

Temp. Ord. No. 1687  
02/26/18  
03/23/18

**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

**ORDINANCE NO. 18-09**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING CHAPTER 11 “BUSINESS TAXES, PERMITS, AND BUSINESS REGULATIONS” BY CREATING ARTICLE VIII “TOWING OF VEHICLES FROM PRIVATE PROPERTY” TO PROVIDE FOR TOWING REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City desires to have regulations for the towing vehicles from private property within the City, consistent with Florida Statutes and the Broward County Code; and

**WHEREAS**, the City Commission deems it to be in the best interests of the City and its residents to amend Chapter 11 “Business Taxes, Permits, and Business Regulations” by creating Article VIII “Towing of Vehicles from Private Property.”

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AS FOLLOWS:**

**Section 1:** That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2:** That Chapter 11 “Business Taxes, Permits, and Business Regulations” is amended by creating Article VIII “Towing of Vehicles from Private Property” which shall read as follows:

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Chapter 11 "Business Taxes, Permits, and Business Regulations"

\* \* \*

ARTICLE XIII. - TOWING OF VEHICLES FROM PRIVATE PROPERTY

Sec. 11-169. - Definitions.

For the purposes of this article, the following definitions shall apply:

Chief of police means the Chief of the City of Miramar Police Department and any person designated to act on his or her behalf.

Non-consent towing means the recovery, towing, removal, or storage of a vehicle from private property and without the authorization of the vehicle owner.

Permit means the document, license, or certificate issued pursuant to this article which allows a tow truck operator to engage in non-consent towing from private property within the city.

Property owner means that person who exercises dominion and control over the real property, including but not limited to the legal titleholder, lessee, resident manager, property manager, or other agent who has legal authority to bind the owner.

Storage site means any lot, parcel or place where a vehicle is stored or kept for compensation.

Tow means to haul, carry, pull along or otherwise transport or remove a motor vehicle from real property without the consent of the vehicle's owner or other legally authorized person in control of the vehicle.

Tow truck means any truck or other vehicle which is used to carry, tow or otherwise transport another vehicle and which is equipped for that purpose with a boom, winch, car carrier, or similar equipment.

Tow truck operator means any person or business owning, operating, driving or controlling a tow truck.

Sec. 11-170. - Compliance required.

No person shall tow or otherwise remove a vehicle from private property without the consent of the registered owner, authorized agent, operator or person in control of that vehicle without complying with the provisions of this article, the Broward County Code, and F.S. § 715.07.

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Sec. 11-171. - Exemptions.

This article shall not apply to the towing of vehicles which occurs by or at the direction of a law enforcement officer pursuant to ordinance or state law, or pursuant to an agreement with a public body or political subdivision.

Sec. 11-172. - Rebates prohibited.

No person towing or removing a vehicle from private property shall rebate, pay, or otherwise transfer money or any valuable consideration to a property owner for the privilege of towing a vehicle.

Sec. 11-173. - "No Parking" signs and notices on private property; specifications.

The specifications for "No Parking" signage and notices for towing contained in F.S. § 715.07, are incorporated herein by reference and each property owner shall comply with the requirements of said statute prior to requesting or causing a vehicle to be towed or removed from private property without the consent of the owner or person in control of the vehicle.

Sec. 11-174. - Vehicle not to be towed upon owner returning.

A tow truck operator shall not connect, tow, or remove a vehicle and shall not charge any fee if the owner or person in custody or control of the vehicle returns to the vehicle prior to the tow truck operator having connected the vehicle to the tow truck. The term "connected" means one-half (½) of the wheel lift apparatus surrounding a tire or the winch hook being properly hooked to the vehicle in an appropriate place on the vehicle where it can safely be towed or winched. If the vehicle is already connected but not towed away, the tow truck operator may charge up to one-half (½) of the fee allowable under the law. If the owner or person in custody or control of the vehicle arrives at the scene prior to the removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck, and that person shall be allowed to remove the vehicle without interference upon payment of a reasonable service fee of not more than one-half (½) of the posted rate, for which a receipt shall be given, unless that person refuses to remove the vehicle which is otherwise unlawfully parked.

