

O-19-032

TOWNSHIP OF MONTCLAIR

ORDINANCE AUTHORIZING AND REGULATING VALET PARKING SERVICES IN THE TOWNSHIP OF MONTCLAIR

August 20, 2019
(date of introduction)

WHEREAS, the Township of Montclair has growing number of businesses which use or may benefit from using valet parking services;

WHEREAS, the Township of Montclair seeks to regulate the use of valet parking services in order to maintain safe and efficient vehicular and pedestrian traffic and circulation; now, therefore, be it

ORDAINED, by the Township Council of the Township of Montclair, that the code of the Township of Montclair is hereby amended and supplemented as follows:

__-1. Purpose.

The purpose of this chapter is to permit and regulate valet parking services operating within the existing public streets and public rights-of-way in the Township of Montclair's commercial areas in order to reduce the demand for public parking spaces. The chapter establishes a valet parking operator permit program in the Township.

__-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUTHORIZING AGENT — The Township of Montclair's designated individual authorized to issue permits for valet parking operators as well as adjudicate issues related to this chapter and its functions. The authorizing agent shall be the Township Manager or any person so designated by the Manager.

PUBLIC RIGHT-OF-WAY — For the purpose of this chapter, any area dedicated for public use as a street, pedestrian way or other thoroughfare, including but not limited to roadways, parkways, streets, alleys, ingress and egress rights-of-way for abutting lots, sidewalks, and pedestrian ways.

VALET/LOADING AND UNLOADING ZONES — The designated zones within the public right-of-way, as established in §327-__of the Township Code, to be utilized by the valet parking operator for collection and return of vehicles to users of the valet parking service.¹

¹ SPECIFIC PLACES VALET PARKING IS PERMITTED

VALET PARKING ATTENDANT — Any employee or agent of the valet parking operator who receives, takes possession of or moves any vehicle or handles the keys to any vehicle left with the attendant for valet parking.

VALET PARKING OPERATOR — The firm, business or person engaged in providing valet parking service for patrons of any business establishment, including its own, in the Township of Montclair.

VALET PARKING OPERATOR ANNUAL PERMIT — The annual permit issued by the Township of Montclair to a firm or business desiring to perform the functions of a valet parking operator or desiring to hire a valet parking service in accordance with the terms of this chapter and Township requirements.

VALET PARKING SERVICE — The service of receiving, taking possession of, driving, moving, parking or storing of any vehicle that is left at one location to be driven to another location for parking, over the public right-of-way, whether or not a charge or fee is imposed for the said service.

_____ **-3. Permit required.**

No firm, business, person, or entity shall engage in, conduct, or operate a business providing valet parking services that entails the movement of vehicles on or over any public right-of-way or public property without first obtaining a valet parking operator annual permit from the Township's authorizing agent, in accordance with the requirements below.

A. Permit application and review.

- (1) Applications for valet parking operator annual permits shall be filed in the Township Clerk's office.
- (2) Permit applications shall be reviewed by the Police Department, which may refer the application to any Township agency or department that the Police Department deems appropriate.
- (3) Permit applications shall be reviewed within 30 days of their filing with the Township Clerk, unless it is determined that the application has not provided all required information or that the information provided is inaccurate or ambiguous, in which case the applicant shall be requested to provide or revise the deficient information.
- (4) Upon approval by the Township, a valet parking operator shall be issued an annual operating permit. The annual permit shall run from January 1 to December 31 of each year. Prior to issuance of the permit, the operator shall submit the following to the Township Clerk:
 - (a) Proof of general liability insurance and motor vehicle insurance pursuant to Subsection D below.

- (b) Annual operating permit fee.
 - [1] Permits issued January 1 of the year until June 30 of the year shall be \$1,000.
 - [2] Permits issued after July 1 of a year until December 31 of the same year shall be \$500.
- (5) Applications for permit renewal shall be reviewed as provided above for the initial permit. In order to ensure sufficient time for permit review and issuance before January 1 of the following year, applications for permit renewal must be submitted in the 11th month of its annual cycle.
- (6) Violations of the terms and conditions of this chapter shall be grounds for the suspension and/or revocation of the valet parking operator's annual permit pursuant to § _____, and for denial of the permit renewal application.
- (7) The decision to issue or deny a valet parking permit is within the reasonable discretion of the Township Clerk, based upon the recommendation of the Police Department and any other Township Departments reviewing the application. Denial of an application may be appealed to the Manager, who may affirm the denial, approve the issuance of the permit, or approve the issuance of the permit with modifications. If a hearing is requested, the Manager may designate a hearing officer.
- B. Application submission requirements. All parties seeking a valet parking operator annual permit shall submit the following:
 - (1) A completed permit application, which shall include:
 - (a) The name and location of the business the valet permit operator is proposing to serve.
 - (b) The legally permitted seating capacity of the business/venue to be served by the valet permit operator.
 - (c) The hours and days of operation of the valet parking service.
 - (d) The street address and lot and block location, as identified on the Township's Tax Map, of the off-site parking lot or lots where all valet- parked vehicles are to be parked or stored for the businesses served.
 - (e) A signed and executed statement from the business/venue certifying that it is requesting the services of the valet parking operator.
 - (2) A map of the routes to the off-site parking lot and back to the designated valet/loading and unloading zones being served.
 - (3) A copy of the agreement between the proposed lot's owner and the valet parking operator permitting vehicles to be parked on the lot

by the valet parking operator.

