

## CHAPTER 16-5. - CENTRAL BUSINESS DISTRICT PARKING AND TRANSPORTATION

## ARTICLE I. - PAID PARKING FOR FEE

*Footnotes:*

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**Editor's note**— Ord. No. 7765, § 1, adopted Oct. 30, 2018, set out provisions intended for use as §§ 16-5-000—16-5-008. To preserve the style of this Code, and at the editor's discretion, these provisions have been included as 16-5-1—16-5-9.

## Sec. 16-5-1. - Definitions.

In this Article,

- (1) *Downtown Transportation Coordinator* means the person designated by the City Manager to advise management and provide coordination among affected City departments to facilitate the best possible transportation solutions in the central business district. This includes but is not limited to such programs and matters as: paid parking program, unpaid parking, sidewalks, streetscape, valet parking, and other transportation aspects in the central business district.
- (2) *Paid Parking Space* means a space that is delineated on a public right-of-way for which payment is required to park a vehicle.
- (3) *Paid Parking Zone* means a group of parking spaces, on a public right-of-way or on City property, that are delineated by a posted sign and for which a specified payment is required in order to lawfully park a vehicle at specified hours on specified days or as otherwise posted.
- (4) *Parking Meter* means any mechanical or electronic device that the City may place or erect on City property, adjacent to a paid parking space for the purpose of managing and controlling the use of paid parking spaces and that requires payment for use.
- (5) *Parking Occasion* means the uninterrupted period of time that a vehicle is parked in a paid parking space or a paid parking zone while paid parking time limits are in effect.
- (6) *Parking Pay Station* means any electronic device, except a parking meter, that the City may place or erect on City property, for the purpose of managing and controlling the use of paid parking spaces and paid parking zones and that requires payment for use.
- (7) *Pay-And-Display Station* means a parking pay station that the City may place or erect that dispenses a receipt, as proof of payment, that is to be displayed.
- (8) *Pay By Space Station* means a parking pay station that the City may install or erect that measures the lawful parking occasion and displays the paid time remaining or expiration of paid time for specific paid parking spaces, without issuing a receipt for display on a vehicle.
- (9) *Telephone payment* means either or both a software application and/or dial-in number that allows a vehicle operator to use a mobile cellular phone to facilitate credit card or similar electronic payment of the parking fee for a vehicle parked in a Paid Parking Space or Zone. The City may authorize such service either in lieu of or as alternative manner of payment to a Parking Meter, Parking Pay Station, or Park and Display Station.

(Ord. No. 7765, § 1, 10-30-2018)

## Sec. 16-5-2. - Parking meters, pay stations, telephonic payment.

- (a) The Downtown Transportation Coordinator may use Parking Meters, Parking Pay Stations, Park and Display Stations, Telephonic payments, or any combination to facilitate in the enforcement of parking time restrictions within specified locations of the Central Business District. The Coordinator is authorized to implement a telephone payment system, with appropriate signage, in lieu of or as an alternative to any of the other payment devices mentioned in the preceding sentence.
- (b) A parking meter used by the City must:
  - (1) Be installed adjacent to the parking space it controls or be labeled to indicate a nearby space;
  - (2) Indicate the maximum uninterrupted time a vehicle may remain parked in the space during any parking occasion; and
  - (3) Display the amount of time a vehicle may remain legally parked in the space after the deposit of payment.
- (c) A parking pay station used by the City must:
  - (1) Be installed on the same City block or at the same City-owned or controlled parking lots or facilities as the paid parking space or paid parking zone that the station is intended to regulate;
  - (2) Indicate the maximum uninterrupted time a vehicle may remain parked within the paid parking space or the paid parking zone during any parking occasion; and
  - (3) Either: (A) measure, store, and display the amount of time a vehicle may remain legally parked after the deposit of payment; or (B) issue a receipt that indicates the amount of time a vehicle may remain legally parked after the deposit of payment.
- (d) A paid parking space or zone shall be clearly posted with the following information via curb signs or decals on parking meters or pay stations that may be present:
  - (1) the hours and days that paid parking time limits are in effect;
  - (2) the amount of the fee for parking a vehicle at those times; and,
  - (3) the available means for making a parking fee payment, whether by meter, pay station, pay and display station, telephone payment, or any combination.
- (e) The Downtown Transportation Coordinator shall assure that any parking meter or parking pay stations that may be used shall be equipped to accept (i) coins in denominations appropriate to pay the fee for parking a vehicle, (ii) a credit card, bank debit card, (iii) a City issued parking fee debit card; and (iv) City authorized telephone payment via a mobile phone.
- (f) The Downtown Transportation Coordinator may (i) issue a parking fee debit card for use in any paid parking space or zone covered by a parking meter or pay station and (ii) and authorize a mobile telephone phone application and dial-in number for electronic payment; and to establish rules and procedures to administer the various forms of payment authorized by this Article.

