



APPLICATION FOR VALET PARKING PERMIT

550 LANDA STREET NEW BRAUNFELS TX 78130

E-MAIL: planning@nbtexas.org

PHONE: (830) 221-4050

Case No. _____

1. Valet Parking Operator:

Name _____

Mailing Address _____

Telephone: _____ Fax: _____ Mobile: _____ Email: _____

2. Valet Parking Operator Sponsor:

Name _____

Mailing Address _____

Telephone: _____ Fax: _____ Mobile: _____ Email: _____

3. ATTACHMENTS (ALL of the following information must be attached to be determined a complete application):

____ Narrative detailing Valet Parking Operations in compliance with City regulations

____ Valet Parking Plan.

____ Valet Parking Report.

____ Proof of compliance with requirements of Chapter 686, Texas Transportation Code.

____ Off-site parking agreements and related parking study (if applicable)

____ Fee of \$50

As the owner of the valet parking operation, I hereby certify that the valet parking operations outlined in the attached documents comply with the standards and other requirements established for Valet Parking in Section 5.1-1(i) of the New Braunfels Zoning Ordinance.

Date

Signature of Valet Parking Operator

Print Name

As the Sponsor of the valet parking operation, I hereby certify that the valet parking operator and valet parking operations outlined in the attached documents comply with the standards and other requirements established for Valet Parking in Section 5.1-1(i) of the New Braunfels Zoning Ordinance.

Date

Signature of Valet Parking Operator

Print Name

For Office Use Only

Fee Received By: _____ Amount _____ Receipt No.: _____

Date Received: _____ Cash/Check Number: _____

For personal checks: DL#/phone number

For commercial checks: phone number

Permit Number: _____

**PLEASE READ THE FOLLOWING INFORMATION REGARDING
VALET PARKING PERMITS
PRIOR TO SUBMITTING AN APPLICATION**

APPLICATION COMPLETENESS:

Applications will be reviewed for completeness by Planning Division staff. If the application is incomplete, the Planning Division will notify you within 10 days of receipt of the application. The applicant will have 45 days to submit the required information or the application will expire and a new application process will need to be started.

FEES:

The filing fee is \$50.00.

VALET PARKING PLAN:

Valet Parking Plan shall be on a sheet no larger than 24 inches by 36 inches, drawn to a scale of one inch equals 20, 30, 40 or 50 feet.

- a. All buildings, parking lot layouts, streets, and fire hydrants within 150 feet of where valet parking operations will take place.
- b. The location of all valet parking spaces.
- c. The location of drop-off and holding areas.
- d. The location and elevations (pictures, renditions) of all structures to be used during valet parking operations.
- e. Valet parking, circulation routes, and patterns.
- f. The time of valet parking operations.
- g. The number of parking spaces to be reserved for valet parking.
- h. The parking pattern (vehicle movement pattern).

VALET PARKING REPORT:

Valet parking report shall include:

- a. Data showing that the reserved spaces are available. Parking calculations as follows: that the valet parking spaces are in excess of those required by this Chapter; or, if said spaces are not in excess, that the valet spaces are not needed when the valet operations will occur or required; or as part of a condition of a special use permit for any other business than the sponsor; and, or if the valet parking will be conducted on shared parking spaces or off-site.
- b. If spaces off the property being served or the spaces are shared by others than the sponsor, in a shopping center for instance, are utilized, a letter from the off-site property owner of the owner of the spaces that are shared with others than the sponsor, agreeing to the time and location of the designated valet spaces shall be provided. Unless the off-site valet spaces are excess to those required by code, a parking study shall be provided showing the off-site spaces are actually available when valet parking operations.
- c. The time valet parking operations will be conducted.
- d. The number of valet parking spaces to be used by the valet parking operator.
- e. The number of valets to be used.