- (4) The required application fee of \$250 for the annual permit.
- C. Modification of terms of permit application. In the event there is, or is proposed, any change, modification, transfer, amendment, or termination of any agreement for services provided to any business/venue in the Township or with the lot where vehicles are to be parked, or any change in any other information submitted with the permit application, the valet parking operator shall inform the Township of Montclair Manager's office within 5 consecutive calendar days of such change. Any change which violates the provisions of this chapter shall subject the responsible party to permit revocation or suspension or fines as provided in § 5.
- D. Insurance requirements. Prior to the issuance of a valet parking operator annual permit, the Valet Parking operator shall submit a certificate of insurance to the Township Clerk evidencing comprehensive general liability, automobile liability, workers' compensation and employer's liability insurance in accordance with this subsection.
 - (1) The certificate of insurance and coverage is to be provided by insurance companies:
 - (a) Licensed in the State of New Jersey; and
 - (b) Having an A.M. Best rating of at least "A."
 - (2) The certificates shall evidence comprehensive general liability (occurrence form) coverage with a combined single limit for bodily injury, personal injury and property damage of \$2,000,000 per occurrence and aggregate, where applicable. The limit may be provided through a combination of primary and umbrella/excess liability policies. This insurance shall include:
 - (a) Premises/operations coverage.
 - (b) Coverage for the operation of a valet parking service if the applicant wishes to conduct such service on its own.
 - (c) Personal injury liability coverage (contractual exclusion deleted).
 - (d) Products/completed operations coverage.
 - (e) Independent contractor coverage for the operation of a separate valet parking service independent of the applicant if hired separately.
 - (f) Contractual coverage for obligations of hold harmless and indemnification provision.
 - (g) Broad form property damage coverage.

- (h) XCU (explosion, collapse, underground) hazards, if applicable.
 - (3) If the aggregate limits shown have been reduced by claims paid, the certificate of insurance is to be accompanied by a letter stating that those reductions do not substantially affect the coverage.
 - (4) The certificate of insurance must state that all insurance coverage shown thereon is primary and not contributing to any insurance maintained by the Township of Montclair.
 - (5) The certificate of insurance shall state that the Township of Montclair has been added as an additional insured to the policies shown on the certificate.
 - (6) The certificate shall provide that the Township of Montclair, 205 Claremont Avenue, Montclair, New Jersey 07042, Attention: Township Manager, receives 30 days' advance written notice by certified mail, return receipt requested, of the cancellation of the policy for any reason or any material change in the policy's coverage set forth in the certificate.
- E. Limited-Duration Permits. A limited-duration valet parking permit may be issued for a period not to exceed 3 consecutive days in connection with a distinct special event. The application process shall be the same as for an annual permit, except that the Clerk may modify or waive portions of the application deemed not relevant. The fee for a limited duration permit shall be \$100 in the case of a for-profit applicant, and \$25 for non-profit or non-commercial applicants.

_____ -4. Operating regulations.

All valet parking operations regulated by this chapter shall be conducted in accordance with the following rules and procedures:

- A. The valet parking operator is permitted one temporary sign identifying the debarkation/pickup point for the valet parking services at the business at which the services are being provided. Such sign shall be no larger than 12 inches by 18 inches, located on a stanchion and not placed higher than 42 inches above the grade level beneath the sign. The sign shall be removed at the end of every evening's operation and reinstalled the following evening. The Police Department may require the operator to place additional signs deemed necessary for safe and efficient pedestrian and vehicular circulation.
- B. A properly permitted valet parking operator may utilize the streets and public parking lots of the Township of Montclair as thoroughfares only for the performance of its services.
- C. At no time shall the valet parking attendants of a valet parking operator be permitted to violate any State of New Jersey or Township of Montclair traffic regulations in the performance of their duties.

