

ORDINANCE NO. 407

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MALIBU ADDING CHAPTER 9.38 TO TITLE 9 (PUBLIC PEACE AND SAFETY) OF THE MALIBU MUNICIPAL CODE REQUIRING VALET PARKING ATTENDANTS TO WEAR HIGH-VISIBILITY SAFETY APPAREL WHILE PROVIDING VALET SERVICES IN ANY PUBLIC RIGHTS-OF-WAY WITHIN THE CITY LIMITS; AND AMENDING SECTION 1.10.040 OF CHAPTER 1.10 (ADMINISTRATIVE CITATIONS AND PENALTIES) OF TITLE 1 (GENERAL PROVISIONS) OF THE MALIBU MUNICIPAL CODE TO REFLECT THAT VIOLATIONS OF CHAPTER 9.38 SHALL BE SUBJECT TO THE CITY'S ADMINISTRATIVE PENALTY PROVISIONS

The City Council of the City of Malibu does hereby ordain as follows:

SECTION 1.

Chapter 9.38 is hereby added to of Title 9 (Public Peace and Welfare) of the Malibu Municipal Code to read as follows:

**Chapter 9.38**

**VALET ATTENDANT SAFETY REQUIREMENTS**

- 9.38.010**      **Definitions.**
- 9.38.020**      **High-visibility safety apparel required.**
- 9.38.030**      **Penalties.**

**9.38.010**      **Definitions.**

For purposes of this chapter, the following terms have the following meaning:

A.      "High-Visibility Safety Apparel" means any vest, shirt, or jacket which meets the following conditions: the outer material color shall be fluorescent orange-red, fluorescent yellow-green or a combination of the two as defined by the American National Standards Institute/International Equipment Safety Association for class 2 or 3 risk exposure; the retroreflective material shall be orange, yellow, white, silver, yellow-green, or a fluorescent version of these colors; and the apparel shall be designed to clearly identify the wearer as a person.

B.      "Person" means any natural person, firm, partnership, association, corporation or other entity.

C.      "Public Right-of-way" means any area within the City of Malibu designated for public use as a public street, pedestrian way or other thoroughfare, including but not limited to publicly maintained sidewalks, highways, roadways, avenues, lanes, or alleys.

D. “Retroreflective” means a vest, shirt, or jacket that is capable of clearly retro-reflecting light, under normal atmospheric conditions, from a minimum distance of 1,000 feet when illuminated by the head lights of standard automobiles.

E. “Valet Parking” means the receiving, taking possession of, driving, moving, parking or storing any vehicle that is left in one location to be driven to another location for parking, whether or not a charge is imposed for the valet parking service.

F. “Valet Parking Attendant” means any employee or agent of a Valet Parking Operator, or any employee or agent of a business providing Valet Parking to its customers, who receives, takes possession of or moves any vehicle, or who handles the keys to any vehicle left with the attendant for Valet Parking.

G. “Valet Parking Operator” means any person engaged in the business of Valet Parking, including any person contracting with a Valet Parking Operator to provide Valet Parking, or any person engaged in providing Valet Parking services to the public.

**9.38.020 High-Visibility Safety Apparel required.**

A. No Valet Parking Operator shall employ, direct or otherwise permit, a Valet Parking Attendant to park or retrieve any vehicle on, along, or across any Public Right-of-way, unless that Valet Parking Attendant is wearing High-Visibility Safety Apparel as specified in this chapter.

B. Valet Parking Attendants shall wear High-Visibility Safety Apparel at all times while Valet Parking on any Public Right-of-way, including while walking on, along or across any Public Right-of-way.

**9.38.030 Penalties.**

A. The City has determined that this chapter is necessary to protect health, life, and property of the City and its inhabitants.

B. Any violation of the provisions of this chapter by any person shall be subject to the administrative penalty provisions of Title 1 chapter 1.10 of this Code.

C. This chapter authorizes any deputy sheriff, or city employee or agent of the city designated by the director of any city department, to administer, implement, and enforce the provisions of this chapter.

SECTION 2. Subsection A of Section 1.10.040 of Chapter 1.10 (Administrative Citations and Penalties) of Title 1 (General Provisions) of the Malibu Municipal Code is hereby amended to read as follows:

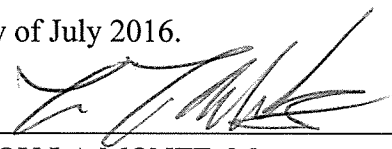
**1.10.040 Code violations subject to administrative penalty procedures.**

A. In addition to any criminal, civil or other legal remedy established by this code or other law that may be pursued to address violations of the municipal code, the violations described in the municipal code titles, chapters and sections listed below are subject to the administrative penalty procedures and other provisions of this chapter:

1. Chapter 5.04: Business Licenses Generally;
2. Chapter 5.20: Motion Pictures, Television and Photographic Productions;
3. Chapter 8.04: Health Code Adopted;
4. Chapter 8.24: Noise;
5. Chapter 8.32: Solid Waste and Recyclable Materials;
6. Chapter 9.08: Offenses Against Property;
7. Chapter 9.20: Water Conservation;
8. Chapter 9.24: Ban on Expanded Polystyrene Food Packaging;
9. Chapter 9.28: Ban on Plastic Shopping Bags;
10. Chapter 9.38: Valet Attendant Safety Requirements;
11. Chapter 13.04: Storm Water Management and Discharge Control;
12. Chapter 15.04: Building Code Adopted;
13. Chapter 15.08: Electrical Code Adopted;
14. Chapter 15.12: Plumbing Code Adopted;
15. Chapter 15.16: Mechanical Code Adopted;
16. Title 17: Zoning.

SECTION 3. The City Clerk shall certify to the passage and adoption of this ordinance and enter it into the book of original ordinances.

PASSED, APPROVED AND ADOPTED this 11<sup>th</sup> day of July 2016.

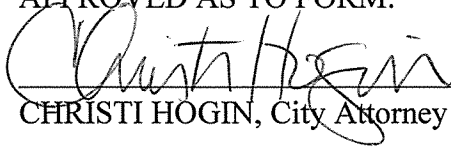
  
\_\_\_\_\_  
LOU LA MONTE, Mayor

ATTEST:

  
\_\_\_\_\_  
HEATHER GLASER, Acting City Clerk

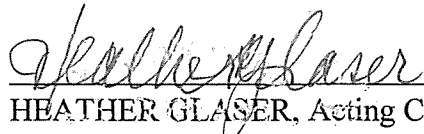
(seal)  
Date: July 25, 2016

APPROVED AS TO FORM:

  
CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 407 was passed and adopted at the Regular City Council meeting of July 11, 2016, by the following vote:

AYES:	4	Councilmembers:	House, Rosenthal, Sibert, La Monte
NOES:	0		
ABSTAIN:	0		
ABSENT:	1	Councilmember:	Peak

  
HEATHER GLASER, Acting City Clerk  
(seal)