

TOWN OF PALM BEACH
Palm Beach Police Department

***Revocable Annual
Valet Parking Permit Application***

For Office Use Only
Date stamp date of
application

(The receiving department shall
date stamp, scan and create a
PDF. All departments will
utilize email for all transmittals
in this permit approval process)

**Town Ordinance 15-02, Chapter 118 Articles V - Valet Parking Regulations,
Sections: 145 through 160.**

Application Date: November 1, 2018

Proposed Annual Valet Parking Address: 405 Hibiscus Avenue, Palm Beach, Florida 33480

Business Name: Apollo Parking Garage, Inc.

Name of Business Owner (Permittee) for which Annual Valet Parking will be provided:
Tod Kirik

(The owner of the business is the Permittee and is ultimately responsible for the valet service and is subject to any Code Enforcement citations for violations of this Ordinance. In the Permittee's absence, the "person-in-charge" of the business will assume responsibility for any violations.)

Contact Telephone #'s for Business Owner (Permittee): (Business) _____ (Cell) (561) 659-4979
(Home) _____ (E-Mail) _____

Business Owner's (Permittee) Mailing Address: 405 Hibiscus Avenue, Palm Beach, Florida 33480

Name of Person In-Charge of Business Operation (if not owner): Tod Kirik
Contact Telephone #'s for Person-In-Charge: (Business) _____ (Cell) (561) 236-3250
(Home) _____

Seating Capacity of Restaurant or Commercial Property: NA
Proposed number of valets to work each shift: 3 FLEX

Name of Business Owner's Insurance Company/Agent: Elite Florida Insurance, Inc.
(Attach the Certificate of Insurance naming the Town of Palm Beach as an "additional insured" under your general liability policy with limits not less than \$1,000,000. per occurrence and \$2,000,000. aggregate covering bodily injury and property damage. Refer to Guidelines Sec. 118-149 (5) for additional insurance requirements.)

Address of Business Owner's Insurance Company/Agent: 4512 N Flagler Dr, Suite 304, West Palm Beach, FL 33407

Contact # for Business Owner's Insurance Company/Agent: 561-845-0909

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Please give a brief summary of the business operation and the intended use of valet parkers:
PILOT PROGRAM OF VALET PARKING FOR WORTH AVENUE CUSTOMERS ALONG 200 BLOCK

(A Traffic Schematic Plan must be submitted with the application, refer to attached guidelines Sec. 118-149 through 151 for requirements for use of public right-of-way and/or storage of vehicle on private property)

As the business owner applying for this permit, for use of public property, hereby executes an agreement approved by the Town, providing for the valet parking operator to indemnify, hold harmless and defend the Town, its officers, agents and employees against and assume all liability for any and all claims, suits, actions, damages, liabilities, expenditures or causes of action of any kind arising from its use of the public streets or private or public parking lots for the purposes authorized in this article and resulting or accruing from any alleged negligence, act, omission or error of the valet parking operation, its agents or employees and/or arising from the failure of the valet parking operation, its agents or employees to comply with each and every requirement of this article or with any other Town, county, state or federal law or regulation applicable to the valet parking operation resulting in or relating to bodily injury, loss or life or limb, or damage to property sustained by any person, firm, corporation or other business entity.

As the business owner or person in-charge of the business as assigned by the business owner to oversee the valet service, I have read the above indemnification agreement and the attached provisions of the Town Code of Ordinances relating to the regulation of Valet Parking and agree to abide by all provisions set forth therein.

Tod Kirik
Signature of Applicant (Business Owner) (Permittee)

11-1-18
Date

STATE OF:

COUNTY OF:

The foregoing instrument was acknowledged before me this 1st day of November,

20 18, by Tod Kirik who is personally known to me, or

~~has produced~~ _____ as identification and who did take an oath.

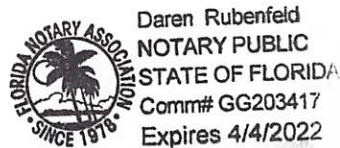
DAREN RUBENFELD
Notary Public

GG203417

Commission Number

DAREN RUBENFELD

(Notary Name, typed, printed or stamped)



TOWN OF PALM BEACH APPLICATION FOR A REVOCABLE ANNUAL VALET PARKING PERMIT

Valet Parking Service Information

Name of Valet Parking Business: Apollo Parking Garage, Inc.

