

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, CREATING A NEW CHAPTER 20 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" TO ESTABLISH A PARKING MANAGEMENT ADMINISTRATION, A PARKING FUND, THE USE OF PAY PARKING TECHNOLOGY FOR CURBSIDE MANAGEMENT, REGULATIONS FOR PARKING PERMITS AND VALET PARKING, PENALTIES AND ENFORCEMENT; REPEALING IN THEIR ENTIRETY CHAPTER 11, ARTICLES X AND XI, ENTITLED "TOWING OF MOTOR VEHICLES" AND "CONTROLLED RESIDENTIAL PARKING AREAS" TO PROVIDE FOR THEIR RELOCATION INTO THE NEWLY CREATED CHAPTER 20; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of North Miami ("City") has conducted a Citywide Parking Studies to serve as the blueprint to implement short-term, mid-term, and long-term projects to maximize the use of public parking to meet current and future parking demand; and

**WHEREAS**, City Administration is requesting to create Chapter 20 of the City's Code of Ordinance to be titled "Traffic and Vehicles" to create traffic and parking regulations and standards; and

**WHEREAS**, Article I titled "Parking" will establish a parking management administration, a parking fund, the use of pay parking technology for curbside management, regulations for parking permits and valet parking, penalties and enforcement, parking replacement assessment, and payment in lieu of parking; and

**WHEREAS**, the City's current motor vehicle towing and controlled residential parking regulations will be relocated to the newly created Chapter 20 to ensure consistency in subject matter areas within the City code; and

**WHEREAS**, the Mayor and City Council find the proposed, newly created Traffic and Vehicles Chapter will fundamentally promote, protect, and improve the health, safety, and welfare of City residents, in conjunction with the business community.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:**

**Section 1.     Mayor and City Council Approval of Chapter 20 of the Code of  
Ordinances.** The Mayor and City Council of the City of North Miami, Florida, hereby approve the creation of a new Chapter 20 of the City of North Miami Code of Ordinances entitled "Traffic and Vehicles" to establish traffic and parking standards and regulations, as follows:

## **CHAPTER 20 – TRAFFIC AND VEHICLES**

### **ARTICLE I - PARKING**

#### **DIVISION 1. – GENERAL PROVISIONS; ADMINISTRATIVE AUTHORITY; DEFINITIONS**

**Sec. 20-1. - Title.**

This article shall be known and may be cited as the "City of North Miami Parking Ordinance."

**Sec. 20-2. - Applicability.**

The provisions of this article shall apply throughout the corporate limits of the city and to the use of parking-related property owned and operated by the city. In cases where deemed applicable, this article shall apply to private property and their owners and/or operators.

**Sec. 20-3. - Office established.**

The Parking Division is hereby established as a division of the Code Compliance Department.

**Sec. 20-4. - Authority.**

The Code Compliance Department official, designee or authorized agent, under the direction of the City Manager or designee, shall have full power and be charged with all duties in relation to the planning, operation and management of all parking-related property owned or operated by the city. The provisions of this article shall be administered and enforced by the official. For the purpose of this article, the official's designee shall be the parking administrator, designee or authorized agent. The City Manager shall have the right to rescind or change any such designation so made by the parking administrator.

**Sec. 20-5. - Intent and purpose.**

The City recognizes public parking demand in the City of North Miami is continuing to increase as development and redevelopment occurs. Creating a parking management administration to provide oversight for access and mobility solutions to meet the growing parking demand is essential. The use of paid parking, valet parking, residential permit parking, parking authority, parking garages, and/or other parking management and enforcement practices are tools used to manage the city's parking program.

**Sec 20-6. - Public parking and mobility principles.**

(1) Principles of managed parking are designed to assist the city with maximizing public parking availability through proper utilization rates, use of parking technologies, sustainable practices, and intelligent parking solutions to manage mobility and access. Parking is dynamic in nature and must be managed to address the following principles:

- (a) On-street parking in commercial areas is designed for short term parking (2 hours or less), freight zones, and passenger loading and unloading.
- (b) Parking lots and garages are primarily for customers, patrons, clients, and employees whose stay may exceed 2 hours but less than 24 hours, long term parking.
- (c) Parking should be priced according to demand. That is, the spaces in the highest demand areas, by location and time, should be priced at the highest rate.
- (d) Consistent parking enforcement is necessary for parking compliance and to ensure public safety is not at risk due to illegal parking.
- (e) Data driven technology should be used to assist with parking guidance, parking reservations and mobile parking payments. Convenient payment options and dynamic parking-related information will help motorist make smarter decisions before reaching their destination.
- (f) Residential streets are primarily for parking by residents. Residents who have access to off-street parking facilities, including a garage or driveway, shall use such facilities. Residential Parking Permit programs will be established based on established criteria.

