

**2016-15 AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CONCERNING VALET PARKING AND AMENDING THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974.”**

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, N.J.S.A. 40:43-66.35, consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to N.J.S.A. 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council’s Code Subcommittee has reviewed and recommended updates to Article III of Chapter 31 of the “Code of the Borough of Princeton, New Jersey, 1974” (“Code”), pertaining to the operation of valet parking services in Princeton, and Chapter 19 of said Code, regarding “Motor Vehicles and Traffic;” and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Article III of Chapter 31 of "Code of the Borough of Princeton, New Jersey, 1974," entitled “Valet Parking,” is hereby repealed.

Section 2. A NEW Article III of Chapter 31 of the “Code of the Borough of Princeton, New Jersey, 1974,” as set forth on Exhibit A attached hereto and made a part hereof, is hereby adopted to set forth the requirements and regulations affecting valet parking, and to replace the aforementioned provisions of the “Code of the Borough of Princeton, New Jersey, 1974.”

Section 3. Chapter 19 of the “Code of the Borough of Princeton, New Jersey, 1974,” entitled “Motor Vehicles and Traffic” is hereby amended by adding a NEW Article XII thereto, entitled “Valet Zones,” and consisting of the addition of a NEW section 19-38 as follows:

Sec. 19-38. Valet zones designated.

(a) Designated. The following areas upon the municipally controlled streets of Princeton are hereby designated as valet parking service zones:

Witherspoon Street, east side, extending from a point 67 feet north of Spring Street to a point 132 feet northerly.

Spring Street, south side, extending from a point 25 feet east of Witherspoon Street to a point 75 feet easterly.

John Street Alley, east side, extending from a point 145 feet north of Route NJ 27 (Nassau Street) to a point 270 feet northerly.

(b) No person shall park any vehicle within a valet zone designated in subsection 19-38(a) above at any time except that a valet parking service operator licensed by the municipality pursuant to article III of chapter 31 of this Code, entitled “Valet Parking,” may utilize the valet zone for purposes of ramping of vehicles in connection with its service between the hours of 5:00 P.M. and 12:00 A.M. any day of the week.

Section 4. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and

such holding shall not affect the validity of the remaining portion thereof.

Section 6. This Ordinance shall take effect upon its final adoption and publication as provided for by law. The provisions of this Ordinance shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted.

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and former Princeton Township into a new code for the consolidated municipality of Princeton. It sets forth the licensing requirements and other regulations regarding valet parking in Princeton.

I, Kathleen K. Brzezynski, Deputy Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held March 28, 2016.

A handwritten signature in cursive script that reads "Kathleen K. Brzezynski".

Kathleen K. Brzezynski, Deputy Clerk

## EXHIBIT A

### CHAPTER 31. TAXICABS AND OTHER VEHICLES FOR HIRE.

#### Article III. Valet Parking.

##### Sec. 31-34. Purpose.

The mayor and council find and declare as follows:

(a) The various cultural, social and educational activities and restaurants available in Princeton's downtown business district attract significant numbers of vehicular traffic and create an increased demand for parking convenient to the locations offering such activities especially on weekend evenings.

(b) The municipality's designation of one or more valet parking service areas at appropriate location(s) under its jurisdiction will increase available parking options for visitors during these times of increased demand for parking.

(c) The regulation of persons providing valet parking services through use of a valet parking service area will promote the safe and efficient operation of a valet parking service, and ensure safety for patrons and accountability for the licensed persons.

##### Sec. 31-35. Definitions.

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

Ramping. Use of the valet parking service area to allow customers to enter or exit a vehicle and turn it over to or retrieve it from valet parking operator employees. Ramping shall only be permitted and operated in a public right-of-way specifically authorized for same by the mayor and council under section 31-36 below.

Valet parking operator; operator. Any person, partnership, corporation or any other type of entity engaged in the business of parking automobiles for a fixed period of time for which it charges a fare or price agreed upon in advance between the operator and the customer. Valet parking services operated by an establishment such as a hotel or restaurant on private property as a courtesy to its customers is excluded from this definition.

Valet parking service area. The public on-street right-of-way to be utilized for the valet parking service.

Wage theft. Having been found guilty, liable or responsible in any judicial or

administrative proceeding of committing a violation of the Federal Fair Labor Standards Act of 1938, 29 U.S.C.A. § 201 *et seq.*, the New Jersey Wage and Hour Law, N.J.S.A. 34:11-56a. *et seq.*, the New Jersey State Wage Payment Law, N.J.S.A. 34:11-4.1 *et seq.* or N.J.S.A. 2C:40A-2 (violation of contract to pay employees).

**Sec. 31-36. Valet parking service areas --Designation.**

The mayor and council may, in their discretion, designate by ordinance such places under their jurisdiction in the municipality as areas which can be used for the drop-off and pick-up of vehicles by valet parking operators, as they may deem expedient and proper.