- D. The collection of vehicles and subsequent return of vehicles to patrons shall only be conducted at designated loading and unloading zones within the public right-of-way.
- E. At no time shall a valet parking operator be permitted to block or occupy any Township of Montclair reserved metered parking spaces.
- F. In the event of a snow, ice, or other weather emergency, the valet parking operator shall conduct its operations in a manner so as to not interfere with the Township's efforts. The Township shall have no responsibility for clearing of routes used by the valet parking operator, other than the normal effort expended for an event.
- G. The valet parking operator shall not cause any pedestrian path or walkway to be obstructed by its operations at either the vehicle collection location or the vehicle parking location.
- H. The valet parking operator shall employ a sufficient number of valet parking attendants in order that traffic on Township streets and in Township parking lots shall not be impeded by the activities of the valet parking operator. Each operator shall meet the requirements of this chapter and any rules and regulations for valet parking operators promulgated by the Township Manager and adopted by the Township Council by resolution. Records of this action shall be made available for inspection upon request of the Township of Montclair.
- I. The valet parking operator shall lock all vehicles parked at the off-site parking area. Security of the vehicles shall be the operator's responsibility. Vehicle keys shall not be left with the parked vehicle.
- J. The valet parking operator shall ensure its operation does not cause any queuing in the loading or unloading area of patrons within the public right-of-way. No vehicle is permitted to stop or stand at a drop-off or loading area for longer than 10 minutes, as long as the vehicle does not impede traffic flow.
- K. Use of designated valet loading and unloading zones.
 - (1) Valet parking operators shall be permitted to use designated valet loading and unloading zones in the public right-of-way during the prescribed times and dates authorized in the permit, which may be all or a part of the time from 5:00 p.m. to 3:00 a.m., all days, and such other times as may be specially authorized below on stated days. (Chapter 327, § _____, Loading zones).
 - (2) Use of valet loading and unloading zones outside of prescribed times shall be permitted only under the following conditions:
 - (a) Any request to use a valet loading and unloading zone outside prescribed times by a valet parking operator shall be made to the office of the Township Manager at least 72 hours in advance of the desired time period.

- (b) The Township Manager or designee shall approve or deny the request for relief within 48 hours of its receipt.
 - (c) If the Township Manager or designee fails to act within the forty- eight-hour period, the request shall be automatically deemed denied.
- L. Valet parking operator conduct. All valet parking operators shall ensure their employees conduct themselves in a courteous and professional manner with all patrons in the Township.
 - M. Each valet parking operator shall cover all of the signage installed by the Township to identify the parking spaces on the public street permitted to be utilized by the said valet parking operator whenever their service is not in operation. Failure to do so shall be considered a violation of this chapter, subject to the terms of § xxx-5.
 - N. As a condition of their operating permit, all valet parking operators and valet parking attendants operating in the Township of Montclair shall be subject to, upon request of a Township police officer, a full New Jersey Division of Motor Vehicles driver's license lookup. Failure to comply can subject the valet parking operator, valet parking attendant, or business employing a valet parking service to the penalties in § xxx-5. As a condition of their operating permit, a valet parking operator shall maintain a log of all attendants employed, along with a copy of their driver's license. Said log shall be available for review by the Township Police Department upon their request. Failure to comply can subject the valet parking operator to the penalties in § xxx-5.
 - O. As a condition of their operating permit, all valet parking operators and valet parking attendants, upon the completion of the use of the designated valet loading zones, shall remove or securely cover the valet loading zone signage with opaque materials until such time the load zone is used again. Signage shall not be uncovered before 3:00 p.m. on a date the valet loading zone is desired to be used. Failure to comply can subject the valet parking operator, valet parking attendant, or business employing a valet parking service to the penalties in § xxx-5. In the event a valet operator desires to offer their services prior to 3:00 p.m., for a specific date, they shall seek written permission from the Township Manager to do so.
 - P. As a condition of their operating permit, no valet parking operator or valet parking attendants, operating within the public right-of-way and hired by a private business, shall be permitted to charge or request compensation from those using their valet parking services.

____-5. Violations and penalties.

- A. Any valet parking operator, valet parking attendant, or business employing valet parking services, found to be in violation of the terms and conditions of this chapter shall be subject to a fine of not less than \$500 and not more than \$2,000, per each violation, and/or suspension or

revocation of their permit(s) by the Manager. After three violations, the fine shall not be less than \$1,000.

- B. The following are grounds for revocation of a permit:
- (a) The valet parking operator, valet parking attendant, or business employing valet parking services, 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 damage to such a vehicle, or the contents thereof.
 - (b) The valet parking operator, valet parking attendant, or business employing valet parking services, fails to cooperate with the Township Police Department in any investigation of any theft or other crime committed related to the valet parking operations.
 - (c) The valet parking operator, valet parking attendant, or business employing valet parking services knowingly delivers a vehicle in their custody to a person that is not the registered owner nor entitled to its possession.
 - (d) The valet parking operator, valet parking attendant, or business employing a valet parking services operation creates a negative impact to the traffic in the Central Business District or disrupts the peace and quiet within any area of the Township.
 - (e) The valet parking operator, valet parking attendant, or business employing valet parking services fails to adhere to the operating provisions of their permit, including not parking vehicles at the designated off-site parking area, storing vehicles within the public right-of-way, obstructing designated fire lanes and traffic through lanes in Township-owned parking facilities, obstructing public parking spaces, shall be liable to the following penalties:
- C. The Township Manager or designee shall designate such officers and personnel of the Township of Montclair Police Department and various Township-authorized Code enforcement staff as deemed necessary for the enforcement of applicable provisions of this chapter.