(Ord. No. 7765, § 1, 10-30-2018)

## Sec. 16-5-3. - Paid parking spaces and zones.

- (a) The Downtown Transportation Coordinator shall paint or otherwise mark each individual paid parking space to prevent encroachment into an adjacent paid parking space. The Coordinator shall establish paid parking spaces and zones on the streets and in City-owned or controlled parking lots or facilities in the following areas specified by the City Council, as follows:

- (1) Paid Parking Area 1: Shall encompass designated parking spaces within the area bounded by and described
- S. Johnson St., from SE. 3<sup>rd</sup> Ave. to SE. 10<sup>th</sup> Ave.;
  - West on SE. 10<sup>th</sup> from S. Johnson St. to S. Fillmore St.;
  - North on S. Fillmore to SE. 9<sup>th</sup> Ave., then west on SE. 9<sup>th</sup> to S. Taylor St.;
  - North on S. Taylor to SE. 4<sup>th</sup> Ave., then East on SE. 4<sup>th</sup> to S. Fillmore
  - North on S. Fillmore to SE. 3<sup>rd</sup> Ave, then east on SE. 3<sup>rd</sup> Ave. to S. Johnson St.

(Ord. No. 7765, § 1, 10-30-2018)

Sec. 16-5-4. - Position within a paid parking space.

- (a) A person using a paid parking space must park the vehicle completely within a single delineated parking space.
- (b) A person may not park a vehicle in or across a paid parking space that is already legally occupied by another vehicle or otherwise obstruct the egress of such other vehicle.

(Ord. No. 7765, § 1, 10-30-2018)

Sec. 16-5-5. - Time limits on paid parking.

- (a) Except as provided in section (b) below or otherwise posted, paid parking time limits for parking spaces are in effect from 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise posted.
- (b) The Downtown Transportation Coordinator shall establish the maximum time for parking at various locations and occasions.
- (c) When paid parking time limits are in effect, a person may not park a vehicle for more than the maximum parking time limit established by the Downtown Transportation Coordinator for each parking occasion and block or zone.
- (d) A vehicle may not be moved and re-parked in the same paid parking space or paid parking zone to avoid violating the maximum parking time limit for each parking occasion.
- (e) When paid parking time limits are in effect, a person may not allow a vehicle to remain parked in a paid parking space or a paid parking zone when the authorized parking time has expired.

(Ord. No. 7765, § 1, 10-30-2018)

Sec. 16-5-6. - Fee due for parking vehicle; form of payment.

- (a) Except as exempted in Section 16-5-7, a person parking a vehicle in a paid parking space or paid parking zone shall immediately upon parking, pay the parking fee due, as provided in this section.
- (b) The required fee to be paid for parking in a paid parking space or zone is one dollar (\$1.00) per hour or portion thereof.
- (c) Acceptable forms and means of paying a parking fee are, depending on the type of metered parking facility provided by the City: mobile phone app or dial-in number for electronic telephone payment authorized by the City; depositing U.S. coins in denominations accepted by the parking meter or parking pay station; credit card; bank debit card; or, by using a City-issued parking fee debit card. The City reserves the right to authorize either a single form of payment or several alternative forms of payment for any given paid parking space or zone as available resources or administrative convenience may allow.

- (d) A person shall not use foreign currency in a parking meter or a parking pay station.
- (e) A person shall not deposit more than the amount of payment necessary to obtain the maximum parking time limit allowed during a parking occasion.
- (f) When parking a vehicle in a space controlled by a pay-and-display station, a person shall immediately pay at the station and attach the pay station receipt to the inside of the vehicle's windshield on the side adjacent to the curb or in the center of the windshield if it is pull in parking. Alternatively, the receipt may be displayed face up on the dashboard of the parked vehicle. In either method of display, the receipt must be placed in a position so that it can be read from outside of the vehicle while standing on the sidewalk.
- (g) A person may not park in a paid parking zone controlled by a pay-and-display station without a receipt from the nearest operable pay and display station.
- (h) A person may not park at a paid parking space with an inoperable parking meter, unless the person immediately pays at the nearest pay-and-display station and displays the receipt on the vehicle window or dashboard as required in Subsection (f).
- (i) The minimum amount of parking time that may be purchased: with a telephone payment, credit card, or debit card is one (1) hour; and, with U.S. coins is as posted where coin meters may be provided.

(Ord. No. 7765, § 1, 10-30-2018)

Sec. 16-5-7. - Exemptions.

- (a) In accordance with state law (Texas Transportation Code, sections 681.006 through 681.008) and City policy as stated in this section, a vehicle is exempt from both parking time limits and payment of parking fees when the vehicle is being operated by or for the transportation of the person who registered the vehicle and displays a special state license plate or placard that documents the owner's status as having: Handicap/Disabled; Disabled Veteran; Distinguished Flying Cross; WWII Veteran; Bronze Star or Bronze Star with Valor; Air Medal or Air Medal with Valor; Commendation Medal with Valor; Distinguished Service Medal; Pearl Harbor Survivor; Medal of Honor; Navy or Air Force Cross; Army Distinguished Service Cross; Silver Star Medal; Purple Heart; Former Prisoner of War; Legion of Merit Medal; Airman's Medal; Soldier's Medal; Navy and Marine Corps Medal; Coast Guard Medal; Defense Meritorious Service Medal; Meritorious Service Medal; Military Outstanding Volunteer Service Award; Defense Superior Service Medal; and any such other medals as may now or hereafter be added by state law.
- (b) Sections 16-5-5 (Time Limits on Paid Parking) and 16-5-6 (Fee Due for Parking) do not apply:
  - (1) On the following days each year: New Years Day; MLK Day; Memorial Day; Independence Day; Labor Day; Thanksgiving and the day after; and Christmas Eve and Day;
  - (2) To the parking of a vehicle in a paid parking space or zone when parking is authorized by a film-making permit issued by the City; a building construction permit for a site immediately adjacent to the paid parking space or zone; or, other temporary street closure as permitted by this Code of Ordinances.

