

ORDINANCE NO. 2025-246

An ordinance of the City of Gainesville, Florida, amending Chapter 26 of the City Code of Ordinances to create Article IX Valet Operations, to regulate valet operations that occur on public right-of-way or public property within the City of Gainesville, Florida; establishing permit requirements; establishing operational requirements; establishing revocation, appeals and suspension processes; providing for civil citations; amending Appendix A – Schedule of Fees, Rates and Charges to establish regulatory fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, valet services enhance ease of access to businesses and services and expand parking options to City residents and visitors; and

WHEREAS, the measures set forth in this ordinance are intended to regulate valet operations that occur on public right-of-way or public property within the City; and

WHEREAS, it is in the best interest of the City to regulate valet operations in order to promote the safety of residents, to promote traffic safety, to ensure the public right-of-way is being used in a safe manner, and to prevent obstruction of the right-of-way; and

WHEREAS, at least 10 days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact heard.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. The Code of Ordinances of Gainesville, Florida is hereby amended by

adding a new Article IX to Chapter 26, which article reads as follows:

CHAPTER 26 – TRAFFIC AND MOTOR VEHICLES

ARTICLE IX- VALET OPERATIONS

Section 26.1 - PURPOSE

It is the purpose and intent of this article to promote the safe and legal operation of valet parking services for the use and convenience of businesses and the general public; to minimize the disruption of vehicular and pedestrian traffic that valet parking operations may create; and to protect the health, safety, and welfare of the public by minimizing hazardous conditions that valet parking operations may create.

Section 26.2 - DEFINITIONS.

The following words and terms, when used in this article, shall have the following meanings:

Customer. The vehicle owner or driver that transfers the possession or custody of their vehicle to a valet service for temporary or short term storage.

Department. The City department of sustainable development or such other department or division of the City which is assigned responsibilities for planning and development.

Manual of Traffic Control Devices. A document issued by the Federal Highway Administration of the United States Department of Transportation to specify the standards by which traffic signs, road surface markings, and signals are designed, installed, and used.

Off-Street. A location that is not on a public roadway.

Ramping. The temporary transfer of a vehicle from a customer to a valet attendant for the purpose of parking the vehicle in an authorized parking lot, garage or storage

area.

Ramping Area. An area of right-of-way or area within a parking facility where a customer stops their vehicle in order to transfer the vehicle to a valet attendant for the purpose of parking the vehicle. Likewise, it is an area in which the customer picks up their vehicle from a valet attendant after being temporarily stored.

Right-of-way. Land dedicated, deeded, used or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress, or other purposes by the public.

Tandem Parking. The type of storage for valet parking that requires moving at least one vehicle in a parking space in order to reach and move another vehicle, which is otherwise blocked in, to another space.

Valet Area. All areas where valet operations are conducted including, but not limited to, the ramping area, the adjacent sidewalk area, storage area and public streets.

Valet Attendant. The person, acting on behalf of a valet operator, who takes possession or custody of the customer's vehicle and transports such vehicle to and from a storage area.

Valet Equipment. Items used in the valet operation, including but not limited to mobile stands or booth, traffic control devices, signs, tables, chairs, umbrellas, key boxes, and any other objects necessary for the valet operation that are used or proposed to be placed within the valet area.

Valet Operator. A person or entity which owns or conducts a valet operation.

Valet Operation. Activities associated with providing valet parking services that include, but are not limited to, ramping, taking custody of a customer's vehicle, driving the customer's vehicle to a storage location, vehicle storage, delivering the vehicle to the

customer after being stored, storing customer's keys and all the equipment, devices, signage, tables, chairs and similar items used to support valet parking services.

Vehicle Storage Area. The location where the valet attendant parks a customer's vehicle while in the care and custody of the valet operator.

Section 26.3 - PERMIT REQUIREMENT; ENFORCEMENT.

(A) Valet operations on private property.

