

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2018-17**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING THE CITY CODE, CHAPTER 74, ENTITLED "TRAFFIC AND VEHICLES"; TO INCLUDE ADDITIONAL DEFINITIONS; ADDITIONAL PROHIBITIONS; ADDITIONAL PROVISIONS; PROVIDING FOR ADMINISTRATIVE APPEAL PROCEDURES; PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has historically contracted with Miami-Dade County Parking Violation Bureau, through the Miami-Dade County Clerk of Court for the collection and disbursement of parking violation revenues; and

**WHEREAS**, currently the City utilizes the Miami-Dade Clerk of Court's Parking Violation Bureau and the Clerk's computerized parking ticket issuing system to issue tickets and process parking violation appeals; and

**WHEREAS**, the City desires to establish an administrative appeal process within the City to better serve residents and reduce inconvenience to people living in and doing business in Coral Gables; and

**WHEREAS**, establishing parking regulations and appropriate fines specific to violations in the City of Coral Gables will assist the City in managing public parking and traffic within the City; and

**WHEREAS**, establishing an appeal process within the City will allow the City to retain a larger percentage of parking violation revenues to be used for services within the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**SECTION 1.** The foregoing "**WHEREAS**" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** Chapter 74 "Traffic and Vehicles" of the Official Code of the City of Coral Gables is hereby amended in Attachment A, with deletions indicated by ~~striketrough~~ and insertions indicated by underline.

**SECTION 3.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 5.** It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 6.** If the Official Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

**SECTION 7.** This Ordinance shall become effective upon termination or cancellation of any and all relevant inter-local agreements and contracts between the City and the Miami-Dade Clerk of Courts and the City’s assumption of all administrative and enforcement duties related to the Chapter 74 of the Official Code of the City of Coral Gables as amended.

PASSED AND ADOPTED THIS EIGHTH DAY OF MAY, A.D., 2018.

(Moved: Lago / Seconded: Mena)

(Yeas: Lago, Mena, Quesada, Keon, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: F-3)

APPROVED:



RAUL VALDES-FAULI  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS  
CITY ATTORNEY

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### Chapter 74 - TRAFFIC AND VEHICLES<sup>11</sup>

#### Footnotes:

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**State Law reference**— Uniform traffic control law, F.S. ch. 316; powers of local authorities, F.S. §§ 316.007, 316.008.

#### ARTICLE I. - IN GENERAL

##### Sec. 74-1. – Definition

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The definitions in F.S. § 316.001 apply to this chapter.

Alley means a narrow thoroughfare dedicated or used for public use upon which abut generally the rear of the premises, or upon which service entrances or buildings abut, which is not generally used as a thoroughfare by both pedestrians and vehicles, or which is not used for general traffic circulation, and is not otherwise officially designated as a street

Center parkway means such stretch of land planted in grass, or shrubbery, or both, which is flanked on either side by a street.

Commercial vehicle means a vehicle designed, used or maintained primarily for a commercial purpose

Double parking, double standing, or double stopping means the parking, standing, or stopping of a vehicle upon the driveway side of another vehicle parking, standing, or stopping, but not legally within, or adjacent to, an open parking space.

Employee parking lot means any area owned by the city and assigned as an area for persons to park providing they have secured the proper permit and paid a fee as established by the city commission.

General public use parking means any parking spaces developed by the city or privately developed pursuant to an approved entitlement with the city where the spaces are in excess of minimum parking requirements found in the zoning code (section 5-1409).

Holidays are as established by section 1-2.

Operator means and includes every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner.

Other governing body means any governing body other than the city commission.

Parking area means any on-street parking lane, city-owned parking lot or parking garage, located in the city and dedicated to the use of parking vehicles.

Parking garage means any building owned by the city and used for the parking of vehicles upon payment of a fee as established by the city commission.

Parking lot means any property owned by the city and assigned as an area for the parking of vehicles.

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Parking meter means any mechanical or electronic device or application used to regulated parking by collecting revenue in exchange for the right to park a vehicle in a particular place for a limited amount of time.

Ridesharing Service means a bonafide ridesharing service, including taxis or taxicabs.

Swale means that portion of land lying between a sidewalk and street.

Taxi or taxicab means a licensed public motor vehicle for hire designed and constructed to seat not more than seven persons and operating as a common carrier on call or demand.

Vehicle means any device in, upon or by which any person or property is or may be transported into a parking area.

~~Driving vehicles on parkways, golf courses, etc., prohibited; exceptions.~~

~~(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

~~Center parkway means such stretch of land planted in grass, or shrubbery, or both, which is flanked on either side by a street.~~

~~Side parkway means that portion of land lying between a sidewalk and street.~~

~~(b) Prohibited. It shall be unlawful for any person to drive any vehicle upon or across any center parkway, or grass plot or golf course, or park or side parkway in the city.~~

~~(c) Exception. This section shall not apply in cases of driving upon the parkways for the purpose of parking, nor upon any golf course.~~

~~(Code 1958, §§ 28-1, 28-2; Code 1991, § 22-1; Code 2006, § 74-1; Ord. No. 182, § 1, 2, 5-5-1932)~~

~~Sec. 74-2. - Prohibiting skateboard use in all commercially zoned districts generally.~~

~~(a) Skateboarding is hereby prohibited on the city's public sidewalks where posted and areas of pedestrian traffic in all commercially zoned districts within the city.~~

~~(b) This section shall be construed to prohibit skateboarding in areas prohibited by other laws, regulations, rules and ordinances of the city, county, or state.~~

~~(c) This section shall be enforced by the city manager and/or chief of police.~~

~~(Code 1958, § 28-11.3; Code 1991, § 22-26; Code 2006, § 74-2; Ord. No. 2719, § 1, 9-8-1987)~~

~~Sec. 74-3. - Riding of bicycles upon pedestrian sidewalks on Miracle Mile generally.~~

~~(a) The riding of bicycles upon the pedestrian sidewalks on Miracle Mile and where posted shall be prohibited and unlawful with the exception of law enforcement officers in performance of their duties.~~

~~(b) Violation of this section shall be punishable pursuant to section 1-7.~~

~~(Code 1958, § 28-11.2; Code 1991, § 22-27; Ord. No. 3071, § 1, 4-26-1994; Code 2006, § 74-3; Ord. No. 2576, §§ 1, 2, 8-27-1985)~~

~~Sec. 74-4. - Riding of motorized vehicles upon pedestrian sidewalks in the city's commercial district.~~

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(a) The riding of all motorized vehicle, including, but not limited to, motorized bicycles, motorized scooters, moped, motorcycles, and electric personal assistive mobility devices, upon areas of pedestrian traffic in Miracle Mile and all other commercially zoned districts within the city shall be prohibited and unlawful with the exception of law enforcement officers using electric personal assistive mobility devices in performance of their duties and electric or motorized wheelchairs or other such motorized vehicles used by the disabled.

(b) This section shall not apply to law enforcement officers in performance of their duties or other uses authorized by the city.

(c) Violation of this section shall be punishable pursuant to section 1-7.

(Code 2006, § 74-3.1; Ord. No. 2007-19, § 2, 6-5-2007)

### Sec. 74-5. ~~Definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The definitions in F.S. § 316.001 apply to this chapter.~~

~~*Commercial vehicle* means a vehicle designed, used or maintained primarily for the transportation of property.~~

~~*Double parking, double standing, or double stopping* means the parking, standing, or stopping of a vehicle upon the driveway side of another vehicle parking, standing, or stopping, but not legally within, or adjacent to, an open parking space.~~

~~*Employee parking lot* means any area owned by the city and assigned as an area for persons to park providing they have secured the proper permit and paid a fee as established by the city commission.~~

~~*Holidays* are as established by section 1-2.~~

~~*Other governing body* means any governing body other than the city commission.~~

~~*Parking area* means any on-street parking lane, city-owned parking lot or parking garage, located in the city and dedicated to the use of parking vehicles.~~

~~*Parking garage* means any building owned by the city and used for the parking of vehicles upon payment of a fee as established by the city commission.~~

~~*Parking lot* means any property owned by the city and assigned as an area for the parking of vehicles.~~

~~*Parking meter* means a mechanical timing device authorized by ordinance of the city to be used for the purpose of regulating parking and which is activated by the insertion of a coin.~~

~~*Taxi or taxicab* means a licensed public motor vehicle for hire designed and constructed to seat not more than seven persons and operating as a common carrier on call or demand.~~

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~~(Code 1958, § 32-1; Code 1991, § 25-1; Code 2006, § 74-4; Ord. No. 1071, § 2, 3-25-1958; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 1855, § 1, 6-9-1970; Ord. No. 1950, § 1, 12-14-1971; Ord. No. 2029, § 1, 8-23-1973; Ord. No. 2007-13, § 2, 3-13-2007)~~

### Sec. 74-5. Driving vehicles on parkways, golf courses, etc., prohibited; exceptions.

- (a) It shall be unlawful for any person to drive any vehicle upon or across any center parkway or grass plot, or golf course, or park, or side parkway in the city.
- (b) Exception: This section shall not apply in cases of driving upon the parkways for the purpose of parking nor for those golf carts authorized to be driving upon golf courses.

### Sec. 74-6. - Establishment of residential speed zones, posting, enforcement.

- (a) *Residential speed limit.* The maximum speed on all local residential roads within the city shall be 25 miles per hour, unless otherwise posted.
- (b) *Posting of speed limits.* All speed zones shall be posted with clearly legible signs. All signs which limit or establish a 25 mile per hour speed limit shall be so placed and so painted so as to be plainly visible and legible in daylight or in darkness when illuminated by headlights.
- (c) *Penalty.* Pursuant to F.S. § 316.189, violation of the speed limits established pursuant to this section shall be cited as a moving violation, punishable as provided in F.S. ch. 318.

(Ord. No. 2017-14, § 2(74-5), 4-9-2017)

Secs. 74-7—74-28. - Reserved.

## ARTICLE II. - ADMINISTRATION

### Sec. 74-29. - Authority.

It is the duty of the officers of the police department, or such officers as are assigned by the chief of police, to enforce all traffic ordinances of this city. Nonmoving violations shall also be enforced by parking enforcement specialists under the supervision of the parking director.

(Code 1958, § 32-5; Code 1991, § 25-26; Code 2006, § 74-27; Ord. No. 1071, § 166, 3-25-1958; Ord. No. 1374, § 1, 12-10-1963)

### ~~Sec. 74-30. Duties of police department generally.~~

~~It shall be the duty of the chief of police, with such aid as may be rendered by other members of the police department, to enforce the provisions of this chapter.~~

~~(Code 1958, § 32-6; Code 1991, § 25-27; Code 2006, § 74-28; Ord. No. 1071, § 3, 3-25-1958; Ord. No. 1374, § 1, 12-10-1963)~~

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### Sec. 74-30.- Appeal Procedures; rights and remedies; supplemental provisions

- (1) The parking director or designee may issue a parking citation to the vehicle as provided herein, and as this chapter may be amended from time to time. The notice shall inform the vehicle owner of the nature of the violation, amount of fine for which the vehicle owner may be liable, instructions and due date for paying the fine, notice that the citation may be appealed by requesting an administrative hearing within 20 days after service of the citation, and that failure to appeal the citation within the 20 days shall constitute an admission of the violation and a waiver of the right to a hearing.
- (2) Civil fines shall be as established in section 1-7 unless specified.
- (3) A vehicle owner who has been served with a notice of violation shall elect either to :
  - a. Pay the civil penalty in the manner indicated on the citation; or
  - b. Request an administrative hearing before a hearing officer to appeal the citation.
- (4) An appeal for an administrative hearing shall be accomplished by filing a request in the manner indicated on the citation, not later than 20 days after the service of notice. The hearing shall be conducted in the same manner as provided section 101-55.
- (5) A vehicle owner that has been through the administrative hearing process, subsequent to a parking citation, may appeal the final ruling and decisions of the hearing officer of the city, to the circuit of the 11<sup>th</sup> Judicial Circuit of Dade County, Florida, within 30 days of the date of the final order being appealed. The city may charge the appellant a reasonable fee for preparation of the record for purposes of making the appeal.

Secs. 74-31—74-48. - Reserved.

### ARTICLE III. - STOPPING, STANDING AND PARKING<sup>21</sup>

Footnotes:

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**State Law reference**— Authority to regulate stopping, standing and parking, F.S. § 316.008(1)(a); stopping, standing and parking generally, F.S. § 316.1945 et seq.

### DIVISION 1. - GENERALLY

Sec. 74-49. - Parking on private or public property.

