



City Clerk's Office
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 Berkley, MI 48072
 248-658-3300
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CITY OF BERKLEY, MICHIGAN

VALET PARKING APPLICATION

Pursuant to *Chapter 30 Businesses, Article XIII - Valet Parking* of the City of Berkley Code of Ordinances

Please check one:

Initial Permit (\$200)

Renewal Permit (\$100)

Special Permit (\$50)

Valet Service Information

Valet Company Name: _____ Phone: _____

Address: _____ Zip Code: _____

Contact Person: _____ Phone: _____

Email: _____ Fax: _____

Hours of Valet Operation (fill in operating hours for each day):

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

Business Information

Business Name: _____ Phone: _____

Address: _____ Zip Code: _____

Contact Person: _____ Phone: _____

Email: _____ Fax: _____

Number of Employees: _____ Business Seating Capacity: _____

The following documents must be included with application:

- Signed statement from the Owners and/or Managers of the business to be served
- Copy of agreement between the Valet business and the Owner/Operator of the parking lot to be used
- List of any equipment/structures to be used during valet parking service
- Map displaying:
 - vehicle drop-off & pick-up points
 - route used by valet parking attendants
 - the parking location
 - location of any Valet Parking signs, attendant stands/shelters
- Valid Proof of Insurance:
 - Commercial General Liability Insurance (min limit \$1,000,000)
 - Garage Keepers Legal Liability Insurance (min limit \$250,000 & \$1,000,000 aggregate)
 - Comprehensive Motor Vehicle Liability Insurance (min \$500,000)

Applicant Signature: _____ Date: _____

OFFICE USE ONLY

Date received: _____ Clerk: _____

License fee: \$200 – Initial Permit \$100 – Renewal \$50 – Special Permit

Payment type: _____ Cash _____ Check #

Documents submitted: _____ Signed service request _____ Proof of Insurance (3)
_____ Map _____ Parking agreement _____ Equipment list

Public Safety Approval: _____ Date: _____

Date Issued: _____ Clerk: _____

License #: _____ Expiration Date: _____



CITY OF BERKLEY, MICHIGAN CODE OF ORDINANCES

AN ORDINANCE

O-01-15

of the City Council of the City of Berkley, Michigan
Adding Article XIII-Valet Parking
to Chapter 30 Businesses,
of the Berkley City Code to Add the City's Valet Parking Rules.

THE CITY OF BERKLEY ORDAINS:

Section 1: Article XIII shall be added to Chapter 30 of the Berkley City Code, as follows:

ARTICLE XIII – VALET PARKING

Sec. 30-700 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.

Person means a natural person, firm, partnership, association, company, corporation or other entity.

Public Property or Right-of-Way means any area that is publicly owned or dedicated for public use as public land, public parking lot, or public highway, pedestrian way or other thoroughfare, including but not limited to, public roads, streets, alleys, sidewalks, pedestrian paths and parking areas.

Valet Parking means the receiving, taking possession of, driving, moving, or parking of any vehicle that is left with an attendant at one location to be driven to another location for parking, regardless of whether a fee is charged for the Valet Parking service.

Valet Parking Attendant means an employee or agent of the Valet Parking Operator who receives, takes possession of, moves or parks any vehicle, or who handles the keys to a vehicle, left for Valet Parking.

Valet Parking Operator means a person engaged in the business of Valet Parking.

Sec. 30-701 Permit.

(a) *Permit Required.* No person shall engage in, conduct, or carry on Valet Parking that uses the public property or right-of-way for drop-off, return or movement of vehicles in the City of Berkley without an annual or daily Valet Parking permit from the City's Public Safety Director and the payment of a permit fee established by City Council resolution.

(b) *Responsibility for Permit.* The Valet Parking Operator shall be responsible for applying for and obtaining the permit. No permit shall be required under this section if the Valet Parking Operator is providing services for a non-recurring special event held at a private residence.

Sec. 30-702 Additional application requirements.