Owner of Valet Parking Business: Tod Kirik **Number of Employees:**

Contact Telephone #'s of Valet Parking Service Owner: (Business) (561)659-4979 **(Cell)**
(Home) **(E-Mail)**

Name of Person In-Charge of Business Operation (if not owner):

Contact Telephone #'s of Person-In-Charge: (Business) **(Cell)**
(Home) **(E-Mail)**

Name of Valet Company's Insurance Company:

(Attach the Certificate of Insurance naming the Town of Palm Beach as an "additional insured" under your general liability policy with limits not less than \$1,000,000. per occurrence and \$2,000,000. aggregate covering bodily injury and property damage. Refer to Guidelines Sec. 118-149 (5) for additional insurance requirements.)

Address of Valet Company's Insurance Company/Agent:

Contact # for Valet Company's Insurance Company/Agent:

Traffic Schematic Plan attached: Yes / No. If no, why? Attached

Private Property Owner Information

Name of Property Owner at Temporary Valet Parking Location: Peruvian Parking Corp

Property Owner Mailing Address: 250 S AUSTRALIAN AVE STE 1401 WEST PALM FL 33401 5016

Property Owner Telephone: #'s: (Bus.) **(Cell)** **(Hm)**

Private Property Approvals attached: Yes / No. If no, why? Leasehold

**** A completed application package should include:**

1. Application forms - pages 1 - 6.
2. Insurance documents as required.
3. Traffic Schematic Plan.
4. Private Property approvals, if applicable, diagram, and other information as required.
5. Payment - \$300.00 per staging area.

(Signature of Valet Parking representative required on following page)

The valet parking operator applying for this permit, for use of public property, hereby executes an agreement

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approved by the Town, providing for the valet parking operator to indemnify, hold harmless and defend the Town, its officers, agents and employees against and assume all liability for any and all claims, suits, actions, damages, liabilities, expenditures or causes of action of any kind arising from its use of the public streets or private or public parking lots for the purposes authorized in this article and resulting or accruing from any alleged negligence, act, omission or error of the valet parking operation, its agents or employees and/or arising from the failure of the valet parking operation, its agents or employees to comply with each and every requirement of this article or with any other Town, county, state or federal law or regulation applicable to the valet parking operation resulting in or relating to bodily injury, loss or life or limb, or damage to property sustained by any person, firm, corporation or other business entity.

As owner or person in-charge of the valet service, I have read the above indemnification agreement and the attached provisions of the Town Code of Ordinances relating to the regulation of Valet Parking and agree to abide by all provisions set forth therein.

Ted Kirik
Signature of Valet Parking Business Owner

11-1-18
Date

STATE OF:
COUNTY OF:

The foregoing instrument was acknowledged before me this 1st day of November,

20 18, by Ted Kirik who is personally known to me, or

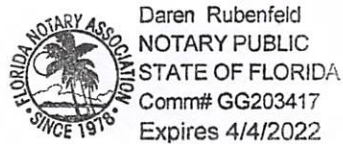
~~has produced~~ _____ ~~as identification~~ and who did take

an oath.

Daren Rubinfeld
Notary Public

GG203417
Commission Number

DAREN RUBENFELD
(Notary Name, typed, printed or stamped)



**TOWN OF PALM BEACH APPLICATION FOR A REVOCABLE ANNUAL VALET PARKING
PERMIT**

FINANCE DEPARTMENT

A Permit fee of \$300.00 (per staging area) is required at the time the application is submitted.

Date payment received: _____

Cash: _____ Check: _____ Check Number (if applicable): _____

Finance Department Official (signature and date)

POLICE DEPARTMENT - SPECIAL CONDITIONS

Number of valets to work each shift: _____ Number of staging areas: _____

Staging area locations: _____

Traffic Schematic adjustments: _____

Other Special Conditions: _____

Parking/Code Enforcement Manager (signature and date)

OFFICE OF RISK MANAGEMENT

The Certificate of Insurance provided with this application meets the Town's insurance requirements pursuant to Section 118-149(5) of the Town of Palm Beach Code of Ordinances.

