

ORDINANCE 2016-011

TO BE ENTITLED: “AN ORDINANCE TO CREATE CHAPTER 13 OF TITLE 16 – STREETS AND SIDEWALKS, ETC. OF THE FRANKLIN MUNICIPAL CODE FOR THE PURPOSE OF ESTABLISHING REGULATIONS FOR VALET PARKING SERVICES IN THE CITY OF FRANKLIN’S HISTORIC DOWNTOWN.”

WHEREAS, the City of Franklin Board of Mayor and Aldermen (BOMA) are authorized to prescribe reasonable standards for occupying the public right-of-way for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin; and

WHEREAS, the BOMA recognizes that the growing popularity of the City of Franklin’s Historic Downtown requires studying, identifying, and implementing parking solutions that offer adequate and convenient parking of vehicles used by the employees of local businesses, their customers, and the general public; and

WHEREAS, the BOMA finds that permitting valet parking services in the City’s Historic Downtown will assist in creating additional public parking options while offering an amenity and convenient service to the employees of local businesses, their customers, and the general public; and

WHEREAS, the BOMA finds that valet parking services that do not utilize existing on-street public parking spaces and/or frequently used off-street public parking facilities will provide additional parking for employees of local businesses, their customers, and the general public, thus leaving existing public parking spaces available to employees of local businesses, their customers, and the general public who desire to park their own vehicles.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I. That Title 16, Chapter 13 of the City of Franklin Municipal Code is hereby created and is approved to read as follows:

CHAPTER 13. – VALET PARKING SERVICES

Sec. 16-1301. – Purpose and intent.

Sec. 16-1302. – Definitions.

Sec. 16-1303. – Valet Parking Permit Required.

Sec. 16-1304. – Restricted Area – Historic Downtown.

Sec. 16-1305. – Valet Parking Permit Application and Procedure.

Sec. 16-1306. – Valet Parking Permit Application Permit Approval Authority and Duration.

Sec. 16-1307. – Valet Parking Permit Fee, Stand, and Signage.

Sec. 16-1308. – Revocation of Permit.

Sec. 16-1309. – Special Provisions

Sec. 16-1301. – Purpose and intent.

This chapter is intended to provide for the Board of Mayor and Aldermen reasonable standards for authorizing the safe and legal operation of valet parking services conducted within the public right-of-way within the City of Franklin’s Historic Downtown for the use and convenience of employees of local businesses, their customers, and the general public.

Sec. 16-1302. – Definitions.

- (1) *Applicant* – The person who applies for a Valet Parking Permit. An applicant shall be a single business, or a group of businesses; provided, however, that in the event that a group of businesses desire to jointly provide Valet Parking Services, one business shall be listed as the primary applicant and responsible party.
- (2) *Attendant* – A person employed by a Valet Parking Operator to operate a vehicle in the course of providing Valet Parking Services.
- (3) *Customer* – Any person granting temporary custody of a motor vehicle to a Valet Parking Operator or attendant for the purpose of Valet Parking Services.
- (4) *Director* – The Director of Building and Neighborhood Services Department or their designee.
- (5) *Historic Downtown* – For the purposes of this ordinance, the area that encompasses the City of Franklin’s Historic Downtown is bounded by the Harpeth River/Bi-Centennial Park on the north, the Harpeth River on the east, Church Street on the south, and 5th Avenue on the west.
- (6) *Leased Public Parking Area* – A City of Franklin publicly-owned or leased off-street parking facility for which the Valet Parking Operator desires to enter into a lease agreement with the City of Franklin Board of Mayor and Aldermen to park vehicles during the operation of a Valet Parking Service.
- (7) *Private Parking Area* - An off-street private parking facility which the Valet Parking Operator has secured written permission to park vehicles. The Private Parking Area shall be zoned and approved for parking of motor vehicles by the Director of Building and Neighborhood Services Department or their designee.
- (8) *Universal Valet Parking Service* – Except as provided, is a single-business, person, or organization, endorsed by the Downtown Franklin Association (DFA) to operate one or more Valet Parking Services in the Historic Downtown, as defined, and who enters into an agreement with the City of Franklin as the sole operator of the Universal Valet Parking Service within the Historic Downtown. A Universal Valet Parking Service shall provide all labor, supervision, equipment, materials and all other items necessary to operate a high quality valet parking service in the City of Franklin’s Historic Downtown. Notwithstanding, Valet Parking Services approved in conjunction with the approval of a Development Plan, as part of a Site Plan, or as a limited-term, one-time Special Event shall be considered by the Board of Mayor and Aldermen separately and obtain its own Valet Parking Permit.
- (9) *Valet Parking Operator* – A person, firm, or corporation hired by an applicant to provide Valet Parking Services; provided that regular employees of a corporate applicant shall not be considered “Valet Parking Operators”.
- (10) *Valet Parking Permit* – A permit issued by the City of Franklin Board of Mayor and Aldermen allowing for the provision of operating a Valet Parking Services.
- (11) *Valet Parking Plan* – The written proposal submitted to the City as part of an application for a Valet Parking Permit.
- (12) *Valet Parking Service* – The receiving, taking temporary custody of, driving, moving, parking, or storing of any vehicle that is left at one location to be driven to another location for parking, whether or not a charge is levied and whether or not done under contract to the business or organization for which the vehicles are being parked or done independently. "Valet Parking Service" does not include (i) public or private off-street parking operations or facilities in which customers park their own vehicles and remove the keys themselves, or (ii) services conducted in the ordinary course of