(Ord. No. 7765, § 1, 10-30-2018)

Sec. 16-5-8. - Revenue collection and use.

- (a) The Downtown Transportation Coordinator shall coordinate the periodic collection of any coins deposited in parking meters and parking pay stations and deliver same to the City's accounting department or other designated office. The Coordinator shall cooperate with and assist the Accounting department to assure that

all revenue for paid parking, via any form of payment authorized in this Article, is promptly received by the City and accounted.

- (b) The City may use revenue collected under this section from parking meters and parking pay stations for any lawful purpose.

(Ord. No. 7765, § 1, 10-30-2018)

Sec. 16-5-9. - Violations and penalties.

- (a) A person commits a civil nuisance violation by:
- (1) Parking a vehicle in a paid parking space or in a paid parking zone in violation of any posted sign or notice;
  - (2) Performing an act prohibited by this Article; or
  - (3) Failing or refusing to perform a duty that is required by this Article.
  - (4) Overtime parking of a vehicle in a paid parking space or zone with expired time for fee.
- (b) A violation of this Article is punishable by civil penalty in accordance with Section 1-1-5 of this Code of Ordinances, and includes nonconsent towing and booting as provided in that section.

(Ord. No. 7765, § 1, 10-30-2018)

Secs. 16-5-10—16-5-20. - Reserved.

ARTICLE II. - VALET PARKING SERVICES

*Footnotes:*

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**Editor's note**— Ord. No. 7766, § 1, adopted Oct. 30, 2018, set out provisions intended for use as §§ 16-5-050—16-5-063. To preserve the style of this Code, and at the editor's discretion, these provisions have been included as 16-5-21—16-5-34.

Sec. 16-5-21. - Definitions.

In this Article:

- (1) *Central Business District* means the area defined in Section 10-3-44 of this Amarillo Code of Ordinances.
- (2) *City* means the City of Amarillo, Texas.
- (3) *Coordinator* means the Downtown Transportation Coordinator designated by the City Manager to enforce and administer this Article, or the Coordinator's designated representative.
- (4) *Licensee* means a person licensed under this Article to operate a valet parking service. The term includes any employee, agent, or independent contractor of the person in whose name the license is issued.
- (5) *Person* means an individual, assumed name entity, partnership, joint-venture, association, corporation, or other legal entity.
- (6) *Remote private property* means private property that is not at or on the site of the commercial public accommodation.
- (7) *Valet Parking Service* means a business, or any part of a business, which provides a driver to operate a customer's vehicle to and from a parking location so that the customer and any passengers in the vehicle

may unload and load at their immediate destination.

- (8) *Valet Parking Service Stand* means a stand must be necessary to the general conduct of a valet parking service and shall be used only for such valet purposes, as but not limited to, the dispatch of valets and the storage of keys, umbrellas, and other items.

(Ord. No. 7766, § 1, 10-30-2018)

Sec. 16-5-22. - Scope; purpose.

- (a) This Article does not apply to occasional valet parking service provided at a private residence or in connection with a social or nonprofit fund-raising activity for which a temporary street closure permit is issued in accordance with other provisions of this Code of Ordinances. This ordinance does apply to valet parking for or on behalf of a commercial public accommodation that parks vehicles upon the public right-of-way, public property, or at remote private property, in the Central Business District, any of which is allowed only in accordance with this Article.
- (b) Within the Central Business District, valet parking service is permitted only in connection with a place of commercial public accommodation (such as a hotel, restaurant, bar, or club and similar). This ordinance does not regulate valet parking by a place of religious worship.
- (c) Nothing in this ordinance shall be construed as lessening or relieving compliance with state law standards and requirements for a valet parking business.

(Ord. No. 7766, § 1, 10-30-2018)

Sec. 16-5-23. - Offenses; license required.

- (a) A person commits an offense if, without a license issued by the Coordinator, he operates a valet parking service within the City by parking vehicles upon public right-of-way or on remote private property; or,
- (b) A person with a licensee commits an offense if, at a time other than the hours and days of operation authorized in his license, he or his employee, agent, or independent contractor operates a valet parking service.

(Ord. No. 7766, § 1, 10-30-2018)

Sec. 16-5-24. - Application; amendments; transfer.

- (a) A person (whether the owner or lessee of the place of public accommodation or a third party desiring to offer contracted service to such a public accommodation) who desires to operate a valet parking service on public right-of-way, public property, or on remote private property, shall apply in writing to the Coordinator for a valet parking service license. The application must be made by the (i) owner or lessee of the public accommodation benefiting from the proposed valet parking service and (ii) the operator of the valet service, if the valet parking is not performed by employees of the public accommodation owner. The application must contain the following information and other reasonably necessary [information] as determined by the Coordinator:

- (1) The names, addresses, and telephone numbers of:
- a. The applicant;
  - b. If the applicant is a lessee, then also the property owner; and
  - c. Any independent contractor the applicant will use to actually perform valet parking service;