VALET PARKING OPERATIONS:

The Valet Parking Operations narrative shall address the following:

- a. The holder of a valet parking permit shall at all time conduct valet parking operations in accordance with this Section and in accordance with an approved valet parking plan.
- b. The valet parking operator and his employees shall, when conducting a valet parking operation, wear a clearly legible patch, insignia, or badge on the clothing stating the name of the valet operation.
- c. Valet parking spaces may be designated with a portable device, no taller than four feet (cones, for instance) with no markings, letters, words, numbers or lights on them. These devices may only be placed no earlier than one hour before valeting begins, and must be removed within one hour of the cessation of valet parking operations.
- d. No permanent signs for valet or other signs or devices designating valet parking spaces may be used other than the portable devices defined in Subsection (c) of this Section.
- e. Circulation in a parking lot shall not be impeded by valet parking operations.
- f. "Stadium parking", tandem parking, double or triple parking may be approved if circulation is not impeded and is part of an approved valet parking plan.
- g. If off-site property is used for valet parking, as shown on an approved valet parking plan, and the owner of the off-site property revokes or otherwise abrogates the use of that off-site property for valet parking, said valet parking operation which utilized said off-site parking shall cease to use that property for valet parking. The sponsor must submit a new valet parking plan within 30 days of such loss of off-site parking.
- h. Valet parking operations may only be conducted in areas shown on an approved valet parking plan. In an event that all of the parking spaces available in that parking plan are in use, the valet parking operations may use other

available spaces in the subject parking lot. Under no circumstances will these parking spaces outside the approved valet parking plan be reserved at any time. Valet parking operations outside the approved plan area shall cease when vacancies occur within the approved plan area.

- i. Vehicles in staging areas used for valet drop off as shown on an approved valet parking plan, may be stored or parked for no longer than five minutes per vehicle.
- j. All temporary structures used in a valet parking operation shall be portable and placed in operation and in view of the public no earlier than one hour before valet parking operations commence and must be removed from the view of the public no later than one hour after the cessation of valet parking operations. These structures may not impede pedestrian circulation nor create a driver view obstruction.
- k. Fire lanes may not be used to “hold”, park, or store vehicles and may not be blocked or impeded by any valet parking operation activity.
- l. It shall be a violation of this Section for a valet to drive a vehicle that violates any law related to moving vehicles or parking.
- m. Dashboard ticket. Every valet parking operator shall place or cause the operator’s agent to place on the dashboard of each patron’s vehicle a ticket stating the valet company and its phone number in such a manner so as to be conspicuously visible through the windshield of the patron’s vehicle.
- n. Valet parking receipt. All valet parking attendants must, upon taking custody of a patron’s vehicle, issue a numbered receipt to each customer, containing the name, address, and telephone number of the company providing the valet service, a statement that the company has liability insurance as required by this Chapter, and the charge for the valet service.

**IF ADDITIONAL INFORMATION IS NECESSARY,
PLEASE CONTACT THE PLANNING DIVISION AT:
(830) 221-4050**

SEC. 5.1-1(i) VALET PARKING - CHAPTER 144, ZONING

Valet parking.

- (1) **Purpose.** Valet parking benefits businesses and their patrons by helping alleviate perceived parking deficiencies, enhancing customer service, and encouraging maximum use of less accessible parking spaces. However, unregulated valet parking may cause traffic flow stoppages, unanticipated traffic movements, parking violations and unauthorized use of public areas and private parking spaces. The purpose of this section is to regulate valet parking where its undesirable effects significantly affect public areas or public safety.
- (2) **Definitions.** For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Attendant. A person employed by a licensee who drives a vehicle while providing valet parking.

Person. A natural person, firm, partnership, association, corporation or other business entity, and employees, agents and subcontractors thereof.

Sponsor. Any person who operates, or causes to be operated, a valet parking operation at the sponsor's place of business or function.

Valet parking operation. The receiving, taking possession of, driving, moving, parking, or leaving standing, 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. It does not include operators of public or private off-street parking operations or facilities where customers park their own vehicles and remove the keys themselves.

Valet parking operator. A person who employs one or more attendants for the purpose of providing a valet parking service or who provides such services as a contractor, but not in the capacity of employee, at any business establishment, for the purpose of providing a valet parking service to such establishment.