Risk Manager (signature and date)

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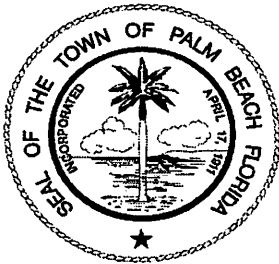
Having reviewed this Permit Application and the requirements of the Town of Palm Beach Code of Ordinances pertaining to the same and potential impacts of the operations and responsibilities of my Department, I hereby approve of said Valet Parking Permit Application.

Signature

Approval Date

On behalf of:

**Kirk W. Blouin
Director of Public Safety**



**TOWN OF PALM BEACH APPLICATION FOR A REVOCABLE ANNUAL VALET PARKING
PERMIT**

TOWN OF PALM BEACH
Palm Beach Police Department

**GUIDELINES ON THE SUBMISSION OF AN APPLICATION FOR A
VALET SERVICE PERMIT**

Ordinance #: 29-07, Chapter 118, Sec.'s 145-160:

Article V. Valet Parking Regulations

Sec. 118-145. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section, unless context clearly indicates otherwise:

Business shall mean the conduct of any lawful activity, whether for profit or not for profit.

Commercial district shall mean any parcel or parcels of land that have one or more non-residential land uses occurring thereon. Non-residential land uses include, but are not limited to, commercial enterprises, schools, churches, synagogues, institutional or public sector entities, private clubs, libraries, or any other use of the parcel or parcels in question other than for a single-family home or multi-family dwelling units.

Permittee shall mean the persons or entities who have received a revocable use permit allowing for the operation of a valet service and shall include the owner of the business seeking valet service or the owner of the property upon which, or adjacent to, the proposed valet services will take place, as well as the provider of the valet service, if different.

Special event shall mean any activity within the commercial districts of the town, regardless of whether the property owner has secured a town special event permit pursuant to article VII of chapter 106 of this Code, that gives cause for the property owner upon whose property the special event is to take place to provide for valet parking services that utilize the public rights-of-way for staging areas as defined herein or for the parking of vehicles.

Staging area shall mean one or more parking spaces along a portion of the public right-of-way designated for use by employees of a valet service to receive motor vehicles for passenger loading and unloading, and which shall be marked or posted by the town as passenger loading zones or the town may require the permittee to satisfactorily delineate staging areas as a condition of the permit.

Town manager shall mean the town manager of the town or his designee.

Valet service shall mean the use of employees of a business, or the use of an independent contractor by a business or entity to provide patrons of the business or entity and others with a motor vehicle reception point and parking service, which may be provided at no charge or on a for-compensation basis.

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Sec. 118-146. Prohibition.

(1) It shall be unlawful for a business located within a commercially zoned district in the town, for an entity within a commercial district of the town as defined within this section, or for a valet parking service to provide for or operate within a commercially zoned district or commercial district in the town to provide valet parking services using the rights-of-way in the town for staging areas as defined herein or for the parking of vehicles in connection with the conduct of business or for any special event, etc. absent obtaining a permit pursuant to the provisions of this article. (2) It shall be unlawful for a valet parking service located within a commercially zoned district in the town to provide valet parking services using the rights-of-way in the town for staging areas as defined herein or for the parking of vehicles in connection with any activity, special event or for any other purpose associated with any property located within a commercial district in the town absent obtaining a permit pursuant to the provisions of this article.

Sec. 118-147. Permits.

Annual. The owner or operator of any business or entity located within a commercial district in the town may provide valet service in connection with the conduct of that business, or for any other lawful purpose after obtaining a permit pursuant to this section. If the valet service is provided as part of a special event as defined in article VII of chapter 106, the special event permit granted by the town shall address all valet parking requirements of this article. Although valet service for a business or entity may be provided by an independent contractor, the owner of the business or entity must be a joint permittee.

Temporary. The owner or operator of any business or entity located within a commercial district in the town may provide temporary valet service in connection with the lawful conduct of that business or entity, or for any other lawful purpose after obtaining a permit pursuant to this section. If the valet service is provided as part of a special event as defined in article VII of chapter 106, the special event permit granted by the town shall address all valet parking requirements of this article. Although valet service for a business or entity may be provided by an independent contractor, the owner of the business or entity must be a joint permittee. The provisions of this section are applicable to any business or entity legally operating within a residential zoning district of the town.

Sec. 118-148. Permit expiration unless revoked.

