

**CITY OF FERNDALE  
REQUEST FOR COUNCIL ACTION**

**FROM:** J. Cherilynn Tallman, City Clerk

**SUBJECT:** Amendment to Valet Ordinance

**SUMMARY & BACKGROUND:**

Due to a number of incidents in recent months regarding valet parking in the City, the clerk's office has proposed two major changes to the valet parking ordinance. In an effort to require valet applicants to adhere to more stringent regulations, we propose changing section 18-71 from the current timeline for application of "a reasonable time" for investigation into the applicant's background to 10 days in order to allow the police department the proper time to conduct such an investigation and for the clerk's office to then process the application.

Additionally, there have been several recent requests to utilize our metered City parking lots for valet purposes. Section 18-76 of the current ordinance allows the use of public parking spaces with the approval of the police chief or police chief's designee. In an effort to provide more control to the City we propose that in matters of using public parking spaces that the director of public works or the director's designee be the approving authority. The public works director should be included in the valet permitting process as the city official ultimately responsible for parking issues within the City. Section 18-71 (4) of the amended ordinance requires the police chief to consult with and receive approval from the director of public works for utilization of public parking areas or municipal lots.

**ATTACHMENTS:** Ordinance No. 1084, An Ordinance to Amend Chapter 18, Traffic and Vehicle Code, Article VI, Valet Parking, Sections 18-65 through 18-76 of the Ferndale Code of Ordinances

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**COUNCIL AGENDA DATE:** October 26, 2009

**CITY ATTORNEY REVIEW:** 10/5/09

**FINANCE DIRECTOR REVIEW:** N/A

**CITY MANAGER APPROVAL:** N/A

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**RECOMMENDED ACTION:**

Moved by , seconded by , to adopt Ordinance No. 1084, An Ordinance to Amend Chapter 18, Traffic and Vehicle Code, Article VI, Valet Parking, Sections 18-65 through 18-76 of the Ferndale Code of Ordinances.

ORDINANCE NO. \_\_\_\_\_

CITY OF FERNDALE  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 18, TRAFFIC AND MOTOR VEHICLE CODE, ARTICLE VI, VALET PARKING, SECTIONS 18-65 THROUGH 18-76 OF THE CITY OF FERNDALE CODE OF ORDINANCES.

**THE CITY OF FERNDALE ORDAINS:**

**Part I.**

The City of Ferndale Code of Ordinances, Chapter 18, Traffic and Motor Vehicle Code, Article VI, Valet Parking, Sections 18-65 through 18-76 is amended as follows:

**Sec. 18-65. Parking areas.**

All vehicles parked by an attendant shall be legally parked in conformance with city ordinances. No attendant shall park a vehicle in a street parking area or in a public parking lot on the days and during the times the regulations of the meters are in force without **approval of the director of public works**.

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**Sec. 18-66. Signs.**

A valet parking service may place a sign at the pick-up and drop-off point subject to the approval of the police chief or the police chief's designee.

**Sec. 18-67. Duties of the police chief.**

- (a) The police chief may, from time to time, designate areas as pick-up and drop-off points for a valet parking service. All licensees shall stop only at such designated areas to pick up and drop off vehicles.
- (b) The police chief may make such other rules and regulations necessary for the safety and efficient operation of valet parking services and for the protection of the public health, safety and welfare.

**Sec. 18-68. Interference with public right-of-way.**

No valet parking service or attendant shall interfere with the free flow of traffic, congest, block, or otherwise interfere with a public right-of-way, or cause vehicles to block or interfere with the use of metered parking spaces, either in a street parking area or in a public parking lot, except as provided in section 18-76.

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**Sec. 18-69. Required.**

No person, either as owner, agent or otherwise, shall operate, conduct, maintain, advertise or otherwise be engaged in the valet parking service business upon the streets, alleys, or other public ways or places unless the owner holds a currently valid license for a valet parking service pursuant to this division.

**Sec. 18-70. Application.**

Application for valet parking service licenses under this division shall be made upon such forms prescribed by the city clerk, with the accompanying license fee as set forth in a resolution by council. ~~The city shall have 10 days to process such applications, as provided in Section 18-71.~~

**Sec. 18-71. Investigation.**

The application shall be referred to the police chief, who shall have ~~10 days~~ to investigate the application and background of the applicant. Based upon such investigation, the police chief shall approve or deny the license application. In making this determination, the police chief shall consider:

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- (1) The proposed location of the pick-up and drop-off point of valet parking service or services;
- (2) The traffic patterns in the area;
- (3) The availability of parking in the area;
- (4) The proposed parking area for motor vehicles parked by the valet parking service or services, ~~if the proposed parking area involves public parking areas or municipal lots, the police chief shall consult and receive approval from director of public works for utilization of such public parking areas or municipal lots;~~
- (5) The proposed location of signs; and
- (6) Whether the applicant has previously operated in this city or state or in another city or state under a valet parking license or permit and whether any such license or permit has previously been revoked or suspended.