- 1) A valet operator which conducts valet operations entirely on private property, including the ramping area and storage area, is not required to have a permit or comply with this article.

(B) Valet operations on public right-of-way or public property.

- 1) A valet operator which conducts valet operations, of any sort, on public property or right-of-way, is required to have a permit from the City. It shall be unlawful for any person or entity to conduct, provide, or knowingly allow valet operations upon public property or right-of-way when a valet operations permit has been suspended, revoked, or has not been obtained. This section is punishable under Section 1-9 of the Code.

(C) The City Manager or designee may approve valet operations serving a City operated facility that conducts municipal functions on behalf of the City without requiring a permit or charging the fees required by this article.

Section 26.4 - PERMIT APPLICATION.

(A) The valet operator must apply for a permit each year by submitting an application to the Department manager or designee on the form required by the City. The application shall include the following information:

- (1) Name, address and telephone number(s) of the applicant, including the primary business address of the valet operator;
- (2) The telephone number at which the valet operator can be reached both Monday through Friday, 8:00 a.m. to 5:00 p.m. and during all hours that the valet operation conducts operations; and
- (3) A valet operations plan, which shall include the following:
 - a) Proposed hours of the valet operation, location, and address where valet operations will be conducted.
 - b) A drawing or sketch of dimensions of the valet area.
 - c) The estimated maximum rate of vehicle arrivals and departures within a 15-minute period, including the presumed business(es) to/from which customers will likely originate/depart.
 - d) The anticipated peak hours of operation.
 - e) The size, location, and photographs of the proposed ramping area, including dimensions and the number and location of existing public parking spaces, if any, that are proposed to be used by the valet operator. Applicant must include the number of public parking spaces requested from the City for the ramping area, if any. Applicant must include the proposed placement of traffic cones, if any, in the ramping area.
 - f) A description and location of the off-street vehicle storage area(s) that will be used by the valet operator and the number of parking spaces that will be used for valet operations. This must include proof of authorization for use of the vehicle storage area, and the zoning of the property proposed to be used as the vehicle storage area.

- g) A valet operations route map showing the roads that may be used to transport vehicles from the ramping area to the storage area and from the storage area to the ramping area. When a proposed valet operation includes a street in a residential zoning district on the route(s) between the ramping area and storage area(s), the applicant shall demonstrate that no alternate route can reasonably be taken that does not include the residential street.
- h) Name, address and contact number of each business, entity, or person that the valet operation will serve, as applicable. If serving a specific business or entity, provide proof that the applicant is authorized to conduct valet operations for such business or entity by providing an executed contract or other document of equal reliability.
- i) A description of all valet equipment proposed for use, including a photograph or drawing of the proposed valet podium or valet booth and the location of each piece of equipment used for the valet operation. The permit application must also state where the valet equipment will be stored during the time the valet operation is closed for business.

(B) A valet operator is not eligible to apply for a permit if it currently has a suspended permit, the City has revoked its permit within two years of the date of application, or it has any outstanding and unsatisfied civil penalties imposed for violations of this article.

Section 26.5 - STANDARDS AND CRITERIA FOR APPLICATION REVIEW.

The following standards and criteria shall be used in reviewing the application and such standards and criteria must be met in order for a permit to be approved:

(A) A ramping area in the following rights-of-way shall not be permitted:

- (1) Within rights-of-way that are not under the City's jurisdiction, unless the applicant obtains written approval from the governing authority with jurisdiction over the respective public right-of-way. If approval is obtained from the governing authority with jurisdiction, the applicant for valet operations must include the approval or permit in the application.
 - (2) On rights-of-way having speed limits greater than 30 miles per hour.
 - (3) On a street abutting or within a single-family residential zoning district.
- (B) A ramping area shall not be located in the following areas:
- (1) In a vehicular or bicycle travel through-lane or turn-lane.
 - (2) On a sidewalk.
 - (3) On an unpaved surface or in a location that would damage swales, drainage areas, landscaping, irrigation systems, or other similar right-of-way features.
 - (4) In the sight lines of traffic control devices.
 - (5) On the same block of the right-of-way as another permitted ramping area.
 - (6) Within 150 feet of another permitted ramping area.
 - (7) Within 20 feet of a crosswalk at an intersection.
 - (8) Within 15 feet of a fire hydrant.
 - (9) In front of a public or private driveway.
 - (10) Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal.
 - (11) Where official traffic control devices prohibit standing and stopping.
 - (12) Within 50 feet of a transit stop.
 - (13) Within a school zone two (2) hours before commencement or two (2) hours after dismissal.

(14) Within 40 feet of a loading zone.

(15) Within the vision triangles of streets, alleys or driveways.

(C) The length of the ramping area shall be limited to a maximum of four (4) parking spaces.

(D) Vehicles shall only be stored in parking lots or parking garages unless the permittee meets the following exception. The only exception is that the permittee may store vehicles in the public right-of-way or on public property if 1) such storage is provided in a parking agreement approved by the City or government entity that owns the property and 2) it is in compliance with zoning regulations. If the permittee meets the exception, the authorization to store vehicles in the public right-of-way or on public property will be specifically stated in the permit.

(E) All traffic control devices shall be consistent with the current Manual of Uniform Traffic Control Devices.

Section 26.6 - APPLICATION REVIEW PROCESS; PERMIT ISSUANCE.

(A) After receiving a permit application, the Department manager or designee shall determine if the information provided is complete and notify applicant of any deficiencies in the application. Upon submittal of additional information, the Department manager or designee will determine if the application is complete and shall notify the applicant if there are any deficiencies. If an applicant fails to provide additional information requested by the Department manager or designee within fourteen (14) calendar days of notification, the application shall be considered withdrawn by the applicant and a new application will be required.

(B) After receipt of a complete application, the Department manager or designee shall:

- (1) Approve the permit, approve the permit with conditions, or deny the permit, or
- (2) Issue written comments to the applicant for further response by the applicant.
- (C) Upon issuance of the permit, the valet operator will be permitted to operate within the City pursuant to the conditions of the permit. Each permit shall be valid for one (1) year. Permits are not transferable or assignable. Preference will be given to renewal of current permit holders who have had no violations under their permit; however, the City is not required to renew a permit of a current permit holder.

Section 26.7 - PERMIT AMENDMENTS.

A valet operator wishing to change the size or location of a ramping area or storage area, a change to the hours of operation, or any other change that may affect the valet operation must submit an amendment to the permit and pay a permit amendment fee as outlined in Appendix A of the Code of Ordinances at least twenty (20) business days prior to the proposed effective date of the requested change. After receipt of a completed application for amendment to the permit and payment of the fee, the City will approve or deny the application to amend the permit. The City will conduct review of the amendment request pursuant to the "Standards and Criteria for Application Review" section.

Section 26.8 - RAMPING AND STORAGE FEES.

- (A) If the valet operation requires the use of public parking spaces for ramping or storage, whether spaces are paid or free, the operator shall, in addition to the permit fee, be required to pay for use of the parking space(s) as provided in Appendix A of Code of Ordinances.
- (B) Parking space fees are due and must be received by the City as a lump sum in advance, no later than ten (10) business days prior to the date the permit takes effect.

- (C) Public parking spaces permitted to be used pursuant to a permit may not be sublet, assigned, devised, transferred, encumbered or sold.
- (D) Where public parking spaces are controlled by parking meters, the valet operator is responsible for securing spaces designated for the ramping area by covering each meter in a manner acceptable to the City.

Section 26.9 - VALET OPERATIONAL STANDARDS.