(1) **Annual.** Permits shall expire on September 30 of each calendar year and shall be issued for that portion of the year remaining from the date of issue to September 30. All permits must be renewed annually.

(2) **Temporary.** No permit shall be issued for more than 12 hours. Permits shall expire on the date and time stated in the permit.

Sec. 118-149. Applications.

Applications for a revocable annual valet services permit shall be submitted to the town's finance department accompanied by a non-refundable application fee for each staging area. Applications for a revocable temporary valet services permit shall be submitted to the town's finance department accompanied by a non-refundable application fee for each staging area. The revocable annual valet services fee and the revocable temporary valet services permit fee shall be established by resolution of the town council and may be amended from time to time by resolution of the town council.

The revocable valet services annual permit fee and the revocable temporary valet services permit fee shall be recalculated annually by the finance department prior to commencement of each new fiscal year to be effective for all permits applicable to the new fiscal year. The revocable valet services annual permit fee and the revocable temporary valet services permit will increase annually by the increase in the Consumer Price Index Report of the United States Department of Labor, Bureau of Labor Statistics, for the Miami -- Ft. Lauderdale Metropolitan Region for All Urban Consumers, All items, as published in the most recent edition of the same published prior to the commencement of the new fiscal year. Whenever the town council has cause to believe the cost of administering the valet parking program exceeds the cost of the permits it may suspend the annual CPI increase,

TOWN OF PALM BEACH APPLICATION FOR A REVOCABLE ANNUAL VALET PARKING PERMIT

and in lieu thereof, increase the cost of the valet permits to cover the cost of administering the valet permit program.

All applications shall meet the following standards:

- (1) The application must be jointly submitted by the person or entity owning the business that will use the valet service as well as the person or entity actually providing the valet service, if not an employee of the owner of the business;
- (2) The form of the application shall be supplied by the town and the applicants shall provide all information requested;
- (3) The application shall be accompanied by a schematic plan, sized at 8 1/2 inches by 11 inches, which shall clearly depict the location of the staging area, the number of passenger loading and unloading spaces requested and the business proposed to be served. The schematic must show the exact number of parking spaces the applicants anticipate will be used by the valet service and the current parking regulations at the locations intended to be used. The applicant shall acknowledge there is no exclusive right of applicant to use of any on street parking spaces, said spaces being available to the general public on a first come, first serve basis;
- (4) The application shall also include a schematic traffic circulation plan, size at 8 1/2 inches by 11 inches, which shall provide the following information:
 - a. The primary route between the staging area and the vehicle parking areas;
 - b. The hours of operation of the valet services;
 - c. The number of valet parkers intended to be employed and the period(s) of the day during which they shall be employed;
 - d. The projected number of trips from the staging area to the parking areas, and from the parking areas to the staging area during the normal operation hours of the valet service; and
- (5) The application shall indicate that the person or entity owning the business or entity or the valet service shall meet insurance requirements of commercial general liability in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate covering bodily injury and property damage resulting from the valet parking operator's activities connected with the handling of vehicles on public property. This policy must name the town as an additional insured. In addition, said insurance shall include garagekeepers legal liability insurance to provide collision and comprehensive coverage for vehicles under control of the valet parking operation with minimum limits of \$250,000.00, with a maximum self-insured retention or deductible of \$10,000.00. All required insurance policies are to be issued by companies rated B+VI or better per Best's Rating Guide, latest edition, and must provide the town with 30 days' written notice of cancellation.
- (6) Each valet parking operator applying for a permit for use of public property shall execute an agreement approved by the town, providing for the valet parking operator to indemnify, hold harmless and defend the town, its officers, agents and employees against and assume all liability for any and all claims, suits, actions, damages, liabilities, expenditures or causes of action of any kind arising from its use of the public streets or private or public parking lots for the purposes authorized in this article and resulting or accruing from any alleged negligence, act, omission or error of the valet parking operation, its agents or employees and/or arising from the failure of the valet parking operation, its agents or employees to comply with each and every requirement of this article or with any other town, county, state or federal law or regulation applicable to the valet parking operation resulting in or relating to bodily injury, loss or life or limb, or damage to property sustained by any person, firm, corporation or other business entity.

Sec. 118-150. Vehicle storage on private property.