- (2) A site map showing location of valet parking, placement of valet stand, and off-site valet parking. This map s the placement of any traffic cones to be used.
- (3) The number of spaces requested to be reserved for the valet parking service, each space being twenty-two (22) feet long, if parallel to the curb, or nine (9) feet wide, if head in to the curb. Generally, a minimum of three (3) spaces must be reserved unless the Coordinator determines that, because of special traffic conditions at and near the site, a greater or lesser number of spaces is needed to efficiently operate the valet parking service;
- (4) The proposed hours and days of operation of the valet parking service;
- (5) The location of any off-street parking to be used in connection with the valet parking service and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that location;
- (6) Proof of the minimum insurance required by Section 16-5-29; and,
- (7) A list of names and addresses of all property owners, or their representatives, located within fifty (50) feet of, and on the same side of the street as, and within the same block as the valet parking service location, and either:
  - a. With signatures showing those persons' consent to the operation of a valet parking service proposed by the applicant; or
  - b. Without signatures, in which case the Coordinator shall notify the listed persons of the valet parking service application and seek to obtain their comments, objections, or consent.
- (b) The Coordinator shall forward a copy of any completed application to any person required to be notified under Subsection (a)(7) and, to the City departments of Streets, Solid Waste, Building Safety, Community Development, Planning, and Risk Management, Fire, Police, and to any other department that might be affected by the proposed operation of a valet parking service as proposed. Each department and any other notified persons shall review the application and return it, with any comments, to the Coordinator within thirty (30) days after receipt.
- (c) After reviewing the application and comments of the departments and other persons notified in accordance with Subsection (c)(7), and upon receiving payment of all fees required by this Article, the Coordinator shall issue a valet parking service license unless denial is required by Section 16-5-26.
- (d) A licensee desiring to change the location, hours of operation, or manner of operating a valet parking service must submit a new application to the Coordinator in accordance with this section.
- (e) A valet parking license may be transferred to a subsequent owner or operator of the business at the service location. To transfer a valet parking license, the subsequent owner or operator of the business must file an application under this section and demonstrate compliance with the requirements of this Article.

(Ord. No. 7766, § 1, 10-30-2018)

Sec. 16-5-25. - Fees.

- (a) A nonrefundable application fee of two hundred seventy-five dollars (\$275.00) must accompany each application for a valet parking service license. This fee includes the first two (2) parking spaces reserved for valet parking service.
- (b) If the application is approved and the licensee desires more spaces than the two (2) included with the license, then the licensee shall pay an additional fee of two hundred fifty dollars (\$250.00) per space for up to six (6) additional spaces, and one thousand dollars (\$1,000.00) for each space over the six (6) additional ones.

- (c) To renew a license the licensee shall pay an annual licensing fee of one hundred dollars (\$100.00) plus the fees for additional parking spaces used for the valet service in accordance with (b), as applicable.
- (d) In addition to other fees required by this section, an applicant must pay twenty-five dollars (\$25.00) for each sign or curb marking placed by the City at the valet parking service location, and any needed parking meter bags, in accordance with Section 16-5-33.
- (e) In addition to other fees required by this section, an applicant must pay an annual fee of fifty dollars (\$50.00) if a valet parking service stand is placed on public right-of-way.
- (f) No valet parking service license or annual fee is required if the valet parking service is conducted completely on the premises of the commercial public accommodation by employees of the public accommodation.

(Ord. No. 7766, § 1, 10-30-2018)

Sec. 16-5-26. - Denial, revocation, temporary suspension of license; appeal.

- (a) The Coordinator shall deny a valet parking service license application if:
  - (1) The applicant fails to comply with the requirements of this Article or other applicable law;
  - (2) The applicant makes a false statement or omission of material fact on an application for a valet parking service license; or
  - (3) The Coordinator determines that the operation of the valet parking service as proposed may:
    - a. Endanger the safety of persons or property or otherwise not be in the public interests;
    - b. Unreasonably interfere with pedestrian or vehicular traffic;
    - c. Unreasonably interfere with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other governmental or public utility structure permitted at or near the proposed location of the valet parking service; or
    - d. Unreasonably interfere with an existing use previously permitted at or near the proposed location of the valet parking service.
- (b) The Coordinator shall revoke a valet parking service license if:
  - (1) The licensee fails to comply with the requirements of the valet parking service license, this Article, or other applicable law;
  - (2) The licensee made a false statement or omission of material fact on an application for a valet parking service license or renewal thereof; or
  - (3) The Coordinator determines that the operation of the valet parking service:
    - a. Endangers the safety of persons or property or is otherwise not in the public interest;
    - b. Unreasonably interferes with pedestrian or vehicular traffic;
    - c. Unreasonably interferes with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other governmental or public utility structure permitted at or near the location of the valet parking service; or
    - d. Unreasonably interferes with an existing use previously permitted at or near the location of the valet parking service.
- (c) The City Council may, at any time, unconditionally revoke a valet parking service license issued pursuant to this Article for violation of this Article.
- (d) The Coordinator may temporarily suspend the license or operation of a valet parking service if:
  - (1) The public right-of-way reserved by the valet parking service is needed for an emergency or temporary



use, including, but not limited to, the construction, maintenance, or repair of a street or utility. The Coordinator may refund a part of the annual license fee, prorated according to the duration of a temporary suspension under this provision, unless the conditions necessitating the suspension were caused by the valet parking service; or,

- (2) The licensee fails or refuses to maintain active insurance coverage or proof of such on file with Coordinator as required by this Article. Such temporary suspension shall last for so long as and until licensee cures the failure to have required insurance and file proof of same with the Coordinator.
- (e) An applicant or a licensee may appeal the denial of an application or the revocation or suspension of a license to an Assistant City Manager designated by the City Manager, as follows:
- (1) The appeal must be submitted to the Assistant City Manager in writing not later than the 10th day after receipt of notice of the adverse action.
  - (2) The Assistant City Manager shall hold an informal hearing on the appeal not later than the 10th business day after the appeal is received. At the hearing the formal rules of evidence do not apply. The Assistant City Manager shall decide the appeal on the basis of the preponderance of the evidence presented.
  - (3) The Assistant City Manager shall make a determination on the appeal not later than the 10th business day after the hearing. The decision may affirm, reverse, or modify the Coordinator's previous determination.
  - (4) The decision of the Assistant City Manager may be appealed to the City Manager, under the same procedure and time periods described above. The decision of the City Manager is final.