Valet parking service. A parking service provided to accommodate patrons of any business establishment, which service is incidental to the business of the establishment and by which an attendant on behalf of the establishments takes temporary custody of the patron's motor vehicle and moves, parks, stores, or retrieves the vehicle for the patron's convenience.

- (3) **Permit required.** After the effective date of this Chapter, no person shall conduct a valet parking service unless the person has obtained a valid valet parking operator permit, and no valet parking operations shall be conducted, except in accordance with a valid valet parking operation permit issued by the Planning Director.
- (4) **Valet parking operator permit.** No valet parking permit shall be issued unless the following conditions are met:
 - (i) The valet parking operator shall park all cars entrusted to the applicant in legal, off-street or legal on-street sites and shall conduct valet parking operations according to the valet parking plan approved by the Planning Director or designee.
 - (ii) The applicant provides proof to the City that the applicant has met all the requirements of Chapter 686, Texas Transportation Code, which is adopted by reference into this Chapter.
 - (i) The permit fee shall be \$50.00.
- (5) **Valet parking operations.**
 - (i) The holder of a valet parking permit shall at all time conduct valet parking operations in accordance with this Section and in accordance with an approved valet parking plan.
 - (ii) The valet parking operator and his employees shall, when conducting a valet parking operation, wear a clearly legible patch, insignia, or badge on the clothing stating the name of the valet operation.
 - (iii) Valet parking spaces may be designated with a portable device, no taller than four feet (cones, for instance) with no markings, letters, words, numbers or lights on them. These devices may only be placed no earlier than one hour before valeting begins, and must be removed within one hour of the cessation of valet parking operations.
 - (iv) No permanent signs for valet or other signs or devices designating valet parking spaces may be used other than the portable devices defined in Subsection (c) of this Section.

Continued to next page.

SEC. 5.1-1(i) VALET PARKING - CHAPTER 144, ZONING, contd.

- (v) Circulation in a parking lot shall not be impeded by valet parking operations.
 - (vi) "Stadium parking", tandem parking, double or triple parking may be approved if circulation is not impeded and is part of an approved valet parking plan.
 - (vii) If off-site property is used for valet parking, as shown on an approved valet parking plan, and the owner of the off-site property revokes or otherwise abrogates the use of that off-site property for valet parking, said valet parking operation which utilized said off-site parking shall cease to use that property for valet parking. The sponsor must submit a new valet parking plan within 30 days of such loss of off-site parking.
 - (viii) Valet parking operations may only be conducted in areas shown on an approved valet parking plan. In an event that all of the parking spaces available in that parking plan are in use, the valet parking operations may use other available spaces in the subject parking lot. Under no circumstances will these parking spaces outside the approved valet parking plan be reserved at any time. Valet parking operations outside the approved plan area shall cease when vacancies occur within the approved plan area.
 - (ix) Vehicles in staging areas used for valet drop off as shown on an approved valet parking plan, may be stored or parked for no longer than five minutes per vehicle.
 - (x) All temporary structures used in a valet parking operation shall be portable and placed in operation and in view of the public no earlier than one hour before valet parking operations commence and must be removed from the view of the public no later than one hour after the cessation of valet parking operations. These structures may not impede pedestrian circulation nor create a driver view obstruction.
 - (xi) Fire lanes may not be used to "hold", park, or store vehicles and may not be blocked or impeded by any valet parking operation activity.
 - (xii) It shall be a violation of this Section for a valet to drive a vehicle that violates any law related to moving vehicles or parking.
 - (xiii) Dashboard ticket. Every valet parking operator shall place or cause the operator's agent to place on the dashboard of each patron's vehicle a ticket stating the valet company and its phone number in such a manner so as to be conspicuously visible through the windshield of the patron's vehicle.
 - (xiv) Valet parking receipt. All valet parking attendants must, upon taking custody of a patron's vehicle, issue a numbered receipt to each customer, containing the name, address, and telephone number of the company providing the valet service, a statement that the company has liability insurance as required by this Chapter, and the charge for the valet service.
- (6) Valet parking plan – permit required.
- (i) No business or person in the City shall provide a valet parking service nor shall any valet parking operation be conducted unless a valet parking plan for that business or person has been approved by the Planning Director, and a valet parking permit has been issued in accordance with this section.
 - (ii) The valet parking sponsor, or his designee appointed in writing by the sponsor, shall be responsible for submitting the valet parking plan.
 - (iii) The valet parking permit shall be issued to the valet parking operator.
 - (iv) Valet parking plan contents:
 - 1. On a sheet no larger than 24 inches by 36 inches, drawn to a scale of one inch equals 20, 30, 40 or 50 feet.
 - a. All buildings, parking lot layouts, streets, and fire hydrants within 150 feet of where valet parking operations will take place.
 - b. The location of all valet parking spaces.
 - c. The location of drop-off and holding areas.
 - d. The location and elevations (pictures, renditions) of all structures to be used during valet parking operations.
 - e. Valet parking, circulation routes, and patterns.
 - f. The time of valet parking operations.
 - g. The number of parking spaces to be reserved for valet parking.
 - h. The parking pattern (vehicle movement pattern).