The chief of police, in order to meet a temporary condition or emergency, may temporarily relocate an existing valet service parking area for a period not exceeding seven (7) days or until the next meeting of the mayor and council, whichever is sooner. The mayor and council may relocate a valet parking service area by resolution for such period of time as may be necessary to meet the temporary condition or emergency.

**Sec. 31-37. Duty to accept customers upon request.**

Except as may be required or authorized by law or ordinance, no valet parking operator licensed under this article shall refuse to accept a customer and a customer shall be serviced on a first-come, first-serve basis. No licensed operator shall refuse service to any customer based on race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, disability or nationality, or any other basis in violation of state or federal law.

**Sec. 31-38. License required.**

It shall be unlawful for a valet parking operator to conduct its business within a municipal right-of-way without first having obtained a license therefor from the mayor and council as provided in this article.

**Sec. 31-39. Transferability, generally.**

A valet parking operator license shall not be transferable.

**Sec. 31-40. Application for valet parking operator license; qualifications.**

In the event the mayor and council have designated one or more places to serve as valet parking service area(s), then the mayor and council may issue no more than one (1) license per valet parking service area for the operation of a valet parking service, through the solicitation of competitive bids or informal proposals, as may be required by and in accordance with the Local Public Contracts Law. The issuance of any valet parking operator license for use of a valet parking service area shall comply with the minimum requirements set forth in this article, and shall also be in accordance with any additional terms and conditions as may be set forth by the mayor and council.

The applicant shall give such information as may be deemed by the mayor and council as requisite to determine the fitness of the applicant to conduct the business. Every applicant for a license must be at least eighteen years of age and shall provide the following information at a minimum:

(a) Name, address and telephone number of the business or person(s) on whose behalf the valet parking operator license is sought (referred to in this section as “applicant”).

(b) A description of the location(s) of where the valet parking services will take place, including proof that it has made arrangements to use private property for the parking of customer vehicles, and that no public parking lots or streets will be used in connection with the parking of vehicles.

(c) A copy of the driver’s license for each of the applicant’s employees who will be parking vehicles on behalf of the applicant. All such individuals shall be licensed in the States of New Jersey or New York, or Commonwealth of Pennsylvania.

(d) A statement that none of the applicant’s employees who will be parking vehicles have been convicted of reckless driving, driving while intoxicated, leaving the scene of an accident or speeding over thirty miles per hour above the speed limit. No employee who will park vehicles shall have more than eight New Jersey Motor Vehicle Commission points on his or her driving record, or the equivalent if licensed in New York or Pennsylvania.

The applicant shall either provide proof that it has obtained driver history abstracts required herein no more than one (1) year prior to the commencement of the service for the municipality, or provide consent as may be necessary, for the Chief of Police to obtain driver history abstracts, in accordance with New Jersey law. The cost for obtaining driver history abstracts shall be borne by the applicant.

Licensed operators shall be responsible for complying with this subsection (e) for new employees hired after a license is initially issued but during the license term.

(e) Certificate(s) of insurance evidencing the applicant’s compliance with the following minimum insurance requirements:

(1) A valet parking operator shall be required to maintain, during the term of its license, commercial general liability insurance which shall name Princeton, and each of its employees, officers, agents, servants, and consultants as additional insured.

(2) The commercial liability insurance shall include contractual liability insurance and shall provide for a minimum combined single limit of one million (\$1,000,000) dollars for bodily injury and/or property damage per accident and per occurrence. In addition, the commercial general liability insurance shall include garage keeper’s liability insurance providing coverage for vehicles under the control of the operator within a minimum of five hundred

thousand (\$500,000.00) dollars.

(3) The operator shall maintain worker's compensation and employer's liability insurance in accordance with the requirements of the laws of the state of New Jersey and all other applicable laws and regulations.

(4) The operator shall maintain comprehensive automobile liability insurance covering the operator for claims arising from all owned, hired and non-owned vehicles with a combined single limit not less than \$1,000,000 for bodily injury and/or property damage each accident.

(5) The operator's certificate(s) of insurance shall evidence the coverage required above, and shall be updated as necessary to ensure proof of compliance. The certificate(s) shall evidence that the municipality shall be given at least thirty (30) days' prior written notice of any intention not to renew any of the insurance required herein or of any intention to cancel or materially change such coverage, or any reduction in such insurance coverage.

**Sec. 31-41. Review and issuance of licenses.**

Completed applications shall be forwarded to such municipal departments as may be necessary to ensure compliance with this article and other provisions of this Code, and to conduct such investigations of the application, including but not limited to driver history abstracts as may be required. Licenses shall be granted if in compliance with this article and other applicable provisions of this Code. Licenses shall be issued or denied by the clerk's office within thirty (30) days of receipt of said completed application, except that where sufficient cause is shown therefor, the municipality shall have such additional time as may be reasonably necessary to conduct its review and investigation.