- (a) *Parking without permission.* It shall be unlawful for any person to park any motor vehicle, including trucks, passenger automobile, motorcycle, motorbike, motor scooter, or any other motor propelled

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vehicle, upon any privately-owned property, parking lot or driveway, or any publicly-owned property, parking lot or driveway, without the consent of the owner, lessee, tenant or other person entitled to manage or possess such premises, and, in the case of publicly-owned property, without the consent and permission of the city manager or designee. This subsection does not apply to motorized bicycles or electronic personal assistive mobility devices. In places where there is an implied ability to park, such as swales, if there is an emergency that impacts life safety, the city manager or designee can order the impounding of the vehicle at the expense of the vehicle owner with immediate notice. If an emergency is not present, the owner will be provided five days notice.

- (b) *Penalty.* Any person convicted of the violation of this section shall be punished as provided in section 1-7.
- (c) *Impounding.* It shall be the duty of any police officer of the city, in the case of publicly-owned property, to impound any vehicle parked in violation of the terms of this section and store the same. Upon conviction of the person violating this section, such person shall, in addition to the fine or sentence imposed, as hereinabove provided for, be required to pay the costs of impounding, transporting and storing such vehicle so parked in violation of this section.
- (d) *Presumption of operation.* Proof of ownership of a vehicle shall be presumptive evidence in any action for enforcement of this section that the owner parked or caused the vehicle to be parked on such premises.

(Code 1958, § 32-91.1; Code 1991, § 25-46; Code 2006, § 74-100; Ord. No. 1220, §§ 1—3, 2-28-1961; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-50. - Streets; obstruction of lanes of traffic, parking and loading/unloading.

- (a) It shall be unlawful for any driver to park or stop a vehicle so as to obstruct a lane of traffic in a commercial or mixed-use zone of the city.
- (b) The registered owner and/or driver of the vehicle shall be liable for the violation of this code section.
- (c) Nothing in this section is intended to remove the authority of the police department to cite the registered owner and/or driver of the vehicle under any pertinent section of Florida Statutes.
- (d) A violation of this section shall be considered a code enforcement matter. A citation for a violation of this section may be issued by a city police officer or anyone designated as a code enforcement officer for purposes of this section.
- (e) The registered owner and/or driver who has been issued a ticket must elect to either:
  - (1) ~~Pay a civil fine of \$100.00~~ Pay the penalty as provided in section 1-7; or
  - (2) Request an administrative hearing before a special master as set forth in art. VI, division 3 of the City Code of Ordinances.
- (f) Failure to pay the civil fine, or to timely request an administrative hearing before a hearing officer, shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.
- (g) Exemptions. Registered owners and/or drivers of the following types of vehicles shall be exempt from this section:
  - (1) City and other government vehicles;
  - (2) Emergency services vehicles;
  - (3) Vehicles owned by the United States Postal Service while engaged in mail delivery;
  - (4) School buses (public or private) while loading/unloading children;

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- (5) Transportation services for the elderly, disabled, or handicapped while loading or unloading passengers;
  - (6) Ridesharing services while loading/unloading passengers;
  - (7) Waste services vehicles; and
  - (8) Vehicles operated by medical services providers while loading/unloading passengers; and
  - (9) Armored vehicles.
- (h) The city, as well as its elected and appointed officials, employees, and agents, are immunized from civil or criminal liability for actions taken in accordance with this section.

(Ord. No. 2018-05, § 2, 1-23-2018)

### Sec. 75-51.- Stopping, standing, or parking prohibited in specified places

- (1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall :

(a) Stop, stand or park a vehicle:

1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
2. On a sidewalk;
3. Within an intersection;
4. On a crosswalk;
5. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings made by the City of the Department of Transportation;
6. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
7. Upon any bridge or other elevated structure upon a highway, causeway or within a highway tunnel, where parking is not provided for thereon;
8. On any railroad tracks;
9. On a bicycle path;
10. At any place where official traffic control devices prohibit stopping;
11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

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12. At any place where disabled access is provided, including, but not limited to: an access aisle adjacent to an accessible parking space, curb ramp, ramp, or accessible path of travel such as sidewalks and bicycle paths.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

1. In front of a public or private driveway;
2. Within fifteen (15) feet of a fire hydrant;
3. Within twenty (20) feet of a crosswalk at an intersection
4. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;
5. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when property sign-posted);
6. On an exclusive bicycle lane;
7. At any place where official traffic devices prohibit standing;
8. In a marked fire lane;

ii. (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers:

1. Within fifty (50) feet of the nearest rail of a railroad crossing, or bridge;
2. At any place where official signs prohibit parking;
3. Where otherwise prohibited by this Chapter.

Sec. 74-52. Parking prohibited at all times at certain places.

No person shall park a vehicle at any time on any of the following parks of streets, sidewalks or sidewalk areas, where signs are erected giving notice thereof:

- (1) In front of a theater entrance.
- (2) In front of the entrance or exit of a hotel.
- (3) In front of the entrance of any public building.

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### Sec. 74-53. Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets so marked by designation of the City.

### Sec. 74-54- Parking time limited on certain streets.

Where official signs are erected limiting the time for parking vehicles on certain streets or locations no person shall stop, stand, or park a vehicle for longer than the time specified by such traffic signs.

### Sec. 74-55. Schools, parking adjacent to.

When official signs are erected giving notice thereof, no person shall park upon either or both sides of any street adjacent to any school.

### Sec. 74-56. Narrow streets, parking on.

When official signs are erected prohibiting parking upon narrow streets, no person shall park a vehicle upon any such street in violation of any such sign.

### Sec. 74-57. Hazardous or congested places, parking near.

When official no-parking signs are erected at hazardous or congested places, no person shall stop, stand, or park any vehicle other than an authorized emergency vehicle in such designated place.

### Sec. 74-58. Passenger curb loading zones; time limit.

No person shall stop, stand or park a vehicle for any purpose or period of time except for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zones are effective, and then only for a period not to exceed five (5) minutes.

### Sec. 74-59. Freight curb loading zones; time limit; passenger use.

- (a) No person shall stop, stand or park a vehicle for any purpose or length of time other than the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during the hours when the provisions applicable to such zones are in effect. The stop for loading and unloading materials shall not exceed twenty (20) minutes except in specially marked "parcel truck" loading zones where the stop shall not exceed one (1) hour.
- (b) The driver of a vehicle may stop temporarily at a placed marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers, when such

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stopping does not interfere with any vehicle used for transportation of materials which is waiting to enter or about to enter such zone.

### Sec. 74-60 Restricted parking zones, use.

- (a) No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone for the purpose of parking in accordance with the purpose to which parking is restricted.
- (b) When official signs are erected designating a parking space, area or lot for restricted parking for authorized vehicles only, no person shall park an unauthorized vehicle in violation of such sign. By the word "authorized", it is meant that such vehicle bears an official decal provided by the City or that the vehicle is one of a class of vehicles given said authorization by the City to park in the space, are, or lot so designated.

### Sec. 74-61. Taxicab, and bus operators

The operator of a bus or taxicab shall not stop, stand or park upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while engaged in the expeditious unloading or loading of passengers.

### Sec. 74-62. Taxicab stands and bus stops; use by other than taxicabs and buses.

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and marked, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

### Sec. 74-63. Angle parking, obedience to signs.

Upon the streets which have been signed or marked for angle parking, no person shall stop, stand or park a vehicle in any manner other than at the angle to the curb or edge indicated by the signs or markings.

### Sec. 74-64. Valid vehicle license plate.

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All vehicles parked upon City streets shall have visible a valid license plate.

### Sec. 74-65 Parking with five or more outstanding unpaid parking citations

- (a) No person shall stop, stand or park a vehicle with five (5) or more outstanding unpaid parking citations issued by the City upon any City property, City street, right-of-way, or swale.
- (b) Penalty. Any violation of this section shall be punished as provided in Section 1-7.
- (c) Impounding. Any law enforcement officer or parking enforcement specialist who comes into contact with an unoccupied parked motor vehicle which he or she reasonably believe to be a vehicle parked in violation of this section , shall impound the vehicle and remove the vehicle to a facility designated by the City. Payment of any unpaid City parking citations and any and all impoundment fees as set by the City, shall be required prior to the release of any vehicle impounded under this section.

Secs. 74-~~66~~ 51—74-71. - Reserved.

### DIVISION 2. - PARKING METERS AND PARKING AREAS

#### ~~Sec. 74-72. Definitions.~~

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~General public use parking means any parking spaces developed by the city or privately developed pursuant to an approved entitlement with the city where the spaces are in excess of minimum parking requirements found in the zoning code (section 5-1409).~~

~~Operator means and includes every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner.~~

~~Parking area means any on-street parking lane, city-owned parking lot or parking garage, located in the city and dedicated to the use of parking vehicles.~~

~~Parking meter means any mechanical or electronic device used to regulate parking by collecting revenue in exchange for the right to park a vehicle in a particular place for a limited amount of time.~~

~~Vehicle means any device in, upon or by which any person or property is or may be transported into a parking area.~~

~~(Code 1958, § 32-188; Code 1991, § 25-81; Code 2006, § 74-12; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 2011-01, § 2, 1-11-2011)~~

#### Sec. 74-72~~3~~. - Authority of city manager to establish zones.

The city manager or designee is authorized and directed to establish zones to be known as parking meter zones upon any street, parking lot or garage as traffic conditions require. The city manager or designee shall cause parking meter zones to be designated as hereinafter provided, and shall fix the time limitations for legal parking in each zone.

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(Code 1958, § 32-189; Code 1991, § 25-82; Code 2006, § 74-128; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-734. - Rates; disposition of proceeds.

- (a) Rates for use of cash keys and metered parking spaces shall be as established in section 1-8.
- (b) Coins, bills and any other forms of payment received for use of any parking space as provided herein are hereby levied and assessed as fees to provide for the proper regulation and control of traffic upon the public streets and parking areas, and to cover the cost of the supervision, regulation, inspection, protection, installation, operation, maintenance, control and use of the parking spaces and parking meters described herein and also the cost of supervising and regulating the parking of vehicles in the parking meter zones created hereby.

(Code 1958, § 32-190; Code 1991, § 25-83; Code 2006, § 74-129; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-745. - Installation, control, operation; contract to purchase, etc.; authority of city manager.

- (a) The city manager or designee is hereby directed to provide for the installation, regulation, control, operation and use of the parking meters provided for in this division and to maintain the meters in good workable condition, and is hereby invested with power and authority to enter into a contract, after approval of the terms and conditions thereof by the commission, for the purchase or installation of parking meters, the payment for such meters or installation to be provided for from the receipts, funds and revenues obtained by the city from the operation of the parking meters, provided that such purchase or installation cost may be amortized using other city funds, if approved by the commission, over a period of not more than three years from the date of such purchase or installation. The city manager is further authorized and empowered to enter into a contract or contracts, after approval of the terms and conditions thereof by this commission, for such parts and maintenance of the parking meters as may be necessary to maintain the same in good operating condition, and to pay for such parts and maintenance exclusively from the receipts, funds and revenues received from the operation of the parking meters.
- (b) The city manager or designee may provide for parking by permit within any meter zone established as provided in section 74-73. Permits within meter zones may be paid through an annual or monthly fee or may be paid based on hours of use through an account activated by phone or online authorization. Fees charged for such permits must be consistent with rate schedules approved by the city commission.

(Code 1958, § 32-191; Code 1991, § 25-84; Code 2006, § 74-130; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-756. - Location, operation, etc.

Parking meters installed in parking meter zones established as provided in section 74-73 may be placed adjacent to on-street parking lanes, within city-owned parking lots or within city-owned garages. Each parking meter shall either display by signal that the parking space adjacent to such meter is or is not legally in use or provide a printed receipt showing the authorized parking time to be displayed on the vehicle's dash board, or allow the police department and parking enforcement officers to verify electronic payments associated with the vehicles license plate. ~~Each parking meter shall display or provide a receipt indicating legal parking for up to that period of time conforming to the limit of parking time which has been or may be established for that parking area or zone. Each meter or receipt provided shall be so arranged or displayed that upon the expiration of the legal parking time, it will indicate that the lawful parking period has expired.~~

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(Code 1958, § 32-192; Code 1991, § 25-85; Code 2006, § 74-131; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-~~767~~. - Parking space markings.

The city manager or designee may have lines or markings painted or placed in all parking areas for the purpose of designating the parking spaces for which the meter is to be used. Each vehicle parked alongside of or within the area covered by any parking meter shall park within the lines or markings so established. It shall be unlawful and a violation of this division to park any vehicle across any such line or marking or to park any vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.

(Code 1958, § 32-193; Code 1991, § 25-86; Code 2006, § 74-132; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-~~778~~. - Parking of vehicles in spaces.