- (A) Valet operators must comply with all applicable requirements of the permit, City of Gainesville Code of Ordinances, the State of Florida Uniform Traffic Control Regulations, and all other applicable laws.
- (B) All valet operations services required to have a permit shall be open to the general public and shall not be limited to the patrons of any particular business.
- (C) Valet operators shall ensure that the following requirements are met during valet operations:
 - (1) Safe and efficient movement of vehicular, pedestrian, and bicycle traffic.
 - (2) Unimpeded transit access and operation.
 - (3) Access to public utilities.
 - (4) Access by the public to right-of-way features, including but not limited to kiosks, mailboxes, and multi-space meters.
 - (5) Access for emergency vehicle operations.
- (D) Valet operations shall be limited to the storage areas, ramping areas, valet operation routes and valet equipment locations specified in the permit.
- (E) Valet equipment.
 - (1) Valet equipment necessary for the valet operation shall be maintained in good

repair at all times and shall be removed at the close of valet operations each day.

(2) Valet equipment located on a public sidewalk or other public pedestrian path shall be located in such a manner so as to satisfy the minimum width for an accessible route in accordance with the Americans with Disabilities Act Public Rights-of-Way Access Guidelines, as amended from time to time.

(3) No permanent structures are permitted in the public right-of-way. Valet equipment shall not be affixed, attached or chained in any manner to the right-of-way or any existing features within the right-of-way.

(4) A mobile sign stating, "Valet Parking," valet company name, contact information, rates and the latest pickup time shall be placed at the entry point to the valet operations area. No permit is required for the required mobile sign. Any additional signs may require a permit and must comply with the City's sign code.

(F) Ramping is only permitted within the boundaries of the ramping area specified on the permit. There shall be no storage of vehicles in the ramping area. A vehicle will be considered stored if it remains in the ramping area for more than fifteen (15) minutes.

(G) Vehicle Storage.

(1) Vehicles shall only be stored in parking lots or parking garages, or such other property as approved in the permit.

(2) The valet operator shall clearly identify the vehicles in their possession during the entire period that the car is in their possession. Identification shall be made through a ticket stub visibly placed on top of the dashboard or a hangtag in the rearview mirror of the stored vehicle and shall state the

name of the valet operator and address of the ramp from which the vehicle was retrieved.

- (H) A minimum of two (2) valet attendants is required during anticipated peak hours of valet operation and special events. At all other times when the City determines additional valet attendants are necessary due to a high volume of customers, within one (1) hour after notification from the City, valet operators shall increase the number of valet attendants to a minimum of two (2) valet attendants. If, in the sole determination of the City Manager or designee, or GPD officer, a valet operation is likely to create or contribute to, or is creating or contributing to, an unsafe or hazardous condition, or unreasonably impacts adjacent streets or sidewalks to the extent that it threatens the safety of vehicular or pedestrian movement, or both, a valet operator may be required, as a condition of permit approval or at any time after written notice to the operator, to provide, at operator's sole cost and expense, detail police officers or public safety personnel to direct traffic in the traffic lanes adjacent to the valet operation area during the hours of operation.
- (I) Permits issued under this article shall be conspicuously displayed at all times at the valet operation ramping location identified on the permit and shall be available for inspection upon request of the City.
- (J) The sidewalk, curb, or other public right-of-way shall not be altered or defaced in any way, including holes, stakes, or other disturbance.
- (K) Tandem parking is strictly prohibited in the right-of-way.
- (L) Valet operators shall pay all fines and fees, including towing charges, arising in connection with a patron's vehicle which is in the possession of the valet operator at the time such charge is incurred.

(M) All valet employees who operate motor vehicles shall have in their possession at all times a valid Florida driver's license in good standing and shall abide by all City of Gainesville, Alachua County, and State of Florida traffic regulations, and must comply with the requirement of this article and all applicable laws, statutes, ordinances, rules and regulations.

Section 26.10 - TEMPORARY VALET PERMIT.