Sec. 11-175. - Requirements for towing from private property.

(a) Prior to towing of any vehicle, the property owner and the tow truck operator shall have executed a written agreement, which shall, at a minimum, contain the following provisions:

- (1) The name and address of the property owner requesting the tow;
- (2) The location and description of the property from which the vehicle(s) will be towed;
- (3) The duration of the agreement;
- (4) The time of day that such towing is authorized;

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- (5) The days of the week that such towing is authorized;
- (6) An enumerated list of all fees to be charged to both the property owner and vehicle owner;
- (7) The address and description of the location where the vehicle will be towed and stored. Said storage site must be located within a ten-mile radius of the point where the tow originates; and,
- (8) The signature of both the property owner and the tow truck operator, certifying that each has read and is in compliance with the provisions of F.S. § 715.07, the Broward County Code, and the provisions of this article.

The above requirement of a written agreement shall not apply to the removal of a vehicle from property appurtenant to and obviously part of a single-family residence or where the vehicle is parked in such a manner that restricts the normal operation of a business, or where a vehicle, which is parked in a public right-of-way, obstructs access to a private driveway and the property owner signs an authorization that the vehicle be removed without a posted "no parking" or "tow-away zone" sign.

- (b) A copy of the executed agreement described in paragraph (a) above shall be filed by the tow truck operator with the city police department. Said agreement shall be nontransferable. The tow truck operator shall be responsible for advising the city police department within two (2) business days of any changes, amendments, or modifications to, or rescissions of, the agreement.
- (c) No tow truck operator shall tow a vehicle located within the city unless the operator shall file and keep on record with the city police department a complete copy of the current rates charged for the towing and storage of a vehicle.
- (d) Any tow truck operator towing within the city shall, within thirty (30) minutes of the completion of any tow, notify the city police department of the towing; the storage site, the time the vehicle was towed or removed; the make, model, year, color, vehicle identification number (VIN) and license plate number of the vehicle.
- (e) Any vehicle towed shall be towed directly to the storage site owned or leased by the tow truck operator and the vehicle shall not be kept in any temporary holding or staging area.
- (f) The tow truck operator shall accept at a minimum: cash, credit card, and debit card, with no additional charge if credit card or debit card is utilized. If payment is made with cash, the tow truck operator shall provide change to the closest whole dollar and may not condition payment on the owner having exact change. A person paying by check shall not be required to present more than one (1) form of picture identification. A tow truck operator may accept any other form of payment offered.

- (g) A tow truck operator shall not contract or sub-contract with another tow truck operator to tow, remove or store a vehicle. The tow truck operator listed on the contract filed with the city police department must be the tow truck operator that actually performs the towing, removal and storage of the vehicle.
- (h) Except for any property which is vacant, unimproved, and upon which no structure is constructed, the property owner or his agent shall have given an express instruction to a tow truck operator to tow a vehicle. The express instruction shall be evidenced by the physical presence of the property owner or his agent at the time of the towing, and by the written statement and signature of the property owner or his agent on the receipt to be furnished to the owner or operator of the vehicle being towed or removed that the vehicle was towed and removed based on his express instruction. An agent for a property owner shall not be an officer, agent, or employee of the tow truck operator. An express instruction shall be considered to have been given only if the instruction does not occur in advance of the actual unauthorized parking of the vehicle or if the instruction is not general in nature and is related to specific, individual, and identifiable vehicles which are already parked without authorization. The property owner shall be responsible for maintaining copies of all written authorizations required in this section for a period of six (6) months after each authorization is given.
- (i) Each tow truck operator shall staff or monitor its telephone at all times and immediately advise any vehicle owner or authorized representative who calls by telephone prior to arriving at the storage site of the following:

  - (1) Each and every document or other item which must be produced to retrieve the vehicle;
  - (2) The exact charges as of the time of the telephone call, and the rate at which charges will accumulate thereafter;
  - (3) The acceptable method of payment; and,
  - (4) That the vehicle can be picked up within one (1) hour of request.
- (j) The tow truck operator shall provide a written bill to the owner or operator of the vehicle detailing the charges to date.
- (k) The tow truck operator shall provide, at the time of payment, a written receipt of all charges imposed and received from the owner or operator of a vehicle resulting from the towing of a vehicle. Said receipt shall include at a minimum:

  - (1) The date, time, and location of the tow;
  - (2) The total charges listed individually and specifically; and,
  - (3) The date and time of payment of the charges.

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- (l) The tow truck operator shall prepare and maintain a tow data sheet which shall include, but not be limited to, the following information:
  - (1) The name of the tow truck operator and driver performing the towing service;
  - (2) The location from which the vehicle was towed;
  - (3) The date and time the tow was initiated;
  - (4) The destination to which the vehicle was taken;
  - (5) The description of the vehicle including the make, model, year, color, vehicle identification number (VIN), and license plate number;
  - (6) The time and date the city police department was contacted by the tow truck operator;
  - (7) The description of the services rendered, including an itemized list of all charges; and,
  - (8) The date and time the vehicle was returned to the owner and the identity of that owner.
- (m) All tow truck operators shall keep all such tow sheets on file for a period of one (1) year and shall make them available to any city police officer upon request during normal business hours.
- (n) No tow truck operator shall tow a vehicle when there is a person occupying the vehicle.
- (o) The tow truck operator shall take photographs of the front, back, and sides of the vehicle to be towed prior to any connection to the tow truck. The photographs shall be of sufficient detail and quality to demonstrate the condition of the vehicle and any preexisting damage to the vehicle. The photographs shall be date and time stamped and shall be maintained by the tow truck operator for a minimum period of one (1) year. Photographs shall be available for viewing the following business day. There shall be no charge for viewing the photographs. Vehicle owners shall be permitted to inspect the vehicle and take photographs of the vehicle prior to the vehicle's release from the storage site.

Sec. 11-175. - Permit required for non-consent towing from private property.

- (a) It is unlawful for a tow truck operator to engage in non-consent towing from private property unless such tow truck operator obtains and maintains a permit issued pursuant to this article. A tow truck operator conducting non-consent tows from private property in the city shall be required to obtain a permit and shall be subject to all the provisions of this article regardless of whether its principal place of business is within or outside of the city.

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- (b) The requirement for a permit described in subsection (a) of this section is a requirement separate and apart from, and in addition to, any county or municipal requirements for occupational licenses or business tax receipts. The required permit is a regulatory permit and not a revenue-generating permit or business tax.
- (c) Nothing in this article shall be construed to require that an employee of a tow truck operator obtain a separate permit provided that the employing tow truck operator possesses a valid permit. However, individual tow truck drivers working on behalf of a non-permitted tow truck operator must possess a valid permit issued in the individual's name. The practice of a tow truck operator to consider individuals as independent contractors, agents, or employees shall not be construed to allow avoidance of the requirement that the tow truck operator possess, apply for, obtain, and maintain a permit.

Sec. 11-176. - Issuance of permit; fees; renewal.

- (a) A permit issued pursuant to this article shall be issued in the name of the tow truck operator listed on the application and shall not be transferable from one (1) tow truck operator to another tow truck operator. All permits shall expire on September 30 of each year following the date of original issuance. Permits shall be renewable annually.
- (b) There shall be a permit-processing fee of one hundred fifty dollars (\$150.00). The permit-processing fee can be adjusted by resolution after a public hearing. Such fee shall accompany the application and shall be nonrefundable subsequent to the filing of the application. In addition, all applicants shall be required to reimburse the city for the cost of a background investigation for each individual listed in the application at the rate charged to the city for such service. All moneys received under this section shall be deposited with the director of finance of the city and shall be used to defray the expense of providing the services described in this article.
- (c) The chief of police is authorized to issue permits to tow truck operators that have met the standards and requirements for a permit and that are otherwise qualified for a permit. The chief of police is authorized to promulgate reasonable rules and procedures for the application, issuance and revocation of such.