(Ord. No. 7766, § 1, 10-30-2018)

Sec. 16-5-27. - Expiration of license.

A valet parking service license expires one (1) year from the date of issuance, unless sooner terminated by the Coordinator or by the City Council. A valet parking service license may be renewed by making application in accordance with Section 16-5-24 of this Article at least thirty (30) days before expiration of the license and paying the required fees stated in 16-5-25.

(Ord. No. 7766, § 1, 10-30-2018)

Sec. 16-5-28. - Standards for operation of a valet parking service.

- (a) A licensee shall:
- (1) Allow only employees and independent contractors who hold a valid state driver's license, and who are covered by the insurance required by Section 16-5-31 of this Article, to operate any vehicle in connection with the valet parking service;
  - (2) Operate the valet parking service in a manner that does not:
    - a. Use or occupy more of the public right-of-way than is allowed by his valet parking service license;
    - b. Obstruct a pedestrian's use of a sidewalk;
    - c. Obstruct a vehicle operator's ability to see any part of an intersecting road; or
    - d. Injure, damage, or create a hazard to persons or property;
  - (3) Place no more than one (1) valet parking service stand on public right-of-way;
  - (4) Neither place nor allow the placement of a sign advertising the valet parking service in the public right-of-way that exceeds a base dimension of eighteen (18) inches, except as provided for under this section.

The signs allowed under this section are intended to define the limits of the valet operation only;

- (5) Not park or allow the parking of a vehicle in a valet parking service space, but shall only use the space for loading and unloading passengers; in no event shall a vehicle be allowed to remain in a valet parking service space for more than ten (10) minutes;
  - (6) Continuously provide valet parking service during all hours of operation authorized in his license;
  - (7) Not double park vehicles in a public right-of-way;
  - (8) Notify the Coordinator within ten (10) days of a change in the location of off-street parking and provide the Coordinator with a signed agreement or other documentation showing that the licensee has a legal right to park vehicles at the new location;
  - (9) Not used metered or non-metered parking spaces on the City right-of-way other than those stated in the valet parking license issued by the City. A license holder shall not park in spaces or on property for which it does not have an agreement or permission to park vehicles, and shall immediately cease to accept vehicles once it meets its capacity limits under its valet parking license;
  - (10) Keep a copy of the valet parking license readily available at the service location during hours of operation, and shall produce the copy on the request of the Coordinator or a police officer;
  - (11) Provide reflective material on outerwear (approved by the Coordinator) of each person performing valet parking services who enters the street while on duty during nighttime hours. Each employee or contractor shall be required to wear the reflective outerwear while on duty;
  - (12) Be responsible for the security of keys left by a customer and shall keep the keys in a secure place;
  - (13) Place a valet parking tag inside each customer's vehicle that includes the following information, which must be clearly legible from outside of the vehicle:
    - a. The name of the license holder; and
    - b. A telephone number that will allow the customer to obtain information about the valet parking operation twenty-four (24) hours a day;
  - (14) Assure that each of the licensee's employees or contractors shall operate vehicles in compliance with all applicable laws and in a manner that assures the safety of persons and property.
- (b) At all times other than the authorized hours of operation of a valet parking service, spaces reserved by the valet parking service shall be available for use by the general public on a first-come, first-served basis in accordance with posted signs and other traffic control devices, except where parking is otherwise restricted or prohibited.

(Ord. No. 7766, § 1, 10-30-2018)

Sec. 16-5-29. - Valet parking service stands.

- (a) A licensee may place one (1) valet parking service stand on the public right-of-way at a location approved by the Coordinator.
- (b) A valet parking service stand shall:
  - (1) Not occupy an area of the public right-of-way exceeding four (4) feet in width, two (2) feet in depth, and four (4) feet tall;
  - (2) Not be affixed to the public right-of-way in any manner;
  - (3) Be easily moveable by one (1) person; and
  - (4) Be removed from the public right-of-way when the valet parking service is not being operated;

- (c) A name and logo may be placed on a valet parking service stand for the sole purpose of identifying the business : if applicable a third party actually performing the valet parking service. Such name and logo or other identificatio
  - (1) Have dimensions greater than four (4) feet high and four (4) feet wide;
  - (2) Be displayed on more than two (2) sides of the valet parking service stand; or
  - (3) Be free standing or separate from the valet parking service stand itself.
- (d) Spaces and stands for a valet parking service may not:
  - (1) Be within ten (10) feet of a crosswalk, fire hydrant, fire call box, police call box or other emergency services facility;
  - (2) Be within five (5) feet of a driveway;
  - (3) Be within three (3) feet in front of or fifteen (15) feet behind a sign designating a bus stop;
  - (4) Reduce the unobstructed space for the passage of pedestrians to less than the minimum unobstructed sidewalk widths required by the City or Americans with Disabilities Act whichever is greater.
- (e) The Coordinator may require greater distances than those prescribed in this Section when warranted by special vehicular or pedestrian traffic conditions at or near the site of the valet parking service.