- (A) An applicant may submit an application for a temporary valet operations permit for short term use; however, a complete application must be submitted not less than fourteen (14) calendar days prior to the requested event date, except in cases of a demonstrated hardship.
- (B) A temporary valet permit will only be issued for an event that is held at a commercial or non-residential facility, such as a grand opening or special event. Temporary valet permits will not be issued for events held at residential properties.
- (C) Requirements of the temporary valet permit are as follows:
- 1) The term of the permit may not be issued for more than a 72-hour period.
 - 2) Only three permits may be issued during a 12-month period to the same location.
 - 3) The temporary valet operator must provide proof of insurance as prescribed in this article.
 - 4) The temporary valet operator must pay a temporary permit fee as provided in Appendix A of Code of Ordinances.
 - 5) The temporary valet operator must comply with all requirements of this article, including, but not limited to, payment for ramping and storage if valet operations occur on City owned property or public right-of-way as described herein.

Section 26.11 - INDEMNIFICATION AND INSURANCE.

- (A) As a condition of the valet operations parking permit, the valet operator shall indemnify, hold harmless and defend the City, its representatives, employees, and elected and appointed officials, from and against all liability, claims, damages, suits, losses, and expenses of any kind, including reasonable attorney's fees and costs for appeal, associated with or arising out of the permit, the use of right-of-way or City owned property for operations, or arising from any negligent act, omission or error of the valet operator, owner, managing agent, its agents or employees, or from the failure of the valet operator, its agents or employees, to comply with the requirements of this article or with any other federal or state traffic law.
- (B) The valet operator shall provide and maintain public liability and property damage insurance to protect the City, its representatives, employees, and elected and appointed officials from all claims and damage to property or bodily injury, including death, which may arise from valet operations. Such insurance shall be provided from an insurance company with an A.M. Best rating of not less than "A" and a financial strength rating of not less than "VII" acceptable to the City's risk management department and shall provide coverage of not less than \$1,000,000 for bodily injury and property damage respectively per occurrence. Additionally, the valet operator shall provide "garage keepers" legal liability insurance providing specified causes of loss coverage, collision coverage, and comprehensive coverage for vehicles under the control of the valet parking operator with a minimum of \$500,000 per location with a maximum self-insured retention (SIR) or deductible of \$5,000. All required insurance shall be without prejudice to coverage otherwise existing and shall name as additional insured the City of Gainesville, its officers and employees, and shall further

provide that the policy shall not terminate or be canceled prior to the completion of the permit period without thirty (30) days' written notice prior to the termination to the City's risk management department and the City Manager or designee at the address shown in the permit.

- (C) The valet operator shall provide proof of all required insurance prior to receiving a permit and upon each renewal thereafter.

Section 26.12 – VIOLATIONS; SUSPENSION AND REVOCATION; RIGHT OF APPEAL.

- (A) Except for violations of section 26-3 (operating without a permit), if the valet operator has committed any of the following violations, the valet operator shall be subject to the penalties designated in section 2-339 of this Code. Each violation shall be considered a separate offense, which can be prosecuted separately.

- 1) Operation outside of specified hours.
- 2) Unauthorized and/or illegal ramping.
- 3) Unauthorized and/or illegal storage.
- 4) Valet attendants operating without valid Florida driver's license.

- (B) The Department manager or designee may revoke the valet permit when three (3) violations are issued within a three-month period for the following:

- 1) Unauthorized and/or illegal ramping; or
- 2) Unauthorized and/or illegal storage.

The three violations do not need to be of the same kind to be a basis for revocation.

- (C) The Department manager or designee may revoke the valet permit when there are six (6) violations issued within a three (3) month period for any other violation of this article not specified in (B) above. The violations do not need to be of the same kind to

be a basis for revocation.

