

Introduced by Council Member Bishop:

ORDINANCE 2015-451-E

AN ORDINANCE REGARDING CHAPTER 804
(JACKSONVILLE TRAFFIC CODE); AMENDING SECTION
804.633 (UNATTENDED CONVEYANCES), *ORDINANCE
CODE*, TO AUTHORIZE THE PUBLIC PARKING OFFICER
TO TOW VEHICLES FOR UNATTENDED CONVEYANCE;
AMENDING SECTION 804.709 (UNLAWFUL TO ALTER OR
COVER LICENSE PLATES, CITATIONS, MOBILE HOME
STICKERS, OR VALIDATION STICKERS; PENALTY),
ORDINANCE CODE, TO ADJUST THE ALTERED TAG FINE
TO \$200; AMENDING SECTION 804.1107 (TOWING AND
STORAGE CHARGES TO CONSTITUTE LIEN; NOTICE
REQUIREMENTS; LIMITATIONS), *ORDINANCE CODE*, TO
INCLUDE PARKING FINES; AMENDING SECTION
804.1201 (ESTABLISHMENT OF ROTATING WRECKER
CALL LIST), CHAPTER 804 (JACKSONVILLE TRAFFIC
CODE), *ORDINANCE CODE*, TO CLARIFY THE CITY
AGENCY USES OF THE ROTATING WRECKER CALL LIST;
REQUESTING THAT THE STANDARDS AND RULES FOR
THE ADMINISTRATION OF THE ROTATING WRECKER
CALL LIST BE AMENDED AS PROVIDED HEREIN;
PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Amending Section 804.633 (Unattended conveyances), Chapter 804 (Jacksonville Traffic Code), Ordinance Code. Section 804.633, *Ordinance Code*, is hereby amended to read as follows:

1 **CHAPTER 804. JACKSONVILLE TRAFFIC CODE.**

2 * * *

3 **PART 6. MISCELLANEOUS DRIVING RULES.**

4 * * *

5 **Sec. 804.633. Unattended conveyances.**

6 No vehicle, boat, trailer or other conveyance shall be parked
7 on a public street or highway, street or highway right-of-way or
8 public property not operated by the City as a parking area for
9 longer than 24 hours. The Sheriff and the Public Parking Officer
10 are ~~is~~ authorized to impound and store the unattended vehicle,
11 boat, trailer or other conveyance pursuant to Part 11 where the
12 public safety requires it or after notice of the violation has been
13 posted upon the vehicle, boat, trailer or other conveyance for a
14 period of at least 24 hours. Violation of this Section shall
15 constitute a class A offense.

16 **Section 2. Amending Section 804.709 (Unlawful to alter or**
17 **cover license plates, citations, mobile home stickers, or**
18 **validation stickers; penalty), Chapter 804 (Jacksonville Traffic**
19 **Code), Ordinance Code.** Section 804.709, *Ordinance Code*, is hereby
20 amended to read as follows:

21 **CHAPTER 804. JACKSONVILLE TRAFFIC CODE.**

22 * * *

23 **PART 7. VEHICLE REQUIREMENTS.**

24 * * *

25 **Sec. 804.709. Unlawful to alter or cover license plates,**
26 **citations, mobile home stickers, or validation stickers; penalty.**

27 (a) No person shall alter the original appearance of any
28 registration license plate, citation, or validation
29 sticker issued for and assigned to any motor vehicle,
30 whether by mutilation, alteration, defacement, or change
31 of color or in any other manner. Any person who violates

1 the provisions of this Section shall be punishable by a
2 fine of not more than ~~\$100~~ \$200. The Public Parking
3 Officer, or their designee, is authorized to attach an
4 immobilization device to the vehicle pursuant to Section
5 802.112. A violation of this Subsection shall constitute
6 a class D offense.

7 (b) No person shall cover, hide, cloak, obscure, or
8 camouflage a vehicle's license plate, or the vehicle's
9 license plate mount or location in which the license
10 plate is supposed to be fixed, of any vehicle located in
11 a front yard, or in a location visible from the street or
12 a public right of way. A violation of this subsection
13 shall constitute a class D offense.

14 **Section 3. Amending Section 804.1107 (Towing and storage**
15 **charges to constitute lien; notice requirements; limitations),**
16 **Chapter 804 (Jacksonville Traffic Code), Ordinance Code.** Section
17 804.1107, *Ordinance Code*, is hereby amended to read as follows:

18 **CHAPTER 804. JACKSONVILLE TRAFFIC CODE.**

19 * * *

20 **PART 11. IMPOUNDING OF VEHICLES.**

21 * * *

22 **Sec. 804.1107. Towing and storage charges and parking fines to**
23 **constitute lien; notice requirements; limitations.**

24 The towing and storage charges and parking fines occasioned
25 by the impoundment of a motor vehicle pursuant to Section 804.1101
26 shall be and constitute a lien upon the impounded motor vehicle,
27 except as provided in this Section. If the hearing examiner finds
28 pursuant to Section 804.1106 that the impoundment was improper and
29 if he determines that the City shall bear part or all of the towing
30 and storage charges and parking fines, the lien created by this
31 Section shall be discharged. If the hearing examiner finds pursuant

