

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

SECTION 1. Article VIII of Division 1 of Chapter 18 of the Code of the City Miami Beach is hereby amended as follows:

CHAPTER

18

BUSINESSES

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ARTICLE VIII. Parking Lot

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DIVISION 1. Generally

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Sec. 18-306. License required.

Except as provided in this article, any location with parking attendants and/or valet parking shall have a license as a parking lot and shall meet other prescribed criteria listed in this section.

Sec. 18-307. Exemptions.

The following shall be exempt from the parking lot license requirement in section 102-357:

- (1) Garages and other places where motor vehicles are stored for hire within a building and for which a license has been obtained under another provision of this article.
- (2) Off-street parking spaces required under the city's zoning ordinance for multiple-family uses.

Sec. 18-308. Removal of parked vehicles.

It shall be unlawful for any owner, operator or employee of any licensed parking lot to move any parked motor vehicle from the parking lot to any public street, parking area or any other public or private property without the consent of the owner, the owner's agent, or the chief of police, unless specifically authorized to do so by law.

Sec. 18-309. Signs to be posted.

Operators of licensed parking lots shall place and maintain at each vehicle entrance printed signs conspicuously disclosing the price or fee charged for the parking of motor vehicles thereon, and indicating, in two-inch red letters, the city license number issued to the owner or operator.

Sec. 18-310. Requirements for issuance of license.

No license for the operation of a valet parking service shall be issued except upon:

- (1) Submission of proof, in the form of an original certificate of insurance evidencing that the owners/operators of the service maintains in full force during the license year the following coverages:
 - a. Garage liability in the minimum amount of \$300,000.00 per occurrence.
 - b. Garage keepers legal liability in the amount of \$300,000.00J. with a deductible not to exceed \$1,000.00 per loss and maximum limit per vehicle of at least \$50,000.00.

- c. Renewal certificates must be submitted and approved by the city's risk manager annually.
- (2) A notarized letter of permission from the owner, lessee or operator of the business from which the valet service is operating must be submitted prior to the city's issuance of a valet parking license.

Sec. 18 311. Employees and Valet operators code of conduct.

The valet parking operators shall require its employees and independent contractors to meet the following requirements:

- (1) All employees who operate motor vehicles shall have a valid Florida driver's license in good standing and shall abide by all City of Miami Beach and Miami Dade County traffic regulations.
- (2) All employees shall be in similar uniform.
- (3) All employees shall wear on their uniform, a name tag identifying employee's name.
- (4) All employees shall perform their duties in a courteous and professional manner.

Valet operators shall submit to the parking department a list of all employees employed by the valet operator who are engaged in valet services on Miami Beach. Additions and deletions to the valet employee roster shall be reported monthly. The employee report shall be submitted to the attention of the parking director or his/her designee no later than the fifth day of each month. The employee list shall contain the name of the employee and the employee's valid Florida driver's license number. A photocopy of each employee's Florida driver's license shall be submitted for each employee on the roster. Failure to comply with this paragraph shall result in a fine of \$25.00 per day to the valet operator.

Sec. 18 312. Operation of service.

~~(a) Identification of rented spaces. Rented spaces shall be so designated by the city's parking department as rented parking areas. The designation shall be by bagged meters and/or clearly marked signs indicating the parking restriction.~~

~~(b) Ramping. Ramping shall only be operated in no less than two (2), and no more than four (4), the spaces provided for ramping. The Parking Director shall have the final authority to determine the number of ramping area spaces. There shall be no storage of vehicles in the area used for ramping. Ramping on public property shall not occur in any location other than the public on-street/curbside parking spaces provided for ramping. Ramping from a moving lane of traffic is strictly prohibited. The City Manager must approve the assignment or transfer of a ramp area, and the assignment or transfer will be deemed approved upon written authorization by the City Manager setting forth the assignment or transfer with any modification or limitations if any, to the ramping area.~~

~~(c) Storage. The storage of vehicles shall only be in private spaces or in leased municipal spaces as provided by the parking department. Other than the leased municipal spaces, there shall be no must not be any storage of vehicles on any municipal public property, metered spaces or parking within residential zones which is hereby expressly prohibited throughout the City of Miami Beach whatsoever. The valet operators shall clearly identify the vehicles in their possession during the entire period that the vehicle is in their possession. Such identification shall be made through a ticket stub affixed to the rear view mirror of the stored vehicle and shall state the name of the valet operator and identification of the ramp from which the vehicle was picked up. Ramp identification shall be made by stating the block number and street name of the establishment(s.) which the ramp is servicing. Unauthorized s Storage of valet vehicles in municipal parking facilities, or at any public on-street/curbside parking spaces or on any other public property is strictly prohibited+ and shall result in the issuance of a valet violation to the valet operator in the amount of \$250.00, per occurrence.~~

Sec. 18 313. Special Event permit.

Valet services operating for a special event may apply for a special event permit from the city's special events coordinator. Special event parking shall be restricted to any event occurring no more than twice per year and lasting no longer than three days in length. The special event permit will allow the valet operator to request from the parking department, additional ramping and/or storage space, if available, as long as it does not reduce the number of parking spaces needed to serve the general public in the area of the request.

Sec. 18 314. Enforcement, fine schedule, and right of appeal.

- (a) Enforcement. The parking department shall enforce the provisions of this article. The police department and code enforcement department shall also assist the parking department in the enforcement of the valet operators code of conduct, as set forth herein. This shall not preclude other law enforcement agencies or regulatory bodies from any action as necessary to assure compliance with this article and all applicable laws. If a parking enforcement specialist finds a violation of this article, the parking enforcement specialist shall issue a notice of violation to the violator as provided in chapter 30 of this Code, as may be amended from time to time the notice shall inform the violator of the nature of the violation, amount of fine for which the violator may be liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing within ten days after service of the notice of violation and that failure to appeal the violation within the ten days, shall constitute an admission of the violation and a waiver of the right to a hearing.

- (b) The following civil fines shall be imposed for each violation:

<u>1.</u>	<u>Unauthorized/illegal ramping</u>	<u>\$150.00 per offense</u>
<u>2.</u>	<u>Unauthorized/illegal storage</u>	<u>\$250.00 per offense</u>
<u>3.</u>	<u>Operation without valet permit</u>	<u>\$50.00 per offense/per day</u>
<u>4.</u>	<u>Penalty for lapse in required insurance coverage (from date of lapse)</u>	<u>\$150.00 per offense/per day</u>
<u>5.</u>	<u>No name tag</u>	<u>\$25.00 per offense</u>
<u>6.</u>	<u>No uniform</u>	<u>\$25.00 per offense</u>
<u>7.</u>	<u>No valid Florida driver's license</u>	<u>\$25.00 per offense, and immediate removal of the employee from the valet operation.</u>
<u>8.</u>	<u>Noncompliance with valet employee list</u>	<u>\$25.00 per day</u>

- (c) Rights of violators; payment of fine; right to appeal; failure to pay civil fine, or to appeal.

- (1) A violator who has been served with a notice of violation shall elect either to:
 - a Pay the civil fine in the manner indicated on the notice; or
 - (2) Request an administrative hearing within ten days of receipt of the violation before a special master appointed by the city commission upon recommendation of the city manager, to appeal the decision of the parking department or other department which resulted in the issuance of the notice of violation.
 - (3) The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 102 384 and 102 385 of this Code and amendments thereto.
 - (4) If filing an appeal to the special master, the valet operator must post a bond in the amount of the civil fine with the clerk of the special master. If the valet operator is successful in his appeal, the bond shall be returned to the valet operator. If the valet operator is unsuccessful in his appeal, the clerk of the special master shall turn the bond over to the parking department as payment of the civil fine.
 - (5) If the named violator after notice fails to pay the civil fine or fails to timely request an administrative hearing before a special master, the special master shall be informed of such failure by report from the parking department. Failure of the named violator to appeal the decision of the parking department within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and penalties may be assessed accordingly.
 - (6) Any party aggrieved by the decision of a special master may appeal that decision to a court of competent jurisdiction.
- (d) Recovery of unpaid fines.
- (1) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.
 - (2) A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgement by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgement except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the city may foreclose or otherwise execute upon the lien.
 - (3) As an additional means of enforcement, the city may seek injunctive relief and/or follow procedures to revoke an occupational license as set forth in this Code when there are repeated violations of this article.
 - (4) Additionally, the parking department, shall withhold issuance of any new valet permits and leased public on street/curbside valet parking spaces, and suspend current valet permits until past due violations are paid in full. The parking department reserves the right to bring forward to the special master any party who has waived their right to appeal and has over three outstanding violations.
- (e) Valet operator's responsibility for vehicles in their possession. 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. This does not preclude the valet operator from also being cited by the parking department for violations of this section which resulted in the imposition of the fines and fee.

Sec. 18 315. Compliance date.

All valet operators in the city shall comply with this section by July 11, 1QQ8.

Secs. 18 316-18-312-18-335. Reserved.

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SECTION 2. Article VIII of Division 2 of Chapter 18 of the Code of the City of Miami Beach is hereby amended as follows:

CHAPTER 18 BUSINESSES

ARTICLE VIII. Parking Lot

DIVISION 2. Valet Parking Permits for Use of Public Property

~~Sec. 18-336. Separate permit required.~~

~~The city shall issue space rental valet parking permits issued to valet operators who conduct their operations on public property. No valet parking shall occur on public property without the operator securing a space rental valet parking permit from the city's parking department. For the purpose of consolidating, the consolidation of valet parking ramps to preserve public on-street parking, will be permitted provided a duly authorized group of businesses (or other responsible entity acceptable to the City) in conjunction with documented documentation establishing consent or approval support from each of the businesses a majority of its members+ may applies for a space rental valet parking permit.~~

~~The application for shared valet parking ramps must identify all businesses on the application, along with and proof of consent or approval from the duly authorized representative of each business on the application. The applicant requesting a space rental valet parking permit will be responsible for the payment of all fees.~~

~~A separate space rental valet parking permit is required for each location where valet parking services are provided. Valet parking permits shall only be issued to valet parking operators who are licensed by the city pursuant to this chapter for the following types of uses:-~~

- ~~(1) Hotel;~~
- ~~(2) Restaurant;~~
- ~~(3) Bar/Nightclub;~~
- ~~(4) Office;~~
- ~~(5) Medical/rehabilitative services;~~
- ~~(6) Any combination of Hotel, Restaurant, Bar/Nightclub, Office, or Medical/rehabilitative services.~~

Sec. 18-336. - Separate permit required.

The city shall issue valet parking permits to valet operators who conduct their operations on public property. No valet parking shall occur on public property without the operator securing a valet parking permit from the city's parking department. A separate permit is required for each location where valet parking services are provided. Valet parking permits shall only be issued to operators who are licensed by the city pursuant to this chapter.

Sec. 18-337. Requirements.

~~No valet parking permit shall be issued without proof of the following:~~

- (1) ~~Approval from the city's risk manager indicating that the valet parking operation has met the following insurance requirements:~~
- ~~a Commercial, general liability or garage liability insurance in the amount of \$1,000,000.00 per occurrence and per location covering bodily injury and property damage resulting from the valet operator's activities connected with the handling of vehicles on public property. This policy must name the city as an additional insured;~~
 - ~~b Garage keepers legal liability insurance to provide collision and comprehensive coverage for vehicles under control of the valet parking operation with minimum limits of \$300,000.00 per location with a maximum Self-Insured Retention (SIR) or deductible of \$1,000.00;~~
 - ~~c All required insurance policies are to be issued by companies rated B+VI or better per Best's Rating Guide, latest edition and must provide the city with 30 days written notice of cancellation. Any deviation from this requirement is subject to the city risk manager's approval;~~
 - ~~d Valet operators must submit a certificate of insurance and a certified copy of their policies to the city's risk manager for determination that the insurance requirements of the ordinance from which for this section derives have been met;~~
 - ~~e Each valet operator applying for a permit for use of public property shall execute an agreement approved by the city attorney's office providing for the valet operator to indemnify, hold harmless and defend the city, its officers, agents and employees against and assume all liability for any and all claims, suits, actions, damages, liabilities, expenditures, or causes of actions of any kind arising from its use of the public streets or public parking spaces for the purposes authorized in this section article and resulting or accruing from any alleged negligence, act, omission or error of the valet parking operation, its agents or employees and/or arising from the failure of the valet parking operation, its agents or employees to comply with each and every requirement of this section article or with any other city or county ordinance or state or federal law or regulation applicable to the valet parking operation resulting in or relating to bodily injury, loss of life or limb or damage to property sustained by any person, firm, corporation or other business entity. The valet operator hereby shall also agree to hold the city, its officers, agents and employees harmless from and against all judgments, orders, decrees, attorney's fees, costs, expenses and liabilities incurred in and about any such claim, investigation or defense thereof, which may be entered, incurred or assessed as a result of the foregoing. The valet operator shall defend, at its sole cost and expense, any legal action, claim or proceeding instituted by any person against the city, its officers, agents, and employees as a result in any claim, suit or cause of action accruing from activities authorized by this section article, for injuries to body, limb or property as set forth above.~~
- (2) ~~If incorporated, the valet operator shall provide a copy of its articles of incorporation;~~
- (3) ~~Notarized written authorization on company letterhead from owners/operators the owner or operator of each the city licensed commercial establishments for the city block which the valet operator is providing parking services;~~
- (4) ~~Valid valet parking occupational license business tax receipt from the city;~~
- (5) ~~Identification of the location of private vehicle storage space, and proof in the form of an executed lease or rental agreement, or notarized letter of authorization from the owner of the property, either of which shall include the number of spaces authorized for use by the valet operator, and term of the lease or agreement for private storage space sufficient to service the establishment, as determined by the City's Planning Director for which the permit will be issued. The storage space must meet all requirements pursuant to all applicable city ordinances;~~
- (6) A valet parking operational plan which must include:
- a Traffic Operations Analysis containing generally accepted engineering standards for trip duration to and from the authorized vehicle storage location;

~~a distance of no more than 2,500 feet from the ramp to the vehicle storage location, (distances great than 2,500 feet shall may be approved by the City Manager); and other requirements as may be determined by the city's transportation director and Parking Director. The Traffic Operations Analysis must be conducted by a licensed professional engineer+ and submitted to the City's Transportation Director and Parking Director for review and approval or disapproval.~~

- ~~b. Staffing levels or schedule of valet parking service operational hours for the establishment, including valet runners, supervisors, and managers;~~
- ~~c. An off duty police officer may be required, as determined by the city Chief of Police;~~
- ~~d. A minimum number of parking spaces for vehicle storage as determined by the Planning Director.~~
- ~~e. Valet Parking street furniture, including signs, stands, and key boxes must comply with the city's design standards, as determined by the Planning Director.~~
- ~~f. Whether the proposed valet parking service will cause the removal of access to existing or proposed metered parking, and the percentage of the reasonably proximate metered parking spaces to be removed by the proposed zone:
Whether establishments in the vicinity of the proposed valet parking service can reasonably be expected not to have a detrimental effect on other nearby activities which rely on curbside parking:
Whether the proposed valet parking service will have a beneficial effect on vehicular and pedestrian safety; and such other circumstances as the Director may find relevant
Any other documents reports studies materials or information the parking director determines to be appropriate for the issuance of the valet parking permit.~~

~~Valet parking operators are required to enlist all employees servicing the public (runners, supervisors, and managers) to attend the "VOTE" (Valet Operator Training on Enforcement) Training Program sponsored by the city's parking department. All new valet parking operators' employees must be enlisted for training within 60 days of employment or at the next regularly scheduled training session. The modules provide as part of the training include, but are not limited to, the following subjects:~~

~~Customer service;~~

~~Valet ordinance regulations;~~

~~Enforcement;~~

~~Professionalism/ethics.~~

Sec. 18-337. - Requirements.

No valet parking permit shall be issued without the proof of the following:

- (1) Approval from the city's risk manager indicating that the valet parking operation has met the following insurance requirements:**

- a. Commercial general liability or garage liability insurance in the amount of \$1,000,000.00 per occurrence and per location covering bodily injury and property damage resulting from the valet operator's activities connected with the handling of vehicles on public property. This policy must name the**

- city as an additional insured;
- b. Garage keepers legal liability insurance to provide collision and comprehensive coverage for vehicles under control of the valet parking operation with minimum limits of \$300,000.00 per location with a maximum Self-Insured Retention (SIR) or deductible of \$1,000.00;
 - c. All required insurance policies are to be issued by companies rated B+VI or better per Best's Rating Guide, latest edition and must provide the city with 30 days written notice of cancellation. Any deviation from this requirement is subject to the city risk manager's approval;
 - d. Valet operators must submit a certificate of insurance and a certified copy of their policies to the city's risk manager for determination that the insurance requirements of the ordinance from which this section derives have been met;
 - e. Each valet operator applying for a permit for use of public property shall execute an agreement approved by the city attorney's office providing for the valet operator to indemnify, hold harmless and defend the city, its officers, agents and employees against and assume all liability for any and all claims, suits, actions, damages, liabilities, expenditures, or causes of actions of any kind arising from its use of the public streets or public parking spaces for the purposes authorized in this section and resulting or accruing from any alleged negligence, act, omission or error of the valet parking operation, its agents or employees and/or arising from the failure of the valet parking operation, its agents or employees to comply with each and every requirement of this section or with any other city or county ordinance or state or federal law or regulation applicable to the valet parking operation resulting in or relating to bodily injury, loss of life or limb or damage to property sustained by any person, firm, corporation or other business entity. The valet operator hereby agrees to hold the city, its officers, agents and employees harmless from and against all judgments, orders, decrees, attorney's fees, costs, expenses and liabilities incurred in and about any such claim, investigation or defense thereof, which may be entered, incurred or assessed as a result of the foregoing. The valet operator shall defend, at its sole cost and expense, any legal action, claim or proceeding instituted by any person against the city, its officers, agents, and employees as a result in any claim, suit or cause of action accruing from activities authorized by this section, for injuries to body, limb or property as set forth above.
- (2) If incorporated, the valet operator shall provide a copy of its articles of incorporation;
- (3) Notarized written authorization on company letterhead from owners/operators of the city-licensed commercial establishments for which the valet operator is providing parking services;
- (4) Valid valet parking occupational license from the city;
- (5) Identification of the location of vehicle storage space, and proof in the form of an executed lease or rental agreement, or notarized letter of authorization from the owner of the property, either of which shall include the number of spaces authorized for use by the valet operator, and term of the lease or agreement for storage space sufficient to service the establishment for which the permit will be issued. The storage space must be located at a distance of no more than 2,500 feet from the ramp, and meet all other requirements pursuant to all applicable city ordinances;
- (6) Valet parking operators are required to enlist all employees servicing the

public (runner, supervisors, and managers) to attend the "VOTE" (Valet Operator Training on Enforcement) Training Program sponsored by the city's parking department. All new valet parking operators' employees must be enlisted for training within 60 days of employment or at the next regularly scheduled training session. The modules provide as part of the training include, but are not limited to, the following subjects:

Customer service;

Valet ordinance regulations;

Enforcement;

Professionalism/ethics.

Sec. 18-338. Term and renewal.

- (a) The term of each permit shall be for one year.
- (b) Renewal shall be on an annual basis and shall only be granted after approval from the city's risk manager and occupational license division.

Sec. 18 339. Cancellation and revocation.

The city shall cancel and revoke the permit if the valet operator no longer services the commercial establishment which authorized its operation at that location. This cancellation and revocation may be effective whether the valet operator voluntarily discontinues service to the establishment, the establishment cancels and revokes authorization for the valet operator to service the location, or the parking department cancels and revokes authorization for the valet operator to service the location. Cancellation and revocation of the valet parking permit under this paragraph shall be effective immediately upon service of the notice of cancellation. The parking department shall inform in writing the commercial establishment being serviced by the valet operator, of any cancellation and revocation by hand delivery or certified mail, return receipt requested. Service of the notice of cancellation and revocation shall be by hand delivery or certified mail, return receipt requested.

Sec. 18-3.3..9.40. Private storage of valet vehicles.

Valet operators shall only store vehicles on private parking lots+ which are properly permitted and zoned as parking lots. and have sufficient vehicle storage capacity, as determined by the planning director. The valet operator shall provide to the parking department a copy of the proper city occupational license business tax receipt or certificate of use issued to the storage parking facility with satisfactory documentation from the parking facility owner or operator management company/agent authorizing the valet operator to use those facilities the private parking lot for the purpose of storing valet parked vehicles.

Sec. 18-340. - Private storage of valet vehicles.

Valet operators shall store vehicles on private parking lots which are properly permitted and zoned as parking lots. The valet operator shall provide to the parking department a copy of the proper city occupational license or certificate of use issued to the storage parking facility and satisfactory documentation from the parking facility owner or management company/agent authorizing the valet operator to use those facilities for the purpose of storing valet parked vehicles

Sec. 18-34.0-1. Employees and valet operators code of conduct.

The valet parking operators shall require its employees and independent contractors to meet the following requirements:

- ~~(1) All employees or contractors who operate motor vehicles shall have a valid Florida driver's license in good standing and shall abide by all city and Miami Dade County traffic regulations;~~
- ~~(2) All employees shall be in similar uniform; All employees or contractors receiving or discharging passengers or loading or unloading baggage from a vehicle making arrangements to remove the vehicle to a designated off street parking facility, parking a vehicle, or otherwise in control of a vehicle subject to valet parking requirements, may not engage in such activities unless the valet parking employee or contractor is wearing a jacket or shirt clearly marked "VALET" across the back in reflective lettering that shall be highly contrasting with the background/field/screen (i.e. dark colored reflective lettering on light colored background or light colored reflective lettering on dark colored background) each individual letter of the word "VALET" shall be no smaller than three inches (3") in height. The front of the jacket or shirt worn by the valet parking operator shall include the name of the person business establishment or corporation granted a valet parking permit'~~
- ~~(3) All employees or contractors shall wear on their uniform, a name tag identifying the employee's/contractor's name;~~
- ~~(4) All supervisors shall wear on their uniform, a name tag identifying them as such;~~
- ~~(5) All employees or contractors shall perform their duties in a courteous and professional manner; and~~
- ~~(6) All new employees must attend the "VOTE" (Valet Operators Training on Enforcement) Program provided by the city's parking department within 60 days of hire or at the next regularly scheduled training session;~~
- ~~(7) Valet operators shall submit to the parking department a list of all employees or contractors employed or retained by the valet operator who are engaged in valet services in the city on Miami Beach. Additions and deletions to the valet employee roster shall be reported monthly. The employee report shall be submitted to the attention of the parking director or his/her designee no later than the fifth day of each month. The employee list shall contain the name of the employee or contractor and the employee's their valid Florida Driver's License numbers. A photocopy of each employee's or contractor's valid Florida Driver's License shall be submitted for each employee or contractor on the roster.~~

Sec. 18-341. - Employees and valet operators code of conduct.

The valet parking operators shall require its employees and independent contractors to meet the following requirements:

- (1) All employees who operate motor vehicles shall have a valid Florida driver's license in good standing and shall abide by all city and Miami-Dade County traffic regulations;**
- (2) All employees shall be in similar uniform;**
- (3) All employees shall wear on their uniform, a name-tag identifying the employee's name;**
- (4) All supervisors shall wear on their uniform, a name-tag identifying them as such;**
- (5) All employees shall perform their duties in a courteous and professional manner;**
- (6) Valet operators shall submit to the parking department a list of all employees employed by the valet operator who are engaged in valet services on Miami Beach. Additions and deletions to the valet employee roster shall be reported monthly. The employee report shall be submitted to the attention of the parking director or his/her designee no later than the fifth day of each month. The employee list shall contain the name of the employee and the employee's valid Florida Driver's License number. A photocopy of each employee's valid Florida Driver's License shall be submitted for each employee on the roster. Failure to comply with this paragraph shall result in a fine of \$25.00 per day to the valet operator.**

Sec. 18-3412. Operation of service

~~(a) Identification of rented spaces.~~ Rented spaces shall be so designated by the parking department as rented parking areas. The designation of a ramp for loading/unloading shall be by bagged meters and/or clearly marked signs indicating the parking restriction. Each ramp shall be comprised of no less than two (2), and no more than four (4) parking spaces which may be comprised of either metered or hotel passenger loading zone spaces. In no instance shall there be more than one (1) valet operator per block and no less than two (2), and no more than four (4) parking spaces (two per space) be permitted. In such case, new requests for valet parking service shall only be granted through attrition of existing service on the block, except upon Ocean Drive between 5th Street and 15th Street.

~~(b) Ramping.~~

~~(1) Ramping shall only be operated in the spaces provided for ramping. Double parking or obstruction of a traffic lane is strictly prohibited. The valet operator may use the moving lane of traffic during periods of high demand. High demand periods are defined as periods when the volume of vehicles to be processed exceeds the resources available. Valet operators must demonstrate a good faith effort to provide sufficient resources to meet demand. Storage of vehicle(s) may be allowed in up to 50 percent of the designated ramp area. Note: Use of the ramp area for storage constitutes waiver of subsection 7(b)(1). Ramping on public property shall not occur in any other location than the public on street curbside parking spaces provided for ramping, except as defined in subsections 7(b)(1) and (2).~~

~~(2) Ramping at least 300 linear feet must separate valet parking ramps. =~~

~~(3) Ramping shall not be allowed where on street public parking does not exist or where establishing a valet parking ramp will otherwise interfere with traffic lanes or the lanes.~~

~~(4) Ramping shall be allowed only in the curb lane of the street.~~

~~(5) Ramping may be allowed where parking meters are installed.~~

~~(6) Ramping shall not be allowed in an area in which parking is already restricted for other uses or where parking is otherwise restricted or regulated.~~

~~(7) Ramping shall not reduce the unobstructed space for the passage of pedestrians to less than four feet unless a greater distance is required by the city's public planning director.~~

~~Valet operators may petition the parking department to utilize a moving lane of traffic for the expeditious loading or unloading of passengers. The expeditious loading or unloading of passengers is defined as taking possession and removal of the vehicle by either the valet operator or vehicle owner/operator within two minutes of stopping and/or standing in the moving lane of traffic. The vehicle must be immediately moved to either the authorized ramping area and/or authorized storage area. A committee of three, comprised of two department heads (parking director and police chief, or designees) and a designee of the city manager shall evaluate, approve and/or disapprove requests based on one or both of the following criteria:~~

~~a. On street parking is not available within one hundred feet of the front door of the establishment to be serviced:~~

~~b. Volume of patrons utilizing valet parking service at an establishment creates a safety hazard for either vehicular and/or pedestrian traffic.~~

~~Notes:~~

~~1. Requests for the use of a moving lane of traffic will not be accepted or considered within the following boundaries: North Centerline of 17th Street, South Centerline of 5th Street, West Biscayne Bay, East Atlantic Ocean.~~

~~2. Requests for the use of a moving lane of traffic must be resubmitted annually in conjunction with the occupational license renewal for said location(s). All required criteria and approvals contained herein remain in effect. The Committee reserves the right on 24 hour notice,~~

~~to revoke and/or suspend said approval.~~

~~3. The valet operator must provide the following:~~

~~A. Maintenance of traffic plan (must be approved by the director of planning and zoning), and~~

~~B. Off duty police. The committee will evaluate and determine the need for off duty police contingent upon the establishment's location, volume of service, and other existing conditions.~~

~~(c) On-call (hotel) valet ramps. Valet operators may establish on-call valet ramps for establishments that require valet service intermittently. The following criteria must be adhered to:~~

~~(1) Valet operator must obtain an occupational license a business tax receipt in order to provide on-call valet service:~~

~~(2) Ramping. An existing passenger loading zone must be used for ramping purposes. The valet operator must provide written consent from the establishment for the use of the passenger, loading zone for this purpose. All regulations contained herein remain in effect and govern the use of ramp spaces:~~

~~(3) The ramp (passenger loading zone) may be identified with signs. At no time shall signs be placed on the roadway, impeding vehicular and/or pedestrian traffic. All signs must be approved by the city manager or his designee. The use of other traffic device, including cones, and/or any other device is strictly prohibited:~~

~~(4) The valet operator must post a current and valid space rental valet parking permit at the hotel's front desk.~~

~~(d) Storage. Storage of vehicles shall only be in private spaces, authorized ramp areas, or in leased municipal spaces as provided by the parking department. Other than the leased municipal spaces, there shall be no storage of vehicles on any municipal property whatsoever. Valet operators shall clearly identify the vehicles in their possession during the entire period that the vehicle is in their possession. Such identification shall be made through a ticket stub affixed to the rear view mirror of the stored vehicle and shall state the name of the valet operator and identification of the ramp from which the vehicle was picked~~

~~up. Ramp identification shall be made by stating the name of the establishment which the ramp is servicing. Unauthorized storage of valet vehicles in municipal parking facilities, or at any public on street/curbside parking spaces is strictly prohibited and shall result in issuance of a valet violation to the valet operator., in the amount of \$1,000.00 to \$250.00, per vehicle and per occurrence.~~

~~(e) Valet Parking Street Furniture. All design standards for all street furniture, including signs stands and key boxes must be determined by the planning director.~~

~~At a minimum the following shall be applicable:~~

~~1. Street furniture shall be constructed of durable material that will withstand the year round impact of the weather and must be maintained in good taste and in good condition at all times;~~

~~2. Street furniture shall be sufficiently weighted and constructed to withstand strong winds. Not exceed twenty four (24) inches in width and forty eight (48) inches in height (including base holder frames etc.) measured from sidewalk surface:~~

~~3. Street furniture shall be placed on the sidewalk no more than on half (1/2) hour before the valet parking service opens and must be removed no later than one half (1/2) hour after the close of valet parking service:~~

~~4. Street furniture shall be in front of the approved business without encroaching upon the frontage of another business;~~

- ~~5. Street furniture shall be positioned on the sidewalk and/or tree lawn outside the travel lanes, bike lanes and parking lanes to allow a minimum of four (4) foot clearance for pedestrian traffic.~~
- ~~6. Street furniture shall be freestanding and may not be affixed to any street fixtures including but not limited to trees, meters, lampposts, grates, bike racks, decorative benches, new boxes etc. in any manner. Signs shall not be electrified in any way or have any moving components.~~
- ~~7. Street furniture shall include only the name and logo of the permittee's business, the words "Valet Parking", the rate charged for the service and the hours of operation.~~
- ~~8. Street furniture shall be approved by the planning department following review with appropriate business.~~
- ~~9. Street furniture shall display the following information: name of valet operator, address and 24 hour contact number, valet parking fee schedule and hours of operation.~~

Sec. 18-342. - Operation of service.

- (a) Identification of rented spaces. Rented spaces shall be so designated by the parking department as rented parking areas. The designation shall be by bagged meters and/or clearly marked signs indicating the parking restriction. The designation of a ramp for loading/unloading shall be by bagged meters and/or clearly marked signs indicating the parking restriction. Each ramp shall be comprised of no less than two (2), and no more than four (4) parking spaces which may be comprised of either metered or hotel passenger loading zone spaces. In no instance shall there be more than one (1) valet operator per block and no less than two (2), and no more than four (4) parking spaces (two per space) be permitted. In such case, new requests for valet parking service shall only be granted through attrition of existing service on the block, except upon Ocean Drive between 5th Street and 15th Street.

(b) Ramping.

- (1) Ramping shall only be operated in the spaces provided for ramping. The valet operator may use the moving lane of traffic during periods of high demand. High demand periods are defined as periods when the volume of vehicles to be processed exceeds the resources available. Valet operators must demonstrate a good faith effort to provide sufficient resources to meet demand. Storage of vehicle(s) may be allowed in up to 50 percent of the designated ramp area. Note: Use of the ramp area for storage constitutes waiver of subsection 7(b)(1). Ramping on public property shall not occur in any other location than the public on-street/curbside parking spaces provided for ramping, except as defined in subsections 7(b)(1) and (2).
- (2) Valet operators may petition the parking department to utilize a moving lane of traffic for the expeditious loading or unloading of passengers. The expeditious loading or unloading of passengers is defined as taking possession and removal of the vehicle by either the valet operator or vehicle owner/operator within two minutes of stopping and/or standing in the moving lane of traffic. The vehicle must be immediately moved to either the authorized ramping area and/or authorized storage area. A committee of three, comprised of two department heads (parking director and police chief, or designees) and a designee of the city manager shall evaluate, approve, and/or disapprove requests based on one or both of the following criteria:
 - a. On-street parking is not available within one hundred feet of the front door of the establishment to be serviced;

- b. Volume of patrons utilizing valet parking service at an establishment creates a safety hazard for either vehicular and/or pedestrian traffic.

Notes: _____

1. Requests for the use of a moving lane of traffic will not be accepted or considered within the following boundaries: North - Centerline of 17th Street, South - Centerline of 5th Street, West - Biscayne Bay, East - Atlantic Ocean.
2. Requests for the use of a moving lane of traffic must be resubmitted annually in conjunction with the occupational license renewal for said location(s). All required criteria and approvals contained herein remain in effect. The committee reserves the right, on 24-hour notice, to revoke and/or suspend said approval.
3. The valet operator must provide the following:
 - A. Maintenance of traffic plan (must be approved by the director of planning and zoning), and
 - B. Off-duty police. The committee will evaluate and determine the need for off-duty police contingent upon the establishment's location, volume of service, and other existing conditions.

- (c) On-call (hotel) valet ramps. Valet operators may establish on-call valet ramps for establishments that require valet service intermittently. The following criteria must be adhered:

- (1) Valet operator must obtain an occupational license in order to provide on-call valet service;
- (2) Ramping. An existing passenger loading zone must be used for ramping purposes. The valet operator must provide written consent from the establishment (hotel) for the use of the passenger loading zone for this purpose. All regulations contained herein remain in effect and govern the use of ramp spaces;
- (3) The ramp (passenger loading zone) may be identified with signs. At no time shall signs be placed on the roadway, impeding vehicular and/or pedestrian traffic. All signs must be approved by the city manager or his designee. The use of other traffic devices, including cones, and/or any other device is strictly prohibited;
- (4) The valet operator must post a current and valid valet parking permit at the hotel's front desk.

- (e) Storage. Storage of vehicles shall only be in private authorized spaces, authorized ramp areas, or in leased municipal spaces as provided by the parking department. Other than the leased municipal spaces, there shall be no storage of vehicles on any municipal property whatsoever. Valet operators shall clearly identify the vehicles in their possession during the entire period that the car is in their possession. Such identification shall be made through a ticket stub affixed to the rearview mirror of the stored vehicle and shall state the name of the valet operator and identification of the ramp from which the vehicle was picked-up. Ramp identification shall be made by stating the name of the establishment which the ramp is servicing. Unauthorized storage of valet vehicles in municipal parking facilities, or at any public on-

street/curbside parking spaces is strictly prohibited and shall result in the issuance of a valet violation to the valet operator in the amount of \$250.00, per occurrence.

Sec. 18-3423. Exceptions.

- (a) Valet service Special event. Valet services operating for a special event may apply for a special event permit from the city's tourism and cultural development director. Special event parking shall be restricted to any event occurring no more than twice per year and lasting no longer than three days in length. The special event permit will allow the valet operator to request from the parking department, additional ramping and/or storage space, if available, as long as it does not reduce the number of parking spaces needed to serve the general public in the area of the request.
- (b) Valet service-Residential. Valet service may be provided for non-commercial uses, including private functions in residentially zoned areas. Valet operators must meet the following criteria:
- (1) Valet operator must obtain a zero street address occupational license business tax receipt through the occupational licensing division/city finance department:
 - (2) Zero street address license is only permitted for use in areas zoned residentially:
 - (3) Zero street address license may not be simultaneously used in multiple residential locations:
 - (4) Valet operators must complete a temporary valet parking permit form and submit this form to the parking department three days prior to the scheduled event.
 - (5) Note: Temporary valet parking permit requests submitted within less than three (3) working days of a scheduled event will not be accepted for situations deemed as an emergency. An emergency is defined as a situation or occurrence of a serious nature, developing suddenly and unexpectedly within less than three working days of the event and demanding immediate attention.

The following requirements must be satisfied:

- (1) Ramping. Valet ramping may be provided either on private property at the location to be serviced or on public property. Ramping on public property shall not occur in any other location than the public on-street/curbside parking spaces provided for ramping. Ramping from a moving lane of traffic is strictly prohibited unless authorized by the city. The ramping area shall be determined as stated in subsection 18-361(c) entitled, number of spaces leased for ramping.
- (2) Storage. Storage of vehicles must be at in compliance with section 5, entitled, private storage facilities or lots. of valet vehicles and/or section 4, entitled, rental of additional parking for storage of vehicles. Storage of vehicles on public right- of-ways is strictly prohibited, unless authorized by the parking department.
 - a. Storage on public right of way. Valet operators may request the use of public right of way for storage under the following conditions:
 1. Private or public storage (parking lot and/or garage) is not available within 2,500 feet of the location to be serviced:
 2. All prohibited parking regulations (fire hydrants, crosswalks, etc.) are strictly enforced.

Sec. 18-34.34. Penalties and Enforcement: fine schedule; right of appeal.

- (1) Illegal Ramping. Illegal use of public right of ways for the purpose of accepting or delivering a vehicle or accepting or delivering a vehicle when a vehicle is stored in the assigned ramp for over 15 minutes.

<u>Violations:</u>	<u>First Offense:</u>	<u>\$150.00 Warning</u>
	<u>Second offense:</u>	<u>\$150.00 Warning</u>

	<u>Third offense:</u>	\$150.00 \$1,000.00
	<u>Fourth offense:</u>	\$150.00 2000.00 and ten (10) day suspension of ramping privileges. Notice of suspension to establishment via certified mail or hand delivery
	<u>Fifth offense or subsequent offense:</u>	Indefinite Suspension. Mandatory referral to special master

~~(2) Illegal storage. Illegal storage of vehicle(s) in public facilities and/or public right of ways or in unauthorized private storage location(s) as described in permit (occupational license).~~

<u>Violations:</u>	<u>First offense:</u>	\$250.00 1 000.00
	<u>Second offense:</u>	\$250.00 2 500.00
	<u>Third offense:</u>	\$500.00 2,500.00 and ten (10) day suspension of ramping privileges. Notice of suspension to establishment via certified mail or hand delivery.
	<u>Fourth offense:</u>	\$500.00 Indefinite Suspension. Mandatory referral to Special Master.
	<u>Fifth offense or subsequent offenses:</u>	Mandatory referral to Special Master

~~(3) Operation without a permit. \$50.00 \$1 000.00 per offense/per day.~~

~~(4) Penalty for lapse in required insurance coverage (from date of lapse). \$150.00 \$500.00 per offense/per day.~~

~~(5) No name tag. \$25.00 \$100.00 per offense.~~

~~(6) No uniform. \$25.00 \$100.00 per offense.~~

~~(7) No valid Florida Driver's License. \$25.00 \$500.00 per offense and immediate removal of the employee from the operation.~~

~~(8) Non compliance with valet employee. \$25.00 \$100.00 per day.~~

~~(9) Special master review. In addition to the factors set forth in subsection 3Q 74(e), the special master may consider, inter alia among other things, the following factors when determining the amount of the fine:~~

~~a. Number and type of violations under permit where violation originated (specific location).~~

~~b. Permitted location utilization (hours/number of days a week location is operational).~~

~~c. Parking and traffic conditions existing at the subject location at the time of the violation.~~

~~(10) Failure to comply with any provision of the approved Valet Parking Operational Plan, including staffing and storage spaces/locations \$1 000 per offense.~~

~~(11) Solicitation for valet parking service on any portion of the right of way including sidewalks parking space or roadway \$1,000 per offense.~~

~~(12) Valet Parking Street Furniture violations. \$1 000 per offense.~~

~~(3) Penalties and enforcement.~~

~~(1) A violation of Article VIII, except as specifically set forth herein, shall be subject to the following fines:~~

~~i. If the violation is the first offense, there shall be a civil fine of \$1,000.00;~~

~~ii. If the violation is the second violation within the preceding twelve months, there shall be a civil fine of \$2,000.00;~~

~~iii. If the violation is the third violation within the preceding twelve~~

~~months. there shall be a civil fine of \$3,000.00;
iv. If the violation is the fourth or subsequent violation within the preceding twelve months, there shall be a civil fine of \$5,000.00.~~

~~(2) A violation of Section 18-340, shall be subject to the following fines:~~

- ~~i. If the violation is the first offense, there shall be a civil fine of \$100.00;~~
- ~~ii. If the violation is the second violation within the preceding nine months, there shall be a civil fine of \$250.00;~~
- ~~iii. If the violation is the third violation within the preceding nine months, there shall be a civil fine of \$500.00;~~
- ~~iv. If the violation is the fourth or subsequent violation within the preceding nine months, there shall be a civil fine of \$1,000.00.~~

~~(3) Enhanced penalties. The following enhanced penalties must be imposed, in addition to any mandatory fines set forth in Section 18-343(A)(1) above, for violations of Article VIII, except as to Section 18-340:~~

~~(a) Enhanced Penalties:~~

~~(i) If the offense is a third offense within the preceding 12 month period of time, in addition to the fine set forth in Subsection 18-343(A)(1), the valet operator, valet permit holder, property owner, company or business entity must be prohibited from conducting the valet operation(s) for a period of 10 days.~~

~~(ii) If the offense is a fourth or subsequent offense, in addition to any fine set forth in Subsection 18-343(A)(1), the valet operator, valet permit holder, property owner, company or business entity must be deemed a habitual offender, and the City Manager may revoke the business tax receipt or the certificate of use issued to such valet operator valet permit holder, property owner, company or business entity that have been deemed a habitual offender(s) pursuant to this section for a period not to exceed one year.~~

~~(4) Enforcement. The Miami Beach city's Parking Department and the Miami Beach Police Department shall enforce this section article. This shall not preclude other law enforcement agencies from any action to assure compliance with this section and all applicable laws. If a parking enforcement officer or police officer finds a violation of this Article(c)(1) or (c)(2), the parking enforcement officer or the police officer will be authorized to issue a notice of violation. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, that the violation may be appealed by requesting an administrative hearing before a special master within ten (10) days after service of the notice of violation, and that the failure to appeal the violation within ten (10) days of service shall constitute an admission of the violation and a waiver of the right to a hearing.~~

~~(5) Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal; appeals from decisions of the special master.~~

~~(1) A violator who has been served with a notice of violation must elect to either:~~

~~(a) pay the civil fine in the manner indicated on the notice of violation;~~

~~or~~

~~(b) request an administrative hearing before a special master to appeal the notice of violation, which must be requested within ten (10) days of the service of the notice of violation.~~

~~(6) The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73 of this Code. Applications for hearings A request for appeal must be accompanied by a fee as approved by a resolution of the city commission which shall be refunded if the named violator prevails in the appeal.~~

~~(7) If the named violator, after issuance of the notice of violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master may be informed of such failure by report from the police officer. The failure of the named violator to appeal the decision of the police officer within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.~~

~~(8) A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. On or after the sixty-first (61st) day following the recording of any such lien that remains unpaid, the City may foreclose or otherwise execute upon the lien.~~

~~(9) Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.~~

~~(10) The special master shall be prohibited from hearing the merits of the notice of violation or considering the timeliness of a request for an administrative hearing if the violator has failed to request an administrative hearing within ten (10) days of the service of the notice of violation.~~

~~(11) The special master shall not have discretion to alter the penalties prescribed herein in subsection (3)(a).~~

~~Enforcement: The parking department shall enforce the provisions of this division. The police department and code enforcement department shall also assist the parking department in the enforcement of the valet operators code of conduct, as set forth herein. This shall not preclude other law enforcement agencies or regulatory bodies from any action as necessary to assure compliance with this division and all applicable laws. If a parking enforcement specialist finds a violation of this division, the parking enforcement specialist shall issue a notice of violation to the violator as provided in section 30-78, as may be amended from time to time. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator may be liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing before the special master within ten days after service of the notice of violation and that failure to appeal the violation within the ten days, shall constitute an admission of the violation and a „waiver of the right to a hearing.~~

~~(b) Fines. The following civil fines shall be imposed for each violation per location:~~

~~(1) Illegal ramping. Illegal use of public right of way for the purpose of accepting or delivering a vehicle or accepting or delivering a vehicle when a vehicle is stored in the assigned ramp for over 15 minutes.~~

~~(c) Rights of violators; payment of fine; right to appeal- failure to pay fine. or to appeal.~~

~~(1) A violator who has been served with a Notice of Violation shall elect either to:~~

~~a. Pay the civil fine in the manner indicated on the notice; or~~

~~b. Request an administrative hearing within ten days of receipt of the violation before a special master appointed by the City commission upon recommendation of the city manager. to appeal the decision of the parking department or other department which resulted in the issuance of the notice of violation.~~

~~(2) The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-71 and 30-72 of this Code, and amendments thereto.~~

~~(3) If the named violator after notice fails to pay the civil fine or fails to timely request an administrative hearing before a special master, the special master shall be informed of such failure by report from the parking department. Failure of the named violator to appeal the decision of the parking department within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and penalties may be assessed accordingly.~~

~~(4) Any party aggrieved by the decision of a special master may appeal that decision to a court of competent jurisdiction.~~

~~(d) Recovery of unpaid fines.~~

~~(1) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.~~

~~(2) A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien remains unpaid, the city may foreclose or otherwise execute upon the lien.~~

~~(3) As an additional means of enforcement, the city may seek injunctive relief and/or follow procedures to revoke an occupational license as set forth in this Code when there are repeated violations of this division.~~

~~(4) Additionally, the parking department, shall withhold issuance of any new valet permits and leased public on street/curbside valet parking spaces, and suspend current valet permits until past due violations are paid in full. The parking department reserves the right to bring forward to the special master any party who has waived their right to appeal and has over three (3) outstanding violations.~~

~~(e) Valet operator's responsibility for vehicles in their possession. 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 surcharge is incurred. This does not preclude the valet operator from also being cited by the parking department for violations of this section article which resulted in the imposition of the fines and fee.~~

Sec. 18-344. - Enforcement; fine schedule; right of appeal.

(a) Enforcement: The parking department shall enforce the provisions of this division. The police department and code enforcement department shall also assist the parking department in the enforcement of the valet operators code of conduct, as set forth herein. This shall not preclude other law enforcement agencies or regulatory bodies from any action as necessary to assure compliance with this division and all applicable laws. If a parking enforcement specialist finds a violation

of this division, the parking enforcement specialist shall issue a notice of violation to the violator as provided in [section 30-78](#), as may be amended from time to time. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator may be liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing before the special master within ten days after service of the notice of violation and that failure to appeal the violation within the ten days, shall constitute an admission of the violation and a waiver of the right to a hearing.

(b) **Fines.** The following civil fines shall be imposed for each violation per location:

(1) **Illegal ramping.** Illegal use of public right-of-way for the purpose of accepting or delivering a vehicle or accepting or delivering a vehicle when a vehicle is stored in the assigned ramp for over 15 minutes.

<u>Violations:</u>	<u>First Offense:</u>	<u>\$150.00</u>
	<u>Second offense:</u>	<u>\$150.00</u>
	<u>Third offense:</u>	<u>\$150.00</u>
	<u>Fourth offense:</u>	<u>\$150.00</u>
	<u>Fifth offense or subsequent offense:</u>	<u>Mandatory referral to special master</u>

(2) **Illegal storage.** Illegal storage of vehicle(s) in public facilities and/or public right-of-way or in unauthorized private storage location(s) as described in permit (occupational license).

<u>Violations:</u>	<u>First offense:</u>	<u>\$250.00</u>
	<u>Second offense:</u>	<u>\$250.00</u>
	<u>Third offense:</u>	<u>\$500.00</u>
	<u>Fourth offense:</u>	<u>\$500.00</u>

	<u>Fifth offense or subsequent offenses:</u>	<u>Mandatory referral to special master</u>
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(3) Operation without valet permit. \$50.00 per offense/per day.

(4) Penalty for lapse in required insurance coverage (from date of lapse). \$150.00 per offense/per day.

(5) No name tag. \$25.00 per offense.

(6) No uniform. \$25.00 per offense.

(7) No valid Florida driver's license. \$25.00 per offense and immediate removal of the employee from the valet operation.

(8) Non-compliance with valet employee list. \$25.00 per day.

(9) Special master review. In addition to the factors set forth in subsection 30-74(e), the special master may consider, inter alia, the following factors when determining the amount of the fine:

a.

Number and type of violations under permit where violation originated (specific location).

b.

Permitted location utilization (hours/number of days a week location is operational).

c.

Parking and traffic conditions existing at the subject location at the time of the violation.

(c) Rights of violators; payment of fine; right to appeal; failure to pay civil fine, or to appeal.

(1) A violator who has been served with a Notice of Violation shall elect either to:

a. Pay the civil fine in the manner indicated on the notice; or

b. Request an administrative hearing within ten days of receipt of the violation before a special master appointed by the city commission upon recommendation of the city manager, to appeal the decision of the parking department or other department which resulted in the issuance of the notice of violation.

(2) The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-71 and 30-72 of this Code, and amendments thereto.

(3) If the named violator after notice fails to pay the civil fine or fails to timely request an administrative hearing before a special master, the special master shall be informed of such failure by report from the parking department. Failure of the named violator to appeal the decision of the

parking department within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and penalties may be assessed accordingly.

- (4) Any party aggrieved by the decision of a special master may appeal that decision to a court of competent jurisdiction.

(d) Recovery of unpaid fines.

- (1) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.

- (2) A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the city may foreclose or otherwise execute upon the lien.

- (3) As an additional means of enforcement, the city may seek injunctive relief and/or follow procedures to revoke an occupational license as set forth in this Code when there are repeated violations of this division.

- (4) Additionally, the parking department, shall withhold issuance of any new valet permits and leased public on-street/curbside valet parking spaces, and suspend current valet permits until past due violations are paid in full. The parking department reserves the right to bring forward to the special master any party who has waived their right to appeal and has over three outstanding violations.

- (e) Valet operator's responsibility for vehicles in their possession. 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. This does not preclude the valet operator from also being cited by the parking department for violations of this section which resulted in the imposition of the fines and fee.

Secs. 18-34!5--18-360. Reserved.

SECTION 3. Article VIII of Division 3 of Chapter 18 of the Code of the City Miami Beach is hereby amended as follows:

CHAPTER 18

BUSINESSE

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ARTICLE VIII. Parking Lot

* * *

DIVISION 3. Rentals

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Sec. 18-361. Rental and operation of municipal parking spaces.

- (a) *Rental of public spaces for ramping.* The parking department shall rent to the valet operator public on-street/curbside parking spaces that shall be used for ramping of vehicles or storage of vehicle(s) (storage is defined as the stopping, standing, or parking of an unoccupied vehicle(s) for over 15 minutes five (5) minutes or longer within the designated loading area). In no event shall storage take place in over 50 percent of the allotted ramp space. Ramp space size is determined by length (linear feet). Ramping of vehicles shall consist of allowing customers to enter or exit a vehicle and to turn it over to or retrieve it from valet employees. Ramping shall only be operated in the public on-street/curbside spaces provided by the parking department for ramping or moving lane of traffic as described in subsections 7(b)(1) and (b)(2). A vehicle will be considered stored if it remains in the ramping area for more than five (5) minutes or longer. The operator may choose to store vehicle(s) in no more than 50 percent of the ramp area. Upon exercising said option, the valet operator waives the right to use the "moving lane of traffic" provision as described in subsections 7(b)(1) and (2). Ramping on public property shall not occur in any other location than the on street/curbside spaces provided for ramping, except as described in subsections 7(b)(1) and 7(b)(2).

Leased spaces Space rentals shall not be blocked by any type of sign, structure or other type of object. Leased spaces Space rentals shall not be cordoned off by any type of signage, rope or barrier of any kind, except that signage provided by the city indicating the designation of the restricted valet parking area. At its sole discretion and judgment, the parking department shall provide to the valet operator sufficient ramping space in a close proximity to the establishment being serviced, if sufficient spaces are available. If there is not sufficient space available for rental in front of the establishment, the parking department shall lease spaces as close to the establishment as possible. Notwithstanding the above, ramping will not be allowed if the parking department determines, at its sole discretion, that it would be an unsafe activity at that location.

- (b) *Rental fees for public on-street/curbside spaces.* The parking department shall post in the offices of the parking department, the fee for use of public on-street/curbside spaces. All valet parking meter space rental fees are codified in Ord. No. 2000-3267. All additions or changes to existing leased public on-street/curbside parking spaces for ramping, shall be paid upon request. All valet space lease requests shall be required in writing to the parking director or his/her designee, 24 hours in advance, and received no later than 3:00 p.m. daily. Exceptions shall be assessed a \$250.00 processing fee and lease cancellations not made within the prescribed period will be assessed a \$20.00 \$50.00 processing fee.
- (c) *Number of spaces leased for ramping.* The amount of ramping spaces available to the valet operator shall be determined by the frontage of the establishment being serviced provided that there is sufficient public on street/curbside spaces available for ramping, as determined in the sole discretion of the parking department director.
- (d) *Subletting.* Leased public on-street/curbside or off-street spaces may not be sublet to another valet parking operator.

Sec. 18 362. Rental of additional parking for storage of vehicles.

Storage space required for the operation of a valet service must be provided in private parking lots or authorized municipal facilities. All such facilities must meet all applicable code and ordinance requirements of the city. The parking department may lease additional valet spaces for the storage of vehicles for special events, special programs, residential functions, or at the request of the valet operator, if the proposed valet storage space does not take away from public parking demand in the area. The parking department shall post in the offices of the parking department, the fee for use of storage parking spaces. The fee for use of storage parking spaces shall be based on a 12 hour period at a rate of \$10.00 per space/per day. Fees shall be paid in full, 24 hours in advance of the special event.

Secs. 18-36.i3-18-395. Reserved.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect on the tenth (10th) day following its adoption.