In the event private property is used in conjunction with the revocable annual valet service permit or temporary valet service permit, the applicant shall provide the town with the written approval of the owner of the property which shall be used as the storage area specifying that the applicant has the permission of the property owner to use the private property for motor vehicle storage purposes. In addition, the written approval shall include:

TOWN OF PALM BEACH APPLICATION FOR A REVOCABLE ANNUAL VALET PARKING PERMIT

- (1) A diagram of the private property showing all points of ingress and egress;
- (2) The number of available parking spaces;
- (3) The hours of the day or night when the valet service will be allowed to use the private property; and
- (4) The covenant of the private property owner to notify the town, at least 15 days in advance, of the private property owner terminating the permission given the permit applicant to utilize the private property for motor vehicle storage purposes.

Sec. 118-151. Staging of motor vehicles on public right-of-way

On a case by case basis, the chief of police, or the chief's designated representatives, will review all applications for a revocable annual valet service permit and temporary valet service permit to determine, at the location where the valet services are provided, whether the staging area will accommodate the proposed use for valet parking services, the primary route between the staging area and the vehicle parking areas, and may approve the permit, deny it, or approve with conditions. When determining whether the staging area will accommodate the proposed valet service use, the chief of police will be guided in his determination by the application of pertinent traffic regulations of the state, ordinances of the town, and the regulations of any other agency having jurisdiction over the right-of-way, as well as basic considerations of the public health, safety and welfare. No permit shall be issued if the chief of police determines that valet service will substantially interfere with the use of public right-of-way by the general public or cause undue interference to movement of traffic or pose potential hazard to the public safety and welfare. The determination as to the number of staging areas necessary for a particular permit application shall be made by the chief of police or his designee and if a permit is approved, except as to the number of staging areas required, it may be modified to incorporate additional staging areas as required by the chief of police or his designee, upon payment of a permit fee required by this article for each staging area required for an annual revocable valet services permit or the permit fee required by this article for each staging area for a revocable temporary valet services permit, whichever is applicable. These fees shall be amended annually pursuant to the requirements of section 118-149. The chief of police or his designee shall also determine the minimum number of valet parkers necessary to accommodate the valet service and the permit shall specify the number of valet parkers required as a condition of said permit.

The revocable valet service permit will specify the terms, conditions or prohibitions applicable. When the staging area will utilize public right-of-way, the following shall apply:*

- (1) All traffic control devices shall be strictly adhered to.
- (2) All applicable statutes, ordinances and regulations concerning movement and parking of motor vehicles shall be adhered to.
- (3) The issuance of a valet service permit will give the permittee no special rights with respect to the use of the public right-of-way, different from the rights of the general public, other than the limited right to temporarily use a staging area to receive motor vehicles.
- (4) Only parallel parking spaces may be used for the staging area unless, for public safety purposes, another method is approved by the chief of police, or his designee.
- (5) At any time the chief of police, or his designee, should determine that the use of the staging area by the permittee is creating a situation which is adverse to the public health, safety and welfare or, the use of the public right-of-way by the public in general, the valet service permit may be further conditioned, by the chief of police, or his designee, so as to eliminate adverse impacts, or the permit may be revoked.
- (6) The valet service shall not utilize any portable objects within the town right-of-way, however, a keyboard and signage may be located in front of the business or entity in a manner approved by the town and located so as not to impede pedestrian travel or driver's view, pursuant to the provisions of section 18-898.
- (7) Staging areas shall be restricted to the staging areas permitted. There shall be no storage of vehicles in the area used for staging. A vehicle will be considered stored if it remains in the staging area for more than five minutes. Staging on public property shall not occur in any location other than in the on street area provided for staging.

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Sec. 118-152. Employees.

A valet parking service shall require employees and independent contractors of the valet parking service to meet the following requirements:

- (1) All employees which operate motor vehicles shall have a valid state driver's license and shall follow all traffic regulations.
- (2) All employees shall display a name tag identifying the valet company, or in the event that the valet parkers are employees of the business the name tag shall display the name of the business, and the individual's name.
- (3) All employees shall be in a similar uniform.

Sec. 118-153. Signs.

All signage shall meet the requirements of section 18-898 of this Code.

Sec. 118-154. Inspection.

The chief of police, his authorized designee, or a code enforcement officer of the town shall be entitled to inspect the operation of the valet service with such frequency as he shall deem warranted in order to determine that the permittee is complying with the terms of this article, as well as other applicable laws, ordinances and regulations. By accepting a valet service permit, the permittee agrees to allow inspections to take place and shall cooperate fully with the town in the conduct of the inspection to assist the town to obtain such information as is required in order to determine compliance by permittee.

