

**AN ORDINANCE AMENDING CHAPTER 19 OF THE CHARLOTTE CITY CODE ENTITLED “STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES”**

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**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Chapter 19 of the Charlotte City Code is amended by adding a new Article XII to read as follows:

**“ARTICLE XII. VALET PARKING.**

**Sec. 19-321. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

*Valet operator* means (a) a person whose business is served by valet parking service, (b) a person who provides valet parking service, and (c) any employee or agent of a person described in (a) or (b) who provides, or participates in the provision of, valet parking service. For purposes of this Article, valet operator shall not mean the City of Charlotte or a person acting on behalf of the City of Charlotte.

*Valet parking service* means accepting possession of a vehicle on the right-of-way for the purpose of parking the vehicle for the operator or retrieving a parked vehicle and returning it to the operator on the right-of-way, regardless of whether a fee is charged.

**Sec. 19-322. Permits.**

(a) *Permit required.* No valet parking service is permitted unless a permit allowing such activity has been issued pursuant to this section.

(b) *Permit application.* An application for a valet parking permit shall be made in writing on a form prescribed by the director/engineer. The application must contain the following:

- (1) the name, address, and telephone number of the business to be served by the valet parking service and, if separate from the business to be served, the owner/operator of the valet parking service;
- (2) a written justification of the need for valet parking service by the business to be served;

- (3) a scale drawing of the location and limits of the proposed valet parking service activities, including an identification of any on-street parking spaces or loading zones that would be affected by the activities;
- (4) an operation plan that includes the days and times when valet parking services will be provided;
- (5) an indemnity and release form as prescribed by the director/engineer;
- (6) proof of insurance as required by the director/engineer;
- (7) any other information reasonably required by the director/engineer; and
- (8) payment of a non-refundable application fee established pursuant to Section 2-1 of the Charlotte City Code.

The permit application requirements of this section shall also apply to permit renewals.

(c) *Permitting criteria.* The director/engineer shall issue or deny a valet parking permit taking into consideration the following factors:

- (1) whether the application is complete;
- (2) the extent to which the valet parking service might unreasonably disrupt the flow of pedestrian and vehicular traffic, including the location of the proposed valet parking service in relationship to traffic control devices;
- (3) the extent to which the valet parking service might unreasonably interfere with or impinge upon on-street parking;
- (4) the proximity of traditional on-street and off-street parking to the business to be served by the valet parking service; and
- (5) the proximity and relationship to any other previously permitted valet parking service.

A permit shall specify (i) the business served; (ii) the location and limits of the valet parking service activities; (iii) the days and times when the valet parking service is permitted; (iv) any additional restrictions or requirements regarding the location or operation of the valet parking service; (v) identification tag requirements for valet operators; (vi) the permit expiration date; and (vii) any other conditions on the permit.

A permit shall not be valid until the applicant has paid a right-of-way use fee established by the director/engineer taking into consideration the amount of right-of-way and other public property and facilities occupied by the valet parking service and potential lost meter revenue.

(d) *Modification and revocation.* The City may modify or revoke a permit issued pursuant to this section at any time and for any reason.

(e) *Temporary suspension.* The City may temporarily suspend a permit issued pursuant to this section when warranted by traffic conditions or anticipated traffic conditions.

(f) *No rights established.* Nothing in this article is intended to establish any legal right to provide a valet parking service or any legal property interest in a valet parking permit.

**Sec. 19-323. Violations.**

(a) It shall be unlawful for a valet operator to provide or engage in valet parking service without a valid valet parking permit issued pursuant to this article. A valet parking permit that has expired or that has been suspended or revoked is not a valid permit.

(b) It shall be unlawful for a valet operator to provide or engage in valet parking service in violation of the terms and conditions of a valet parking permit that pertains to the valet parking service.

(c) It shall be unlawful for a valet operator to stop or direct traffic.

**Sec. 19-324. Enforcement.**

(a) Any person who violates Sec. 19-323(a) shall be subject to a civil penalty of \$1,000.00 for each day during which such violation occurs.

(b) Any person who violates Sec. 19-323(b) or (c) shall be subject to a civil penalty of \$100.00 for each violation.

(c) A violation of this article shall not constitute an infraction or misdemeanor punishable under G.S. 14-4.

**Sec. 19-325. Appeals.**

The denial, modification, revocation, or suspension of a valet parking permit, or the issuance of civil penalties, may be appealed within ten (10) days after notice of such action. Appeals shall be heard by the city manager or the city manager's designee. A ruling on appeal is subject to further review in the Superior Court of Mecklenburg County by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the Clerk of Superior Court within thirty (30) days after notice of the decision has been sent to the appellant.