When a parking space in any parking meter or parking area zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be alongside of and nearest to the parking meter or parking line marked on the street. When a parking space in any parking meter or parking area zone is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle directed at and nearest to such meter or curb or sidewalk.

(Code 1958, § 32-194; Code 1991, § 25-87; Code 2006, § 74-133; Ord. No. 1374, § 1, 12-10-1963)

Sec. 74-~~789~~. - Parking illegally; use of space; depositing slugs; tampering with meter.

- (a) When parking meters are erected giving notice thereof, no person shall stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by such parking meters. Upon payment of the appropriate charge, a vehicle may remain parked in a designated meter zone for a period up to the time limit established for that zone.
- (b) Every vehicle shall be parked wholly within the metered parking space or zone which the meter controls.
- (c) No person shall willfully deposit slugs, or non-legal U.S. tender in any parking meter.
- (de) No person shall willfully manipulate any parking meter or meter receipt in such a manner that the meter or receipt will fail to show the correct time of expiration before a violation occurs.
- (e) Violation of this section shall be punishable pursuant to section 1-7.

(Code 1958, § 32-195; Code 1991, § 25-88; Code 2006, § 74-134; Ord. No. 1071, § 126, 3-25-1958; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 2007-13, § 2, 3-13-2007; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-~~7980~~. - Making payment; violations of time limits.

When any vehicle shall be parked in any space alongside of or within a zone which a parking meter is located according to the provisions of this division, the operator of such vehicle shall, upon entering the parking space, immediately make payment or display a valid and activated permit issued by the parking

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department. The parking space may then be lawfully occupied by such vehicle for the period of time prescribed for that meter zone or permit. If the vehicle shall remain parked in any such parking space beyond the parking time limit fixed, such vehicle shall be considered as parked overtime and beyond the period of legal parking time in any such part of a street where any such meter is located and shall be in violation of this section and shall be punishable pursuant to section 1-7, division-

(Code 1958, § 32-196; Code 1991, § 25-89; Code 2006, § 74-135; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 2011-01, § 2, 1-11-2011)

### Sec. 74-80- Remaining parked.

No person shall park any vehicle or permit any vehicle to remain parked at any metered parking space without providing payment through the metered or electronic payment systems provided by the City.

### ~~Sec. 74-81. — Allowing vehicle to violate time limits.~~

~~It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of such person to be parked overtime or beyond the period of legal parking time established for any meter zone or permit program.~~

~~(Code 1958, § 32-197; Code 1991, § 25-90; Code 2006, § 74-136; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 2011-01, § 2, 1-11-2011)~~

### ~~Sec. 74-82. — Extending time prohibited.~~

~~It shall be unlawful and a violation of the provisions of this division for any person to deposit or cause to be deposited in a parking meter currency of the United States for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space adjacent to which the parking meter is placed.~~

~~(Code 1958, § 32-198; Code 1991, § 25-91; Code 2006, § 74-137; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 2011-01, § 2, 1-11-2011)~~

### Sec. 74-81~~3~~. - Entering or remaining in parking area space.

It shall be unlawful and a violation of the provisions of this division for any person to permit a vehicle to remain or be placed in any parking space or a parking area dedicated to permit parking, unless such vehicle clearly displays a permit indicating that the owner has paid for and secured a permit authorizing the parking of such vehicle in the parking area.

(Code 1958, § 32-199; Code 1991, § 25-92; Code 2006, § 74-138; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 2011-01, § 2, 1-11-2011)

### Sec. 74-82~~4~~. - ~~Notice of violation~~ Parking Citation; payment of penalty.

(a) It shall be the duty of parking enforcement specialists of the city, acting in accordance with instructions issued by the parking director, to issue citations for violations of this division that include the following information:

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- (1) The location of the vehicle or the number of each parking meter indicating that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of this division.
  - (2) The state and license number of such vehicle.
  - (3) The date and time at which such vehicle was found parked in violation of any of the provisions of this division.
  - (4) Any other facts, acknowledgement of which is necessary to a thorough understanding of the circumstances attending such violation.
- (b) Each parking enforcement specialist shall also attach to such vehicle a notice to the owner thereof that such vehicle has been parked in violation of a provision of this division.
- (c) The city manager or designee may in their sole discretion administratively void a parking violation upon a showing of good cause. Good cause may include, but is not limited to, confirmation of a meter malfunction, medical emergency, mechanical breakdown, or vehicle exemption.

(Code 1958, § 32-200; Code 1991, § 25-93; Code 2006, § 74-139; Ord. No. 1374, § 1, 12-10-1963; Ord. No. 2096, § 1, 5-14-1974; Ord. No. 2011-01, § 2, 1-11-2011)

### Sec. 74-835. - Parking meter bags.

- (a) The city manager or designee shall promulgate policies and procedures authorizing the issuance of parking meter bags or permits for the purpose of temporarily closing or restricting use of public metered spaces. The policy and procedures will define the process for application, administration and distribution.
- (b) Fees for use of the metered spaces shall be as established in section 1-8.
- (c) Any person who violates the terms and conditions under which a parking meter bag or permit is issued will be subject to fines for improper parking in a meter zone.
- (d) No person may fraudulently procure, alter or wrongfully utilize a bag or permit issued pursuant to the policies and procedures promulgated under this section.

(Code 1991, § 25-94; Code 2006, § 74-140; Ord. No. 3320, § 1, 4-21-1998; Ord. No. 2011-01, § 2, 1-11-2011)

### Sec. 74-846. - Signage and other requirements.

- (a) All pay stations and signage at privately-owned, metered surface parking lots shall be noticeably different in color, shape and markings than city pay stations.
- (b) All privately-owned, metered surface parking lots shall prominently display signs explaining that the lot is privately owned and citing sections 74-87 and 74-88.
- (c) The parking rate and hours of operation for the surface parking lot must be prominently displayed on signs clearly visible at the parking lot entrance and pay station. Signs must also include a phone number to contact the parking lot operator.

(Code 2006, § 74-141; Ord. No. 2016-17, § 2, 3-15-2016)

### Sec. 74-857. - Towing of vehicles in privately-owned, metered surface parking lots.

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- (a) No vehicle parked in a privately-owned, metered surface parking lot shall be towed unless the vehicle is parked in a way that blocks the ability of another parked vehicle to exit its designated space or blocks the entrance or exit to the surface parking lot.
- (b) A violation of subsection (a) of this section will result in the fines assessed against the lot's management company as provided in section 1-7.
- (c) A third violation may result in the revocation of the operator's business license, effectively disallowing the operation of the parking lot until the license is reinstated by the city manager. Such reinstatement may include the imposition of conditions.
- (d) Along with the prescribed fines, the operator shall also reimburse the patron for the cost of recovering the vehicle and any cost incurred by the patron in vehicle rental, taxicab service, ride-sharing service or public transportation, as a result of having his/her vehicle towed.

(Code 2006, § 74-142; Ord. No. 2016-17, § 2, 3-15-2016)

Sec. 74-868. - Booting of vehicles in privately-owned, metered surface parking lots.

- (a) Booting is only permitted when a vehicle has been stationed in a space in a privately-owned, metered surface parking lot for 60 minutes or more after the paid time has expired.
- (b) The operator or its agent shall respond within ten minutes of notification to remove the boot from the booted vehicle.
- (c) The maximum amount that an operator may charge for the removal of a boot is \$25.00.
- (d) Any lot that engages in booting shall provide the non-emergency police dispatch number on the signage required under section 74-86(b) and provide the city's parking and police departments with the ability to remove the boot if the operator or its agent fails to respond within ten minutes.
- (e) A violation of subsections (a) through (d) of this section will result in the fines assessed against the lot's management company as provided in section 1-7.
- (f) A third violation may result in the revocation of the operator's business license, effectively disallowing the operation of the parking lot until the license is reinstated by the city manager. Such reinstatement may include the imposition of conditions.

(Code 2006, § 74-143; Ord. No. 2016-17, § 2, 3-15-2016)

Sec. 74-879. - Waiver.

The city commission may waive sections 74-846 through 74-868 and enter into a separate agreement delineating specific rules and regulations with a private party.

(Code 2006, § 74-144; Ord. No. 2016-17, § 2, 3-15-2016)

Sec. 74-88- Parallel parking required.

- (a) Except where expressly designation, every vehicle stopped or parking upon a two-way roadway or swale, shall be parallel parked and so stopped or parked in the direction of authorized traffic movement.

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When so parked or stopped, a vehicle's right-hand wheels shall be parallel to and within twelve (12) inches of the right-hand curb or sidewalk where parking is permitted.

(b) Except where expressly designated, every vehicle stopped or parked upon a one-way roadway shall be parallel parked and so stopped or parked in the direction of authorized traffic movement with its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the roadway, or its left wheels within twelve (12) inches of the left-hand curb where parking is permitted.

(c) Angled parking is only permissible where designated by official sign or markings.

### Sec. 74-89.- Obstruction of traffic in public alleys in non-residential zones

No person shall park any vehicle in a public alley in an non-residential area in such a manner or under such conditions so as to leave available less than ten (10) feet of the width of the alley for free movement of vehicular traffic. Violation of this section shall be punishable pursuant to section 1-7.

### Sec. 74-90. – Parking prohibited for certain purposes.

(a) No person shall park a vehicle upon any road, street or public right-of-way, including the sidewalk and swale, located within the City, for the purpose of:

- (1) Displaying such vehicle for sale.
- (2) Greasing, or repairing such vehicle, except repairs necessary in an emergency.
- (3) Displaying advertising.
- (4) Selling merchandise from such vehicle except in a duly established market place, or when so authorized or licensed under this code.
- (5) storage or dead storage for more than twenty-four (24 Hours).

(b) Violation of this section shall be punishable pursuant to section 1-7.

Secs. 74-91~~0~~—74-106. - Reserved.

### DIVISION 3. - VALET PARKING

Sec. 74-107. - Regulations; limitations.

(a) Violations of this section shall be punishable as provided in section 1-7.

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- (b) It shall be unlawful for any person or company to provide, on a continuing basis, a parking service which uses public rights-of-way, or public or private parking spaces either for pick-up, delivery or storage of automobiles without first obtaining a valet parking permit pursuant to the regulations herein. Any vehicles valet parked outside of their assigned parking zone in any other on-street or off-street parking stalls or private property without the property owner's written authorization will be cited.
- (c) Valet parking permits may be obtained for the operation of valet parking services at any city licensed hotel, motel or restaurant.
- (d) Valet parking spaces cannot substitute for or be counted as off-street parking spaces as required by the zoning code or other applicable city codes.

(Code 1991, § 25-135; Code 2006, § 74-164; Ord. No. 3604, § 1, 11-12-2002; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-108. - Application and review procedures for permit.

- (a) Applications for a valet parking permit shall be made by the owner of the business for which valet parking services are to be provided or by that valet parking company providing the service. The application shall be submitted to the parking department on forms provided by the same department. A traffic plan must be submitted with the original application detailing the route to be followed between the pickup and delivery zones and the storage area.
- (b) If the operator of the valet parking service is a separate company from the business owner, the submitted application must include the valet company's city business tax receipt.
- (c) The application shall include the required information and fees as specified in section 74-109.
- (d) The city will require a certificate of insurance from each valet parking company (i.e., restaurant) requesting inclusion in the valet parking program.
  - (1) The required certificate of insurance is to be made available to risk management department located at 2801 Salzedo Street, 2nd floor.
  - (2) The insurance coverage shall include:
    - a. Garage liability with limits of \$1,000,000.00 per occurrence naming the city as an additional insured.
    - b. Garage keepers' legal liability of no less than \$50,000.00 each auto and \$250,000.00 aggregate.
    - c. Workers compensation: State statutory limits plus employers' liability limit no less than \$100,000.00 for death or injury to any one person, \$500,000.00 for personal injuries or deaths per occurrence and \$100,000.00 for damage or destruction of property.
    - d. Any other requirements as determined by the city attorney, or other city department.

Each permit holder must agree to keep this minimum liability coverage in effect for the duration of this agreement, as well as to provide the city with a new certificate 15 days before their policy renewal date.

- (e) The parking director shall review the application and may approve, approve with conditions, or deny the subject application. Permits shall be granted upon a showing that there will be compliance with the provisions of this division.
- (f) An appeal from the decision of the parking director on a valet parking application may be taken to the parking advisory board. The board shall have the authority to uphold or overrule the parking director's decision.

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(Code 1991, § 25-136; Code 2006, § 74-165; Ord. No. 3604, § 1, 11-12-2002; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-109. - Standards for service.

