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Sponsors: ALD. HENNINGSEN

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981587
SUBSTITUTE 5

ALD. HENNINGSEN

A substitute ordinance relating to the licensing of valet parking service operators and the use of loading zones by such operators.

81-70-2 am
81-70-3 am
81-131.3 cr
84-30 cr
101-23.7-3-a am
101-23.7-5 rc
101-23.7-6 cr
115-32-1-o cr

This ordinance requires any person who wishes to conduct a valet parking service on the public right-of-way within the central business district to obtain a valet parking operator license from the city clerk and to have available for such service a loading zone measuring at least 40 feet or 2 metered parking spaces. Exempt from this requirement are hotels and other businesses that provide valet parking for patrons solely and entirely on the business premises. Licenses shall be valid for 2-year periods. For purposes of this ordinance, the central business district is the area bounded by Walnut, Pleasant, Water and Brady streets and Brady Street extended on the north, Lake Michigan on the east, the Milwaukee and Menomonee rivers on the south and Interstate Highway 43 on the west.

The fee for a new or renewal valet parking operator license shall be \$75. The other fee associated with the conduct of a valet parking service, the loading zone permit fee, shall be required whenever a new loading zone intended for valet parking purposes is created or an existing loading zone is converted to a loading zone intended for valet parking purposes.

Upon receipt of a valet parking operator license application, the city clerk shall forward copies of the application to the commissioner of public works and the chief of police, as well as each common council member. The chief of police shall perform an investigation of the application and make a recommendation to the city clerk. The common council's utilities and licenses committee shall hold a hearing on each application for a new or renewal valet parking operator license, even if no written objection to the license has been filed with the city clerk. Upon the granting of a valet parking operator license by the common council, the city clerk shall issue a valet parking operator license to the applicant. As a condition of license issuance, a valet parking operator shall agree to provide valet parking services to all businesses located on the same block face as the loading zone that pay to the operator the same amount for such services as the business or businesses for which the valet parking loading zone was initially established.

Grounds for common council denial or nonrenewal of a valet parking operator license are specified in the ordinance. This ordinance also creates a procedure through which the common council, based on sworn charges or a sworn complaint relating to the same grounds, may suspend or revoke a valet parking operator license. If a license is denied, not renewed or revoked, no other valet parking operator license shall be granted to the applicant within 3 months of the date of denial, nonrenewal or revocation.

Each licensed valet parking operator and, where appropriate, each attendant employed by the operator, shall comply with all rules for operation of a valet parking service on public right-of-way, as set forth in this ordinance.

Finally, this ordinance requires that, whenever it is the intent of a loading

zone permit applicant to establish the loading zone for use by a licensed valet parking operator, the loading zone permit application shall clearly identify such intended use along with the name, address and telephone number of the licensed valet parking operator. The applicant for a loading zone intended for valet parking purposes shall agree that only the valet parking operator identified on the permit application may use the loading zone for valet parking purposes and that the operator may use the loading zone to provide valet parking services to all businesses located on the same block face as the loading zone that pay to the operator the same amount for such services as the business or businesses for which the valet parking loading zone is initially established. There shall be not more than 2 loading zones intended for valet parking use on any one block face, and the commissioner of public works shall be authorized to alter the size or location of such loading zones. A loading zone for valet parking purposes may be designated for use for conventional loading and unloading purposes at other times if those additional loading zone times are specified on the permit application.

Whereas, The Common Council finds that the availability of valet parking services enhances the economic vitality of businesses and business districts in the city of Milwaukee; and

Whereas, The Common Council finds that there is a need to ensure that valet parking services on public right-of-way are operated in a safe and orderly manner and treat valet parking customers in a courteous and ethical manner; and

Whereas, A Department of Public Works study of the availability and use of parking spaces in downtown Milwaukee found that many off-street parking facilities are underutilized during evening hours, while on-street parking spaces have a high rate of occupancy; and

Whereas, The Common Council finds that there is a need to increase the use of off-street parking facilities in downtown Milwaukee; and

Whereas, The Common Council finds that the increased availability of valet parking services may increase the use of off-street parking facilities; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-70-2 and 3 of the code is amended to read:

81-70. Loading Zone Permit.

2. The fee for each original loading zone permit, except a permit issued to a disabled person as defined in s. 101-23.7-1-b, shall be computed at the rate of \$168 for every 30 feet of curb space or fraction thereof >>in unmetered parking areas or \$112 for every metered parking space in metered parking areas<<. The fee for each original loading zone permit issued to a disabled person shall be \$50, with all such permits being for 30-foot loading zones.

3. The fee for each renewal loading zone permit shall be computed at the rate of \$84 for every 30 feet of curb space or fraction thereof >>in unmetered parking areas or \$56 for every metered parking space in metered parking areas<<.

Part 2. Section 81-131.3 of the code is created to read:

81-131.3. Valet Parking Operator License. 1. Each valet parking operator license shall be issued for a 2-year period, expiring on November 30 in even-numbered years.

2. The fee for each new or renewal valet parking operator license shall be \$75.

3. A license renewal application shall be filed at least 60 days before the expiration date of the license. There shall be an additional fee of \$25 for the filing of a late renewal application. In addition to the late fee, a license may lapse and be void if the renewal application is submitted less than 60 days before the expiration date.

(See s. 84-30.)

Part 3. Section 84-30 of the code is created to read:

84-30. Valet Parking Operator License. 1. PURPOSE. The purpose of this section is to establish rules and regulations governing the conduct of valet parking services operated in the public right-of-way. The city recognizes that valet parking services may contribute to the economic development of the community and lead to more efficient use of off-street parking facilities, but also seeks to ensure that such services do not substantially reduce vehicular and pedestrian convenience, safety and general access or the amount of on-street parking available to businesses that do not use such services. The common council finds that these issues are of particular importance in the central business district, where most valet parking services operate and where off-street parking facilities are often underutilized at the same time that on-street parking spaces are largely occupied.

2. DEFINITIONS. In this section:

a. "Objection" means any information received by the city clerk that could form the basis for denial or nonrenewal of a valet parking operator license.

b. "Valet parking operator" means a person who, either personally or through the services of one or more attendants employed by such person, provides a valet parking service to a business establishment. If a business establishment provides a valet parking service for its patrons using its own employes, the establishment shall be considered a "valet parking operator" and shall be subject to the requirements of this section.

c. "Valet parking service" means a parking service provided to accommodate patrons of any business establishment by having an attendant, on behalf of the establishment, take temporary custody of a patron's motor vehicle and move, park, store or retrieve the vehicle for the patron's convenience.

3. LICENSE AND LOADING ZONE REQUIRED. No person shall conduct a valet parking service on the public right-of-way within the area bounded by Walnut, Pleasant, Water and Brady streets and Brady Street extended on the north, Lake Michigan on the east, the Milwaukee and Menomonee rivers on the south and Interstate Highway 43 on the west without first obtaining a valet parking operator license issued in accordance with this section. Such service shall be conducted only in a loading zone intended for valet parking use for which a loading zone permit has been issued pursuant to s. 101-23.7.

4. EXCEPTION. This section shall not apply to any business establishment that provides a valet parking service that is conducted entirely on private property, nor to the operation of a valet parking service on the public right-of-way in any location outside the area described in sub. 3.

5. APPLICATION. a. Contents. Application for a new or renewal valet parking operator license shall be made to the city clerk on a form designated for that purpose, and shall include the following:

a-1. Name and date of birth of the applicant.

a-2. Permanent home address and business address of the applicant. Post office box numbers shall not be acceptable.

a-3. Home telephone number and business telephone number of the applicant.

a-4. The location and length of the loading zone that will be used for valet parking purposes. If a loading zone permit has been granted for the loading zone, the permit number shall be provided.

a-5. The name of each business for which the applicant will be providing valet parking service.

a-6. The days and times during which the applicant will be providing valet parking service.

a-7. A sworn statement that the applicant will provide a copy of the operating rules in sub. 13 to each valet parking attendant employed by the applicant at any time during the license period.

a-8. A sworn statement that the applicant agrees to indemnify and hold the city and its employees, elected officials, appointed officials, representatives and agents harmless from any and all loss, claims, demands, damages, liabilities, suits or other legal actions, judgments and decrees, attorney's fees, costs and expenses which result from the valet parking service to be provided by the applicant. The applicant shall further agree to accept tender of defense in situations where the city is involved in a loss event caused by the actions of the applicant.

b. Fingerprinting. All applicants shall be fingerprinted. If the applicant is a corporation, the agent and all the officers and directors as well as the stockholders owning 20% or more of the stock of the corporation shall be fingerprinted. If the applicant is a partnership, each partner shall be fingerprinted. The requirement that an applicant be fingerprinted shall not apply to a person already licensed by the city when that person is renewing a license.

c. Deadline for Renewal Application Submission. Application for a renewal license shall be made at least 60 days prior to the expiration of the license to be renewed.

d. Distribution of Copies of Application. Upon receipt of an application for a new or renewal valet parking operator license, the city clerk shall provide

copies of the application to the commissioner of public works, the chief of police and, for informational purposes only, to each common council member.

e. Investigation by Chief of Police. The chief of police shall conduct an investigation of each valet parking operator license application. If the application is for a new license, the investigation shall include a criminal background investigation of the applicant. If the application is for license renewal, the chief of police shall, in addition to conducting a criminal background investigation of the applicant, perform an investigation to determine if the applicant has violated any of the rules set forth in sub. 13 or if operation of the applicant's valet parking service has resulted in the issuance of parking or traffic citations. Based on the findings of the investigation, the chief of police may file an objection to issuance of the license with the city clerk.

f. Objections. A written objection to license issuance or renewal relating to the causes for denial or nonrenewal specified in sub. 11 may be filed with the city clerk by the commissioner of public works, any common council member or any other interested person at any time. However, in order for the procedure for denial or nonrenewal set forth in sub. 10 to be initiated, the objection shall be filed at a time such that notice of the objection can be served on the licensee before the last regular utilities and licenses committee meeting before the expiration date of the license.

6. FEE. a. General. See s. 81-131.3 for the required valet parking operator license fee.

b. Insufficient Funds. If payment for a license fee is made by check or other draft and payment on the draft is stopped or the draft is drawn upon an account that is non-existent or contains insufficient funds, the applicant shall, within 15 days after the receipt of notice from the city clerk of the insufficiency, pay by cashier's check or other certified draft, money order or cash, the fee and late fee specified by the code. Non-payment of all applicable fees within 15 days after the applicant received notice of the insufficiency shall result in suspension of the license, and the applicant's valet parking service shall cease operation until all fees are paid in full.

7. INSURANCE AND BOND REQUIREMENTS. a. Insurance. The licensed valet parking operator shall assume responsibility for all liability for damages to persons or property associated with the operation of a valet parking service and shall maintain insurance as follows:

a-1. Workers Compensation and Employers Liability. a-1-a. Workers Compensation: statutory.

a-1-b. Employers Liability:

Bodily Injury by Accident:	\$100,000 each accident
Bodily Injury by Disease:	\$100,000 each employe
	\$500,000 policy limit

a-2. Automobile Garage Liability. a-2-a. Bodily Injury/Property Damage Related to Garage Operations:

Garage Operations, Auto Only	\$1,000,000 each accident
Garage Operations, Other Than Auto	\$1,000,000 each accident
	\$1,000,000 aggregate

a-2-b. Inclusion. The risk assumed in the contract/agreement to provide the valet parking service shall be included in the coverage.

a-3. Garagekeepers Coverage. a-3-a. Coverage Amounts:

Collision	\$50,000 each customer's auto
Comprehensive	\$50,000 each customer's auto

a-3-b. Inclusions. Coverage shall apply on a primary basis. Employees shall be included as insureds.

a-4. City as Additional Insured. The city shall be included as an additional insured for all coverages other than workers compensation and employers liability.

a-5. Certificate of Insurance. A certificate of insurance which confirms that liability coverage is in place for damage to persons or property shall be submitted, on a form that has been pre-approved by the city attorney, to the city clerk prior to issuance of the license. This certificate shall provide that the insurance company will give 10 days' written notice to the city clerk of cancellation, expiration or notice of the company's intent not to renew; otherwise such insurance shall continue in full force and effect for the duration of the license period.

b. Bond. If the city clerk requires, based upon recommendation by the commissioner of public works, a bond of a surety company duly incorporated in the state of Wisconsin or duly licensed to do business in the state in such sum as the commissioner may require to cover the cost of repairing or replacing city property damaged as a result of operation of the valet parking service, but not less than \$1,000 or exceeding \$10,000, the licensed valet parking operator shall submit such bond, on a form that has been pre-approved by the city attorney, to the city clerk prior to the issuance of the license. The commissioner of public works shall notify the city clerk of any bond requirement and the amount thereof within 10 working days of receipt of notice from the city clerk of application for the valet parking operator license. The bond shall extend for the same period for which the valet parking operator license is issued and shall not be cancelled except upon 20 days' written notice to the city clerk.

c. Cancellation or Nonrenewal. In the event of a cancellation or nonrenewal of either the performance bond or the certificate of insurance, the valet parking operator license shall be automatically suspended. The suspension shall terminate upon presentation of a certificate of insurance or performance bond that evidences that the policies required under this subsection have been issued or reissued to the licensee.

8. LICENSE ISSUANCE. a. Common Council Committee Hearing. The common council's utilities and licenses committee shall hold a hearing on whether or not to grant each request for a new or renewal valet parking operator license, even if no objections to the license have been filed with the city clerk. No hearing shall be held until the license applicant has paid the required valet parking

operator license fee. Upon the granting of a valet parking operator license by the common council and the applicant's submission of the certificate of insurance and surety bond (if required), as specified in sub. 7, the city clerk shall issue a valet parking operator license to the applicant.

b. When Objection Received. If the city clerk receives an objection to issuance of the license from the chief of police, or if the city clerk receives a sworn written objection relating to the causes for denial or nonrenewal specified in sub. 10 from the commissioner of public works, any common council member or any other interested person, the procedure for considering the license application shall be as specified in sub. 10.

c. Conditions of Issuance. A valet parking operator license shall permit the operation of a valet parking service only in a loading zone designated pursuant to s. 101-23.7-5 as intended for valet parking use by the operator listed on the license application. A licensed valet parking operator shall provide valet parking services to, at a minimum but not limited to, all businesses located on the same block face as such loading zone that pay to the operator the same amount for such services as the business or businesses for which the valet parking loading zone was initially established. The licensed valet parking operator shall not be required to provide valet parking services to any business that does not promptly pay for those services.

9. REPORT OF CHANGES REQUIRED. Whenever anything occurs to change any fact set forth in a valet parking operator license application, the licensee shall file notice in writing of such change with the city clerk not more than 10 calendar days after the effective date of such change.

10. PROCEDURE FOR DENIAL OR NONRENEWAL OF LICENSE. a. If the city clerk receives an objection to issuance of the license from the chief of police, or if the city clerk receives a sworn written objection to the issuance or renewal of the license from the commissioner or public works, any common council member or any other interested person, the procedure for the utilities and licenses committee hearing on whether to issue, renew, renew with a suspension, deny or not renew the license shall be as set forth in this subsection. Causes for denial, nonrenewal or renewal with a suspension shall be those specified in sub. 11.

b. The city clerk shall serve notice of the date and time of the hearing upon the applicant by United States first-class pre-paid mail at least 5 business days prior to the date set for the hearing. Such notice shall include a description of the objections that the city clerk has received relating to the issuance or renewal of the license. The applicant shall have an opportunity to appear at the hearing, be represented by counsel, cross-examine witnesses who oppose the issuance or renewal of the license and present evidence in favor of issuance or renewal of the license.

c. At the conclusion of the hearing, the committee shall make a recommendation to the common council concerning issuance or renewal of the license. The committee shall provide a written report of its findings and recommendations to the city attorney, the commissioner, the licensee or applicant and each member of the common council.

d. Whenever the utilities and licenses committee recommends nonrenewal of an

existing license or renewal with a suspension, the common council shall conduct a hearing on the committee recommendation. The city clerk shall give the applicant not less than 5 days' notice of the date set for hearing by the common council. The hearing shall be conducted as follows:

d-1. The chair shall allow oral argument by an applicant who, at least 2 days prior to the date of the meeting, has presented written objections to the recommendations of the utilities and licenses committee. The city attorney shall also be permitted to make a statement. Oral arguments shall be limited to 5 minutes on behalf of each party.

d-2. A roll call vote of the common council shall be taken as to whether the recommendation of the committee shall be accepted. The applicant shall be provided with written notice of the results of the common council vote.

e. In the event that the common council votes to renew a license with a suspension, the suspension of the license shall take effect at the end of the current license term.

f. If the common council votes to not renew a license, or to renew the license with a suspension, the licensee shall be responsible for all costs associated with the removal or changing of city signs necessitated by the nonrenewal or suspension.

11. CAUSES FOR COUNCIL DENIAL, NONRENEWAL, SUSPENSION OR REVOCATION OF LICENSE. An application for a new or renewal valet parking operator license may be denied, or any license issued under this section may be suspended or revoked, by the common council for any of the following causes:

a. An objection to the valet parking operator license from the chief of police.

b. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the operation of a valet parking service, on behalf of the licensee or his or her employees.

c. Failure of the applicant or licensee to comply with the rules for licensed valet parking operators set forth in sub. 13.

d. Provision by the applicant or licensee of a false or materially incorrect statement on the license application.

e. The applicant or licensee's use of a loading zone to conduct a valet parking service has resulted in the repeated issuance of parking or traffic citations.

f. The applicant or licensee's use of a loading zone to conduct a valet parking service has resulted in traffic congestion or obstruction of pedestrian traffic in the vicinity of the loading zone.

g. A check for payment of the required valet parking operator license fee has been returned to the city by a bank or other financial institution because of insufficient funds.

12. PROCEDURE FOR REVOCATION OR SUSPENSION OF LICENSE. a. Whenever any person

files either sworn written charges or a sworn written complaint with the city clerk setting forth specific charges against a licensed valet parking operator relating to any of the causes for revocation or suspension of a license set forth in sub. 11, the city clerk shall notify the common council's utilities and licenses committee of the need to schedule a committee hearing on whether to revoke or suspend the license. The procedure for the hearing shall be as set forth in this subsection. Causes for revocation or suspension shall be those specified in sub. 11.

b. The city clerk shall serve notice of the date and time of the hearing upon the licensee by United States first-class pre-paid mail at least 5 business days prior to the date set for the hearing. Such notice shall include a description of the written charges or complaint against the licensee.

c. The utilities and licenses committee of the common council shall convene at the date and time designated in the hearing notice for the purpose of taking evidence and making findings of fact and conclusions of law and a recommendation to the common council in connection with the proposed revocation or suspension. The committee hearing shall be conducted as follows:

c-1. If the licensee appears before the committee at the time designated in the hearing notice and denies the charges contained in the complaint, an evidentiary hearing in connection with the revocation or suspension shall be conducted by the committee at that time. If the licensee does not appear, or appears but does not deny the charges contained in the complaint, the complaint shall be taken as true and the committee shall hear the arguments of the city attorney and the licensee in connection with the revocation or suspension.

c-2. The chair of the utilities and licenses committee shall be the presiding officer. The chair shall direct that oaths be administered and subpoenas issued upon request of either side. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this subsection. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

c-3. At all stages of the proceedings before the committee or before the common council, the licensee shall be entitled to appear both in person and by an attorney.

c-4. At any evidentiary hearing required by this subsection, the city attorney shall first present evidence in support of the complaint. After the city attorney rests, the licensee shall present evidence in opposition to the complaint. Each may subpoena witnesses. All witnesses shall testify under oath and shall be subject to cross-examination under oath. At the close of the testimony, each shall be given a reasonable time to make arguments upon the evidence adduced at the hearing.

c-5. A stenographic record shall be made of all proceedings before the committee and before the common council when written exceptions have been filed. Any interested party may at any stage of the proceedings order a copy of the transcript of the record or portions thereof at his or her own expense.

d. Within 10 working days after it reaches a decision, the committee shall

prepare and serve a report and recommendation on the proposed license revocation or suspension and transmit copies thereof to the city attorney, the commissioner of public works, the licensee and each member of the common council. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee.

e. If the committee recommends that the license be revoked or suspended, then within 7 days of the receipt of the report and recommendation of the committee, the licensee may file written exceptions to the report and recommendations of the committee.

f. Any exceptions filed by the licensee to the report and recommendations of the committee shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

g. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendation. Not less than 5 days prior to the hearing before the common council, the city clerk shall notify the licensee by certified mail and also notify the city attorney that the common council will convene. The hearing shall be conducted as follows:

g-1. Each member of the common council shall be asked to affirm that he or she has read the report and recommendation of the committee. When written exceptions are filed to a committee report and recommendation that the license be suspended or revoked, each member of the common council shall be asked to affirm that he or she has read the exceptions. If members of the council have not read the recommendation and report of the committee and any exceptions that have been filed thereto, the chair may allocate time for the members to do so.

g-2. Oral argument in support of the report and recommendation presented by the city attorney and oral argument on behalf of the licensee in opposition to the report and recommendation shall be permitted only at the discretion of the chair. If such argument is permitted by the chair, each side shall be limited to 5 minutes and the arguments shall be limited to the subject matter of the report and recommendation and the written exceptions.

g-3. The common council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the committee. Such vote shall be a roll call vote.

h. If the common council finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation with the committee's report and recommendation and in accordance with this section, the city clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked. If the common council finds the complaint to be untrue, the proceedings shall be dismissed without cost to the licensee. If the common council finds the complaint to be malicious and without probable cause, the cost shall be paid by the complainant upon invoice from the city.

i. All suspensions and revocations under this subsection shall be effective upon service of the suspension or revocation upon the licensee.

j. The licensee shall be responsible for all costs associated with the removal or changing of city signs necessitated by the suspension or revocation of a license.

13. RULES FOR OPERATION OF VALET PARKING SERVICES ON PUBLIC RIGHT-OF-WAY. Each licensed valet parking operator and, where appropriate, each attendant employed by the valet parking operator, shall comply with all rules of this subsection. In this subsection, the term "attendant" shall include the licensed valet parking operator himself or herself.

a. The licensed valet parking operator shall comply with all applicable provisions of ch. 115.

b. The licensed valet parking operator may place, on or within the public sidewalk area adjacent to the loading zone which is used for the valet parking service, up to 2 portable sandwich board-type signs or other devices approved by the commissioner of public works to advertise the valet parking service. Each sign shall be placed within 4 feet of the loading zone and in such manner as to not obstruct pedestrian traffic and to not violate the vision triangle regulations of s. 295-405-3. The surface area of each sign face shall be at least 9 square feet, but not larger than 25 square feet. If a fee is charged for the valet parking service, such fee shall be clearly displayed on the sign. Signs shall be removed and stored off-site at all times when the valet parking service is not operating. No special privilege granted by the common council or permit issued by the commissioner of public works shall be required for the placement of signs which comply with this paragraph.

c. The licensed valet parking operator shall display, on a permitted sandwich-board sign or in such other location approved by the commissioner of public works, a copy of the operator's valet parking operator license.

d. The licensed valet parking operator shall display, on a permitted sandwich-board sign or in such other location approved by the commissioner of public works, the loading zone permit sticker for the loading zone which the operator is authorized to use for valet parking purposes.

e. Double parking of vehicles at valet parking zones shall be prohibited.

f. No attendant employed by a licensed valet parking operator may stand in the vehicular-travel portion of the public right-of-way, including the parking lane, to direct vehicles into the loading zone or to solicit business for the valet parking service.

g. The licensee shall not place any signs, traffic cones, poles, chairs, ropes, chains or other objects in the vehicular-travel portion of the public right-of-way, including the parking lane.

h. The licensed valet parking operator and each attendant employed by the operator shall recognize that the valet parking service is being operated in a loading zone and that, pursuant to s. 346.53, Wis. Stats., no person, including any licensed valet parking operator or attendant or client thereof, shall stop or leave standing any vehicle in a loading zone except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers. When a vehicle is so stopped or left standing, it shall

at all times be attended by a licensed motor vehicle operator so that it may be promptly moved in case of any emergency or to avoid obstruction of traffic. The licensed valet parking operator and each attendant employed by the operator shall further recognize that loading zones shall not be considered parking places and that the prohibition on parking in loading zones shall be enforced accordingly.

i. The penalty for any parking violation incurred by a vehicle while in the custody of the licensed valet parking operator shall be the sole responsibility of the licensed valet parking operator and shall, upon final determination of liability, constitute a debt due and owing to the city.

j. Each attendant employed by the licensed valet parking operator shall, while on duty, wear conspicuously placed on his or her clothing an insignia which identifies the valet parking operator for whom the attendant is working.

k. Every attendant employed by the licensed valet parking operator shall, upon taking custody of a patron's vehicle, issue a numbered receipt to the patron containing the name, address and telephone number of the operator, the charge for the valet parking service, the time and date the attendant took custody of the vehicle, the license number of the vehicle, a statement that the operator has the liability insurance required by these rules and a statement advising the patron to keep the receipt for future reference. When the attendant returns custody of the vehicle to its owner, the attendant shall stamp the receipt with the time and date the attendant surrendered custody of the vehicle and return the receipt to the patron.

l. Every attendant employed by the licensed valet parking operator shall carry on his or her person a valid driver's license at all times while in control of a patron's vehicle.

m. The licensed valet parking operator shall provide each attendant employed by the operator with a copy of this subsection. On the application for the valet parking operator license, the operator shall sign a statement swearing that the operator will provide a copy of this subsection to each attendant employed by the operator at any time during the license period.

n. The licensed valet parking operator shall remove all signs and other objects placed on the public right-of-way and associated with the valet parking service and restore the public right-of-way to its original condition whenever public necessity so requires as determined by resolution of the common council or upon expiration of the license. In addition, the commissioner of public works may order the temporary discontinuation of use of a loading zone for valet parking purposes whenever major civic events, emergency repairs or other public improvements necessitate such discontinuance. The operator shall not be entitled to any damages whenever discontinuation of use is required.

14. TRANSFERABILITY. Valet parking operator licenses shall be non-transferable.

15. DISQUALIFICATION FOR LICENSE. Whenever any license is denied, not renewed or revoked, such denial, nonrenewal or revocation shall be so entered of record by the city clerk. No other valet parking operator license shall be granted to such person within 3 months of the date of the denial, nonrenewal or revocation, nor shall any part of the money paid for any license so denied, not renewed or revoked be refunded.

16. PENALTY AND ENFORCEMENT. a. Penalty. Any person convicted of violating the requirement to obtain a valet parking operator license prior to providing a valet parking service shall be fined not less than \$50 nor more than \$250 for each violation plus costs of prosecution, and in default thereof be imprisoned for a period not to exceed 10 days. Each day's violation shall constitute a separate offense.

b. Enforcement. The police department shall enforce this section.

Part 4. Section 101-23.7-3-a of the code is amended to read:

101-23.7. Loading Zone Permits; Special Privilege Areas.

3. APPLICATION. a. Procedure. Any person, firm, corporation or organization desiring a loading and unloading zone in connection with any building shall, before an initial or renewal permit is issued therefor, file a written application with the common council, on blanks provided therefor, setting forth the name of the person, firm, corporation or organization, and in the case of a corporation, the names of the principal officers therefor, together with the exact location, nature and extent of such building and the reason or necessity for such loading and unloading zone. >>If the loading zone is intended for use by a valet parking operator licensed under s. 84-30, the application shall include the information required by sub. 5-a.<<

Part 5. Section 101-23.7-5 of the code is repealed and recreated to read:

5. USE OF LOADING ZONE BY LICENSED VALET PARKING OPERATOR. a. Application. Whenever a new or existing loading zone is to be used by a licensed valet parking operator for the conduct of a valet parking service, as defined in s. 84-30-2, the application shall clearly indicate such intended use and shall contain the name, address and telephone number of the licensed valet parking operator, the location or proposed location of the loading zone, the dates and times during which the loading zone would be used for valet parking purposes and the additional times, if any, when the loading zone would be designated for use for conventional loading and unloading purposes, rather than valet parking purposes. The application shall also contain a statement, sworn to and signed by the permit applicant, that the applicant agrees that valet parking services may only be provided by the licensed valet parking operator identified on the application and agrees to allow such operator to use the loading zone to provide valet parking services to all businesses located on the same block face as the loading zone that pay to the operator the same amount for such services as the business or businesses for which the valet parking loading zone was initially established, and to any motorist who enters the zone and desires such services.

b. Fees. Whenever an existing non-residential loading zone is to be converted to a loading zone intended for use by a licensed valet parking operator, the permit holder shall be required to pay the loading zone permit fee specified in ch. 81. Once a loading zone has been designated as being for valet parking use, only one loading zone permit fee shall be required, even if the loading zone is to be used for both valet parking purposes and conventional loading and unloading purposes.

c. Location. To ensure the safety and convenience of vehicular and pedestrian

traffic, the commissioner of public works may modify the location of a proposed loading zone that is intended to be used for the conduct of a valet parking service.

d. Size and Number. Each loading zone which is intended for use by a licensed valet parking operator shall consist of at least 2 metered stalls or, in an unmetered area, measure at least 40 feet in length. There shall be not more than 2 such zones on each block face in use at any given time. The commissioner of public works shall be authorized to modify the size of a proposed loading zone intended for use by a licensed valet parking operator. The commissioner may also recommend that the common council deny a loading zone permit application based on the number or location of existing loading zones in the vicinity of the proposed loading zone.

e. Changes to be Reported. Whenever anything occurs to change any fact set forth in a loading zone permit application for a zone intended for use by a licensed valet parking operator, the permit holder shall file notice in writing of such change with the city clerk not less than 72 hours before the effective time of such change.

Part 6. Section 101-23.7-6 of the code is created to read:

6. ENFORCEMENT. a. Loading zones, including loading zones intended for use by licensed valet parking operators, are for the use of the general public and are not restricted solely for the use of the permit holders or their patrons.

b. Pursuant to s. 346.53, Wis. Stats., no person, including any licensed valet parking operator or attendant or client thereof, shall stop or leave any vehicle standing in a loading zone except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of any emergency or to avoid obstruction of traffic. Loading zones shall not be considered parking places. The prohibition on parking in loading zones shall be enforced accordingly.

Part 7. Section 115-32-1-o of the code is created to read:

115-32. Obstruction on Public Ways.

1. o. Up to 2 signs on the public sidewalk adjacent to a loading zone used for valet parking purposes by a valet parking operator licensed pursuant to the provisions of s. 84-30, provided such signs are in compliance with the rules for operation of valet parking services set forth in that section.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____

LRB99025-6
JDO
5/28/03