Sec. 11-177. - Permit application; approval and denial.

- (a) *Application.* Every application for a new or renewal permit shall be in writing, signed and verified by the applicant and notarized, and filed with the police department. The application shall be on a form prescribed by the chief of police and shall contain information, including but not limited to:

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- (1) Full legal name of the applicant and sufficient information to identify the applicant, including but not limited to, date of birth, telephone numbers, the place of business and residence addresses, copies of all business tax receipts and licenses issued by any municipality in Broward County, and Florida driver's license number. If the applicant is a corporation, the foregoing information shall be provided for each corporate officer and director. If the applicant is a partnership, the foregoing information shall be provided for each general and limited partner; and
- (2) Documentation demonstrating that all corporate or partnership applicants are qualified under the laws of Florida to do business under the trade name or names under which it has applied for a permit; and
- (3) A list of all persons with any ownership interest in the company who have previously been denied a permit from the city or any other jurisdiction; and
- (4) Verification of the business' current corporate status and fictitious name registration with the State of Florida; and
- (5) Any trade name under which the business operates, intends to operate, or has previously operated; and
- (6) The location and physical addresses of all places of business including storage lots and facilities; and
- (7) A description of services proposed to be provided, including, but not limited to, days and hours of operation and types of towing and storage services to be provided; and
- (8) Proof of insurance as required in section 11-178; and
- (9) The signature of each individual applicant, president or vice-president of a corporation and of all the general and limited partners of a partnership having twenty-five (25) percent or greater ownership in the company; and
- (10) A statement assuring that each tow truck is in safe operating condition and receives routine service/maintenance; and
- (11) An agreement on the part of the applicant to abide by the provisions of this article, Broward County regulations, and state and federal laws; and
- (12) Such additional information required by the chief of police to process the application.



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(b) *Standards for issuance or denial of a permit.* The chief of police shall review each application based on the criteria of this section and consistency of the application with the public health, safety, and welfare of the city. The chief of police shall issue a permit to tow truck operators who have met the standards and requirements for a permit as provided for in this article. The chief of police shall deny any application that is incomplete or untrue in whole or in part, or which fails to satisfy the requirements of this article, or which reveals any of the following:

- (1) That the applicant, including a corporate officer or director, or a business partner, has been convicted of, found guilty of, or pled guilty or nolo contendere to a crime, regardless of the adjudication of guilt, within the last ten (10) years involving: repossession of a motor vehicle under F.S. Ch. 493; repair of a motor vehicle under F.S. §§ 559.901—559.9221; theft of a motor vehicle under F.S. § 812.014; carjacking under F.S. § 812.133; operation of a chop shop under F.S. § 812.16; failure to maintain records of motor vehicle parts and accessories under F.S. § 860.14; airbag theft or use of fake airbags under F.S. § 860.145 or F.S. § 860.146; overcharging for repairs and parts under F.S. § 860.15; or violation of the towing or storage requirements for a motor vehicle under F.S. § 321.051, F.S. Ch. 323, F.S. § 713.78, or F.S. § 715.07.
- (2) That any unsatisfied civil fines or penalties exist arising out of an administrative or enforcement action brought by the city or another governmental agency based upon conduct involving a violation of state or local towing regulations where such action related to public safety.
- (3) That an applicant had a towing permit or license revoked by the city or any other jurisdiction within two (2) years of the date of application where such revocation related to public safety.

Sec. 11-178. - Insurance required.

(a) It shall be unlawful for any tow truck operator to engage in non-consent towing from private property unless the tow truck operator has filed with the police department a certificate of insurance covering the minimum insurance limits specifically set forth as follows:

- (1) Tow truck operator agrees to maintain, on a primary basis and at its sole expense, at all times during the life of the permit the following insurance coverages, limits, including endorsements described herein. The requirements contained herein, as well as city's review or acceptance of insurance maintained by tow truck operator is not intended to and shall not in any manner limit nor qualify the liabilities or obligations of tow truck operator under this article.

