

Eff. 7/1/06

ORDINANCE NO. 3695

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
BURBANK AMENDING CHAPTER 29 OF THE BURBANK  
MUNICIPAL CODE TO AUTHORIZE VALET PARKING BY  
PERMIT.

City Attorney's Synopsis

This ordinance amends Chapter 29 of the Burbank Municipal Code to allow, pursuant to a permit and under certain conditions, the operation of valet parking operations.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

- A. Parking and congestion are significant concerns for residents of and visitors to the City.
- B. The City does not presently have a local ordinance which regulates valet parking throughout the City.
- C. This lack of regulation has resulted in improper circulation patterns, storage of vehicles on City streets, loading and unloading of vehicles that interferes with auto and pedestrian circulation, and the disruption of adjacent residential neighborhoods.
- D. The purpose of the ordinance is to allow valet parking to be conducted in the City as a means to increase convenience of access to certain parking spaces, while regulating aspects of this activity so as to limit its potential to create traffic congestion, unsafe circulation patterns or otherwise degrade the public health safety and welfare.
- E. The downtown portion of the City presents unique issues for valet operations due to the high parking demand and existing congestion.
- F. These unique conditions require the need for the coordinated management of valet operations. The City desires to control all valet operators who use public right of way for valet operations.

G. There is no possibility that this Ordinance may have a significant effect on the environment, and therefore it is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines.

THE COUNCIL OF THE CITY OF BURBANK ORDAINS:

1. Chapter 29 of the Burbank Municipal Code is amended to add Article 29, Valet Parking, to read as follows:

**Sec. 29-2901. Definitions.**

For purposes of this chapter, the following words shall have the following meanings:

1. "Director" means the Director of Public Works or his or her designee.
2. "Operator" means any person engaged in the business of a valet parking operation.
3. "Public right-of-way" shall mean any area dedicated for public use as a public street, pedestrian way, or other thoroughfare, including but not limited to, roadways, parkways, alleys, sidewalks, and pedestrian ways.
4. "Route diagram" means a written plan describing the travel route from the location where the valet parking operation will be performed to the off-street parking location at which vehicles will be parked.
5. "Valet parking service" shall mean and include a business establishment engaged in, conducting or managing the parking of other person's motor vehicles, whether such persons are employed by, or under contract to, the business, residence or other organization for which the vehicles are being parked or whether such persons are operating independently thereof.
6. "Valet stand" means a sign or kiosk, temporary or permanent, approved by the director designating the location and hours of an authorized valet parking operation.

**Sec. 29-2902. Permit required.** It is unlawful for any person to operate, engage in, conduct, manage, or cause to be operated, any valet parking operation or any related activity where movement of vehicles is on or over any public-right-of-way or public property without a City-issued valet parking permit. On private property the additional authorization of the owner or lessee of such property is required.

**Sec. 29-2903. Permit Application Requirements.** Regular and temporary valet parking permits shall be issued as follows:

- (1) All regular permit applications shall be completed on a form designated by the Director, and signed by the valet operator under penalty of perjury. All forms shall be filed with the Department of Public Works a minimum of thirty (30) days prior to the date requested for the issuance of the permit. Regular valet parking permits shall be issued annually. Renewal applications shall be filed a minimum of thirty (30) days prior to the expiration of any existing permit. City reserves full discretion to deny any application. Where valet operator is a corporation, association, partnership, or other legal entity, "valet operator" shall mean each partner, officer, director, and each shareholder owning

or controlling more than ten percent (10%) of such entity. All valet operators applying for valet parking permits shall provide the following information with their applications:

(a) The hours of operation and the number of employees of the operator who will be assigned to carry out the activity for which the license is sought;

(b) The location(s) where vehicles will be parked or stored.

(c) The name, location, and telephone number where a responsible person, employee, or agent of the operator will be available at all times during the hours of operation;

(d) The routes to be used between the passenger loading zone or other vehicle pickup point and the parking or storage location;

(e) A statement from the owner of any parking facility designated as the parking or storage location as to that facility's ability to accept the cars, the number of spaces to be reserved for the valet operator's operations, the total number of spaces in such parking facility, and estimates of the percent usage of the facility prior to, and subsequent to the proposed activity for which the permit is sought. In cases where the parking facility is part of a building or premises devoted to other uses which require off-street parking, the statement shall also include information as to the number of parking spaces which were required by law to be provided in the parking facility to serve such other uses when said uses were established;

(f) A copy of the written contract or covenant between the valet operator and the owner of the parking facility designated as the parking or storage location, which contract or covenant shall contain a provision that it cannot be canceled without at least thirty days' notice to the other party and to the city;

(g) The location of any proposed signs for the valet service and any proposed attendant stands; design and color scheme determined by the City.