(2) Policies, laws, and regulations should reflect these principals.

#### **Sec. 20-7. - 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. 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.

*Authorized Agent* means the company of legal entity, and its employees, agents and contractors, that has been designated by the city in writing to perform any duties or responsibilities related to the operation of the parking program, including but not limited to, parking enforcement specialist, parking garage attendants, parking meter technicians, citation processing personnel, parking permit issuance, and administrative or management staff.

*Authorized emergency vehicle* means vehicles of the fire-rescue department, police vehicles and such ambulances and emergency vehicles of city departments, public service corporations or private ambulance companies or such others as are designated or authorized by the city council, by the chief of police or by other governmental agency.

*Block* means an area of land surrounded by four streets.

*Bus/Trolley* means every public motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab or for hire passenger vehicle, designed and used for the transportation of persons for compensation.

*Bus stand* means a fixed area in the roadway parallel and adjacent to the curb to be occupied exclusively by buses and trolleys, for layover in operating schedules or waiting for passengers.

*Commercial vehicle* means a vehicle designed and marked as commercial, used or maintained primarily for a commercial purpose.

*Crosswalk* means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or a portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

*Curb loading zones* means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials during posted days and time periods.

*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.

*Electric Scooter* means a Plug-in electric vehicle with two or three wheels powered by electricity.

*Employee parking lot* means any area owned or utilized by the city and assigned as an area for persons to park providing, they have secured the proper permit and paid the established fee, if applicable.

*Inoperative vehicle* means a vehicle that is in a state of disrepair and incapable of being moved under its own power, or a vehicle that is incapable of being operated lawfully on the streets of the state. A vehicle shall be deemed inoperative if a current registration tag, also known as a license plate, of a kind required under state law as a condition of operation upon public streets is not affixed thereto, or if one or more parts which are required for the operation of the vehicle are missing, were dismantled, are inoperative, or are not attached to the vehicle as designed.

*Motor vehicle* means every vehicle which is self-propelled.

*Official traffic-control devices* mean all signs, signals, pavement markings and devices, not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding parking and traffic.

*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* means the standing of a vehicle, whether occupied or not, upon a roadway, other than temporarily for the purpose of and while engaged in loading or unloading merchandise or passengers as may be permitted.

*Parking Administrator* means the administrator, designee or authorized agent, of the division referred to as the City of North Miami Code Compliance Department Parking Division but shall include any department which may subsequently assume such duties.

*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, unless specified as a private parking area.

*Parking Facilities* means any on and off-street City-owned parking including parking garages, surface parking lots, leased properties to provide public parking, and on-street parking, unless specified as a private parking facilities.

*Parking garage* means any building owned and/or operated by the city and used for the parking of vehicles upon payment of a fee as established by the City Manager, unless specified as a private parking garage.

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

*Parking meter* means any device, machine, technology or process responsible for regulating parking by accepting legal currency, credit cards, debit cards, smart cards, virtual and mobile payments, tokens or any other approved payment methods to pay for parking.

*Stop, stopping or standing* when prohibited, means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device.

*Street or highways* including the terms street, highway, roads, public highway or public roads include any highway or thoroughfare of any kind used by the public, whether dedicated to the public and accepted by the proper authorities.

*Swale* means that portion of land lying between the property line and street.

*Transportation Network Companies (TNC)* means a bona fide transportation service that uses internet-based technology to link individuals selling transportation with individuals who need transportation.

*Valet parking service area or Ramping* means the public right-of-way to be utilized for the valet parking service.

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

**Sec. 20-8. – Parking Fund.**

All revenues, fees, and fines or other charges related to parking in or on City-owned parking facilities shall be deposited into the parking fund. Monies in the parking fund shall be used for the operation of and capital projects for the City's current and future parking facilities.