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NOTE: Garage liability coverage form may satisfy the same requirement to maintain commercial general liability and business auto liability insurance.

- (2) Tow truck operator agrees to maintain commercial general liability at a limit of liability not less than three hundred thousand dollars (\$300,000.00) each occurrence six hundred thousand dollars (\$600,000.00) general aggregate. Coverage shall not contain any endorsement(s) excluding nor limiting product/completed operations, contractual liability or cross liability/severability of interest.
- (3) Tow truck operator agrees to maintain business automobile liability at a limit of liability not less than three hundred thousand dollars (\$300,000.00) combined single limit. Coverage shall include liability for owned or scheduled autos, non-owned autos and hired autos.
- (4) Tow truck operator agrees to maintain garagekeeper's legal liability at a limit not less than one hundred thousand dollars (\$100,000.00) per occurrence against comprehensive and collision/upset causes of loss at all scheduled location(s) where towed cars shall be stored in the care, custody and control of tow truck operator. Any per vehicle or per occurrence deductible shall be the tow truck operator's responsibility.
- (5) Tow truck operator agrees to maintain "on-hook" coverage, or similar endorsement, at a limit of liability not less than twenty-five thousand dollars (\$25,000.00) per vehicle. Any per vehicle or per occurrence deductible shall be the tow truck operator's responsibility.
- (b) Tow truck operator agrees to provide city a certificate of insurance evidencing that all coverages, limits and endorsements required herein are maintained and in full force and effect, and said certificate of insurance shall provide a minimum thirty-day endeavor to notify, when available by tow truck operator's insurer. If the tow truck operator receives a non-renewal or cancellation notice from an insurance carrier affording coverage required herein, or receives notice that coverage no longer complies with the insurance requirements herein, tow truck operator agrees to notify the city's chief of police by fax number below within five (5) business days with a copy of the non-renewal or cancellation notice, or written specifics as to which coverage is no longer in compliance. The certificate holder address shall read:

City of Miramar  
Attn: Chief of Police  
Police Headquarters  
11765 City Hall Promenade  
Miramar, FL 33025  
Fax (954) 578-6189

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(c) The chief of police may deny, suspend or revoke the permit for failure to obtain or maintain insurance as required by this article.

Sec. 11-179. - Revocation, suspension and renewal; appeal.

(a) If, at any time, the chief of police determines that any tow truck operator has failed to comply with any applicable conditions of its permit, or is operating in a manner harmful to the public health, safety or welfare and not in compliance with the terms of this article, the chief of police may place on the city commission public hearing agenda an item to determine whether the tow truck operator's permit should be revoked. The chief of police shall prepare a report with analysis showing the compliance or non-compliance with the following criteria:

(1) The tow truck operator has or has not complied with all conditions imposed at the time of the issuance of the permit; or

(2) The tow truck operator has or has not violated provisions of this article, county ordinance or state law regulating towing; or

(3) The tow truck operator has or has not conducted its towing operations in compliance with the public health, safety or welfare.

(b) The city manager or his or her designee, on the recommendation of the chief of police, shall have the power to enter an order immediately revoking or suspending a tow truck operator's permit.

(c) Within thirty (30) days of the suspension of a tow truck operator's permit, as noted above, a public hearing on said revocation or suspension shall be conducted. The city commission will consider the matter de novo, and will determine whether the city manager and his/her designee was justified in revoking and/or suspending the permit. The presumption of the correctness of the decision may be overcome by the permit holder, upon a showing of competent substantial evidence that the finding of the city manager and/or his/her designee was not correct. The burden of proof will be on the applicant seeking the reinstatement of a revoked permit.

(d) After consideration of the matter, the city commission may revoke or suspend the permit or allow the tow truck operator to continue engaging in towing operations subject to any reasonable additional conditions deemed necessary to mitigate or eliminate the adverse effects of such operation.