(h) Proof that the valet operator has insurance in force satisfying the requirements of Section 29-2905 acceptable to the City of Burbank Risk Manager; and

(i) Payment of a nonrefundable application fee, space use fee, and if applicable, meter cover fee in an amount designated in the Fee Resolution.

(2) Temporary Valet Permits. In a circumstance involving a non-recurring special event or a special need of an valet operator to commence operations prior to the time an application can be processed for regular license issuance, a temporary permit for a period of operation not exceeding seven calendar days may be issued by the Director upon the submittal of an application, accompanied by the applicable fees, and the proof of insurance required by this chapter. Any other requirement of this chapter may be waived by the Director in connection with a short-term license if the Director finds and determines that it would be impossible or impractical for the valet operator or permittee to comply with such requirement and that compliance with such requirement is not necessary in order to protect the interest of the city or the public peace, health or safety. Nothing in this chapter shall preclude the reissuance of any such special license or the issuance of any new special license.

#### **Sec. 29-2904. Operating Requirements.**

1. Operating in the Public Rights-of-Way. The owner shall at no time, unless expressly stated on the permit, commit or do any of the following acts:

(a) Receive, take possession of (for the purpose of parking or temporary storage until the return of the same to the patron), or move a patron's vehicle upon any portion of the public right of way or other public property; or

(b) Park and leave standing any patron's vehicle upon any portion of a public right-of-way or other public property (including any publicly owned off-street parking space).

2. Parking. It shall be unlawful for any operator to park any patron's vehicle upon private property without express authorization by the owner or other person in charge of such private property.

3. Valet Attendants. The owner shall employ valet attendants/staff sufficient in number to park vehicles so that traffic on highways or sidewalks or both will not be impeded by the activities of the permittee.

4. Locking of Vehicles. Except where a patron or guest parks his or her own vehicle, the attendant parking a vehicle shall lock the ignition and the vehicle, remove the key and place the key in a safe place. The attendant shall not place the key in or upon the vehicle parked.

5. Claim check. No operator shall fail to give a claim check to the owner upon receipt of each motor vehicle accepted for valet parking. The claim check shall explicitly state the terms and conditions under which the vehicle is being accepted.

6. Permit availability. A copy of the operator's permit complete with route diagram must be maintained at every valet parking operation site.

7. Sign Requirements.

(a) Each owner shall maintain, at each location at which a patron surrenders his or her vehicle for parking, a sign plainly visible from the street with letters and numerals in contrasting colors, showing the owner's name, the address and telephone number of the business, the time when the owner is no longer on duty, and the parking fees, if any. If fees are charged, such fees also shall be stated as follows:

(1) Rates per hour;

(2) Rates per fraction of an hour, if any;

(3) Rates for subsequent hours or fractions thereof; and

(4) The maximum charge.

(b) All fractions of time must be spelled out in letters.

(c) No signs shall be posted, pursuant to this section, which would be in violation of the Burbank Municipal Code.

8. Rate Restrictions. The operator of a valet parking service shall not charge any higher rates for parking than those rates posted.

9. Closing Time. At each closing time, the owner shall lock or cause to be locked each vehicle, except those locked by the person bringing the vehicle to the valet parking service, if a key is available, and shall deposit or cause to be deposited such key with a responsible person at a safe and convenient place, to be delivered to the person who parked the vehicle upon surrender of the parking ticket if one was given to such person, or otherwise upon proof that such person has the right to possess the vehicle.

10. Parking Longer Than Forty-Eight Hours - Notice to Police. The owner, or his or her agents and employees, shall notify the Police whenever a vehicle has been left in his or her custody for a period in excess of forty-eight hours without a prior contractual

arrangement for such period of time in order to determine whether the vehicle is stolen or abandoned.

11. Employee Identification. The owner and all employees of the owner who drive patrons' vehicles or who handle keys belonging to patrons shall each have an appropriate current and valid California driver's license.

12. Location and minimum space requirement. All valet parking operations shall be conducted at valet zones, with a minimum space of 40 feet along the curb. No operations shall be allowed in diagonal parking spaces. The City reserves the right to permit multiple valet operators at any one location.

13. Downtown Parking District. Location of acceptable valet parking in the Downtown Parking District, as defined in Section 31-1407.1, shall be designated by the Director.