(a) *Evening time period valet parking.*

- (1) *Time provided.* Valet parking services will only be provided after 5:00 p.m. Monday through Saturday, and at any time on Sunday.
- (2) *Signage.* A temporary pole mounted valet parking information sign may be located in front of the business providing valet service only during the time the valet service is in operation. The parking department shall provide standards for valet parking signage including material used, height, size, color, lettering and categories of information to be displayed. No other signage shall be permitted in relation to valet parking.
- (3) *Pick-up/deliver zones.* A valet parking service may only pick up and deliver vehicles in the curb lane closet to the entrance to the establishment. The service may reserve on-street public metered parking spaces for the delivery and pick-up of vehicles if an adequate number of metered spaces are available. The maximum number of reserved parking spaces used for a pick-up/delivery zone shall be determined by the parking director. The valet parking permit application shall indicate the location of the reserved parking spaces. In no case may any vehicle be parked in excess of 15 minutes in any pickup and delivery zone-parking stall. The fee for such spaces shall be as established in section 1-8.
- (4) *Parking storage spaces.* The number and location of reserved off-site parking storage spaces must be identified as part of the application for a valet parking permit. The number and location of reserved off-site spaces shall be appropriate to serve the establishment. When the off-site parking spaces are located in a private parking facility a written agreement shall be submitted authorizing the use of the parking spaces from the property owner and must be submitted with the application. Parking spaces located in a private parking facility that are counted toward minimum parking requirements for another development may be used for storage upon a finding by the parking director that there is adequate capacity for valet storage. Public off street parking spaces may also be reserved for parking storage wherever public access is not compromised and subject to approval of the parking director. The fee for such spaces shall be as established in section 1-8.

(b) *Lunch time period valet parking.*

- (1) *Permit.* Valet parking permits for the lunch time defined as Monday through Saturday may be obtained in order to provide valet parking which uses public parking spaces as a pick-up or delivery zone for customer cars. The permittee must demonstrate a sufficient number of parking stalls are available to meet their vehicle storage requirements before a permit is issued. A restaurant can provide valet parking at any time without a permit if the pick-up and storage of cars is accomplished on their own property.
- (2) *Where available.* A lunchtime (Monday through Saturday) valet parking permit will be available from the city parking department.
- (3) *Regulations governing.* All regulations in this division will govern the provision of valet parking during the lunch time period with the following exceptions: Applicants must file an application and a certificate or letter specifically indicating the location and number of spaces available for storage of valet parked vehicles during the lunch time period. These spaces cannot include any on-street public parking spaces and may only include off-street public parking spaces where the parking director has determined public access will not be compromised. Parking spaces located in a private parking facility that are counted toward minimum parking requirements for another development may be used for storage upon a finding by the parking director that there is adequate capacity for valet storage. The approval of the application is at the discretion of the parking director.

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- (c) *Valet parking permit fees.* Fees in the amount established in section 1-8 shall be paid to the parking department for valet parking permits.
- (1) *Security deposit.* A security deposit equal to the monthly cost for reserved spaces shall be paid at the time the parking permit is obtained.
  - (2) *Failure to pay monthly fee.* Failure to pay the monthly fee to the parking department by the tenth day after the end of the previous month may result in immediate suspension or revocation of the valet parking permit.

(Code 1991, § 25-137; Code 2006, § 74-166; Ord. No. 3604, § 1, 11-12-2002; Ord. No. 2006-10, § 1, 5-23-2006; Ord. No. 2011-01, § 2, 1-11-2011)

### Sec. 74-110. - Procedures and penalties for violation.

The parking director or his or her designee may inspect the operation of any valet parking service and may issue warnings to the establishment that the service is in violation of the regulations contained herein or is in violation of other provisions of the zoning code. Failure to correct violations may result in the parking director suspending or terminating a valet parking service permit. The parking director shall have the authority to review, modify and/or suspend a previously issued valet parking permit if there is evidence that the operation is in violation of city code provisions or has caused a hardship in the vicinity.

- (1) *First violation or violations.* The parking director or designee, or the appropriate department, including the police department, may issue a citation to the restaurant owner and/or the valet parking operator, detailing the violations, citation number or numbers, and the license plate or plates of vehicles parking in violation, and the amount of the fine, and a warning that a second date of violation within a six-month period will result in the owner and valet parking operator being required to make an appearance before the parking advisory board, which shall act in accordance with the provisions provided herein.
- (2) *Second violation and/or violations occurring within a six-month period.* A citation or citations will be issued via a certified letter to the owner and the valet parking operator detailing the violations, citation numbers, and the license plates of vehicles parking in violation, and the amount of fine. The owner and valet parking operator shall be required to appear before the parking advisory board at the next regularly scheduled meeting, and may be subject to suspension or further conditions of valet parking privileges for a period deemed appropriate by the board, with the understanding that the owner, operator or their designee's failure to appear may result in the restaurants being terminated, removed or suspended from participation in the valet parking program. Once suspended under the provision of this section, the owner and operator shall be prohibited from further valet parking from any location unless approved by the parking advisory board upon applying for reinstatement.
- (3) *Third violation and/or violations occurring within a six-month period.* A citation or citations will be issued via certified letter to the owner and the valet parking operator, detailing the violations, citation numbers, license plates of vehicles parking in violation and the amount of fine. The owner and valet parking operator are required to make an appearance before the parking advisory board at their next regularly scheduled meeting, and may be subject to suspension, removal or termination from the valet parking program for a period deemed appropriate by the board with the understanding that the owner and/or valet parking operators or his or her designee's failure to appear may result in complete termination of privileges to participate in the valet parking program. Any valet parking participant suspended for a period longer than 30 days may reapply for valet parking participation through the parking advisory board at the next regularly scheduled meeting.

(Code 1991, § 25-138A; Code 2006, § 74-167; Ord. No. 3604, § 1, 11-12-2002; Ord. No. 2011-01, § 2, 1-11-2011)

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### Sec. 74-111. - Violations appeal procedures; rights and remedies; supplemental provisions.

The decision of the parking director or designee to suspend, review or modify previously issued valet parking permits may be appealed to the parking advisory board within ten days of the issuance of a written decision by the parking director or his or her designee. If the parking director or his or her designee finds a violation of this article:

- (1) The parking director or designee may issue a notice of violation to the violator (valet company operator in violation of the division) as provided herein, and as this division may be amended from time to time. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator may be liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing within 20 days after service of the notice of violation, and that failure to appeal the violation within the 20 days shall constitute an admission of the violation and a waiver of the right to a hearing.
- (2) Civil fines shall be as established in section 1-7.
- (3) A violator who has been served with a notice of violation shall elect either to:
  - a. Pay the civil penalty in the manner indicated on the notice, and correct the violation within the time specified; or
  - b. Request an administrative hearing before a hearing officer to appeal the determination of the director or his or her designee that resulted in the issuance of the notice of violation.
- (4) An appeal for administrative hearing shall be accomplished by filing a request in writing to set the hearing before the hearing officer for review and mailed to the parking director or his or her designee or to the address indicated on the notice, not later than 20 days after the service of notice. The hearing shall be conducted in the same manner as provided in section 101-55.
- (5) If the named violator, after notice, fails to pay the civil penalty and correct the violation (within the time specified), or to request, in a timely manner, an administrative hearing before the hearing officer, such failure shall constitute a waiver of the violator's right to an administrative hearing before a hearing officer. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and penalties may be assessed accordingly.

(Code 1991, § 25-138B; Code 2006, § 74-168; Ord. No. 3604, § 1, 11-12-2002; Ord. No. 2011-01, § 2, 1-11-2011)

### Sec. 74-112. - Vehicle removal.

- (a) Whenever appropriately ascertained that a vehicle is unlawfully parked in a properly bagged or decaled valet designated pickup and delivery zone said vehicle may be removed through tow and stored at owner's expense.
- (b) Only the vendor "tow company" selected by the city to provide a tow service from on-street and off-street city parking stalls is authorized to be used by any users, including valet parking companies. The use of any other tow company to service these locations will constitute a violation of this division.
- (c) Responsibility and liability for vehicle removal and storage shall be the sole province of the valet parking company requesting such removal.

(Code 1991, § 25-139; Code 2006, § 74-169; Ord. No. 3604, § 1, 11-12-2002; Ord. No. 2011-01, § 2, 1-11-2011)

### Sec. 74-113. - Parking advisory board.

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In addition to the responsibility specified in section 74-108(f), the parking advisory board, upon the request of the parking director, may review and advise upon general standards for valet parking signage, key storage, as well as number and location of reserved off-site parking storage spaces.

(Code 1991, § 25-140; Code 2006, § 74-170; Ord. No. 3604, § 1, 11-12-2002; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-114. - General standards; appeals.

- (a) The parking advisory board, upon the request of the parking director, may review and advise upon general standards for valet parking, signage, and key storage, as well as number and location of reserved off-site parking storage spaces.
- (b) An appeal from the decision of the parking director on a valet parking application may be taken to the parking advisory board by the applicant. The board shall have the authority to uphold or overrule the parking director's decision.
- (c) The decision of the parking director or designee to suspend, review or modify previously issued valet parking permits may be appealed to the parking advisory board within ten days of the issuance of a written decision by the parking director or his or her designee.

(Code 1991, § 25-142; Code 2006, § 74-171; Ord. No. 3528, § 1, 9-25-2001; Ord. No. 2011-01, § 2, 1-11-2011)

Secs. 74-115—74-141. - Reserved.

### DIVISION 4. - PARKING BY PERMIT ONLY

Sec. 74-142. - Signs.

When signs authorized by the parking director are erected prohibiting parking in a place designated by permit only, it shall be a violation for any person to stop, stand or park a vehicle in such designated area without a proper permit.

(Code 2006, § 74-194; Ord. No. O-2004-15, § 2, 3-23-2004; Ord. No. 2005-16, § 2, 7-12-2005; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-143. - Residential decal parking program.

- (a) The city manager or designee shall designate a residential decal program area and shall designate certain parking spaces therein as being subject to the provisions of the program. In carrying out the provisions of this division, the city manager or designee shall designate only those residential areas where the incursion of vehicles assimilating parking accommodation, and whose owners reside outside of said residential area, create an unacceptable shortage of parking availability for area residents and/or their guests or visitors. Residents within an area designated by the parking director may petition the parking department for creation of a residential parking zone. If the petition is signed by a majority, one more than 50 percent of the property owners within the designated zone, the parking director will determine whether the designated area qualifies for inclusion in the residential decal program.
- (b) Where meters are installed in front of a mixed use development with residential units, multifamily residential properties, or on an arterial street that passes through a residential neighborhood, the city manager or designee may create a residential permit program that allows residents to obtain permits

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to park at meters adjacent to such residential properties. The city manager or designee may in their sole discretion create reasonable rules for use of such permits.

- (c) The parking director or his or her designee shall install signage in the program area. The signs shall indicate the parking restrictions for the designated space.
- (d) During the hours of enforcement, parking enforcement officers or police officers shall be authorized to issue parking citations to all vehicles parked in a designated space that do not display a proper program decal or hang tag.
- (e) During the hours of enforcement, no person shall park a vehicle in a program area designated space unless such vehicle displays a current program decal or hang tag.
- (f) Program decals and hang tags shall be purchased from the parking department for the annual fee set for each residential permit program area in section 1-8. The fee for the refund of a permit shall be as established in section 1-8.
- (g) The residents of each dwelling unit located within a program area will be eligible to buy annual program decals. Program decals shall be purchased upon the presentation of current motor vehicle registration, current driver's license, and either a current utility bill or a copy of a fully executed lease for property located within the program area, all of which shall be in the name of the person acquiring the program decal. All documentation listed herein shall reflect an address within the program area boundaries.
- (h) Visitor hang tags shall be available from the parking department for residential permit areas established under subsection (a) of this section. Residents in a program area shall be entitled to four free visitor hang tags per year. Additional visitor hang tags shall be available for a maximum of 30 days per issuance for a fee, as established.
- (i) A contractor serving a residential address within a program area established under subsection (a) of this section shall be eligible to obtain a free visitor hang tag from the parking department.

(Code 2006, § 74-195; Ord. No. O-2004-15, § 2, 3-23-2004; Ord. No. 2005-16, § 2, 7-12-2005; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-144. - Penalty.

All persons found in violation of this division shall be punished as provided in section 1-7.

(Code 2006, § 74-196; Ord. No. O-2004-15, § 2, 3-23-2004; Ord. No. 2005-16, § 2, 7-12-2005; Ord. No. 2011-01, § 2, 1-11-2011)

Secs. 74-145—74-171. - Reserved.

### DIVISION 5. - PARKING REPLACEMENT ASSESSMENT

Sec. 74-172. - Generally.

- (a) *Purpose.* The parking replacement assessment is established for the purpose of developing and maintaining adequate public parking within the city. Funds generated by this assessment shall be used to develop additional public parking owned and operated by the city.
- (b) *Lost spaces within the right-of-way.* Any new construction, addition, alteration or rehabilitation that results in the loss of public parking within the right-of-way requires payment of replacement costs as established.