**Sec. 18-72. Denial; appeal.**

Any person denied a license by the police chief pursuant to section 18-71 or who believes after not less than 30 days that the investigation of the application is not being properly evaluated may appeal to the city council in writing, stating reasons why the license should be granted. The city council may grant or deny the license after a public hearing, and such decision shall be final. The city council may elect on its own motion to review any determination of the police chief granting or denying a license.

**Sec. 18-73. Transfer.**

Each license issued under the provisions of this division shall expire at 12:00 midnight on December 31 of each year.

**Sec. 18-74. Renewal.**

Annual renewal of any license under this division shall require conformance with all of the requirements of this article. Application of renewal for licenses authorized under this division may be made no more than 30 days before the expiration date.

**Sec. 18-75. Revocation and suspension.**

- (a) *Authority to suspend.* The police chief or police chief's designee may order any license issued under this division suspended for a period not to exceed one year when a licensee fails to comply and to maintain compliance with, or violates any application, provision, standard or requirement of this article, or any regulation promulgated under this article, or any other applicable laws, ordinances or regulations.
- (b) *Automatic suspension.* Upon receipt of a ten-day notice of cancellation from the licensee's insurance carrier as required in section 18-61(2)g., a license shall be automatically suspended as of the date set forth in such notice as the date of cancellation unless, prior to such date, the licensee presents new proof of insurance to the clerk.
- (c) *Revocation.* If a licensee has been suspended two or more times previously, the city manager or his designee may order its license revoked if the licensee again fails to comply and to maintain compliance with, or violates any application, provision, standard or requirement of this article, or any regulation promulgated under this article, or any other applicable laws.
- (d) *Notice of suspension or revocation.* Notice of suspension or revocation shall be given to the licensee by first class mail.
- (e) *Appeal of suspension or revocation.* Upon written request of the licensee, a hearing to appeal such suspension or revocation shall be held before the city council. Upon receipt of a written appeal, the city council shall set a hearing date within a reasonable period. Notice of such hearing shall be given in writing by first class mail to the appellant at least three days prior to the date of the hearing. The notice shall state the grounds for the suspension or revocation of the license and shall state the time and place where such hearing shall be held.
- (f) *Reapplication after suspension.* After the termination of the designated period of suspension, a former licensee may reapply for a new license. Before a new license is issued to a former licensee, the former licensee shall be required to meet all of the qualifications and pay all fees set forth in this division.

**Sec. 18-76. Use of public parking spaces.**

A licensed valet parking service may utilize designated parking areas of the public right-of-way, including metered parking with the approval of the ~~director of public works, or the director's~~ designee. The applicant shall pay the city for each public parking spot utilized for each hour or part of an hour utilized at the rate of \$.50 an hour.

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**Part II. Savings Clause.**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

**Part III. Severability.**

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the ordinance shall not be effected.

**Part IV. Repeal.**

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

**Part V. Effective Date; Publication.**

This Ordinance shall become effective upon publication of a notice in a newspaper circulated in the City, stating the date of the enactment and the effective date of the Ordinance, a brief notice as to the subject matter of this Ordinance, and such other facts as the City Clerk shall deem pertinent and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALE, OAKLAND COUNTY, MICHIGAN, THIS \_\_\_ DAY OF \_\_\_\_\_, 2009.

\_\_\_\_\_  
CRAIG COVEY, MAYOR

\_\_\_\_\_  
J. CHERILYNN TALLMAN, CITY CLERK

Date of Adoption: \_\_\_\_\_

Date of Publication: \_\_\_\_\_

**CERTIFICATE OF ADOPTION**

I certify that the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Ferndale City Council held on the \_\_\_ day of \_\_\_\_\_, 2009.

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J. CHERILYNN TALLMAN, CITY CLERK

CITY OF FERNDALE  
NOTICE OF ADOPTION  
ORDINANCE \_\_\_\_\_

NOTICE IS HEREBY GIVEN that the City of Ferndale Council has adopted Ordinance No. \_\_\_\_\_, an Ordinance to amend Chapter 18, Traffic and Motor Vehicle Code, Article VI, Valet Parking, Sections 18-65 through 18-76 of the Code of Ordinances of the City of Ferndale.

This Ordinance shall become effective upon publication. This Ordinance was adopted by the City Council on Monday, \_\_\_\_\_, 2009. A complete copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

J. CHERILYNN TALLMAN, CITY CLERK  
(248) 546-2384

ORDINANCE NO. 1084

CITY OF FERNDALE  
OAKLAND COUNTY, MICHIGAN

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MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALE, OAKLAND COUNTY, MICHIGAN, THIS 26th DAY OF OCTOBER, 2009.

\_\_\_\_\_  
CRAIG COVEY, MAYOR

\_\_\_\_\_  
J. CHERILYNN TALLMAN, CITY CLERK

Date of Adoption: \_\_\_\_\_

Date of Publication: \_\_\_\_\_

**CERTIFICATE OF ADOPTION**

I certify that the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Ferndale City Council held on the 26th day of October, 2009.

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J. CHERILYNN TALLMAN, CITY CLERK

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ORDINANCE 1084

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