

## Chapter 5-13

### DOWNTOWN VALET PARKING ORDINANCE

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**Section 5-13-01 SHORT TITLE**

This title and chapter shall be known and designated as the “Downtown Valet Parking Ordinance.”

**Section 5-13-02 PURPOSE AND INTENT**

The primary purpose of public streets and rights-of-way is the free and unobstructed right of travel. Boise City recognizes that the use of downtown public streets and rights-of-way for valet parking operations, while providing a public benefit, may also impede travel, interfere with the rights of others using the downtown streets and right-of-ways, and may affect the public safety and create a public nuisance. Therefore, the Boise City Council declares its intent to require valet parking operations to be permitted in the downtown area and to restrict, or otherwise condition, valet parking operations as a special privilege, and not as a matter of right. The approval of any permit under this chapter for the use of the public right-of-way is on a temporary and nonpermanent basis and is for a nonexclusive use of the public right-of-way. Permittees shall have neither property interest in nor any entitlement to the granting or continuation of any permit for the use of any public right-of-way.

**Section 5-13-03 DEFINITIONS**

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

- A. “ACHD” means the single county-wide highway district with the exclusive jurisdiction over the public rights-of-way in the City of Boise.
- B. “Boise City” means Boise City Parking Services manager, or his or her designee.

- C. “City official” means a city representative, or any other city official with authority to enforce this code. Departments or divisions with authority to enforce this code include without limitation, Parking Services, City Clerk’s Office, the Code Enforcement division of Planning and Development Services, the Police Department, or the Fire Department.
- D. “Council” means the Boise City Council.
- E. “Downtown” means the area described by Exhibit A to this Ordinance.
- F. “Driver” means the person in direct and immediate possession or charge of, or driving or operating, the vehicle being parked in a valet parking operation.
- G. “Nonprofit valet parking operation” means a temporary valet parking operation where no fee is charged and the valet operation is:
  - 1. At a private residence;
  - 2. For a nonprofit organization; or
  - 3. For a public entity.
- H. “Parking Services” means the Boise City’s Parking Services Office or a representative of that office.
- I. “Person” means a natural person, firm, partnership, association, corporation or other business entity, and employees, agents and subcontractors thereof.
- J. “Special Event” means a preplanned single gathering, event or series of related consecutive daily gatherings or events of an entertainment, cultural, recreational, educational, political, religious or sporting nature, or of any other nature. Examples of Special Events include, without limitation, concerts, dances, assemblages, processions, parades, circuses, fairs, festivals, block parties, community events, mass participation sports (such as, marathons and running events, bicycle races or tours, sports tournaments), other organized activity conducted for a common or collective use.
- K. “Street” means a way or place of whatever nature maintained and open to the public use of vehicular traffic.
- L. “Temporary” means any nonrecurring valet parking operation where valet parking services are operated for seven (7) consecutive days or less.
- M. “Valet operator” or “operator” means any person engaged in the business of valet parking.
- N. “Valet parking operation” means the receiving, taking possession of, driving, moving, parking or leaving standing, within the downtown area described by Exhibit A to this ordinance, any vehicle that is left at one public, on-street, metered parking location to be driven to another location for parking, whether or not a charge is levied, and whether or not done under contract to the business or organization for which the vehicles are being parked, or done independently. It does not include operators of public or private off-street parking operations or facilities where customers park their own vehicles and remove the key themselves.

- O. “Valet parking plan” means a written plan describing the location where the valet parking operation will be performed, the off-street parking location at which vehicles will be parked and the number of parking spaces available and not required for off-street parking requirements under the zoning code.
- P. “Valet parking sign” means a sign, temporary or permanent, approved by Boise City designating the location and hours of an authorized valet parking operation.
- Q. “Valet sponsor” or “sponsor” means any person who signs a statement that a need for valet service exists, and who seeks to operate, or causes to be operated, a valet parking operation at the sponsor’s Downtown residence, place of business, or function.
- R. “Vehicle” means any commercial or non-commercial, self-propelled or electric-power propelled vehicle.