Continued to next page.

SEC. 5.1-1(i) VALET PARKING - CHAPTER 144, ZONING

2. A valet parking report, including the following:
 - a. Data showing that the reserved spaces are available. Parking calculations as follows: that the valet parking spaces are in excess of those required by this Chapter; or, if said spaces are not in excess, that the valet spaces are not needed when the valet operations will occur or required; or as part of a condition of a special use permit for any other business than the sponsor; and, or if the valet parking will be conducted on shared parking spaces or off-site.
 - b. If spaces off the property being served or the spaces are shared by others than the sponsor, in a shopping center for instance, are utilized, a letter from the off-site property owner of the owner of the spaces that are shared with others than the sponsor, agreeing to the time and location of the designated valet spaces shall be provided. Unless the off-site valet spaces are excess to those required by code, a parking study shall be provided showing the off-site spaces are actually available when valet parking operations.
 - c. The time valet parking operations will be conducted.
 - d. The number of valet parking spaces to be used by the valet parking operator.
 - e. The number of valets to be used.
3. Copies of the valet parking operator's valid valet parking operator's license.
4. The name, address and telephone number of the sponsor and all valet parking operators to be used.
5. If applicable, agreements with off-site businesses to use their property for valet operations and a parking study showing such spaces are available.
6. Any other information deemed necessary by the Planning Director.

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE H. PARKING, TOWING, AND STORAGE OF VEHICLES

CHAPTER 686. VALET PARKING SERVICES

Sec. 686.001. DEFINITIONS. In this chapter:

(1) "Financial responsibility" means the ability to respond in damages for liability for an accident that:

(A) occurs after the effective date of the document evidencing the establishment of the financial responsibility; and

(B) arises out of the operation of a motor vehicle by an employee of a valet parking service.

(2) "Public accommodation" means any:

(A) inn, hotel, or motel;

(B) restaurant, cafeteria, or other facility principally engaged in selling food for consumption on the premises;

(C) bar, nightclub, or other facility engaged in selling alcoholic beverages for consumption on the premises;

(D) motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment; or

(E) other facility used by or open to members of the public.

(3) "Valet parking service" means a parking service through which the motor vehicles of patrons of a public accommodation are parked for a fee by a third party who is not an employee of the public accommodation.

Added by Acts 2003, 78th Leg., ch. 816, Sec. 23.002, eff. March 1, 2004.

Continued to next page.

Sec. 686.002. REQUIREMENT OF FINANCIAL RESPONSIBILITY FOR VALET PARKING SERVICES. A person may not operate a valet parking service unless financial responsibility for each employee who operates a motor vehicle for the service is established through:

- (1) a motor vehicle liability or comprehensive general liability and garage insurance policy in an amount established by Section 686.004;
- (2) a surety bond filed under Section 601.121; or
- (3) a deposit in the amount of \$450,000 under Section 601.122, notwithstanding any other amount prescribed by that section.

Added by Acts 2003, 78th Leg., ch. 816, Sec. 23.002, eff. March 1, 2004.