Sec. 118-155. Penalties.

Any business, entity, property owner or valet found to be in violation under the terms of their permit shall result in a penalty as set forth in section 1-14.

Any fine imposed hereunder, if contested, shall be subject to the jurisdiction of the town's code enforcement board.

Sec. 118-156. Revocation or modification of revocable annual valet service permit by town.

The town may revoke or modify any annual valet services permit issued pursuant to this article for failure of the valet service to adhere to any standard or requirement of this article; for the violation of any standards or requirements of this Code, state statutes, or right-of-way regulations of any other governmental entity; said revocation to occur subsequent to three fines having been imposed and sustained as set forth above. In addition, said permit may be revoked on a determination that the operations of the permittee conflict with the rights of the public to use the public right-of-way or that the permittee's valet service adversely impacts the business or property of others. The town shall follow the following annual valet services permit revocation process:

- (1) The permittee shall be given written notice of a violation, the action necessary to correct the same or the modifications required with reference to the permittee's valet operations. Notice may be hand delivered, posted, or mailed by U.S. registered mail, return receipt requested. Hand delivery shall include handing the notice to any employee of the permittee. Posting shall be in an observable location at the place of business providing the valet service.
- (2) The notice shall specify the time for the valet service to correct the violation or implement modification, in those circumstances where such corrective action is possible. Should the valet service fail to correct the violation or implement modifications within the time given, the revocable valet service permit shall be canceled and shall be of no further force and effect. Once canceled, the permittee shall cease valet services.
- (3) Within five days of the date of the revocation of the permit, the permittee may appeal the revocation by submitting, in writing, a statement that appeal is being taken and the grounds or reasons therefore. The appeal shall be filed with the town manager who shall submit the appeal within ten business days of the date of receipt to the town council. The town manager may request supplemental material in writing for consideration by the council.
- (4) The permittee shall be given an opportunity to be heard, at the next regular meeting of the town council subsequent to

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the appeal, in order to show cause why the revocation of the permit should not stand. After hearing from the permittee, and such other persons or sources deemed appropriate, the town council shall render its decision on the appeal. The action of the town council shall be final. If the permit is reinstated by the town council, the permittee may immediately resume valet service.

(5) In those circumstances where the conduct of the permittee has created a threat to the safety of the general public, the chief of police, or his designee, may summarily cancel the valet service permit, by providing permittee with written notice of summary cancellation. The notice shall include the grounds for the chief of police's determination that summary revocation was required because of considerations of public safety. In such case, the valet service permittee shall immediately cease operations, but shall have the right to appeal the determination of the chief of police by following the procedures set forth above.

Sec. 118-157. Summary revocation or modification of revocable annual valet service permit by town council.

The town council may summarily revoke or modify revocable valet service permit, at any time and for any reason related to the impact of the valet parking service operations, if the town council determines the revocation or modification is warranted.

Sec. 118-158. Revocation or modification of revocable temporary valet service permit by town.

The town, through its chief of police, or his designee, may revoke or modify any temporary valet services permit issued pursuant to this article for failure of the valet service to adhere to any standard or requirement of this article; for the violation of any standards or requirements of this Code, state statutes, or right-of-way regulations of any other governmental entity. In addition, said permit may be revoked on a determination that the operations of the permittee conflict with the rights of the public to use the public right-of-way or that the permittee's valet service adversely impacts the business or property of others. Each revocation of a temporary valet service permit shall be accompanied by the issuance of a penalty pursuant to section 118-155 of this chapter.

Sec. 118-159. Valet services exempted.

This article shall not apply to a valet service in which both the staging area and storage area are located completely on or within property owned or under control of the permittee so long as the valet service does not use the right-of-way of the town.

Sec. 118-160. Permit transfer.

Valet service permits may only be transferred to another person or entity upon the prior written approval of the town and upon payment of a transfer fee. The fee for the transfer of a revocable annual valet services permit and the fee for the transfer of a revocable temporary valet services permit shall be established by resolution of the town council and may be amended from time to time by resolution of the town council. This transfer fee shall be amended annually pursuant to the requirements of section 118-149.