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- (1) Replacement costs must be paid for all parking spaces lost to provide ingress and egress to a development, restrictive signage for a development, streetscape improvements adjacent to a development and/or any other permitted use of the parking right-of-way.
    - a. Any development that provides parking on-site will be allowed up to 22 feet, as established in zoning code section 5-1402(c)(2)(a), of curb space to provide ingress and egress to the parking facility without assessment.
    - b. Any restrictive use of the parking right-of-way or signage must be approved by the parking director and the public works director or their designees.
  - (2) Development including attainable housing may be permitted a reduction in the parking assessment fee as provided in the zoning code or section 1-8.
  - (3) When an on-street parking space abutting a development is lost solely to meet an established streetscape master plan or traffic improvement required by the city or other governmental entity, the parking replacement assessment for that space shall be reduced by 50 percent.
- (c) *Existing annual payments.* Where an abutting property owner is making an annual payment for lost parking meter revenue pursuant to prior ordinance, the property owner may terminate that payment at any time by paying the parking replacement assessment provided for in this division.
- (d) *Payment in lieu.* Any new construction, addition, alteration or rehabilitation on property within 100 feet of the Ponce de Leon right-of-way or within the central business district (CBD) that creates or increases off-street parking requirements under zoning code section 5-1409 may propose satisfying those requirements for off-street parking by providing a payment-in-lieu as established section 1-8 as follows:
- (1) Where the new construction, addition, alteration, or rehabilitation creates a demand for off-street parking of 15 or fewer parking spaces;
  - (2) For new construction, additions, alterations or rehabilitations that create an off-street parking demand greater than 15 spaces, a developer may propose a payment-in-lieu to satisfy the requirement for ten percent of the next 500 off-street parking spaces required. Acceptance of payment-in-lieu to satisfy parking requirement is at the discretion of the city parking director or designee. When reviewing development plans that propose a payment-in-lieu, the parking director or designee will consider any relevant information, including the existing supply of parking spaces within 600 feet of the project, current parking occupancies, plans for construction or expansion of public parking facilities and proposed use of public or alternative transportation; or
  - (3) Where a development abuts a street served by the Coral Gables Trolley, any permitted payment-in-lieu shall be reduced by 25 percent.

(Code 2006, § 74-201; Ord. No. 2011-01, § 2, 1-11-2011)

### Sec. 74-173. - Payment of fee.

The parking replacement assessment of payment-in-lieu shall be satisfied by a one-time payment prior to the issuance of a building permit. The assessment will be paid in the amount established in section 1-8.

(Code 2006, § 74-202; Ord. No. 2011-01, § 2, 1-11-2011)

### Sec. 74-174. - Deposit of funds.

Funds generated by the parking replacement assessment program shall be deposited into a city account specifically established for parking development reserves. The funds may be used to acquire

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property or pay for capital improvement, development and construction costs for any public parking facility.

(Code 2006, § 74-203; Ord. No. 2011-01, § 2, 1-11-2011)

Secs. 74-175—74-201. - Reserved.

### DIVISION 6. - PUBLIC USE SPACES WITHIN A PRIVATE DEVELOPMENT

Sec. 74-202. - General public use parking.

Where a developer provides public parking within a private development in excess of zoning code (section 5-1409) requirements pursuant to an agreement with the city, such parking spaces shall be dedicated to general public use as defined herein and managed pursuant to this chapter.

(Code 2006, § 74-206; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-203. - Allocation of spaces.

Spaces within private developments dedicated to general public use pursuant to any agreement with the city must be managed and used as public parking spaces for the benefit of all surrounding uses and the general public. The city may allocate any dedicated spaces between short-term parking, permit parking and valet at its sole discretion. This allocation may be changed by the city at any time upon 90 days' written notice.

(Code 2006, § 74-207; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-204. - Rates.

Where such public parking spaces are allocated to short-term parking, the hourly rate may not exceed the hourly rate in comparable public parking facilities within the city. Where such public parking spaces are allocated to permit parking, monthly permit rates may not exceed the maximum monthly rate that is charged in comparable public parking facilities within the city. Discounts are allowed for permit bulk purchases but any discount program must be applied consistently.

(Code 2006, § 74-208; Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-205. - Operating standards.

- (a) Spaces within private developments dedicated to the use and benefit of the general public have a significant impact on the continued development and vitality of business districts within the city. The city has a vested interest in the management and operation of these spaces and requires the following minimum operating standards:
- (1) The exterior and interior of the facility must be identified with public parking signs that are consistent with signs in use by the city to identify a public parking facility. In addition, the hours of operation and parking rates must be posted at the entrance.
  - (2) Interior signage must provide patrons with clear indications of traffic patterns, ingress and egress locations, short-term parking, permit parking and restricted parking areas.

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- (3) The minimum hours of operations are 7:00 a.m. to 12:00 midnight Sunday through Saturday. During all hours of operation, staff must be provided to monitor the garage and assist patrons as needed.
  - (4) To ensure such public parking spaces are well maintained, the parking facility manager must provide the city parking director with documentation of an ongoing preventative maintenance program for the public parking spaces. This maintenance program must provide for daily cleaning schedules to remove trash and debris, to clean ingress and egress areas, and to ensure the overall cleanliness of the public parking spaces. In addition, the parking facility manager must provide inspection, preventative maintenance and repair schedules for fixtures, mechanical systems, lighting systems, equipment, finishes and structural systems pertaining to the public parking spaces.
- (b) In general, the public parking spaces must be managed in a commercially reasonable and responsible manner for the benefit of the general public. Patron comfort is greatly improved when a parking facility is clean, well-lit and in good repair.

(Code 2006, § 74-209; Ord. No. 2011-01, § 2, 1-11-2011)

### Sec. 74-206. - Audit rights.

Any parking facility within a private development that contains spaces dedicated to general public use must provide to the city parking director revenue and traffic reports on a quarterly basis that summarize public parking space usage for both short-term and permit parking. These reports are to be submitted in a form acceptable to the city parking director or other staff assigned by the city. In addition, the city may inspect the parking facility, review garage operations with the facility manger, review management records or any other documents related to the operation of the public parking spaces within the parking facility at any time during normal working hours.

(Code 2006, § 74-210; Ord. No. 2011-01, § 2, 1-11-2011)

### Sec. 74-207. - Penalty.

All persons found in violation of this division shall be subject to a civil fine as established in section 1-7.

(Code 2006, § 74-211; Ord. No. 2011-01, § 2, 1-11-2011)

Secs. 74-208—74-237. - Reserved.

## ARTICLE IV. - BICYCLES

### Sec. 74-238. - Parking in business district.

- (a) Bicycles, when parked in the business district, shall be parked in zones or places designated and marked for that purpose. It shall be unlawful for any person to park any bicycle along buildings in such a manner as to interfere with pedestrians, or along roadways where they may interfere with traffic, or with persons getting into or out of motor vehicles.
- (b) No person other than the owner or operator shall move, or in any manner interfere with, any bicycle properly parked, nor shall any person interfere or in any manner hinder any person from properly parking a bicycle, except that members of the police department and fire department may move, or in proper cases, prevent the parking of the bicycle, when, in the judgment of the police officer or firefighter, his or her action is necessary in order to properly safeguard persons or property.

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(Code 1958, § 32-201; Code 1991, § 25-111; Code 2006, § 74-213; Ord. No. 1950, § 1, 12-14-1971)

Secs. 74-239—74-269. - Reserved.

### ARTICLE V. - WRECKER SERVICE

Sec. 74-270. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned vehicle* means any motor vehicle without a legal or current tag that is parked on public or private property or is known as a junked motor vehicle.

*CGPD* means the Coral Gables Police Department.

*Decal* means an identifying sticker issued by the licensing administrator and appropriate for display in the lower left corner of the front window of a towing vehicle or equipment or car carrier used by a person licensed under this article.

*Express instruction* means a clear, definite and explicit request, made in writing by:

- (1) A police officer to recover, tow, remove or store a specific and individual vehicle that is disabled or abandoned or parked without authorization, or whose operator is unable or unwilling to remove the vehicle;
- (2) A property owner or duly authorized agent of the property owner to recover, tow, remove or store a specific and individual vehicle parked without permission of the property owner; however, such property owner or agent shall not be the person requested to recover, tow, remove or store the vehicle or an employee or agent thereof; or
- (3) By telephone, in person or in writing by a vehicle owner or the authorized driver to recover, tow, remove or store a specific and individual vehicle that is in the lawful control of the vehicle owner or authorized driver requesting the towing service. Where the property owner is a government entity, the property owner or an employee or agent thereof may be the same person requested to recover, tow, remove or store the vehicle.

Every request made in writing or in person must indicate the date and time of the instruction and must be signed by the police officer, the property owner or agent, or the vehicle owner or authorized driver in the presence of the person providing the requested service. Every request made by telephone must also be documented with the date and time of the call.

*Industry* means the business of recovering, towing or removing vehicles and providing such vehicle storage services as may be associated therewith.

*Junked vehicle* means a motor vehicle with major or severe damage that prevents such vehicle from being legally driven on a public roadway or a vehicle having no value or nominal salvage value.

*License* means the certificate or document which allows a person to engage in the city in the activity of recovering, towing, removing and storing of vehicles for compensation. As used in this article, the term "license" shall not mean the city business tax receipt or county business tax receipt

*Licensing administrator* means the city manager or his or her designee.

*Mechanically incapacitated vehicle* means any wrecked, inoperative or partially dismantled motor vehicle or a motor vehicle temporarily undergoing major repairs.

*Operate* means to provide for compensation the services of recovering, towing or removing vehicles and any vehicle storage services associated therewith.

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*Operator* means any person who provides for compensation the services of recovering, towing or removing vehicles and any vehicle storage services associated therewith.

*Personnel authorized by the CGPD* means enforcement personnel authorized by the police chief and presenting valid identification.

*Property owner* means that person who exercises dominion and control over real property, including, but not limited to, the legal title-holder, lessee, designated representative of a condominium association or any person authorized to exercise dominion and control over real property; however, the term "property owner" shall not mean or include a person providing towing services within the purview of this article or article III of this chapter. All government entities providing their own towing services may be property owners for purposes of this article.

*Recover* means to take possession of a vehicle and its contents and to exercise control, supervision and responsibility over the vehicle.

*Regulation* means a rule, the violation of which is sufficient grounds for fines, suspension or revocation of a towing license.

*Remove* means to change the location of a vehicle by towing.

*Revoke* means to annul and make void the license of a person engaged in the business of providing towing services.

*Store* means to place and leave a towed vehicle at a location or facility where the person providing the towing service exercises control, supervision and responsibility over the vehicle. The storage facility must be securely fenced or locked for the protection of vehicles and property.

*Tow* means to haul, draw or pull a vehicle by means of another vehicle equipped with booms, car carriers, winches or similar equipment.

*Trade name* means any name under which a person, corporation, partnership, association, firm or any other entity operates its business.

*Vehicle* means an automobile, truck, bus trailer, semi-trailer, truck, tractor, semi-trailer combination, or recreational unit primarily designed as temporary living quarters which either has its own motive power or is mounted on or drawn by another vehicle, or any other mobile item using wheels and being operated on the roads located within the city, which is used to transport persons or property and is propelled by power other than muscular power; provided, however, that the term "vehicle" does not include mopeds, traction engines, road rollers or vehicles which run only upon a track.

(Code 1991, § 16-156; Code 2006, § 74-237; Ord. No. 3597, § 1(16-156), 10-8-2002)

### Sec. 74-271. - Penalties.

Any person who violates any of the provisions of this article shall be punished as provided in section 1-7.

(Code 1991, § 16-157; Code 2006, § 74-238; Ord. No. 3597, § 1(16-157), 10-8-2002)

### Sec. 74-272. - Regulatory scope.

This article is limited to the regulation of nonconsensual towing services that occur when a motor vehicle is recovered, towed, or removed from a private property without the consent of the registered owner or other legally authorized person in control of that vehicle. This article does not regulate consensual towing services that occur when the owner of a vehicle, or legally authorized person in control of that vehicle, expressly requests towing services to be provided by a specific wrecker company and enters a private contract with the wrecker company for such services.

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(Code 1991, § 16-163; Code 2006, § 74-245; Ord. No. 3597, § 1(16-163), 10-8-2002)

Sec. 74-273. - Authority.

This article is enacted pursuant to municipal power to establish and enforce business regulations necessary for the protection of the public and as authorized by F.S. § 715.07.