1 to Section 804.1106 that the impoundment was proper but that the
2 towing and storage charges and parking fines should be in an amount
3 less than the amount of the lien, the lien created by this Section
4 shall be discharged to the extent that it exceeds the amount
5 established by the hearing examiner. The holder of a lien created
6 by this Section may perfect the lien by sending notice by
7 registered or certified mail to the registered owner and all
8 persons claiming a lien within 14 days of the date of possession.
9 Such notice shall state the fact of possession of the vehicle, that
10 a lien as provided in this Section is claimed, that the lien is
11 subject to enforcement pursuant to law, and that the owner or
12 lienholder, if any, has a right to a hearing as set forth in
13 Section 804.1106. The holder of a lien created by this Section may
14 not retain possession of the motor vehicle when it has been
15 released pursuant to Section 804.1105(a). In the event that the
16 impounded motor vehicle is released from impoundment and the owner
17 or his agent has provided security for payment of charges as
18 required by Section 804.1105(a), the lien created by this Section
19 shall also be a lien against the security so provided, subject to
20 being wholly or partially discharged as provided in this Section.

21 **Section 4. Amending Section 804.1201 (Establishment of**
22 **rotating wrecker call list), Chapter 804 (Jacksonville Traffic**
23 **Code), Ordinance Code.** Section 804.1201, *Ordinance Code*, is hereby
24 amended to read as follows:

25 **CHAPTER 804. JACKSONVILLE TRAFFIC CODE.**

26 * * *

27 **PART 12. WRECKER FACILITIES AND CHARGES.**

28 * * *

29 **Sec.804.1201. Establishment of rotating wrecker call list.**

30 (a) The Sheriff is authorized to establish standards and rules
31 for the administration of a rotating wrecker call list to

1 provide safe and dependable wrecker service to the
2 Sheriff's Office and to the City. Annually, City
3 Departments and Agencies using the towing services noted
4 herein shall obtain a current list of tow providers from
5 the Jacksonville Sheriff's Office, the updated fees, and
6 updated policies and procedures. In promulgating the rules
7 governing the list, the Sheriff shall require public
8 liability insurance coverage by participating firms in
9 amounts of not less than \$100,000 for damages arising from
10 bodily injury or death to any one person, not less than
11 \$300,000 for damages arising from bodily injury or death of
12 more than one person in any one accident and \$50,000 for
13 all property damage in any one accident issued by an
14 insurance company authorized to write liability insurance
15 in the state having a B policyholder's rating and a class X
16 financial rating or better from Alfred M. Best Company,
17 approved by the Office of General Counsel and the Sheriff
18 and possessing a certificate duly issued by the State
19 Treasurer or another officer specified by the laws of the
20 state, in the required amounts for each wrecker owned or
21 controlled by the wrecker company. Where the wrecker
22 company is unable to procure a policy from an insurance
23 company which meets the policyholder rating requirements of
24 this Section because of unavailability in the insurance
25 market, the wrecker company may submit for consideration to
26 the Sheriff a policy having a cut-through reinsurance
27 agreement from an insurance company which meets the
28 policyholder rating provisions of this Section. To be
29 considered for approval, a cut-through reinsurance
30 agreement must create a direct contractual relationship
31 between the insurance company and the City. The

1 reinsurance's obligation to the wrecker company's insurance
2 company must run directly to the City. Alternatively, the
3 wrecker company may submit a policy meeting the
4 requirements of this Section purchased through the Florida
5 Joint Underwriters Association.

6 (b) At least 30 days prior to the expiration of an existing
7 policy, a renewal binder for a period of 60 days shall be
8 filed with the Sheriff. If the policy is being purchased
9 through the Florida Joint Underwriters Association, a 30-
10 day binder may be submitted if it contains a declaration
11 that the binder will be extended for an additional 30 days
12 in the event that a new policy has not been issued prior to
13 expiration date of the prior policy. If a binder or new
14 policy has not been received by the Sheriff prior to
15 expiration of the previous policy or in the event of
16 cancellation or expiration of a renewal binder, the Sheriff
17 shall notify the wrecker company to cease and desist
18 operations in the City, pending a hearing before the
19 Committee on Public Services. The policy or policies shall
20 include an endorsement to the effect that it or they cannot
21 be altered or canceled for any cause without notice of
22 cancellation or alteration being served on the Sheriff and
23 the Office of General Counsel at least 30 days prior to the
24 date of cancellation or alteration. All binders and
25 insurance policies shall be submitted by the Sheriff to the
26 Office of General Counsel to ascertain whether they comply
27 with the policy rating requirements of this Section.

28 (c) Any Wrecker company that is selected, in accepting work,
29 must agree to verify that the parking fines and any other
30 related City parking or towing fees are paid prior to the
31 release of the impounded vehicle to the registered owner.

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Section 5. Requesting that the Standards and Rules for the Rotating Wrecker Call List be amended to conform with the changes herein. Pursuant to §804.1201, *Ordinance Code*, the Sheriff is charged with promulgating rules governing the administration of the rotating wrecker call list. The Sheriff in conjunction with the Public Parking Officer is requested to amend the rules to include similar fees to the City agencies as is allowable to the JSO and to require that proof of payment of parking fines be a precondition for release of vehicles towed pursuant to §804.1101(d).

Section 6. Effective Date. This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/ *Margaret M. Sidman*

Office of General Counsel

Legislation Prepared By: Margaret M. Sidman

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