**Section 5-13-04 VALET PERMITS REQUIRED**

- A. No person shall operate, engage in, conduct, manage, or cause to be operated, any valet parking operation or any related activity upon any portion of a Downtown public street, sidewalk, or other City-owned or operated right-of-way unless that person:
  - 1. Has been issued a current operator’s valet parking permit stating the terms and conditions of such operation.
  - 2. Posts an official valet parking sign authorized for the location.
  - 3. Has and maintains all the qualifications and none of the disqualifications provided herein throughout the permit period.
  - 4. Maintains a telephone number, to be provided in the application, which is answered during the hours of the valet operation.
  - 5. For any proposed locations on 8<sup>th</sup> Street between Bannock Street and Main Street, obtains the written consent of the Capital City Development Corporation, and submits it with the application.
- B. If the applicant meets all of the qualifications and none of the disqualifications, the City Clerk will issue, upon application and payment therefore, an operator’s permit. A provisional permit may be issued pending completion of the required investigation.
- C. The permit of any valet operation not in service for fifteen (15) consecutive days shall be deemed abandoned and such permit shall revert to the City for reissue.
- D. Annual renewals shall be requested by application, and shall require the same terms and conditions that a new application requires.

**Section 5-13-05 REGULAR AND SPECIAL EVENT VALET PARKING PERMITS**

Regular and special event valet parking permits are issued as follows:

- A. Regular Permits
  - 1. Permits are issued for valet parking locations which are likely to be operated on a daily or regularly-scheduled basis.
  - 2. Permit applications must be completed and submitted at least twenty (20) business days prior to the proposed commencement of operation. Applications must be accompanied

- by the regular permit processing fee, as established by the Boise City Council and contained within the City Clerk's fee schedule.
3. To ensure continuous permit coverage, an application for permit renewal must be submitted no later than twenty (20) business days before the permit's expiration date. Late renewal applications may result in delays in processing and permit renewal and may cause an interruption in the operation.
  4. Regular permits for both sponsors and operators shall automatically expire upon the anniversary date of the permit's issuance, without notice, unless renewed.

**B. Special Event Valet Parking Permits**

1. Special event valet parking permits may be issued to an operator for special events or when valet parking services are required for seven (7) consecutive calendar days or less.
2. Special event permits are not required for special event valet services conducted entirely on private property.

The application for a special event permit must be submitted to Boise City at least ten (10) business days prior to the time that the valet service is required. Applications must be accompanied by fees established by the Boise City Council and included in the City Clerk's fee schedule.

- C. All permits will include standard conditions which limit the hours of operation and the time allowed for the unloading and loading of vehicle occupants using the valet services. At a minimum, the standard conditions will prohibit valet operations before 6 p.m. and after 5 a.m. Unloading and loading of vehicle occupants at valet operations shall not exceed three (3) minutes.
- D. Special conditions may also be included which further restrict the 6 p.m. and 5 a.m. time of day limits on operations.
- E. Conflicts. No permitted valet parking operations may cause a conflict with an authorized and permitted Special Event or other authorized use of the public right-of-way. Where any use, occupation or obstruction of the public right-of-way by an operator, permitted or not, may interfere with public safety efforts or programs, street improvement activities, special events, construction activities, cleaning efforts or other similar activities, or with the health, welfare or safety of the public, that use may be suspended in accordance with the provisions contained in this ordinance.

**Section 5-13-06 APPLICATION FOR PERMITS**

A person desiring a valet parking permit shall file an application with Boise City and provide the information below and such additional information as may be required, and pay fees associated with the application included in the City Clerk's fee schedule.

- A. Applications shall require, at a minimum, the following information:
  1. The applicant's name, address, and telephone number;
  2. A copy of the valet parking plan, which shall include a signed statement by the owner or lessee of any location or facility designated as the parking or storage location, or an agreement for parking at the location or facility;
  3. The name and location of the sponsor's property or site and a signed statement from the sponsor that a need for valet services exists;
  4. The hours of operation and the minimum number of employees of the operator engaged for the operation at the specific site;

5. The name, location, and telephone number where a responsible person, employee, or agent of the operator and of the sponsor will be available at all times during hours of operation;
  6. The routes to be used between any passenger loading zone or other vehicle pickup point and the parking or storage location, and back to the initial pickup point;
  7. A copy of a written contract, license, or lease between the sponsor or operator and the operator of any parking facility or storage area designated as the parking or storage location, which contract or covenant shall contain a provision that it cannot be canceled without at least thirty (30) days' written notice to the other party and to Boise City; and
  8. The location of any proposed signs or attendants' stands.
  9. Proof that a valid Idaho driver's license is held by each driver who is employed by or contracted to an operator shall be required.
  10. A sworn statement that the operator's employees are subject to a pre-employment and annual background check to include both Idaho Transportation Department driving records and a criminal history background check. These background checks will be conducted at the operator's expense. No person shall be eligible for employment with an operator if he or she:
    - a. Is under the age of eighteen (18) years;
    - b. Has had an operator's permit revoked by this City or any other city of this State or of the United States within the preceding five (5) years.
    - c. Has been, within five (5) years prior to the date of making application for such permit, convicted of or received a withheld judgment for any felony.
    - d. Has been, within five (5) years prior to the date of making application for such permit, convicted of or received a withheld judgment for any misdemeanor, involving:
      - i. the use of force against the person or property of another;
      - ii. the threat for force against the person of another;
      - iii. theft or larceny;
      - iv. the use, possession or sale of illicit drugs;
      - v. possession of a concealed weapon; or,
      - vi. illicit sexual activity.
    - e. Has, at the time of such application, an outstanding warrant or is currently serving a term of probation and/or parole.
    - f. Has ever been:
      - i. required to register as a sex offender, pursuant to the Sexual Offender Registration Notification and Community Right-to-Know Act, Idaho Code § 18-8301, et seq., and the juvenile Sex Offender Registration Notification and Community Right-to-Know Act, Idaho Code § 18-8401, et seq.; or
      - ii. convicted of or received a withheld judgment for any felony or misdemeanor involving the sexual enticement of minors.
- B. Permits will contain standard conditions, and may contain special conditions to protect the public safety, to protect the public's right to equal access of public property and to ensure noninterference with normal pedestrian and/or vehicle traffic flow. Any application may be denied and any permit revoked if Boise City determines at any time that these conditions have not been or cannot be met.
- D. No valet operator permit, or renewal thereof, shall be issued unless the applicant provides proof to the City Clerk's office that he or she has obtained liability insurance covering all locations at which he operates or seeks to operate in the minimum amounts of \$1,000,000.00 per occurrence

for public liability, \$1,000,000.00 per occurrence for property damage, and \$1,000,000.00 per occurrence for garage keepers' legal liability.

The insurance policies shall be for a term at least coextensive with the duration of the operator's permit and shall not be subject to cancellation except upon 30 days prior notice to the City Clerk. Upon termination or lapse of the permittee's insurance coverage, any permit issued to him shall automatically expire. The applicant must provide certificates of insurance to the City Clerk.

- E. A decision on the requested permit will be made by Parking Services upon the information submitted by the applicant, subject to the required findings and, if issued, subject to conditions placed upon a permit by Parking Services. Based on the findings, Parking Services shall approve, partially approve or disapprove the application, or approve the application subject to standard or special conditions, including without limitation, standard or special conditions restricting the hours of valet operation. A notice of the decision shall be mailed to the applicant.

#### **Section 5-13-07 VALET PARKING PERMIT STANDARDS**

All permits issued pursuant to this chapter shall conform to the following requirements and such regulations as may, from time to time, be issued by Boise City, and no permit may be issued which does not so conform.

- A. **Parking Plan.** All operators or sponsors must submit a valet parking plan for each location. The sponsor and operator shall be responsible for providing adequate vehicle storage to accommodate all valet parked vehicles, without using streets or other public property. A plan may not be required if all driving and parking is entirely on private property. Should any portion whatsoever of any public street, public sidewalk, or other public right-of-way be utilized or driven upon, a plan shall be required. This plan, and any modifications thereof, must be approved in advance and in writing by Boise City.
- B. **Signs.** No more than two moveable signs may be utilized by an operator. One may be a business sign at the location where an operator takes possession of vehicles, and one may be placed near the drop off space so long as it in no way impedes pedestrian or vehicular traffic. Signs must in all circumstances conform to the following requirements:
  - 1. **Contents:** If only one sign is used, it must be a business sign identifying the name, address and telephone number of the operator, the rates charged and the hours of operation. If a second sign is used, it may contain the same information, but may also identify the availability of valet parking.
  - 2. **Dimensions:** Sign face shall not exceed eighteen inches (18") in width and twenty four inches (24") in height.
  - 3. **Location:** Specific locations shall require approval of Boise City.
  - 4. **Times:** Sign may only be posted during operator's business hours. Any signs utilized shall be removed during hours the valet parking is not in operation.
  - 5. **Compliance with any and all required approvals for placement of objects or signs within the public right of way, including the payment of any required fees for the use of the public right of way.**
- C. **Claim Check.** The operator shall, upon the receipt of each vehicle accepted for valet parking, give a claim check to the vehicle's driver. The claim check shall explicitly state the terms and conditions under which the vehicle is being accepted.

- D. Proof. A copy of the operator's and sponsor's permits, business licenses and route diagram must be maintained at every valet parking operation site. Proof of insurance, a copy of the permits and business licenses and any approved traffic diagrams must be maintained and readily available upon request by a city official or police officer at every valet parking operation site.
- E. Operator Changes. In the event a sponsor changes operators, a sponsor's permit continues to be valid at the approved site. Any new operator at the site must possess a valid operator's permit. Neither permit type is transferable.
- F. Valet Parking Fees. Fees may be charged by Boise City for valet parking operations. Any Boise City fees will be established and maintained in the City Clerk's fee schedule.
- G. Fees Charged by Operator. An operator with a regular permit or special event permit may assess the owner or driver of a motor vehicle which it accepts for valet parking a reasonable fee for its services; provided, that the sponsor has agreed in writing that fees may be charged of such owners and drivers; and further provided that the operator shall provide each such owner and driver advance notice of the applicable fees to be charged.
- H. Suspension of Use of the Public Right-of-Way by Operator. Use, occupation and obstruction of the public right-of-way which is permitted under this chapter may be temporarily suspended, without prior notice or hearing, when, in the discretion of Parking Services, City Clerk's Office, Code Enforcement, the Police Department, the Fire Department, or another city official, and the ACHD, any such use, occupation or obstruction may interfere with public safety efforts or programs, street improvement activities, special events, construction activities, cleaning efforts or other similar activities, or with the health, welfare or safety of the public. While no prior notice or hearing is required, when possible, the City Official, city personnel or the ACHD may endeavor to notify, either verbally or in writing, operator or valet sponsors who may be affected by the temporary suspension.
- I. Additional Conditions. Boise City may, in its sole discretion, place additional conditions upon the issuance of the permit in order to insure the protection of the public rights-of-way and the rights of all adjoining property owners and the health, safety and welfare of the public.
- J. Boise City may, in its sole discretion, determine the appropriateness of the proposed area(s) for valet parking services. Boise City shall consult with representatives of the ACHD to determine any traffic operations, motorist and traffic safety issues associated with the permit. Boise City may consult with representatives of the Downtown Boise Association, or other downtown tenants or landlords in considering the appropriateness of the proposed area(s). Under no circumstances may a valet parking operation take place in a travel lane or interfere with pedestrian traffic.
- K. No Property Interest. Permits for the use of the public right-of-way shall be considered temporary and revocable, and permittees shall have neither property interest in nor any entitlement to the granting or continuation of any such permit.
- L. Termination With or Without Cause. Permits for the use of the public right-of-way may be terminated by Boise City, with or without cause, regardless of the nature and scope of financial or other interest in, or on account of, the permit or the permitted use.
- M. Legal Compliance. Permits and activity pursuant to permits shall comply with all other applicable governmental restrictions or requirements.

**Section 5-13-08                    REGULATIONS**

- A.     Boise City may, from time to time, issue written regulations for distribution to applicants and permittees regarding the implementation of the provisions of this chapter, including, but not limited to, the safe and lawful conduct of all valet operations, permit application procedures and permit standards.
  
- B.     Such regulations shall be binding upon applicants and permittees, who shall comply with such written regulations, as amended from time to time, as a term and condition of the permit.

**Section 5-13-09                    AUTHORIZED VALET PARKING ZONES**

A valet parking operation may be conducted only at a location and during hours approved by Boise City and indicated by official valet parking signs designating the authorized location and hours of operation. Permits shall designate the specific location for which a valet parking operation is approved. Valet parking operations are permitted as a special privilege and not as a matter of right and are considered temporary and revocable, and are for a nonexclusive use of the specific location. Only one (1) valet parking operation will be allowed in any Downtown City block face and no more than one (1) operator will be allowed use of the space as contracted with the associated sponsor.

**Section 5-13-10                    INDEMNIFICATION**

The permittee, and any person acting under or pursuant to an operator’s permit, agrees to indemnify, hold harmless, save, release and defend (even if the allegations are false, fraudulent or groundless), to the maximum extent permitted by law, and covenants not to sue, Boise City or ACHD and their elected officials, officers, employees, commission members and representatives, from any and all liability, loss, suits, claims, damages, costs, judgments, costs, end expenses (including attorney’s fees and costs of litigation) which in whole or in part result from, or arise out of, directly or indirectly, wholly or in part, or are claimed to result from, or arise out of: (1) any use or performance under the permit; (2) the activities and operations of the operator and their employees, subcontractors or agents; (3) any condition of property used in the operation; and/or (4) any acts, errors or omissions (including, without limitation, professional negligence) of the operator and their employees, subcontractors or agents in connection with the valet parking operation. This indemnity includes, but is not limited to, personal injury, death, or damage to property or other damage, loss or theft sustained by any person or persons (including, but not limited to, companies, or corporations, permittee, and its employees, valet parking customers and members of the general public).

**Section 5-13-11                    INSURANCE**

The applicant shall be required to maintain in full force and effect comprehensive general liability insurance with liability limits of not less than five hundred thousand dollars (\$500,000.00) for the term of the permit. The insurance policy shall name Boise City and the Ada County Highway District separately as “additional named insured” and a copy of the insurance binder shall be filed with the City Clerk prior to the issuance of the permit.

**Section 5-13-12                    SUSPENSION OF OPERATIONS**

Any Boise Police Officer or other Boise City official may suspend all operations of an operator in any location, except for retrieval of vehicles already subject to valet parking, for the remainder of the day’s hours of operation (which suspension may extend to 8:00 a.m. of the following day), upon the occurrence, in said location, of any traffic accident arising out of operating conditions within or around a valet parking station or valet parking zone or where otherwise required because of an emergency situation whether or not arising from the operation of the valet parking operation.



**Section 5-13-13                    REVOCATION OR SUSPENSION OF PERMIT**

- A. Boise City may temporarily and immediately suspend any permit, without a hearing, whenever the continued valet parking operation by the permittee would, in the discretion of the City Clerk, constitute a danger to public health, safety, or welfare, including, without limitation:
  - 1. The operations have interfered with, or threaten to interfere with, the public’s use of the streets or sidewalks, the normal flow of vehicular or pedestrian traffic on any public right-of-way or City-owned, -operated or -managed property, or any Special Event;
  - 2. The operations would threaten a hazard to public safety; or
  - 3. Failure to maintain the minimum levels and standards of liability insurance or claims reserves.
  
- B. The notice of temporary suspension may be personally delivered to the party named or to the address given on the application pursuant to which such permit was issued, or mailed by registered or certified mail to the party named at the address given on the application pursuant to which such permit was issued. The temporary suspension is effective upon the earlier of either receipt or the expiration of five days from the date of mailing. The temporary suspension shall remain effective until the decision on revocation or suspension is final, or, in the City Clerk’s discretion, until the condition is corrected.
  
- C. Boise City may, from time to time, with or without temporary suspension, suspend or revoke any permit whenever Boise City determines, after notice and based upon substantial evidence, that the permittee, or any of its drivers, employees, agents, or subcontractors:
  - 1. Have operated or parked vehicles, or operated the valet parking operations, contrary to law, including the use of unlicensed drivers or the failure to comply with the Boise City Code, this chapter or the regulations hereunder, or state law in connection with the operation under permit;
  - 2. Have failed to comply with or violated any permit condition, including failure to maintain liability insurance for any period of time;
  - 3. False or incomplete permit application information was provided;
  - 4. Any reason exists for which the permit might have been denied in the first instance;
  - 5. The operations constitute a danger to public health, safety, welfare or public morals, including without limitation, interference with the public use of the streets or sidewalks, the normal flow of vehicle or pedestrian traffic on any public right-of-way or Ada County Highway District or City-owned property; or
  - 6. The operations constitute a public nuisance, including, but not limited to, a visual blight.
  
- D. Any revocation, suspension or modification of any permit shall be in addition to any other penalties otherwise provided by law.
  
- E. Should the permittee continue to operate after the permit has been terminated and should the City be forced to file suit to restrain permittee, the permittee shall, in addition to criminal and other penalties herein, reimburse the City for its reasonable costs and expenses in connection therewith, including attorney’s fees.

**Section 5-13-14                    REVOCATION OR SUSPENSION; NOTICE AND HEARING**

- A. A notice of intent to revoke or suspend a permit shall be mailed to the permittee named at the address provided on the application, and shall state the grounds for suspension or revocation. The notice shall also give the permittee notice of a hearing thereon which shall be held within fifteen

(15) business days of mailing the notice. The notice shall advise the party of the date, time and place of hearing, and may contain any other information deemed proper.

- B. Within fifteen (15) business days after the conclusion of the hearing, the Hearing Examiner shall render a decision, and shall mail notice of the decision to the permittee.
- C. A decision to revoke or suspend a permit shall become effective three business days following mailing of a notice of decision to revoke or suspend a permit. Boise City may require the immediate removal of all obstructions in the public right-of-way, and may perform such removal if the permittee fails to do so. The permittee shall reimburse the City for any expense incurred by Boise City in removing any obstruction. Should the permittee continue to use the public right-of-way after the permit has been revoked or suspended, Boise City may, in addition to other remedies and actions, take appropriate action to restrain the use of the public right-of-way by permittee and, in such event, the permittee shall reimburse Boise City for its reasonable costs and expenses in connection therewith, including reasonable attorney's fees and court costs.

**Section 5-13-15 APPEAL**

- A. Any permittee may appeal a suspension, revocation, or non-renewal of a permit if an appeal is filed within fifteen (15) days business days after mailing of the notice of the decision or action. Appeals must be made in writing, and signed by the permittee, and shall briefly describe the reasons the permittee believes Boise City misapplied this chapter to the facts presented.
- B. Failure to file a written appeal within the fifteen (15) business days provided herein shall constitute a waiver of the right to hearing.
- C. Boise City shall fix the time and place of the hearing at a date no more than thirty (30) business days after receipt of the written appeal, unless the hearing cannot reasonably be set within such time, in which case the hearing shall be set as promptly as may be practicable. The Hearing Examiner shall give the permittee, and any other person requesting the same, at least ten (10) business days' notice of the time and place of such hearing. The notice shall advise the parties of the date, time and place of hearing and may contain any other information deemed proper.
- D. At the time and place set for the hearing upon the appeal from the decision of Boise City, the Hearing Examiner shall give the appealing party, and any other interested party, a reasonable opportunity to be heard in order to show cause why the determination of the City should not be affirmed. In any such cases, the burden of proof shall be upon the appellant to show that there was no substantial evidence to support the decision of Boise City.
- E. Within fifteen (15) business days after conclusion of a hearing, the Hearing Examiner shall file a written report to the City Clerk's Office with a decision. The report shall contain a summary of the evidence considered, findings of fact and conclusions of law as appropriate and the final decision of the hearing examiner. The Hearing Examiner shall also transmit a copy of the report to all persons entitled to notice. Within fifteen (15) days of the filing of the report with the City Clerk, any person entitled to notice may file with the City Clerk written objections to the findings and transmit copies of such objections to all persons entitled to notice. In the event no objections are filed, the City Council shall adopt the Hearing Examiner's written report at the next regularly scheduled meeting of the City Council. In the event an objection is filed, the City Council shall decide the matter upon the Hearing Examiner's written report, the written objections submitted, and upon the record of the matter before the hearing examiner. The City Council shall adopt the

findings, conclusions and recommendations of the Hearing Examiner unless those findings are not based on substantial evidence, the conclusions are erroneous as a matter of law, and/or the recommendations are not supported by the findings and conclusions.

**Section 5-13-16                    COMPLIANCE WITH APPLICABLE LAWS**

Nothing in this chapter is intended to authorize the parking of motor vehicles by operators and sponsors in a manner contrary to, and all permittees shall comply with, applicable state laws and local parking and traffic regulations, including the Boise City Code.

**Section 5-13-17                    VIOLATION; PENALTY**

Any person violating any of the provisions of this chapter or the terms and conditions of any permit issued hereunder is deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(6854, Enacted, 07/31/2012)