### **Sec. 29-2905. Insurance.**

(a) Prior to the issuance of a permit under this Chapter, the valet operator shall maintain a business auto liability policy, to include garagekeeper's legal liability, with a limit of not less than \$100,000 for each accident.

(b) The City of Burbank shall be covered as an additional insured under the business auto liability policy of the permittee.

(c) Insurance must be placed with insurers admitted in the State of California or have a current A.M. Best rating of no less than A:6.

(d) The insurance policy shall be endorsed to state that coverage shall not be cancelled except after thirty (30) days prior written notice by certified mail has been given to the City.

(e) Prior to the issuance of a permit under this Chapter, and at all times while the permit is in effect, the valet operator shall maintain on file with the City proof of the insurance required herein and provide the City a copy of applicable insurance policies.

(f) If the insurance policies issued to the valet operator pursuant to this Chapter are cancelled for any reason, the permit issued under this Chapter is automatically suspended. In order to reinstate the permit, the permit holder shall provide a new certificate and policy of insurance to the City.

(g) The valet operator shall maintain in force and effect at all times while the permit is in effect Workers' Compensation insurance as required by law.

### **Sec. 29-2906. Indemnity.**

The valet operator, and any person acting under or pursuant to a permit, agrees to indemnify, hold harmless, release and defend (even if the allegations are false, fraudulent or groundless), to the maximum extent permitted by law, and covenants not to sue, the city, its council and each member thereof, and its officers, employees, commission members and representatives, from any and all liability, loss, suits, claims, damages, costs, judgments, costs, end expenses (including attorney's fees and costs of litigation) which in whole or in part result from, or arise out of, directly or indirectly, wholly or in part, or are claimed to result from, or arise out of: (1) any use or performance under the permit; (2) the activities and operations of the operator and their employees, subcontractors or agents; (3) any condition of property used in the operation; or (4) any acts, errors or omissions (including, without limitation, professional

negligence) of the operator or sponsor and their employees, subcontractors or agents in connection with the valet parking operation.

This indemnity includes, but is not limited to, personal injury (including death at any time) and property or other damage sustained by any person or persons (including, but not limited to, companies, or corporations, permittee and its employees, valet parking customers and members of the general public).

**Sec. 29-2907. Regulations.**

(a) The Director may from time to time issue written regulations for distribution to valet operators regarding the implementation of the provisions of this Chapter, including, but not limited to, the safe and lawful conduct of all valet operations, permit application procedures and permit standards.

(b) Such regulations shall be binding upon valet operators, who shall comply with such written regulations as a term and condition of the permit.

**Sec. 29-2908. Authorized valet parking locations.**

A valet parking operation may be conducted only at a location and during hours approved by the Director and designated by official valet parking signs stating the authorized location and hours of operation. Permits shall designate the specific location for which a valet parking operation is approved. Valet parking operations are permitted as a special privilege and not as a matter of right and are considered temporary, nonpermanent and for a nonexclusive use of the specific location. Where multiple valet parking operation locations on any particular street are found by the Director not to unreasonably and regularly interfere with the use of available street parking, the Director may issue a permit that designates the same location for a second or more valet parking operations.

**Sec. 29-2909. Conformance with applicable laws.**

Nothing in this Chapter is intended to authorize or authorizes the parking of motor vehicles by valet parking operators in a manner contrary to, and all valet owners shall comply with, applicable state laws and local parking and traffic regulations, including the Burbank Municipal Code.

**Sec. 29-2910. Conditions imposed on permit.**

(a) Conditions may be imposed on the permit as are reasonably necessary to protect the peace and tranquility of any residential area, mitigate traffic impacts, protect other uses in the area, or protect the public health, welfare and safety.

(b) Any person issued a permit pursuant to this Chapter shall comply with all conditions that are imposed as part of the permit pursuant to subsection (a) of this Section.

**Sec. 29-2911. Penalty fees.**

(a) For failure to pay a permit fee when due, the Director may, in her or her designee's discretion, revoke or terminate the permit or add a penalty of ten percent (10%) of the original permit processing fee on the last day of each month after the due date, provided

that the total penalty to be added shall in no event exceed fifty percent (50%) of the amount of the original fee.

(b) Any person who participates in a valet parking operation prior to obtaining a permit therefore shall pay a penalty fee double the application fee for the first six (6) months of properly permitted use. The payment of the additional fee shall not relieve such person from the obligations imposed by this chapter, or from the penalties otherwise prescribed herein.

**Sec. 29-2912. Annual report.**

An annual report must be filed by the valet operator with the Director, which shall include a verification that the permittee is in compliance with the provisions of this chapter and such further information as the director may require.