(e) Should the tow truck operator's permit be revoked, no reapplication for a permit shall be considered within a twenty-four-month period following the date of final revocation. After the expiration of the twenty-four-month period, a new application and corresponding fee must be submitted.

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(f) *Renewal of permit.* Each tow truck operator permit shall be required to be renewed no later than one (1) year following the date of initial granting of the permit. The annual renewal of any such permit shall be processed by the chief of police and reviewed based upon the criteria established for issuance of the original permit. If the chief of police approves the renewal, the permit shall be renewed upon payment of the nonrefundable annual fee in the amount of one hundred fifty dollars (\$150.00) plus reimbursement of the costs of background investigation. The amount of the renewal fee may be modified by resolution of the city commission after a public hearing. If the chief of police denies the renewal, the permit holder shall have ten (10) days from the date of the notice of denial to appeal the decision to the city commission in accordance with subsection 11-179(g). The city commission shall use the criteria and procedure specified in subsection 11-179(a) in determining said appeal. At the time of the requested renewal, the chief of police may recommend the imposition of additional conditions upon the tow truck operator. If additional conditions are recommended by the chief of police, the renewal shall be placed on the city commission agenda for public hearing on the proposed imposition of additional conditions. If a permit is non-renewed or the commission denies an appeal of the non-renewal, the tow truck operator shall not be allowed to apply for a permit for a period of twenty-four (24) months. In the event the city non-renews, revokes, or denies a permit, the city reserves the right to contact the appropriate local or state agencies for administrative or criminal action.

(g) *Appeal procedure.*

- (1) The tow truck operator for which a permit is non-renewed pursuant to the terms of the article, may appeal to the city commission, consistent with these provisions, any decision rendered by the chief of police to deny the renewal of a permit. Within ten (10) days of the decision, an appeal may be made in writing to the city commission and the city shall schedule a public hearing within thirty (30) days. Notice shall be given to the permit holder and a public hearing shall be held as prescribed by subsection 11-179(a). The city commission shall consider the appeal and make a decision (with reasons stated) based on the standards set forth in this article.
- (2) Appeal of any city commission decision regarding the issuance, suspension, revocation or non-renewal of a permit shall be to the circuit court in and for Broward County, in the manner provided by state law. In accordance with state law, failure to appeal within thirty (30) days of the rendition of the decision shall result in the applicant waiving his or her right to appeal.

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Sec. 11-180. - Enforcement and penalties.

- (a) This article shall be enforced by the city's code enforcement special magistrate procedure as set forth in Chapter 2 "Administration," Article XI "Community Standards and Code Enforcement" of the City Code, as may be amended from time to time, and fines shall be assessed for violations and repeat violations pursuant to section 2-339 unless otherwise specified herein.
- (b) A violation of this article shall result in a fine of not less than one thousand dollars (\$1,000.00) for a first violation. A second violation of this article within five (5) years shall constitute a repeat violation, as defined in section 2-119, and shall result in a fine of not less than two thousand five hundred dollars (\$2,500.00). A third or subsequent violation of this article within five (5) years shall constitute a repeat violation, as defined in section 2-331, and shall result in a fine of not less than five thousand dollars (\$5,000.00) and revocation of the violator's permit to conduct towing within the city. The fines set forth herein are minimum amounts and shall not preclude higher fines based on consideration of the factors in this article and in section 2-339, or if it is determined that a violation is irreparable or irreversible.
- (c) A violation of this article shall be presumed to be irreparable or irreversible once the subject vehicle has been towed, unless the owner of the vehicle was physically present at the time of the towing and refused to remove an unlawfully parked vehicle prior to the towing.
- (d) Any violation found to be irreparable or irreversible shall be punishable by a fine not to exceed five thousand dollars (\$5,000.00) per violation, as set forth in section 2-339 of the City Code, as may be amended from time to time.
- (e) In addition to a fine, the city may suspend or revoke the permit of anyone convicted of violating this article on three (3) or more separate occasions.