business by a person, firm, or corporation engaged in the business of motor vehicle sales, service, rental, repair or storage.

(13) *Valet Zone* – A minimum 25-foot long space, either partially or fully, within the public right-of-way and adjacent to the curb in which the loading and unloading of possessions is legal.

(14) *Zoning Code* – "The current City of Franklin Zoning Ordinance," as amended.

Sec. 16-1303. – Valet Parking Permit Required.

- (1) Except as provided, no person, firm, corporation, or other entity shall operate a Valet Parking Service that utilizes any public street or leased public parking area, except in accordance with a valid Valet Parking Permit issued by the City.
- (2) Notwithstanding, a Valet Parking Permit shall not be required for the operation of Valet Parking Services that:
 - (a) are conducted solely on private property; or
 - (b) do not necessitate the usage of any public streets or thoroughfares for Valet Zones, or the use of any leased public parking areas in the course of providing Valet Parking Services.

Sec. 16-1304. – Restricted Area – Historic Downtown.

Unless exceptional circumstances exist, the Board of Mayor and Aldermen shall limit Valet Parking Services within the Historic Downtown, as defined, in accordance with the criteria and standards set forth in this Ordinance.

Sec. 16-1305. – Valet Parking Permit Application and Procedure.

A Valet Parking Permit application and supporting documentation shall be submitted to the Building and Neighborhood Services Department a minimum of ninety (90) days prior to the proposed starting date of the Valet Parking Service. The application and supporting documentation shall include:

- (1) Name, address, phone number of the Applicant(s).
- (2) Name, address, phone number of Valet Parking Operator.
- (3) Name, address, phone number of the establishment for whom valet service is proposed.
- (4) A detailed plan of the proposed pick up/drop off area that shows the number of spaces to be occupied by the Valet Zone. If the Valet Zone does not meet ADA regulations, provide a plan showing mitigation to relieve issue.
- (5) A detailed plan of the proposed Parking Area to be used for parking of vehicles.
- (6) A letter of agreement/affidavit and/or proof of ownership to access and use the proposed Private Parking Area which states the maximum number of valet vehicles allowed, and the total capacity of the facility.
- (7) If applicable, a Letter of Intent to use a Public Parking Facility to request consideration by the Board of Mayor and Aldermen in approving a lease for use of a portion of a City of Franklin publicly-owned or leased parking facility for the sole use of parking vehicles during the operation of the Valet

Parking Service. The letter must include a detailed Valet Parking Plan which states the proposed hours of operation, the maximum number of valet vehicles allowed, and the total capacity of the public parking facility to be leased.