(Code 1991, § 16-164; Code 2006, § 74-246; Ord. No. 3597, § 1(16-164), 10-8-2002)

Sec. 74-274. - Purpose.

The purpose of this article is to adopt the minimum standards of state law for wrecker companies that provide nonconsensual towing, towing recovery, removal or storage of motor vehicles from private property.

(Code 1991, § 16-165; Code 2006, § 74-247; Ord. No. 3597, § 1(16-165), 10-8-2002)

Sec. 74-275. - Adoption of state law.

All wrecker companies that provide nonconsensual towing, recovery, removal or storage of motor vehicles from private property, shall comply with the provisions of state law in regard to the nonconsensual towing, recovery, removal or storage of motor vehicles as provided in F.S. §§ 713.78 and 715.07 as the law may apply to wrecker companies that provide nonconsensual towing, recovery, removal or storage of motor vehicles from private property.

(Code 1991, § 16-166; Code 2006, § 74-248; Ord. No. 3597, § 1(16-166), 10-8-2002)

Sec. 74-276. - Wrecker classifications and requirements.

- (a) *Wrecker classifications.* Wrecker companies operating within the city shall be comprised of the following classifications:
- (1) *Class A wrecker.* The requirements for a Class A wrecker shall be as follows:
    - a. Commercially manufactured unit with a rated capacity of not less than 10,000 pounds, gross vehicle weight (GVW), documentation from the dealer or manufacturer supporting the changes must be provided.
    - b. Cab to axle dimension of not less than 56 inches.
    - c. Dual rear wheels.
    - d. Commercially manufactured hydraulic boom with a minimum total winching capacity of 8,000 pounds.
    - e. Hydraulically operated winch or winches with a minimum total winching capacity of 8,000 pounds.
    - f. One hundred feet of three-eighths-inch steel core cable winch.
    - g. Hydraulically operated wheel lift with retracted rating of not less than 3,500 pounds and an extended rating of not less than 2,000 pounds.
    - h. Tow sling or tow bar with a safe lift rating of 3,500 pounds.
    - i. Two three-eighths-inch high-test safety chains.
    - j. Dolly equipped.

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- k. One motorcycle sling.
  - l. Four-way lug wrench.
  - m. One pair of jumper cables.
  - n. Air tank.
  - o. Tire plug kit to fix flat tires.
- (2) *Class A slide back car carrier.* The requirements for a Class A slide back car carrier shall be as follows:
- a. Commercially manufactured unit, with a rated capacity of not less than 14,500 pounds, GVW.
  - b. Cab to axle dimension of not less than 102 inches.
  - c. Dual rear wheels.
  - d. Seventeen feet or longer hydraulically operated slide back or tilt bed.
  - e. Hydraulically operated winch or winches with a minimum total winching capacity of 8,000 pounds.
  - f. Sixty-five feet of three-eighths-inch steel core cable per winch.
  - g. Two tie-down chains, each ten feet in length.
  - h. Four-way lug wrench.
  - i. One pair of jumper cables.
- (3) *Class B wrecker.* Requirements for a Class B wrecker shall be as follows:
- a. Commercially manufactured unit, with a rated capacity of not less than 18,000 pounds, GVW, according to the manufacturer's identification plate. Any modifications to increase GVW must be documented by the dealer or manufacturer.
  - b. Cab to axle dimension of not less than 84 inches.
  - c. Commercially manufactured boom or booms with a minimum total capacity of 24,000 pounds.
  - d. Hydraulically operated winch or winches with a minimum total winching capacity of 24,000 pounds.
  - e. Two hundred feet of one-half-inch steel core cable for each winch.
  - f. Hydraulically operated under reach with a retracted rating of not less than 10,500 pounds and an extended rating of not less than 8,500 pounds.
  - g. Two five-sixteenths-inch alloy safety chains.
  - h. Tow bar or tow-sling equipped.
  - i. Two snatch blocks, minimum of 8,000-pound capacity for each.
  - j. Two scotch blocks.
  - k. Brake lock.
  - l. Six to eight feet of extra towing chain with hooks, minimum 5,000-pound capacity.
  - m. Four-way lug wrench.
  - n. One pair of jumper cables.
- (4) *Class B slide back car carrier.* The requirements for a Class B slide back car carrier shall be as follows:

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- a. Commercially manufactured unit, with a rated capacity of not less than 20,000 pounds, GVW, according to the manufacturer's identification plate. Any modifications to increase the GVW must be documented by the dealer or manufacturer.
  - b. Cab to axle dimension of not less than 138 inches.
  - c. Dual rear wheels.
  - d. Twenty feet or longer hydraulically operated slide back or tilt bed.
  - e. Hydraulically operated winch or winches with a minimum total winch capacity of 8,000 pounds.
  - f. Sixty-five feet of three-eighths-inch steel core cable.
  - g. Two tie down chains, each ten feet in length.
  - h. One snatch block, minimum 8,000-pound capacity.
  - i. Four-way lug wrench.
  - j. One pair of jumper cables.
  - k. Commercial nonrestricted license plate.
- (5) *Class C wrecker.* The requirements of a Class C wrecker are as follows:
- a. Commercially manufactured unit, with a rated capacity of not less than 30,000 pounds, GVW, according to the manufacturer's identification plate. Any modification to increase GVW must be documented by the dealer or manufacturer.
  - b. Cab to bogey dimension of not less than 144 inches.
  - c. Commercially manufactured boom or booms with a minimum total capacity of 50,000 pounds.
  - d. Hydraulically operated winch or winches with a minimum total winching capacity of 50,000 pounds.
  - e. Two hundred feet of five-eighths-inch steel core cable per winch.
  - f. Hydraulically operated under reach with a retracted rating of not less than 25,000 pounds and an extended rating of not less than 12,000 pounds.
  - g. Rear support jacks or outriggers.
  - h. Two one-half-inch alloy safety chains.
  - i. Tow bar or tow-sling equipped.
  - j. External air hookup and minimum hoses to supply air to disabled vehicles.
  - k. Two snatch blocks, minimum 24,000-pound capacity for each.
  - l. Two scotch blocks.
  - m. Spring brake air lock.
  - n. Six to eight feet of extra towing chain with hooks, minimum 4,000-pound capacity.
- (6) *Class D wrecker.* The requirements for a Class D wrecker are as follows:
- a. Commercially manufactured unit, with a rated capacity of not less than 52,000 pounds, GVW, according to the manufacturer's identification plate. Any modification to increase GVW must be documented by the dealer or manufacturer.
  - b. Cab to bogey dimension of not less than 180 inches.
  - c. Commercially manufactured boom or booms with a minimum total capacity of 70,000 pounds.

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- d. Hydraulically operated winch or winches with a minimum total winching capacity of 70,000 pounds.
  - e. Two hundred feet of three-fourths-inch steel core cable per winch.
  - f. Hydraulically operated under reach with a retracted rating of not less than 45,000 pounds and an extended rating of not less than 12,000 pounds.
  - g. Rear support jacks or outriggers.
  - h. Two one-half-inch alloy safety chains.
  - i. Tow bar or tow-sling equipped.
  - j. External air hookup and minimum hoses to supply air to disabled vehicles.
  - k. Two snatch blocks, minimum 24,000-pound capacity for each.
  - l. Spring brake air lock.
  - m. Two scotch blocks.
  - n. Six to eight feet of extra towing chain with hoods, minimum 4,000-pound capacity.
- (b) *Required equipment for each wrecker.* The required equipment for each wrecker is as follows:
- (1) At least one heavy-duty push broom.
  - (2) Flood lights on hoist to illuminate scene at night.
  - (3) One shovel.
  - (4) One axe.
  - (5) One pinchbar, prybar or crowbar.
  - (6) Each Class A wrecker shall have dollies.
  - (7) Minimum of one four-pound carbon dioxide fire extinguisher or similar approved extinguisher.
  - (8) Two red flags at least 12 inches square.
  - (9) Six flambeaux or six 30-minute road fuses.
  - (10) Six traffic cones (day-glow orange, 24 inches high).
  - (11) Cutting torch readily available within 15 minutes of request by CG Fire or CGPD.
  - (12) Amber lights installed on the front, rear and on each side and a revolving beacon light mounted on top of the wrecker.
  - (13) Wreckers must be kept in a presentable condition and equipped with fenders.
  - (14) All wreckers utilized by the towing company must be painted with the same color and the name of the company and must be printed with visible lettering and an identification number on both sides of the wrecker. Each wrecker shall be identified by individual number. The city shall be provided with a current list of assigned numbers.
  - (15) Suitable storage area for perishables and valuable items obtained or secured from wrecked or impounded vehicles.
  - (16) Minimum of 50 pounds of sand.
  - (17) Two-way radio.
  - (18) Proper safety lights.
  - (19) One set of three reflectors.
  - (20) First aid kit—Minimum 16 units.

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- (21) Such other equipment as deemed necessary by the city.
- (22) City decal.

(Code 1991, § 16-157.1; Code 2006, § 74-239; Ord. No. 3597, § 1(16-157.1), 10-8-2002)

Sec. 74-277. - License required for city-initiated towing services; prohibition.

- (a) The issuance of this license pursuant to this article is separate and apart from and supplemental to any county or municipal business tax receipt. This license shall be characterized as a regulatory license and not a revenue license.
- (b) Nothing in this section shall be construed to mean that a natural person cannot work or a business enterprise cannot operate without the license required for city-initiated towing services. There is no requirement that employees or agents of such business enterprises apply for and obtain the license issued under this section. A business enterprise cannot claim employees or agents as independent contractors to avoid the requirement that the business enterprise itself apply for, obtain, and maintain a license.

(Code 1991, § 16-158; Code 2006, § 74-240; Ord. No. 3597, § 1(16-158), 10-8-2002)

Sec. 74-278. - Selection and application for towing license for city-initiated towing services; fees.

- (a) Towing or wrecker companies providing city-initiated towing services shall be selected by a duly advertised request for proposals or requests for qualifications, as determined by the city commission by resolution. As part of the request for proposal or qualifications, each applicant must submit a completed application. Every application for a towing license shall be in writing, signed and verified by the applicant, and filed with the licensing section, together with an investigative, processing fee established in section 1-8. The application fee shall be reasonably related to the cost of the administrative services and regulation provided by the city. The statements contained in the application shall become part of the towing license and may be modified only in accordance with the provisions of this article.
- (b) Every application for a towing license shall be on a form prescribed by the licensing section and shall contain all the information required by that form, including, but not limited to:
  - (1) Sufficient information to identify the applicant, including, but not limited to, full legal name, date of birth or date of formation or incorporation of legal entity, business telephone numbers, and all business and residence addresses. If the applicant is a corporation, the foregoing information shall also be provided for each corporate officer, director, resident agent and shareholder. If the applicant is a partnership, the foregoing information shall also be provided for each general and each limited partner. Post office box addresses will not be accepted.
  - (2) Documentation demonstrating that all corporate or partnership applicants are qualified to do business under state law.
  - (3) Photocopy of all city and county business tax receipts of the applicant.
  - (4) A list of all persons with any ownership interest in the applicant who have previously been denied a license.
  - (5) Any trade name under which the applicant operates, intends to operate, or has previously operated, and a description of proposed, existing and previous towing vehicles' colors and markings.
  - (6) A description of the applicant's management plan, which shall include, but is not limited to, the following:
    - a. Location and description of all places of business;

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- b. A description of all towing vehicles and equipment;
  - c. A description of the plan and facilities for maintaining towing vehicles and equipment;
  - d. A system for handling complaints and accidents, insurance coverage and a description of any communication system.
- (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.
  - (8) Sufficient information to identify the applicant and each employee. For each employee, the wrecker company shall obtain documentation from the county police department regarding the employee's criminal and arrest history and submit such information to the city. Such documentation shall include a record of all outstanding arrest warrants, all misdemeanors within the preceding 36-month period, felony convictions, pleas of guilt or no contest within the last five years preceding the application date involving criminal homicide, violent crimes, robbery, burglary, arson, fraud, auto theft, theft if the offense was committed against a person with whom the applicant or employee came in contact with while engaged in towing services, illegal possession of a weapon, and violation of any law involving controlled substances. Wrecker companies shall submit current employee information every six months.
  - (9) Individual applicants shall obtain their fingerprints and photographs from the police department and provide them with the application and, where civil rights have been completed, provide such information with the application. If the applicant is a corporation or partnership, all such information shall be provided by all corporate officers and directors, or partners, as the case may be, and by all stockholders who own, hold or control five percent or more of issued and outstanding stock in the corporation or beneficial interest therein, and by all officers and directors of any corporate general partners of a partnership and by stockholders who own, hold or control five percent or more of issued and outstanding stock in a corporate general partner, or beneficial interest therein.
  - (10) Proof of insurance as required in this article.
  - (11) The signature of each individual applicant, the signature of the president or vice-president of a corporate applicant, and the signature of all the general partners of a partnership applicant.
  - (12) An affidavit signed by the applicant that the applicant shall abide by this article, city, county and state law.
  - (13) It shall be a violation of this section to fail to report to the licensing section any material change pertaining to the information supplied by the applicant or licensee for his or her license, including, but not limited to, changing the location of the applicant's place of business prior to issuing the license and during the time period for which the license has been issued.
  - (14) Each applicant for a license shall provide a schedule of all proposed rates and charges on a form prepared by the licensing section.
  - (15) Additional information about the application as the licensing administrator may deem appropriate.

(Code 1991, § 16-159; Code 2006, § 74-241; Ord. No. 3597, § 1(16-159), 10-8-2002)

Sec. 74-279. - Issuance of license; renewal.

- (a) The licensing administrator is authorized to issue licenses to applicants who have met the standards and requirements for a towing license, and to promulgate rules, regulations and procedures for the application, issuance and revocation of such licenses.
- (b) The licensing administrator shall review and investigate each application for a towing license and shall reject any application that is not properly filed or is incomplete or untrue in whole or in part, or which fails in any way to meet the requirements of subsection (c) of this section.

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- (c) No towing license shall be issued to an applicant or renewed unless the applicant has completed the following:
- (1) Filed with the licensing administrator a true, correct and complete application on the form prescribed by the licensing section, including all proofs of required insurance.
  - (2) Paid the initial, renewal or late application fee, as applicable.
  - (3) Submitted to a background investigation resulting in a determination by the licensing administrator that:
    - a. Neither the applicant, nor any officer, director or partner of the applicant, nor any stockholder owning, holding, controlling or having a beneficial interest in five percent or more of the issued and outstanding stock of a corporate general partner of a partnership applicant, has a currently suspended license, has had its license revoked by action of the licensing director within two years of the date of application, or has outstanding and unsatisfied civil penalties imposed on account of violations of this article.
    - b. Neither the applicant, nor any officer, director or partner of the applicant, nor any stockholder owning, holding, controlling or having a beneficial interest in five percent or more of the issued and outstanding stock of a corporate general partner of a partnership applicant, has been convicted of one or more felonies within the preceding five years; or that three misdemeanors have been committed within the 36-month period preceding the date of the application, unless the civil rights of such individual or applicant have been restored or that such person has successfully completed all sentences of incarceration, probationary periods, required rehabilitation activities and payment of all fines and penalties imposed. For applicants requesting renewal, the licensing administrator may only consider crimes committed after the date the applicant obtained his or her license, unless such crimes were not previously disclosed in the original application.
    - c. Each corporate or partnership application is qualified under state law to do business under the trade name or names under which it has applied for a license.
    - d. No fraud or willful or knowing misrepresentation or false statement was made in the application.
    - e. No judgment against the applicant arising out of the activity of recovery, towing or removing a vehicle or providing storage in connection therewith remains unsatisfied, unless a stay or reversal of the judgment is procured through the courts.
    - f. No outstanding warrants of arrest against the applicant nor any officer, director or partner of the applicant, nor any stockholder owning, holding, controlling or having a beneficial interest in five percent or more of the issued and outstanding stock of a corporate general partner of a partnership applicant.
- (d) Each towing license shall be on a form prescribed by the licensing section and shall be signed by the licensing administrator. Each towing license shall contain, at a minimum, the name and address of the applicant, the dates the license remains in effect unless suspended or revoked, and a statement of such additional terms and conditions, restrictions and limitations as were authorized in the application and approval process.
- (e) Prior to the expiration of the initial towing license or expiration of the annual license, where applicable, an applicant may apply for an annual towing license. As a part of the renewal process, the original application shall be updated and verified by the applicant on forms prescribed by the licensing section. Renewal applications shall also include such financial information, as licensing section shall deem necessary to consider the continued appropriateness of maximum fees established in section 1-8. Each updated renewal application shall be submitted at least 60 days prior to expiration of the current initial or annual license and shall be accompanied by a renewal fee in an amount established in section 1-8. The amount of the renewal fee shall be reasonably related to the cost of the administrative services and regulation provided, and shall be in addition to any other fees or charges required by this article. All annual towing licenses that are not renewed shall

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automatically expire on September 30 following the issuance date and all recovery; towing, removing and storage services permitted thereunder shall cease immediately. The licensing administrator shall deny each renewal application that is not timely, not properly filed, incomplete, untrue in whole or in part, unaccompanied by the required fee, or results in a determination by the licensing administrator that the applicant has failed to satisfy the requirements of subsection (c)(3) of this section.

- (f) A license issued or renewed pursuant to the provisions of this article shall not be transferable, nor shall the ownership structure of the license be so modified as to continue a change in control or ownership of the license, without city commission approval.

(Code 1991, § 16-160; Code 2006, § 74-242; Ord. No. 3597, § 1(16-160), 10-8-2002)

Sec. 74-280. - Revocation or suspension of license.

On written complaint of any person or by its own initiation, CGPD or the licensing section may investigate the activities or action of a business licensed under this article to determine if there are grounds for revocation or suspension of a license. The city commission, upon notice to the license and upon public hearing, shall determine if the license should be revoked or suspended based on evidence and testimony presented at the hearing.

(Code 1991, § 16-161; Code 2006, § 74-243; Ord. No. 3597, § 1(16-161), 10-8-2002)

Sec. 74-281. - Service requirements for city-initiated towing services.

- (a) All wrecker companies shall maintain the following minimum number of vehicles:
  - (1) Five Class A wreckers comprised of at least two Class A wreckers and two Class A slide back car carriers.
  - (2) One Class B wrecker.
  - (3) One Class B slide back car carrier.
  - (4) Two Class C wreckers with at least one of which shall be under reach equipped or one Class D wrecker.
- (b) All wrecker companies must have their business establishment, wreckers and service trucks located within a ten-mile radius of the city police department, W.G. Kimbrough Public Safety Building.
- (c) All operators are expected to be familiar and comply with the Florida Uniform Traffic Control Law (F.S. ch. 316) and federal and state department of transportation rules and regulations.
- (d) The licensing section shall inspect all wreckers before being placed on the city rotation schedule and, thereafter, shall be inspected annually.
- (e) Each company shall maintain immediate 24-hour wrecker and road service.
- (f) The city commission shall establish towing and storage rates by resolution. Each company shall be prohibited from charging rates in excess of those established by the city commission. Each company shall charge only fees and costs that are identified as permissible and authorized charges in the request for proposal.
- (g) All wreckers shall be prohibited from chasing or running to wrecks without bona fide calls from police officers handling investigations.
- (h) All wrecker companies must establish and show proof of public liability and property damage insurance in the amounts of \$500,000.00 and an excess liability umbrella policy of \$1,000,000.00 automobile liability insurance covering all scheduled auto's and hired vehicles used in connection with the performance of the work in an amount not less than \$1,000,000.00 combined single limit per occurrence for bodily injury and property damage and any additional insurance coverage as

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established by the risk management division. Wrecker companies shall maintain garage keeper's legal liability insurance acceptable to the risk manager. Towing company shall provide a monthly listing of scheduled vehicles and no nonscheduled vehicles will operate within the city limits for the purpose of fulfilling the terms of the city awarded contract.

- (i) Soliciting at the scene is prohibited by the owner, operator or representative of any wrecker company.
- (j) Amber lights shall be used only at the scene or when towing from the scene. Unless authorized by CGPD, amber lights shall not be used in proceeding to call.
- (k) The wrecker companies as instructed by the CGPD, shall honor hold orders placed by the CGPD on vehicles stored for any reason.
- (l) A wrecker operator who fails to answer his or her call will lose the call. If the operator misses three calls, CGPD shall make an investigation to determine if suspension or removal is warranted and report its findings to the licensing administrator.
- (m) All wrecker companies shall provide an outside 100-car capacity storage lot within a ten-mile radius of the city police department, W.G. Kimbrough Public Safety Building.
- (n) All wrecker companies shall have inside storage facilities at their business location when weather or other conditions require inside storage for protection of at least four vehicles and personal property.
- (o) All employees operating wreckers shall be qualified and have at least three years' experience in handling equipment safely, on the scene, to the scene, and from the scene. Such employees shall conduct themselves in a courteous and professional manner.
- (p) All vehicles must be radio dispatched.
- (q) Wrecker companies shall provide towing services for abandoned or junked vehicles at no charge to the city. All abandoned, junked or mechanically incapacitated vehicles must be towed to a licensed wrecker company, junkyard or automobile storage location that conducts business, as a permitted or granted use within the designated zoning district of the premises, inside a masonry wall.
- (r) Prior to leaving the scene, the wrecker operator shall ensure that the accident scene is clean and clear of debris, broken glass and vehicular parts resulting from the accident.
- (s) Minimum vehicle release office operating hours are from 8:00 a.m. to 6:00 p.m., Monday through Friday, 10:00 a.m. to 3:00 p.m. on Saturdays, Sundays and holidays excluded.
- (t) The city may collect an administrative fee for every vehicle released from the wrecker company's storage facility on a monthly basis. The administrative fee shall defray the cost of ownership searches, recordkeeping and other administrative responsibilities. The amount of the administrative fee shall be as established by the city commission in section 1-8.
- (u) All wrecker companies shall accept cash, cashier's check, money order, and at least two of the major credit cards or debit cards for payment.
- (v) Vehicle owners whose vehicles are stolen and recovered within the city shall not be charged for the first eight hours of storage. Storage hours are only those hours when the vehicle release office is open for business. Residency shall be determined by the address on the valid, current vehicle registration certificate of the vehicle owner. All vehicle owners shall be charged for storage only on days when the wrecker company operates its office for vehicle release for at least six hours. No storage fee shall be charged for any vehicle if such vehicle is stored less than six hours prior to release.
- (w) All drivers must carry a tow truck identification card/badge on their shirts at all times.
- (x) All drivers must wear company uniforms with their name and company name visible.
- (y) Every driver must obtain and possess a current commercial driver's license (CDL) required for the vehicle classification that the driver is operating by federal and state department of transportation rules and regulations.

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- (z) Towing rates will be posted in the CGPD records section and the licensing section for public information and verification.
- (aa) All wrecker companies shall post the towing service rates at their business locations.
- (bb) Vehicles impounded and stored at the wrecker company's facility for processing as trial evidence or for forfeiture may be stored for a period of up to five days (Saturdays, Sundays and holidays excluded) at \$5.00 for each tow shall not exceed \$10.00. These rates shall apply only to vehicles that are not released or returned to the owner or lienholder within five days. If the wrecker company stores an impounded vehicle in its storage facility for five days, the wrecker company shall immediately notify the city in writing that the vehicle has not been released. If the vehicle is not returned to the owner or lienholder within five days of storage, the vehicle may be towed to the city storage lot upon request of the city. A stolen recovered vehicle and/or parts in which an auto theft detective has placed a hold solely for VIN verification is not an investigative tow upon which a detective places a hold for processing for forfeiture or evidentiary purposes.
- (cc) Wrecker companies shall provide towing services of incapacitated city vehicles at a charge of \$10.00 for each tow. The city may elect to have the vehicle towed to the city storage lot or other designated city facility.

(Code 1991, § 16-162; Code 2006, § 74-244; Ord. No. 3597, § 1(16-162), 10-8-2002; Ord. No. O-2003-13, § 2(16-162), 4-8-2003)

Secs. 74-282—74-310. - Reserved.

### ARTICLE VI. - TROLLEYS

Sec. 74-311. - Boarding or alighting from moving trolleys prohibited.

It shall be unlawful for any person to board or alight from any trolley or other public conveyance in the city while such vehicle is in motion. Loading or unloading shall be from the right side of such trolley or other public conveyance.

(Code 1958, § 32-293; Code 1991, § 25-132; Code 2006, § 74-271; Ord. No. 1071, § 211, 3-25-1958; Ord. No. 1374, § 1, 12-10-1963)

Sec. 74-312. - Smoking, spitting, etc., on trolleys.

It shall be unlawful for any person to spit, expectorate or deposit any sputum, saliva or mucus upon the front or upon any portion of the interior or steps or platform of any trolley, or any public conveyance operating in the city. Smoking in any trolley or other conveyance shall be unlawful while such trolley shall be engaged in the transportation of passengers for compensation in the city.

(Code 1958, § 32-295; Code 1991, § 25-134; Code 2006, § 74-272; Ord. No. 1071, § 212, 3-25-1958; Ord. No. 1374, § 1, 12-10-1963)

Secs. 74-313—74-342. - Reserved.