Sec. 11-181. - Towing victim reimbursement account.

- (a) There is hereby created a towing victim reimbursement account for the purpose of accepting and disbursing a portion of towing fines collected by the city to pay the towing and storage charges incurred by owners of unlawfully towed vehicles.
- (b) The towing victim reimbursement account shall be self-perpetuating from year to year unless specifically terminated by the city commission. In the event of termination, the city commission shall have sole discretion concerning the distribution of the account's assets.
- (c) All fines and other revenue received hereunder shall be deposited into the towing victim reimbursement account, which shall be established and maintained as a separate account within the general fund of the city, and shall be expended, utilized, and disbursed only for the benefit of owners of unlawfully towed vehicles.

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- (d) Fines collected pursuant to a violation of this Article shall be deposited into the towing victim reimbursement account to assist vehicle owners with documented towing and storage charges actually paid as a result of the illegal towing of the owner's vehicle.
- (e) Monies deposited in and credited to the towing victim reimbursement account and not expended by the close of any fiscal year shall be carried forward into the succeeding fiscal year. Excess monies at the end of the subsequent fiscal year may be administratively transferred to the city's general fund upon approval of the finance and administrative services director and the city manager.
- (f) The city manager shall designate a person to administer the towing victim reimbursement account. Following a determination by the code enforcement special magistrate that a violation of this Article has occurred, the owner of the vehicle subject to the towing violation may apply to the code enforcement department for reimbursement of towing and storage charges on a form provided by the code enforcement department. Such application must be made no later than thirty (30) days after the final order finding the violation is entered. Upon full payment of the fine, the administrator shall determine whether the vehicle owner has provided sufficient documentation of payment of towing and/or storage charges. If the application and documentation of payment are sufficient, the administrator shall reimburse the vehicle owner for towing and storage charges up to the amount of the fine collected by the city. No monies shall be disbursed from the towing victim reimbursement account until the fine for the corresponding violation has been collected by the city and the reimbursement has been authorized by the administrator.
- (g) A tow truck operator cited for a violation of this Article may elect to reimburse the vehicle owner's towing and storage charges prior to a hearing on the violation. In the event the violator reimburses the vehicle owner the towing and storage charges in full within fifteen (15) calendar days of the city's mailing of a notice of violation for a violation of the city code, then the fine assessed for the violation shall be reduced by the amount reimbursed. In addition, reimbursement prior to hearing shall be considered a mitigating factor in determining the amount of the fine pursuant to sections 2-339 of the City Code. A vehicle owner who receives reimbursement of towing and storage charges pursuant to this paragraph shall not be entitled to reimbursement from the towing victim reimbursement account.

**Section 3:** That all sections or parts of sections of the City Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

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**Section 4:** That should any section or provision of this Ordinance, or any paragraph, section or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or part hereof, other than the part declared to be invalid.

**Section 5:** That it is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made part of the Code of the City of Miramar, and that the sections of this Ordinance may be renumbered or relettered and the word “Ordinance” may be changed to “Chapter”, “Section”, “Article” or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

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**Section 6:** That this Ordinance shall take effect immediately upon adoption on second reading.

**PASSED FIRST READING:** March 21, 2018

**PASSED AND ADOPTED ON SECOND READING:** July 3, 2018

\_\_\_\_\_  
Mayor, Wayne M. Messam

\_\_\_\_\_  
Vice Mayor, Yvette Colbourne

ATTEST:

\_\_\_\_\_  
City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved  
this ORDINANCE as to form:

\_\_\_\_\_  
City Attorney  
Weiss Serota Helfman  
Cole & Bierman, P.L.

<b><u>Requested by Administration</u></b>	<b><u>Voted</u></b>
Commissioner Winston F. Barnes	Yes
Commissioner Maxwell B. Chambers	Yes
Vice Mayor Yvette Colbourne	Yes
Commissioner Darline B. Riggs	Yes
Mayor Wayne M. Messam	Yes