- (8) A detailed plan of the proposed valet operation, including hours and days of operation; routes to and from the parking area(s); number of valets; location and design of the proposed valet parking sign.
- (9) A Certificate of Insurance that names the City of Franklin as an additional insured with the coverage as specified by the City's Risk Manager.
- (10) A minimum of fifteen (15) days prior to the Board of Mayor and Aldermen Work Session where the Valet Parking Service application will be presented, the applicant shall notify adjacent property owners within 500 feet of the proposed Valet Zone by certified mail and first-class mail of the date and time of the Board of Mayor and Aldermen Work Session. The notice shall include a copy of the detailed plan of the proposed valet operation.
 - (a) A sworn statement from the applicant showing the names and addresses of each adjacent property owner who has been notified shall be delivered to the Building and Neighborhood Services Department no later than fifteen (15) days prior to the Board of Mayor and Aldermen Work Session at which the Valet Parking Service application will be presented.
 - (b) The applicant shall hold the numbered retained receipts for a minimum of one year and shall make those available at the request of the Building and Neighborhood Services Department Director.

Sec. 16-1306. - Valet Parking Permit Approval Authority and Duration.

- (1) The Board of Mayor and Aldermen by Resolution may authorize the issuance of a Valet Parking Permit within the Historic Downtown, as defined, under the following conditions:
 - (a) in conjunction with the consideration of a Development Plan;
 - (b) prior to the approval of a Site Plan;
 - (c) in conjunction with the consideration of a Special Event Permit, or in the absence of a Special Event Permit, in consideration of a special occasion/event for a period of no longer than two (2) consecutive days within any six (6) month period serving the same business or property; or
 - (d) in the permitting of a Universal Valet Parking Service.
- (2) Duration. The Board of Mayor and Aldermen may authorize the issuance of a Valet Parking Permit for a period up to one year. In authorizing the issuance of a Valet Parking Permit the Board of Mayor and Aldermen may also authorize the automatic renewal of subsequent Valet Parking Permits provided no violations occurred during the duration of the previous Valet Parking Permit.

Sec. 16-1307. – Valet Parking Permit Fee, Stand, and Signage.

- (1) The Building and Neighborhood Services Department Director or their designee shall collect a Valet Parking Permit Fee and the required Certificate of Insurance prior to issuing the Valet Parking Permit. The fee for the Valet Parking Permit shall be determined by the length of the Valet Zone. This fee shall be as specified in Appendix A – Comprehensive Fees and Penalties.
- (2) The Building and Neighborhood Services Department Director or their designee shall be responsible for approving the design and location of the "valet" parking sign and stand. The applicant will be responsible for supplying and maintaining the approved sandwich board sign as well as its placement in the immediate vicinity of the Valet Zone.

Sec. 16-1308. – Revocation of Permit.

The Building and Neighborhood Services Department Director may revoke or suspend a Valet Parking Permit for any of the following reasons:

- (1) Double parking or double stopping at valet pick-up/drop off area;
- (2) Use of more Valet Zone than permit allows;
- (3) Parking of vehicles on a public right-of-way, within a public parking structure, or other non-authorized location by a Valet Operator or their employees;
- (4) Vehicle(s) waiting to use the Valet Parking Service area creating a traffic safety problem; or
- (5) Situations created by the valet operation which adversely affect the safety of the general public or interfere with the free flow of pedestrian or vehicular traffic.
- (6) The Director may suspend Valet Parking Permit which adversely affects public safety or interfere with the free flow of pedestrian or vehicular traffic during the valet operating hours.

Sec. 16-1309. – Special Provisions.

The Board of Mayor and Aldermen may attach conditions to the Valet Parking Permit to ensure the safe operation of Valet Parking Services. Examples of conditions may include, but are not limited to, Valet Parking Permits not being valid within areas of increased vehicular and pedestrian traffic, during inclement weather, construction within the public right-of-way, or when parking is restricted near the Valet Zone for any public purpose such as Main Street Festival, Pumpkinfest, Dickens of a Christmas, and similar events.

SECTION II. Severability. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION III. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City of Franklin prior to the effective date of this ordinance.

SECTION IV: BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on second and final reading for the health, safety and welfare of the citizens of Franklin, Tennessee requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric Stuckey
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor

Approved as to form by:

Shauna R. Billingsley
City Attorney

PASSED FIRST READING

PASSED SECOND READING