Sec. 686.003. EVIDENCE OF FINANCIAL RESPONSIBILITY. (a) The owner or operator of a valet parking service shall provide evidence of financial responsibility in the same manner as required under Section 601.053.

(b) In addition to complying with Subsection (a), an owner or operator of a valet parking service shall exhibit, for public inspection, evidence of financial responsibility at a public accommodation whose patrons use the service.

Added by Acts 2003, 78th Leg., ch. 816, Sec. 23.002, March 1, 2004.

Sec. 686.004. MINIMUM COVERAGE AMOUNTS. (a) The minimum amounts of motor vehicle liability insurance coverage required to establish financial responsibility under this chapter are:

- (1) \$100,000 for bodily injury to or death of one person in one accident;
- (2) \$300,000 for bodily injury to or death of two or more persons in one accident, subject to the amount provided by Subdivision (1) for bodily injury to or death of one of the persons; and
- (3) \$50,000 for damage to or destruction of property of others in one accident.

(b) The comprehensive general liability insurance must be on a broad form and provide limits of liability for bodily injury and property damage of not less than \$300,000 combined single limit or the equivalent.

(c) The garage insurance must provide limits of liability for bodily injury and property damage of not less than \$300,000 combined single limit, or the equivalent, and must provide the following coverages:

- (1) comprehensive and collision coverage for physical damage;
- (2) coverage for vehicle storage; and
- (3) coverage for a vehicle driven by or at the direction of the valet parking service.

Added by Acts 2003, 78th Leg., ch. 816, Sec. 23.002, eff. March 1, 2004.

Continued to next page.

Sec. 686.004. MINIMUM COVERAGE AMOUNTS. (a) The minimum amounts of motor vehicle liability insurance coverage required to establish financial responsibility under this chapter are:

- (1) \$100,000 for bodily injury to or death of one person in one accident;
- (2) \$300,000 for bodily injury to or death of two or more persons in one accident, subject to the amount provided by Subdivision (1) for bodily injury to or death of one of the persons; and
- (3) \$50,000 for damage to or destruction of property of others in one accident.

(b) The comprehensive general liability insurance must be on a broad form and provide limits of liability for bodily injury and property damage of not less than \$300,000 combined single limit or the equivalent.

(c) The garage insurance must provide limits of liability for bodily injury and property damage of not less than \$300,000 combined single limit, or the equivalent, and must provide the following coverages:

- (1) comprehensive and collision coverage for physical damage;
- (2) coverage for vehicle storage; and
- (3) coverage for a vehicle driven by or at the direction of the valet parking service.

Added by Acts 2003, 78th Leg., ch. 816, Sec. 23.002, eff. March 1, 2004.

Sec. 686.005. COMMON LAW DEFENSES. In an action against an owner or operator of a valet parking service that has not established financial responsibility as required by this chapter to recover damages for personal injuries, death, or property damage sustained in a motor vehicle accident arising out of the operation of a valet parking service, it is not a defense that the party who brings the action:

- (1) was guilty of contributory negligence; or
- (2) assumed the risk of injury, death, or property damage.

Added by Acts 2003, 78th Leg., ch. 816, Sec. 23.002, eff. March 1, 2004.

Sec. 686.006. OPERATION OF MOTOR VEHICLE IN VIOLATION OF FINANCIAL RESPONSIBILITY REQUIREMENT; OFFENSE. (a) A person commits an offense if the person, while in the course and scope of the person's employment with a valet parking service, operates a motor vehicle of a patron of the service without the financial responsibility required by this chapter.

(b) Except as provided by Subsections (c) and (d), an offense under this section is a misdemeanor punishable by a fine of not less than \$175 or more than \$350.

(c) If a person has been previously convicted of an offense under this section, an offense under this section is a misdemeanor punishable by a fine of not less than \$350 or more than \$1,000.

(d) If the court determines that a person who has not been previously convicted of an offense under this section is economically unable to pay the fine, the court may reduce the fine to not less than \$175.

Added by Acts 2003, 78th Leg., ch. 816, Sec. 23.002, eff. March 1, 2004.

Continued to next page.