(Ord. No. 7766, § 1, 10-30-2018)

Sec. 16-5-30. - Insurance.

- (a) A licensee shall have and keep in full force and effect, and shall keep a copy on file with the Coordinator, either a policy of comprehensive general liability insurance and garage insurance or a certificate of such insurance, issued by a casualty insurance company authorized to do business in this state and in the standard form approved by the board of insurance commissioners of the state. The "insured persons" in the policy must include the City, its officers, and employees, and must insure the public from loss or damage that may arise to any person or property by reason of the operation of a valet parking service by the licensee. The minimum amounts of motor vehicle liability insurance coverage required to establish financial responsibility under this chapter are:
  - (1) One hundred thousand dollars (\$100,000.00) for bodily injury to or death of one (1) person in one (1) accident;
  - (2) Three hundred thousand dollars (\$300,000.00) for bodily injury to or death of two (2) or more persons in one accident, subject to the amount provided by Subdivision (1) for bodily injury to or death of one (1) of the persons; and
  - (3) Fifty thousand dollars (\$50,000.00) for damage to or destruction of property of others in one (1) 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 three hundred thousand dollars (\$300,000.00) 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 three hundred thousand dollars (\$300,000.00) 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.

(Ord. No. 7766, § 1, 10-30-2018)

## Sec. 16-5-31. - Indemnification.

A licensee, and where applicable any independent contractor used by the licensee for valet parking services, must execute a written agreement to indemnify the City, its officers, and employees against all claims, demands, suits, damages of every type, interest, attorney fees and costs for personal injury, death, or damage to persons or property arising out of or related to the operation of the valet parking service.

(Ord. No. 7766, § 1, 10-30-2018)

## Sec. 16-5-32. - Signs; meter covers.

- (a) Upon approval of the Coordinator, the City is authorized to place signs or curb markings at a location licensed for a valet parking service pursuant to this Article. The signs and markings shall indicate that the location is restricted for use by a valet parking service and state the days and hours of operation of the valet parking service.
- (b) If the Coordinator deems it necessary that bags be placed over parking meters during the hours of valet parking services, then the licensee shall be responsible for the cost of acquiring, applying, maintaining, and removing approved bags over the parking meters, if any, for spaces reserved by the valet parking service during the hours of operation authorized in the valet parking license.

(Ord. No. 7766, § 1, 10-30-2018)

## Sec. 16-5-33. - No private rights in streets.

A license issued under this Article is a limited privilege to use public property or rights-of-way, not a right. Nothing in this Article shall be construed to give any person, whether or not a licensee, any property right in or to the use of any public street, alley, sidewalk, right-of-way or other public property. All licenses issued and held under this Article shall be and remain subject to the superior right of the public to the safe and orderly movement of traffic and pedestrians, operations of governmental services, and public utility providers.

(Ord. No. 7766, § 1, 10-30-2018)

## Sec. 16-5-34. - Enforcement; penalty.

- (a) The City Council has determined that this Article is necessary to protect health, life, and property and to preserve good government, order, and security of the City and its inhabitants.
- (b) An owner, lessee, operator, employee, or contractor of a valet parking service or business commits an offense if the person violates this Article or fails to comply with a requirement of this Article.
- (c) An offense under this Article is a Class C misdemeanor, punishable in accordance with Section 1-1-5 of this Code of Ordinances.
- (d) Proof of a culpable mental state is not required for a conviction of an offense under this Article.
- (e) The provisions of this section are cumulative of other remedies.
- (f) Each day or portion of a day during which a violation occurs or continues constitutes a separate offense.
- (g) The City may seek to enjoin violations of this Article, and may file suit for the recovery of all expenses incurred, including without limitation, administrative and legal expenses, attorneys' fees, and costs, and for civil penalties as provided by law.

(Ord. No. 7766, § 1, 10-30-2018)

Secs. 16-5-35—16-5-44. - Reserved.

### ARTICLE III. - GOLF CART TRANSPORTATION

Sec. 16-5-45. - Definitions.

For the purposes of this Article, the following terms have the meaning shown.

*Event Venue* means any and all of the following facilities, jointly or separately, the Amarillo Civic Center (Exhibit Halls, Auditorium, Arena, Plaza); Amarillo Globe News Center, Amarillo Multi-Purpose Event Venue (Hodgetown).

*Golf Cart* means a motor vehicle designed by the manufacturer primarily for use on a golf course, with a maximum speed capability of twenty-five (25) miles per hour and, has mounted on the vehicle that equipment and accessories described in Texas Transportation Code section 551.404(b) as amended.

*Operator* means the person driving a Golf Cart as authorized by this Article.

*Owner* means a person who holds legal title to a Golf Cart; has the legal right to possess a Golf Cart; or has the legal right of control of a Golf Cart.

*Parking Facility(ies)* means a parking lot or parking garage.

(Ord. No. 7782, § 1, 4-9-2019)

Sec. 16-5-46. - Authorized use and territory.