A Valet Parking Operator applying for a Valet Parking permit shall furnish the following information with the application:

- (1) The name and location of the business to be served;
- (2) The seating capacity or other occupancy capacity of the business to be served;
- (3) A signed statement or contract from the owners or managers of the business to be served requesting the services of the applicant. The applicant shall notify the Public Safety Director within ten (10) calendar days of any material change in or termination of any agreement for Valet Parking services;
- (4) The hours of operation and the number of employees and agents of the applicant who will be assigned to that location;
- (5) The name and location of the parking lot(s) where vehicles will be valet parked for the business served;
- (6) The name, location and mobile telephone number of the applicant's representative who shall be available to be contacted during the hours of operation for the business served;
- (7) A map showing the route to be used by Valet Parking Attendants between the vehicle drop-off and pickup points and the parking location;
- (8) A copy of the agreement between the applicant and the owner or operator of the parking lot or facility designated as the parking location. The agreement shall include a written statement for the parking lot or facility designated as the parking location regarding that lot or facility's capacity to accept the cars, the number of spaces to be reserved for the applicant's operations, the total number of spaces, and any conditions or restrictions on use of the parking lot or facility. The applicant shall notify the Public Safety Director within ten (10) calendar days of any material change in or termination of the agreement;
- (9) A plan showing the location of any proposed Valet Parking signs and any proposed attendant stands or shelters;
- (10) A list of Valet Parking equipment intended to be used during Valet Parking service;
- (11) Proof of Insurance satisfying the requirements specified in section 30-703 below.

Sec. 30-703 Operating requirements.

(a) *Operating in the Public Rights-of-Way.* Except as expressly authorized in the permit, the Valet Parking Operator shall not allow a patron's vehicle to be parked or left standing in the public right-of-way or other public property (including any public on-street or off-street parking space); or

(b) *Sidewalk Blockage.* The Valet Parking Operator shall ensure that sidewalks and pedestrian paths are not obstructed by Valet Parking service.

(c) *Parking on Private Property.* The Valet Parking Operator shall at no time allow a patron's vehicle to be Valet Parked on private property without permission of the property owner or other person in control of the private property.

(d) *Valet Parking Attendants.* The Valet Parking Operator shall not allow vehicular and pedestrian traffic on the public right-of-way to be impeded by the Valet Parking services.

(e) *Locking of Vehicles.* The Valet Parking Operator shall ensure that Valet Parking Attendants lock the patron's vehicle, remove the key and place the key in a secure place. The Valet Parking Operator shall ensure that Valet Parking Attendants do not leave the key in or on the patron's parked vehicle.

(f) *Sign Requirements.* The Valet Parking Operator shall maintain, at each location where a patron surrenders a vehicle for parking, a sign plainly visible from the street with letters/numerals in contrasting colors, showing the Valet Parking Operator's name, the address and telephone number of the business, the hours of operation and the Valet Parking fees, if any.

(g) *Rate Restrictions.* The Valet Parking Operator shall not charge higher rates for Valet Parking than the rates posted.

(h) *Closing Time.* At closing time, the Valet Parking Operator shall lock all vehicles that remain in its possession or custody. The Valet Parking Operator shall deposit the keys with a responsible person at a secure and convenient place, to be delivered to the person who left the vehicle upon surrender of the claim check or other proof that the person has the right to possess the vehicle, and payment of the applicable parking fees or charges.

(i) *Parking Longer Than 48 Hours – Notice to Police.* The Valet Parking Operator shall notify the Public Safety Department whenever a vehicle has been left in its custody for a period exceeding forty-eight (48) hours without a prior contractual arrangement for such period of time.

(j) *Drivers License.* The Valet Parking Operator shall ensure that all Valet Parking Attendants who drive a patron's vehicle have and possess a current and valid Michigan driver's license.

(k) *Records.* The Valet Parking Operator shall maintain an updated list of the names and residence addresses of its Valet Parking Attendants. The list shall be maintained at the business address listed on the permit application and shall be produced on demand to any Public Safety Officer.

(l) *Valet Parking Equipment.* Attendant stands and other equipment shall not be placed in the public right-of-way during Valet Parking operations unless approved by the City's Public Safety Director.