- (D) A permit may be temporarily suspended by the Department manager or designee if the City Engineer or Officer determines that the portion of the public right-of-way that is part of the 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 locations, or the ramping area must be used for public safety operations or used for utility repairs. If the City advises the valet operator that its permit will be temporarily suspended, the City will endeavor to allow the valet to temporarily relocate to a different location.
- (E) The Department manager or designee may temporarily suspend the permit if there is a lapse in insurance.
- (F) A Notice of Temporary Suspension must be given in writing to the valet operator by the Department manager or designee.
- (G) A Notice of Permit Revocation must be provided in writing and forwarded by certified mail to the address provided by the valet operator on its application, informing the valet operator of the decision and the reasons therefore, at least fifteen (15) calendar days prior to the effective date of the permit revocation. The written notice shall advise the valet operator that it may contest the revocation by requesting a hearing as provided below.
- (H) The valet operator may file a written request for a hearing before the City Manager prior to the effective date of the permit revocation. Failure to timely request a hearing will constitute a waiver by the valet operator of any right to a hearing. Upon request for a hearing, the revocation will be stayed until the City Manager has issued a final

administrative decision.

- (I) At the hearing, the valet operator will have the opportunity to present evidence (consisting of verbal testimony and/or written documentation) the valet operator believes negates or mitigates the basis for the revocation.
- (J) In conducting the hearing, the City Manager has the power to take testimony under oath, require the production of books, paper, and other documents, and receive evidence. Should a party refuse to provide documents as directed by the City Manager, then there may be an adverse inference against the party who failed to produce said documents. All parties have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, and to be represented by counsel. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it is not sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Any party desiring that the hearing be recorded is responsible for arranging and paying the cost of a court reporter's attendance and services.
- (K) If the City Manager finds that the Department director's decision meets the requirements for permit revocation as set forth in section 26-12(B) or (C), then the City Manager will direct that the valet operator's permit be revoked and set the revocation date to begin on the date the written final administrative order is issued, subject to a petition for writ of certiorari being filed pursuant to paragraph (N) below.
- (L) If the City Manager finds that the director's decision does not meet the requirements for permit revocation as set forth in section 26-12(B) or (C), then the City Manager will order the valet operator's permit to continue in effect.
- (M) The City Manager will issue a written final administrative order to the valet operator.

The decision of the City Manager is the final administrative action.

(N) The final administrative order of the City is subject to certiorari review in a court of competent jurisdiction in Alachua County, Florida by the timely filing of a petition.

Upon the filing of a petition in the circuit court, the revocation of the permit will be stayed pending final disposition of the civil case.

Section 2. Section 2-339 of the Code of Ordinances of Gainesville, Florida, is amended as set forth below. Except as herein amended, the remainder of Section 2-339 remains in full force and effect.

Sec. 2-339 – Applicable codes and ordinances.

<u>Art. IX of Chapter 26</u>	<u>Valet operations violations</u>	<u>!</u>	<u>\$50.00</u>
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Section 3. Appendix A – Schedule of Fees, Rates and Charges is amended as set forth below. Except as amended herein, the remainder of Appendix A remains in full force and effect.

VALET OPERATIONS (Art. IX, Ch. 26)

Permit Fee \$79.93

Permit Amendment Fee \$79.93

Temporary Permit Fee \$79.93

Parking Space Fee (per space per year) \$2,190

Parking Space Fee (per space (temporary)) \$0.50 per hour, or \$12 per day

Section 4. It is the intention of the City Commission that the provisions of Sections 1, 2, and 3 of this Ordinance will become and be made a part of the Code of Ordinances of the

City of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 5. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding will not affect the other provisions or application of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 6. All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 7. This ordinance will become effective immediately upon final adoption; however, to allow time for valet operators to come into compliance with these new regulations, citations will not be issued until after August 1, 2025 and permits will not be required until August 1, 2025.

PASSED AND ADOPTED this _____ day of May, 2025.

HARVEY L. WARD, JR.
MAYOR

Attest:

Approved as to form and legality:

KRISTEN J. BRYANT
CITY CLERK

DANIEL M. NEE
CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2025.

This ordinance passed on second reading this _____ day of _____, 2025.