**Sec. 29-2913. Suspension of operations.**

(a) A police officer may suspend all operations of a valet parking operator in any location, except for retrieval of vehicles already subject to valet parking, for the remainder of the day's hours of operation (which suspension may extend to 8:00 a.m. of the following day), upon the issuance, the operator or its employees, of two or more citations for violation of the California Vehicle Code in any 5-hour period in said location.

(b) A police officer may suspend all operations of a valet parking operator in any location, except for retrieval of vehicles already subject to valet parking, for the remainder of the day's hours of operation (which suspension may extend to 8:00 a.m. of the following day), upon the occurrence, in said location, of any traffic collision arising out of operating conditions or where otherwise required because of an emergency situation whether or not arising from the operation of the valet parking operation.

**Sec. 29-2914. Grounds for Revocation or suspension or denial.**

(a) A permit may be suspended, revoked or denied by the Public Works Director if:

(1) The permittee, or his or her agents or employees, through carelessness, negligence or failure to make proper provision for the safeguarding of vehicles left in their custody, has facilitated or contributed toward the theft or conversion of any such vehicle; or

(2) The permittee, or his or her agents or employees, has failed to cooperate with the Burbank Police Department in the investigation of any theft or other crime committed on a parking lot used or which arose out of the conduct of the business for which the permit was issued; or

(3) The permittee, or his or her agents or employees, knowingly delivered a vehicle in their custody to a person who is neither the registered owner thereof nor entitled to the custody of such vehicle.

(4) The permittee does not have a valid permit from the City of Burbank.

(5) The permittee has made a material misrepresentation in his/her application.

(6) The business or valet operation prescribed by the permittee has substantially impacted traffic or disrupted the peace and quiet within any area of the City.

(7) The valet parking operation at the specified locations is found to be incompatible with other uses in the vicinity.

(8) The permittee has violated any condition of a previous or existing permit within the City of Burbank during the past five years.

(9) The proposed valet operation fails to comply with other criteria designated under this Section for the issuance of a permit or any other rules or regulations governing valet parking.

(10) The building, structure, premises or equipment used by the permittee to conduct business fails to comply with all applicable health, zoning, fire, building and safety laws of the State or the City.

(11) The Public Works Director shall notify a valet operator in writing when a permit is denied, suspended, or revoked. In any such case, the valet operator shall have the right to appeal from this decision to the Transportation and Traffic Committee in accordance with Section 29-2915 of this Code.

**Sec. 29-2915. Appeal to Traffic Transportation Committee.**

(a) Appeal. A permittee may within fifteen (15) days after receipt of the Director's decision to deny, revoke or suspend, or impose a condition, appeal to the Traffic and Transportation Committee by filing an application with the Director on such forms as may be prescribed by the Director, accompanied by payment of the fee in the amount set forth in the Fee Resolution, and shall include the reasons for the appeal.

(b) Hearing. The Director shall set the appeal for a public hearing before the Traffic and Transportation Committee, and give notice of the time and place of the hearing to the appellant at least ten days (10) prior to such hearing.

(c) Findings. The Director's decision may be overturned if it is based on error, or is otherwise determined unreasonable.

(d) Appeal to Permit Appeals Panel. A further appeal may then be allowed by appellant and/or the Director, to the Permit Appeals Panel pursuant to the procedure set forth in Chapter 2, Article 15 of the Code.

2. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof has been deleted.

3. The City Clerk shall certify to the passage of this Ordinance and cause the City Attorney Synopsis of this Ordinance to be published once in a newspaper of general circulation, published and circulated in the City of Burbank, California.



4. This Ordinance shall become effective at 12:01 a.m. of the thirty-first day after publication.

PASSED AND ADOPTED this 23<sup>rd</sup> day of May, 2006.

s/Todd Campbell  
Todd Campbell  
Mayor of the City of Burbank

Attest:

s/Margarita Campos  
Margarita Campos, CMC, City Clerk

Approved as to Form and Legal Content  
Dennis A Barlow, City Attorney

By: s/Mary F. Riley  
Mary F. Riley  
Senior Assistant City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF BURBANK                )

I, Margarita Campos, CMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 3695 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 23<sup>rd</sup> day of May, 2006, by the following vote:

AYES:            Council Members Golonski, Ramos, Vander Borcht and Campbell.

NOES:            Council Member Gordon.

ABSENT:         Council Members None.

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 31<sup>st</sup> day of May, 2006.

s/Margarita Campos  
Margarita Campos, CMC, City Clerk