- (a) It is lawful for a Golf Cart with a Permit to be operated upon those public streets and alleys within the downtown central business district having a speed limit of less than thirty-five (35) miles per hour, for the purpose of transporting passengers to and from Parking Facilities, Event Venues, and along streets as allowed in section (b) below. Operation of a Golf Cart as provided in this Article is a privilege and shall comply with the provisions of this Article.
- (b) Within the Central Business District, the driving of Golf Carts and the loading and unloading of passengers may occur on or along any street not prohibited by this subsection. A Golf Cart shall not drive upon any of the following streets which are designated components of the state highway system: Buchanan, Fillmore, Pierce, or Taylor Streets, but a Golf Cart is allowed to safely cross such streets at intersections. Where applicable, Golf Cart operation authorized in this section may cross a road or street that has a posted speed limit of thirty-five (35) miles per hour or higher only at an intersection and in compliance with any traffic control device and, in the absence or malfunction of a traffic control device, then the Golf Cart must yield to the cross traffic upon the road or street with the thirty-five (35) mph or higher speed limit.
- (c) This section does not apply to or authorize the use of Neighborhood Electric Vehicles as defined in Texas Transportation Code, chapter 601, or the use of any other type of vehicle that is not defined by state law as being a Golf Cart, such as but not limited to all-terrain vehicles, motorized utility carts, or other vehicles not recognized as a Golf Cart by the Texas Transportation Code.

(Ord. No. 7782, § 1, 4-9-2019)

Sec. 16-5-47. - Requirements.

- (a) *Vehicle* . In addition to the mandatory characteristics and equipment required to meet the definition of an author Cart" as defined in 16-5-45(b) and 16-5-46(b), the following equipment is also mandatory to be present upon and operable and in-use on a Golf Cart when operating as authorized in section 16-5-46(a):
- (1) The international sign for a slow moving vehicle (reflective orange triangle with red trim) must be attached to the rear of the vehicle, so as to be fully visible to a vehicle operator approaching the Golf Cart from the rear.
  - (2) A revolving or flashing amber or yellow beacon affixed at a height higher than the the Golf Cart, so as to be visible three hundred sixty (360) degrees around the cart. This beacon may be roof-top mounted or pole mounted.
  - (3) Each headlamp and tail lamp required by state law (see definition of Golf Cart), the beacon required by this section, and any other light must be activated and used at all times when a Golf Cart is being operated pursuant to this Article, without regard to day or night hours.
  - (4) A strip of red, yellow, white, or combination color of reflective tape, being at least six (6) inches in length and one (1) inch or more in width, attached on the two (2) sides of the cart, positioned at or approximate to the middle and center of each side as the vehicle as its structure reasonably allows.
  - (5) Have a City-issued permit displayed on the front windshield.
- (b) *Operator* . At all times while operating a Golf Cart as authorized by section 16-5-46 shall:
- (1) Be at least eighteen (18) years old.
  - (2) Have upon his or her person a valid state driver's license issued to such operator.
  - (3) Wear a reflective vest covering the upper torso of the driver's body which complies with the standards for a class II ANSI Safety Vest.
  - (4) Operate the Golf Cart in full compliance with all traffic laws, traffic control devices, applicable state law, and City ordinances, including this Article.
  - (5) Not drive, park, or stand a Golf Cart upon a public sidewalk, curb of a public street, or the lawn at any Event Venue or Parking Facility.
  - (6) Not drive upon a street prohibited in section 16-5-46(b) except as allowed for crossing at an intersection.
  - (7) Upon request of any peace officer, present the proof of insurance required to be in each Golf Cart.
  - (8) Not use a Golf Cart to tow a trailer or other vehicle while transporting passengers.
- (c) *Owner* :
- (1) Shall at all times have and keep in force motor vehicle liability insurance upon each Golf Cart being operated as authorized in section 16-5-46, which is issued by a carrier authorized to issue such insurance in Texas, with combined single limit of not less than one million dollars (\$1,000,000.00). Proof of current insurance in force shall be kept in each Golf Cart to be presented when requested by a peace officer.
  - (2) Shall allow or provide only Operators who meet or exceed the requirements of subsection (b), above to operate a Golf Cart authorized by this Article.
  - (3) Shall allow or provide Golf Carts to be used for the purposes authorized by sec. 16-5-146 which are in safe and sound mechanical condition and which meet or exceed the requirements for a Golf Cart specified in sections 16-5-45(b) and subsection (a) of this section.

(Ord. No. 7782, § 1, 4-9-2019)

Sec. 16-5-48. - Permit required; process.

- (a) *Requirement*. The owner of each golf cart to be used on public streets in accordance with section 16-5-46 shall file for, pay the required fee, and obtain an annual City permit which must be displayed on the Golf Cart for which it is issued.
- (b) *Process*. The Downtown Transportation Coordinator shall prescribe the application form and collect the fee and issue Golf Cart Permits that expire one (1) year after date of issuance.
- (1) Applications must be signed by the Owner or agent of the Golf Cart to be registered.
  - (2) The authorized fee that must be paid with the submission of the application is twenty dollars (\$20.00) for each permit application for each Golf Cart.
  - (3) Owner must submit proof of the insurance required by section 16-5-47(c).
- (c) *Refusal, Revocation, and Appeal*. The Downtown Transportation Coordinator Office shall issue an annual permit upon receiving a completed application with the required payment and proof of required insurance. The Office shall refuse to issue a permit due to: incomplete or misleading information in the application; nonpayment of required fee; or, the failure or refusal to provide acceptable proof of required insurance. An issued permit may be revoked for: discovery of facts that would have been grounds for refusal of the permit; misuse of a Permit on more than the single vehicle for which it was issued; or, discovery the vehicle does not meet the definition and requirements of this Article to be a Golf Cart. An Owner may appeal a Refusal or Revocation to the City Manager or designee, who shall promptly hear and render a decision in the matter. Such decision is final.