Copies of licenses shall be kept at the valet parking service area at all times in operation and shall be presented upon request.

**Sec. 31-42. Term.**

Licenses issued under this article shall be good and valid for one year from the date of issuance, unless a shorter term is mutually agreed upon between the valet parking operator and municipality.

The term shall be renewable for such additional one-year terms as may be authorized under the terms of the contract between the valet parking operator and municipality.

**Sec. 31-43. Suspension or revocation.**

Any license issued pursuant to this article may be permanently revoked or suspended at any time for any violation of law (including but not limited to wage theft laws), any provision of

this article or for other good cause shown, by the mayor and council after notice and an opportunity for a hearing.

**Sec. 31-44. General regulations applicable to operation of valet service.**

The following general requirements shall govern the operation of a valet parking service under a license herein authorized:

(a) The operator's license shall be specifically limited to the valet parking service area and immediately adjacent sidewalk shown on a site plan approved by the municipality that shall be attached to and made part of the license.

(b) Mobile stands, chairs, umbrellas, key boxes and any other objects necessary for the operation of the valet parking service shall be maintained on the immediately adjacent sidewalk with a clean and attractive appearance and shall be in good repair at all times and removed at the close of business each day. No such objects shall be attached, chained or in any manner affixed to any tree, post, sign or any other fixture, curb or sidewalk in the authorized area. The base of the mobile stand shall not exceed two (2) feet by two (2) feet in size. Any other objects that may be used shall be approved by the municipality and shall be shown on the site plan identified in subsection 31-44(a) above.

(c) The sidewalk area covered by the license shall be maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris as necessary during the day, and again at the close of business each day.

(d) The smoking of tobacco shall not be permitted in the sidewalk area covered by the license or valet parking service area during the operation of the valet parking service for purposes of protecting customers and individuals operating the valet parking service.

(e) The license covers only the pedestrian and public right-of-way authorized thereby. Valet parking services and objects that may be necessary for the operation located on private property shall be governed by other applicable laws, regulations and ordinances.

(f) The licensed operator shall be permitted to use up to two (2) signs located on the sidewalk adjacent to the valet parking service area, each not exceeding four (4) square feet in area and to be affixed to the valet parking service stand. Said sign(s) shall identify the business name, indicate that "valet parking" is offered and set forth the pricing.

(g) The licensed operator shall provide claim tickets to customers identifying the operator's name, correspondence address and a phone number for questions/complaints.

(h) The licensed operator shall maintain a key control booth on the sidewalk adjacent to the valet parking service area until all vehicles have been claimed, or shall have a 24-hour phone number for after-hours vehicle pick up information.

(i) The public on-street right-of-way (valet parking service area) shall only be used

for purposes of ramping of vehicles. No vehicles shall be stored in this area. A vehicle will be considered stored if it remains in this area for more than ten (10) minutes. This area shall not be blocked by any type of sign, nor shall it be cordoned off by any type of signage, rope or barrier of any kind.

(j) Employees of the licensed operator who operate motor vehicles shall have in their possession a valid driver's license in good standing and shall abide by this article, and all traffic safety laws, regulations and ordinances.

(k) Employees of the licensed operator shall be in similar uniforms and wear on their uniforms name tags identifying their names.

(l) Employees of the licensed operator shall perform their duties in a courteous and professional manner.

(m) In the event of an emergency, the Chief of Police may direct the immediate removal or relocation of all or parts of the valet parking service operation as may be necessary to respond to the emergency, including but not limited to the directing of traffic in and around the valet parking service area.

(n) Under no circumstances shall Princeton or any of its employees, officers, agents, servants, or consultants be deemed responsible or liable in any way for any damage or loss of any kind resulting from actions which Princeton or its employees, officers, agents, servants or consultants may take in order to enforce this article, including but not limited to the removal of the operator's objects from the pedestrian or public right-of-way in the case of emergencies or temporary relocation of a valet parking service area.

**Sec. 31-45. Compliance with state laws and regulations and ordinances; wage theft.**

(a) Nothing in this article shall be construed to relieve a licensed operator and its employees from compliance with any applicable federal and state law or regulation and it shall be the responsibility of each licensed operator and employee under this article to comply with all such federal and state laws and regulations, including without limitation state motor vehicle laws, federal and state wage and hour laws and state workers' compensation laws.

(b) The licensed operator and its employees shall also comply with any other applicable ordinances and provisions of this Code pertaining to the health and economic welfare of employees, as may be adopted from time to time.

**Sec. 31-46. Penalties.**

Any person violating any of the provisions of this article upon conviction thereof shall be subject to the penalties set forth in section 1-6 of the Code. Repeat offenders, as that term is defined in section 1-6, shall be subject to the penalties set forth in section 1-6.