### ARTICLE VII. - VEHICLE IMPOUNDMENT

Sec. 74-343. - Definitions.

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The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Lewdness* means any indecent or obscene act.

*Probable cause* means reasonable ground for belief in the existence of facts warranting the proceedings complained of.

*Prostitution* means the giving or receiving of the body for sexual activity for hire or to offer, or agree to secure another for the purpose of prostitution or for any other lewd or indecent act.

(Code 2006, § 74-301; Ord. No. 2007-09, § 2, 2-27-2007)

Sec. 74-344. - Impoundment of motor vehicles for controlled substance and prostitution.

A motor vehicle shall be subject to seizure and impoundment whenever a police officer has probable cause to believe that the vehicle:

- (1) Contains any controlled substance or cannabis as defined in F.S. ch. 893;
- (2) Was used in the purchase, attempt to purchase, sale, or attempt to sell such controlled substance or cannabis; or
- (3) Was used to facilitate the commission of an act of prostitution assignment, or lewdness as defined in and pursuant to F.S. § 796.07.

(Code 2006, § 74-301; Ord. No. 2007-09, § 2, 2-27-2007)

Sec. 74-345. - Procedure following seizure.

Upon seizing the motor vehicle, the police officer shall:

- (1) Provide for the towing of the vehicle to a city-owned or city-controlled facility, or to a facility controlled by the city's towing agent;
- (2) Provide written notices by hand delivery to the owner of the vehicle or the person in control of the vehicle that the vehicle has been seized and impounded by the city police department. If the vehicle owner is unavailable to receive such notice, then notice shall be provided within five working days from the date of impoundment, excluding Saturdays, Sundays, and legal holidays, by either hand delivery or certified mail return receipt requested, to the known address of the motor vehicle owner; and
- (3) Advise the owner of the vehicle or person in control of the vehicle in such notice of his/her right to request a preliminary hearing.

(Code 2006, § 74-303; Ord. No. 2007-09, § 2, 2-27-2007)

Sec. 74-346. - Exceptions.

This section shall not apply and the vehicle shall not be seized or impounded under this article if:

- (1) The possession, use, or sale of the controlled substance and/or cannabis is authorized by F.S. ch. 893 or 499;
- (2) The vehicle was stolen at the time that it would otherwise have been subject to seizure and impoundment;
- (3) The vehicle was operating as a common carrier at the time it would otherwise have been subject to seizure and impoundment; or

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- (4) The vehicle was seized pursuant to the Florida Contraband Forfeiture Act.

(Code 2006, § 74-30; Ord. No. 2007-09, § 2, 2-27-2007)

Sec. 74-347. - Hearings; administrative fee.

(a) *Preliminary hearing.*

- (1) In order to be entitled to a preliminary hearing, the owner of the vehicle or his/her agent/representative must submit a written request for a preliminary hearing to the police chief or his/her designee within ten days of receipt of the written notice. If the city does not receive such a request within the specified time period, then this shall constitute a waiver of such hearing by the owner.
- (2) Upon receipt of the written request from the vehicle owner or his/her agent/representative for a preliminary hearing, the police chief or his/her designee shall schedule the hearing within 96 hours, excluding Saturdays, Sundays, and legal holidays, before a special master of the city. The owner shall be given written notice of the date, time, and location of the hearing, and this notice shall be delivered to the address provided by the owner.
- (3) At the hearing, the city shall have the burden to show that there is probable cause to believe that the motor vehicle is subject to impoundment and continued seizure. The formal rules of evidence shall not apply at the hearing and hearsay evidence is admissible.
- (4) At the hearing, if the special master determines that there is probable cause to believe that the motor vehicle is subject to impoundment and continued seizure, he/she shall order the continued impoundment of the vehicle unless the vehicle owner or his/her agent or authorized representative pays the city an administrative fee established in section 1-8 plus the towing and storage costs, or posts with the city a bond in the form of a money order or certified check established in section 1-8 plus the accumulated costs of towing and storing the vehicle. However, if after the preliminary hearing there is a finding of no probable cause, the vehicle shall be released forthwith to the owner or his/her agent or authorized representative without the imposition of penalties or fees.

(b) *Final hearing.*

- (1) In the event that a preliminary hearing is not requested within the ten-day requirement as set forth above, or if the special master determines at a preliminary hearing that there is probable cause to believe that the motor vehicle is subject to impoundment and continued seizure and the administrative fee plus any towing and storage costs as determined by the special master have not been paid, the city shall schedule a final hearing. The city shall notify by certified mail, return receipt requested, the vehicle owner of record of the date, time, and location of a final hearing to be conducted pursuant to this subsection (b). The final hearing shall be scheduled and held, unless waived by the vehicle owner or continued by order of the special master, no later than 30 days after the date that the vehicle was seized and impounded. The formal rules of evidence will not apply at the final hearing.
- (2) The city shall have the burden to show by a preponderance of the evidence that:
  - a. The vehicle was seized and impounded pursuant to this article; and
  - b. The owner of the vehicle either knew, or should have known, after a reasonable inquiry, that the vehicle was being used or was likely to be used in violation of this article.
- (3) At the hearing, if the special master finds that the vehicle is subject to impoundment and seizure, and that none of the exceptions apply, then the special master shall enter an order finding the owner of record of the vehicle civilly liable to the city for an administrative fee not to exceed the amount specified in section 1-8, plus towing and storage costs. The seized vehicle shall remain impounded until the administrative penalty plus any towing or storage costs are satisfied.

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- (4) If the special master finds that the city did not meet its burden of proof or that one of the exceptions above applies, the vehicle shall be returned to the owner forthwith along with any bond posted.

(Code 2006, § 74-305; Ord. No. 2007-09, § 2, 2-27-2007)

Sec. 74-348. - Appeals.

The owner of the motor vehicle that has been the subject of a seizure and impoundment pursuant to this article or the city may appeal the final ruling and decisions of the special master of the city, to the circuit of the 11th Judicial Circuit of Dade County, Florida, within 30 days of the date of the final order being appealed. The city may charge the appellant a reasonable fee for preparation of the record for purposes of making the appeal.

(Code 2006, § 74-306; Ord. No. 2007-09, § 2, 2-27-2007)

Sec. 74-349. - Unclaimed seized vehicles.

Unclaimed seized vehicles may be subject to disposal pursuant to F.S. ch. 705.

(Code 2006, § 74-307; Ord. No. 2007-09, § 2, 2-27-2007)

Sec. 74-350. - Use and disposition of funds.

All fines collected as a result of vehicle impoundment pursuant to this article shall be used for reimbursement of expenses incurred by the police department in the enforcement of this article. Any surplus funds remaining in the revenue account established for this program at the end of each fiscal year shall be transferred to the city's general fund.

(Code 2006, § 74-308; Ord. No. 2007-09, § 2, 2-27-2007)

Secs. 74-351—74-373. - Reserved.

ARTICLE VIII. - DANGEROUS INTERSECTION SAFETY<sup>(3)</sup>

Footnotes:

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**State Law reference**— Traffic infraction detectors, F.S. §§ 316.008(8), 316.0083, 316.07456, 316.0776.

Sec. 74-374. - Intent.

The purpose of this article is to authorize the use of traffic infraction detectors to promote compliance with red light signal directives and to adopt civil enforcement system for red light signal violations, all in accordance with general law, including chapter 2010-80, Law of Florida (2010) (the "Mark Wandall Traffic Safety Act" or the "Act"). This article will also supplement law enforcement personnel in the enforcement of red light signal violations and shall not prohibit law enforcement officers from issuing citation for a red light signal in accordance with other routine statutory traffic enforcement techniques.

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(Code 2006, § 74-351; Ord. No. 2010-13, § 2, 7-19-2010)

Sec. 74-375. - Use of image capture technologies.

The city shall utilize traffic infraction detectors pursuant to general law as a means of monitoring compliance with laws related to traffic control signals, while assisting law enforcement personnel in the enforcement of such law, which are designed to protect and improve public health, safety and welfare. This section shall not supersede, infringe, curtail or impinge upon state or county laws related to red light signal violations or conflict with such laws. Nothing herein shall conflict with the primary jurisdiction of Miami-Dade County to install and maintain traffic signal devices. This article shall serve to enable the city to provide enhanced enforcement and respect for authorized traffic signal devices pursuant to F.S. §§ 316.008 and 316.0083. The city may utilize traffic infraction detectors as an ancillary deterrent to traffic signal violations and to thereby reduce accidents and injuries associated with such violations.

(Code 2006, § 74-352; Ord. No. 2010-13, § 2, 7-19-2010)

Sec. 74-376. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Traffic infraction detector* means a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.

(Code 2006, § 74-353; Ord. No. 2010-13, § 2, 7-19-2010)

Sec. 74-377. - Adherence to red light traffic control signals.

- (a) *Colors of light.* Whenever traffic, including municipal traffic, is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used.
- (b) *Steady red indication.* Vehicular traffic facing a steady red signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown; provided, however:
  - (1) The driver of a vehicle which is stopped at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection in obedience to a steady red signal may make a right turn, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that municipal and county authorities may prohibit any such right turn against a steady red signal at any intersection, which prohibition shall be effective when a sign giving notice thereof is attached to the traffic control signal device at said intersection.
  - (2) The driver of a vehicle on a one-way street which intersects another one-way street on which traffic moves to the left shall stop in obedience to a steady red signal, but may then make a left turn into the one-way street, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that municipal and county authorities may prohibit any such left turn as described, which prohibition shall be effective

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when a sign giving notice thereof is attached to the traffic control signal device at the intersection.

(Code 2006, § 74-354; Ord. No. 2010-13, § 2, 7-19-2010)

Sec. 74-378. - Violation.

A violation of this article, known as a red zone infraction, shall occur when a motor vehicle does not comply with the requirements of F.S. § 316.074(1) or 316.075(1)(c)(1). Violations shall be enforced pursuant to F.S. § 316.0083 and this chapter. In the event of a conflict between state law and this chapter, state law shall be followed.

(Code 2006, § 74-355; Ord. No. 2010-13, § 2, 7-19-2010; Ord. No. 2013-09, § 2, 6-11-2013)

Sec. 74-379. - Issuance of notice; review recorded images.

- (a) The owner of the vehicle, which is observed by recorded images committing a red zone infraction, shall be issued a notice of violation (hereinafter also known as "notice") no later than 30 days after the red zone infraction occurs. The recorded image shall be sufficient grounds to issue a notice.
- (b) The city chief of police shall designate one or more infraction enforcement officers, who shall be police officers of the city and who shall meet the qualifications set forth in the Act or any other relevant statute. The traffic infraction enforcement officer shall review recorded images prior to the issuance of a notice to ensure the accuracy and integrity of the recorded images. Once the traffic infraction enforcement officer has verified the accuracy of the recorded images, he or she shall complete a report, and a notice shall be sent to the vehicle owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles or the address on record with the appropriate agency having such information in another state.

(Code 2006, § 74-356; Ord. No. 2010-13, § 2, 7-19-2010; Ord. No. 2013-09, § 2, 6-11-2013)

Sec. 74-380. - Notice of violation.

All notices of violation/infraction and hearing shall be issued and heard in accordance with the Mark Wandall Traffic Safety Act, as amended.

(Code 2006, § 74-357; Ord. No. 2010-13, § 2, 7-19-2010; Ord. No. 2013-09, § 2, 6-11-2013)

Sec. 74-381. - Signage.

When the city installs a traffic infraction detector at an intersection, it shall erect signage at the intersection sufficient to notify the public that a traffic infraction detector may be in use at the intersection and, if the city shall enforce right turn violations, the city shall erect additional signage at those intersections sufficient to notify that a traffic infraction device may be used at the intersection. Such signage shall meet the specifications for the uniform signals and devices adopted by the department of transportation pursuant to F.S. § 316.0745.

(Code 2006, § 74-358; Ord. No. 2010-13, § 2, 7-19-2010)

Sec. 74-382. - Local hearing officer; fees.

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- (a) The city commission designates the city's code enforcement special magistrates, pursuant to section 101-135, to serve as local hearing officers who shall preside over notice of violation hearings, as established by the Mark Wandall Traffic Safety Act, as amended.
- (b) The city manager, or designee, shall designate code enforcement staff to implement the authorizations contained in the Mark Wandall Traffic Safety Act, as amended, and to have the code enforcement staff serve as the clerk to the local hearing officer.
- (c) A hearing fee, pursuant to F.S. § 316.0083(5)(e), in the amount established in section 1-8 is hereby imposed. Such fee shall be assessed to reimburse the city for its expenses in providing the local hearing, in accordance with the Mark Wandall Traffic Safety Act, as amended.

(Code 2006, § 74-359; Ord. No. 2013-09, § 2, 6-11-2013)