute a debt due and owing to the Village. The valet parking operator's failure to pay any such fine upon notice by the Village shall subject the operator to the penalties and revocation of permit.

3. The valet parking operator shall ensure that a supervisor designated by the valet parking operator is at

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the authorized valet loading zone at all times during operation.

4. The valet parking operator shall provide adequate staffing to ensure that vehicles do not remain in the authorized valet loading zone for longer than fifteen (15) minutes.

5. Each attendant of a valet parking operator shall, while on duty, wear conspicuously placed on his clothing an insignia which identifies the valet parking operator for whom the attendant is working.

6. Every valet parking operator or attendant shall carry on his person a valid current driver's license at all times while in control of a customer's vehicle. In addition to the penalties otherwise provided for violation of this section, any person violating this subsection shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than five hundred dollars (\$750.00) for each offense. Any penalty for violation of this subsection shall be assessed against, and shall be the responsibility of, the holder of the valet parking operator license.

Section 9. That Section 14.186. is hereby added to read as follows:

14.186. General Prohibitions and Penalties.

1. No person may park any vehicle in any manner which violates the provisions of this chapter or any other duly adopted parking regulation.

2. In conducting a valet parking operation:

a. no person may obstruct the normal flow of traffic or block or occupy a "no parking zone";

b. no person shall provide valet parking at a location not authorized by the Village;

c. no person shall park the customer's vehicles on a public street or other unauthorized parking zone;

d. no person shall place signs, cones, or any other object in a traffic lane that would obstruct traffic or hinder movement;

e. no person shall allow vehicles to remain in the authorized valet loading zone longer than fifteen (15) minutes; and

f. no person shall violate any State laws or local ordinances;

3. Except as specified herein, any person violating any provision of this article shall, upon a finding of guilty, be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

4. Failure to comply with any of the provisions of this Chapter, may subject a permit holder to a revocation, suspension or non-renewal of the valet parking permit. A valet parking permit may be revoked by the Village Manager for cause, at any time. Evidence that the permittee has violated any ordinance relating to the permit, the subject matter of the permit, or the premises occupied, shall constitute sufficient cause for revocation. Notice of the revocation shall be served on the permittee, personally or by certified mail, at the address stated in the permit application. Within seven (7) days of the date of the notice of revocation, the permittee may request an informal hearing before the Village Manager, and at that time, may present evidence showing that the permit should not be revoked. The Village Manager shall then affirm or vacate the revocation.

Section 10. That Section 14.187. is hereby added to read as follows:

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14.187. Liability of Village Limited.

The Village assumes no liability for any aspect of a valet parking operation or for the failure or neglect of any person associated with such an operation.

Section 11. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 12. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk