

ORDINANCE NO. _____

An ordinance adding Section 103.203.2 to Division 8 of Article 3 of Chapter X of the Los Angeles Municipal Code to establish an On-Demand Valet Parking Operator permit in the City of Los Angeles.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 103.203.2 is added to Division 8 of Article 3 of Chapter X of the Los Angeles Municipal Code to read as follows:

SEC. 103.203.2. ON-DEMAND VALET PARKING.

(a) **Definitions.** The words and phrases defined in Section 103.203(a) of this Code, shall have the same meaning when used in this section. In addition thereto, the following words and phrases shall have the following meanings when used in this section.

1. **“On-Demand Valet Parking Operator”** means any person engaged in the business of Valet Parking who offers, makes available or provides prearranged valet parking services using an Internet-enabled application or digital platform to connect potential patrons with valet parking attendants who are employees or agents of the On-Demand Valet Parking Operator.

(b) **Permit Required.**

1. No person shall engage in, conduct, or carry on the business of On-Demand Valet Parking where the movement of vehicles is on or over any public right-of-way or public property without a written On-Demand Valet Parking Operator permit from the Board and the payment of all permit fees required pursuant to Chapter X, Article 3, Division 3, of this Code.

(c) **Additional Application Requirements.** In addition to the requirements specified in Chapter X, Article 3, Division 3 of this Code, each applicant for an On-Demand Valet Parking Operator permit shall furnish the following information with the application:

1. The name and location of the parking lots where vehicles will be parked or stored;

2. The name, address and telephone number of the employee or agent of the applicant who shall be available at all times during the hours of operation of the business;

3. A copy of the written contract between the applicant and the operator of any parking facility designated as the parking or storage location. The applicant shall notify the City within fifteen (15) days of any modification, transfer, amendment or termination of the contract; and

4. A signed statement from the operator of any parking facility designated as the parking or storage location as to that facility's ability to accept the cars, the number of spaces to be reserved for the applicant's operations, and the total number of spaces in such parking facility. In cases where the parking facility is part of a building or premises devoted to other uses that require off-street parking, the statement shall also include information as to the number of parking spaces that were required by law to be provided in the parking facility to serve such other uses when said uses were established;

5. A copy of a valid Automobile Parking Lot permit issued under Los Angeles Municipal Code Section 103.202 to any parking facility designated as the parking or storage location;

6. Proof that the applicant has insurance in force satisfying the requirements specified in Section 103.203(d)(16); and

7. Disclosure of all prior On-Demand Valet Parking Operator permits issued to applicant by the City of Los Angeles.

(d) **Operating Requirements.**

1. **Operating in the Public Right-of Way.** The Permittee shall at no time, unless expressly authorized on the permit:

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

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

(iii) Use the public right-of-way for vehicle pickup and drop off locations.

2. **Claim Checks.** The Permittee shall issue a sequentially numbered claim check to each patron upon receipt of patron's vehicle for valet parking. The claim check shall explicitly state the terms and conditions under which the vehicle is being accepted.

3. **Pedestrian Walkways.** The Permittee shall ensure that pedestrian walkways are not blocked at any time during valet parking operations.

4. **Parking on Private Property.** The Permittee shall at no time allow any patron's vehicle to be parked upon private property without a signed statement of authorization by the owner or other person having legal control of such private property.

5. **Pre-arranged Valet Parking Services.** Neither the Permittee nor any Valet Parking Attendants employed by the Permittee shall conduct valet parking services unless a request for such services has been made by using the prearranged On-Demand Valet Parking Internet-enabled application or digital platform.

6. **Valet Parking Fees.** The Permittee shall display the valet parking fees and rates, including the maximum charge, on the permittee's website and Internet-enabled application or digital platform used by the permittee to offer, make available or provide prearranged Valet Parking. In addition, the permittee shall also display the Permittee's name, address and telephone number of the business, the hours of operation and the police permit number.

7. **Unclaimed Vehicles.** The Permittee shall notify the police whenever a vehicle has been left in its possession or custody for a period in excess of twenty-four (24) hours without a prior contractual arrangement for such period of time.

8. **Employee Identification, Uniforms and Safety Equipment.** The Permittee shall ensure that all employees who drive a patron's vehicle or who handle a patron's vehicle keys have a current and valid Valet Parking Attendant permit as required under Section 103.203.1, and wear a standard uniform that conspicuously identifies the employee by his or her full name and the name of the Valet Parking business. The Permittee shall ensure that all employees who receive, take possession of or move a patron's vehicle upon any portion of the public right-of-way wear high-visibility safety vests.

9. **Employee Background.** The Permittee shall not allow any employee who has been convicted within the previous seven (7) years of a felony or any offense involving violence, dishonesty, automobile theft, automobile vandalism, reckless driving or driving under the influence of drugs or alcohol to drive a patron's vehicle or handle a patron's vehicle keys.

10. **Records.** Every Permittee shall maintain:

(i) A continuously updated list of the names and residence addresses of its employees who perform Valet Parking. Such list shall be

maintained at the business address listed on the permit application and shall be produced on demand of any peace officer.

(ii) All financial records related to the Valet Parking operation for a minimum of three years and shall make them available to the Office of Finance for inspection at any time during the Permittee's hours of operation.

11. **Traffic Safety.** The Permittee shall ensure that Valet Parking operation at no time interferes with the normal flow of vehicle traffic on the public right-of-way. The Permittee shall adhere to all traffic and parking regulations.

(e) **Indemnification.** The Permittee, and any person acting under or pursuant to a Valet Parking Operator's permit, agrees to indemnify, hold harmless, release and defend (even if the allegations are false, fraudulent or groundless), to the maximum extent permitted by law, and covenants not to sue, the City, its Council and each member thereof, and its officers, employees, board and commission members and representatives, from any and all liability, loss, suits, claims, damages, costs, judgments and expenses (including attorney's fees and costs of litigation) which in whole or in part result from, or arise out of: (1) any use or performance under the permit; (2) the activities and operations of the Permittee and its employees, subcontractors or agents; (3) any condition of property used in the permitted operation; or (4) any acts, errors or omissions (including, without limitation, professional negligence) of the Permittee and its employees, subcontractors or agents in connection with the Valet Parking operation.

(f) **Disciplinary Action - Additional Grounds.** The following acts committed by a Permittee shall be grounds for disciplinary action in addition to the grounds listed in Section 103.35:

1. The Permittee, its agents or employees, through carelessness, negligence or failure to make proper provision for the safeguarding of vehicles left in their custody, have knowingly or unknowingly facilitated or contributed toward the theft or conversion of any such vehicle, or of the contents thereof, or the damaging of any such vehicle; or

2. The Permittee, its agents or employees failed to cooperate with the police to aid in the investigation of any theft or other crime committed on a parking lot used by Permittee, or which arose out of the conduct of the business for which the permit was issued; or

3. The Permittee, its agents or employees knowingly delivered a vehicle in their custody to a person not the registered owner or entitled to possession of such vehicle; or

4. The Permittee's Valet Parking operation negatively impacted traffic or disrupted the peace and quiet within any area of the City; or

5. The Permittee failed to comply with any City business tax and parking occupancy tax laws; or

6. The Permittee failed to comply with any of the operating requirements in Subdivision (d) of this section, or any rules or regulations adopted by the Board governing valet parking.

(g) **Violation.** Violations of the operating requirements in Subdivision (d) of this section, or any rules or regulations adopted by the Board of Police Commissioners governing valet parking, shall not be prosecuted as misdemeanors, but shall be subject to administrative sanctions and civil remedies as provided by this Code, or at law or in equity, or any combination of these.

Any person operating as a Valet Parking Operator without a permit as required in subdivision (b) of this section shall be guilty of a misdemeanor.

(h) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
GABRIELLE RUHA
Deputy City Attorney

Date 4/25/16

File No. CF 15-0559