(m) *Traffic Safety.* The Valet Parking Operator shall ensure that Valet Parking services do not interfere with the normal flow of vehicle traffic in the public right-of-way. No vehicle queuing is allowed on the public right-of-way.

(n) *Insurance Requirements.*

- (1) The Valet Parking Operator shall obtain, carry and maintain in full force and effect:
 - (i) Commercial general liability insurance on an "Occurrence Basis" with minimum limits of One Million Dollars (\$1,000,000.00) per occurrence and/or aggregate combined single limit insuring against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the Valet Parking Operator, its agents and employees.
 - (ii) Garage keeper's legal liability insurance with minimum limits of Two Hundred Fifty Thousand Dollars (\$250,000.00) per occurrence and One Million Dollars (\$1,000,000.00) in the aggregate. Garage keeper's legal liability coverage may be secured as a separate insurance policy or secured as part of an insurance policy providing other required coverages.
 - (iii) Comprehensive Motor Vehicle Liability insurance, including applicable No-Fault coverages, with minimum limits of \$500,000 per occurrence combined single limit, bodily injury and property damage coverage shall include all vehicles in the possession of the Valet Parking Operator, its agents and employees in conjunction with the operation of vehicles pursuant to the permit.
- (2) Insurance must be placed with insurers licensed and admitted to do business in the State of Michigan.
- (3) The Valet Parking Operator shall maintain on file with the Public Safety Director a certificate of insurance showing that the policies of insurance required by this section are in effect in the required amounts.
- (4) The Valet Parking Operator shall obtain, carry, maintain and keep in full force and effect workers compensation insurance as required by law.

Sec. 30-704 Revocation and suspension.

(a) *Authority to suspend.* The City's Public Safety Director may order any Valet Parking permit issued under this article to be suspended for up to one (1) year when a Valet Parking Operator fails to comply with or violates any regulation or requirement of this article.

(b) *Revocation.* If a Valet Parking Operator has been suspended two or more times, the City Manager may order the Valet Parking permit permanently revoked if the Valet Parking Operator again fails to comply with or violates any regulation or requirement of this article.

(c) *Notice of suspension or revocation.* Notice of suspension or revocation shall be given in writing to the Valet Parking Operator.

(d) *Appeal of suspension or revocation.* Upon written request of the Valet Parking Operator, a hearing to appeal such suspension or revocation shall be held before the City Council. Upon receipt of a written appeal, the city council shall set a hearing date within a reasonable period. Notice of hearing shall be given in writing by first class mail to the appellant at least three (3) days prior to the date of the hearing. The notice shall state the grounds for the suspension or revocation of the permit and shall state the time and place where the hearing will be held.

(e) *Reapplication after suspension.* After the termination of the suspension, a Valet Parking Operator may reapply for a new permit. Before a new permit is issued, the Valet Parking Operator must meet all of the application requirements and qualifications and pay all fees provided in this article.

Sec. 30-705 Violation.

In addition to or in lieu of revocation or suspension of the permit in accordance with the preceding section, violations of the operating requirements in section 30-703 of this article, or any supplemental rules or regulations adopted by the Public Safety Department governing Valet Parking, may be prosecuted as municipal civil infractions subject to the procedures, sanctions and remedies of Chapter 82, Article IX of the City Code.

Any person operating as a Valet Parking Operator without a permit as required in section 30-701 of this article shall be guilty of a misdemeanor.

Section 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

Section 3: Effective Date

This Ordinance shall become effective thirty (30) days following the date of adoption in accordance with the City Charter.

Section 4: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with state law and City Charter.

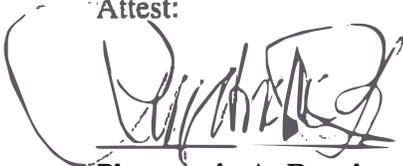
Introduced on the First Reading at a Regular Meeting of the Berkley City Council on Monday, March 2, 2015.

Adopted on the Second Reading at a Regular Meeting of the Berkley City Council on Monday, March 16, 2015.



Phil O'Dwyer
Mayor

Attest:



Phommady A. Boucher
City Clerk