(Ord. No. 7782, § 1, 4-9-2019)

Sec. 16-5-49. - Offenses.

- (a) An Operator commits an offense by:
- (1) Operating a Golf Cart in a place not authorized in sections 16-5-46 or 16-5-47(b) (5) or (6).
  - (2) Operating a Golf Cart in violation of an equipment requirement stated in sections 16-5-47(a) or 16-5-45(b).
  - (3) Operating a Golf Cart in violation of an Operator Requirement as stated in section 16-5-47(b).
  - (4) Operating a Golf Cart on a public street in the Central Business District without displaying the required City permit per section 16-5-48.
  - (5) Operating a Golf Cart with passengers on-board and tows another vehicle per section 16-5-47(b).
- (b) An Owner commits an offense by:
- (1) Operating or allowing operation of a vehicle that does not contain the characteristics to meet the definition or the further requirements to be a Golf Cart in section 16-5-45(b) or the further requirements of section 16-5-47(a).
  - (2) Operating or allowing operation of a golf cart without motor vehicle insurance required by section 16-5-47(c), or having proof of such insurance in a Golf Cart when a peace officer asks to see it.
  - (3) Allowing a person to operate a Golf Cart who does not meet or exceed the requirements of section 16-5-47(b).
  - (4) Operating or allowing operation of a Golf Cart on a public street in the Central Business District without displaying a valid City permit, section 16-5-48.
  - (5) Operating or allowing operation of a Golf Cart in a place prohibited by section 16-5-46(b).
- (c) Prosecution, penalty upon conviction, and other procedural matters shall be as provided in section 1-1-5 of

this Code of Ordinances or applicable state law.

(Ord. No. 7782, § 1, 4-9-2019)

Sec. 16-5-50. - Sunset.

This Article is enacted as a trial program and shall expire and be automatically repealed at midnight local time on December 31, 2019, unless the City Council acts to renew, extend, amend, or replace this Article.

(Ord. No. 7782, § 1, 4-9-2019)

#### ARTICLE IV. - SPECIAL TRAFFIC CONTROL MEASURES

Sec. 16-5-51. - Vehicle parking near a venue.

- (a) *Authority: Locations* . The Downtown Transportation Coordinator (see, Art. I of this Chapter) is authorized to temporarily restrict parking, close a street, or other temporary traffic control measure upon part or all of a street which is adjacent to or within a two block radius of the Civic Center, Santa Fe Depot, Globe News Center or Multipurpose Event Venue, for the purpose of accommodating (i) temporary passenger drop-off areas; (ii) the movement and temporary parking of standby emergency vehicles, media satellite trucks, team buses, equipment trucks or trailers and similar, needed for the production or protection of an event at a venue named above; or (iii) or as otherwise determined by the City to be necessary to promote public safety or convenience. Such parking restriction, street closure, or other traffic control measure may be imposed by the City for and during:
- (1) Up to twenty-four (24) hours prior to the start of an event or as otherwise necessary for unloading and set up, and for a reasonable time after an event for loading and departure;
  - (2) Around the clock and for consecutive days without interruption for a multi-day event;
  - (3) Around the clock and for consecutive days without interruption when a series of related or unrelated events are scheduled to start or end within seventy-two (72) hours of each other at a venue named in (a); and,
  - (4) Other times and days as determined by the City Manager or designee as being in the best interests of public convenience or safety at a venue or area described in (a).
- (b) *Public notice: Coordination* . The Downtown Transportation Coordinator or designee shall cause the timely deployment of City-issued temporary signs, barricades, barriers, bags, or other physical means of notice or directions to drivers that a temporary restriction, closure, or other traffic control measure will be or is in effect. This shall be done in coordination with Police, Fire, Public Works, Facilities Management, or other City departments as appropriate. The physical access control for vehicle ingress/egress to and vehicle placement within a restricted, closed, or controlled area may be performed by personnel of the Downtown Transportation Coordinator, Police Department, Traffic Engineering Office, or other as directed by the City Manager's Office.
- (c) *Enforcement* . The Amarillo Police Department is authorized to both issue a parking citation to an unauthorized or obstructing vehicle and to cause such vehicle to be towed from an area described in (a) that is under a posted restriction, closure, or control described in (b).
- (d) *Limitation* . This section does not authorize any City official or other person to take any action that is contrary to or that would impair the authority and control of the State of Texas over roadways that are part of the State



highway system, without the prior consent of the State given in accordance with State procedures.

(Ord. No. 7786, § 1, 5-28-2019)

Sec. 16-5-52. - Prohibition on Shared Mobility Services.

- (a) No person or entity shall provide a "shared mobility service" that allows for the use of a motor-assisted device as defined in Chapter 16-3, electric bicycles, and bicycles, equipped with global positioning systems (GPS) on any public sidewalk or public rights-of-way within the city limits. Included in this prohibition is the operation of any personal transportation device listed in this article that was acquired through a shared mobility service.

For purposes of this section a "shared mobility service" shall mean any service that displays, offers or places for rent on a public way or public property one or more motor-assisted devices, electric bicycles, bicycles, or other similar personal transportation devices equipped with GPS that may be locked and unlocked with or without a docking station.

- (b) Any proposed amendments to this section shall first be submitted to the Traffic Advisory Board for a public hearing, study, and a recommendation to the City Council for its consideration.

(Ord. No. 7802, § 3, 8-20-2019)

Secs. 16-5-53—16-5-99. - Reserved.