**Sec. 20-9. – Duties generally.**

(1) It shall be the general duty of the parking administrator, designee or authorized agent to determine the installation, hours, time limits, rates and location of public parking including the installation of parking meter equipment or parking meter technology, parking signs, indicators and markings as shall be necessary or advisable for the operation and enforcement of such rules and regulations; the operation of on-street and off-street parking facilities; and to formulate programs and policies regarding rate adjustments, time limits, enforcement, and service levels to meet current and future municipal parking needs and the improvement of parking methods and options.

(2) The parking administrator, designee or authorized agent shall determine the location of on-street freight and passenger loading zones and place and maintain appropriate signs indicating the same and stating the hours during which the same are in effect.

(3) The parking administrator, designee, or authorized agent shall determine and designate the type, style and manner of on-street parking and parking within off-street parking facilities; and shall erect, place and maintain signs, devices, or markings giving notice thereof.

(4) In addition to any other means of enforcement provided in the Code of Ordinances, a police officer, traffic infractions enforcement officer, parking enforcement specialist (PES), public service aid (PSA), code enforcement officer certified as a parking enforcement specialist, or authorized agent as defined in section 20-7 is hereby authorized to issue parking citations for violations of Miami-Dade County Code chapter 30 and City Code chapter 20. The parking enforcement specialists and authorized agents are required to comply with the Florida Department of Law Enforcement Parking Enforcement Specialist Certification Program.

Secs. 20-10. – 20-20. - RESERVED

**DIVISION 2. – REGULATIONS; PAY PARKING TECHNOLOGY; CURBSIDE MANAGEMENT**

**Sec. 20-21. - Authority to prohibit parking.**

The City Manager or designee is authorized to prohibit parking throughout the city or any portion or portions of the streets thereof during such time or times as may be necessary to accomplish the cleaning of the streets of the city and such other municipal purposes as may be necessary.

**Sec. 20-22. – Designation of pay parking zones.**

Subject to review by City Manager. The parking administrator shall, from time to time, designate those certain described parts of public streets, public parking lots or any other public property for

the installation of parking meters or use of parking meter technology, and the same shall be established as pay parking zones. The City Manager shall have the right to rescind or change any such designation so made by the parking administrator.

**Sec. 20-23. – Legal time limit in pay parking zones.**

The parking administrator shall designate and establish the legal time limit for parking in each designated pay parking zone. The parking administrator is authorized and empowered, whenever and wherever it appears to be in the public interest, to designate lesser periods of time as the legal time limit for any parking space in any pay parking zone in the city, and to change such designated periods from time to time as may appear in the best interest of the public for the proper regulation of traffic and parking; provided, however, that any such parking spaces so designated shall have the legal time limit thereof plainly marked and posted on the parking meter equipment or within the parking meter technology applicable to each such parking space or on signs conspicuously placed within that parking zone.

**Sec. 20-24. – Moving vehicle within same pay parking zone.**

(1) It shall be unlawful to relocate a vehicle from one parking space to another parking space in the same parking meter zone, or to relocate a vehicle temporarily from the same parking space unless the vehicle has left the parking meter zone for an amount of time equal to or greater than the legal time limit for parking fixed for such zone.

(2) It shall be unlawful to roll the tires of a vehicle to remove or obscure or attempt to remove or obscure the markings made by parking enforcement personnel prior to removing the vehicle from the parking meter zone.

**Sec. 20-25. – Designation of flexible curbside mobility use.**

(1) The parking administrator may use technology to determine curb usage patterns to allocate curb space between parking, transportation network pick-ups and drop-offs, taxicabs, bus stops, shuttles, micro-mobility uses, and future modes of transportation.

(2) The parking administrator shall use the data from the technology to adjust locations, pricing, time limits, and hours of operation for certain uses, and flexible time zones.

(3) The parking administrator may designate curbside parking spaces for scooter, moped, motorcycle, and micro-mobility vehicles parking in either individual parking spaces or groupings of parking spaces. Parking spaces with such designation shall have either signs, curb markings, or pavement markings promulgating scooter, moped, motorcycle, and micro-mobility vehicle parking only during posted hours. Parking for scooter, moped, motorcycle, and micro-mobility vehicles may be prohibited at other curbside parking spaces. Parking spaces with such designation shall either have a posted sign, curb markings, or pavement markings promulgating the prohibition of scooter, moped, motorcycle, and micro-mobility vehicle parking. The failure to adhere to such restrictions will result in the vehicle being towed and/or fined.

**Section 20-26. – Installation, operation and use of pay parking technology; Collection of revenue, etc.**

(1) The parking administrator is hereby authorized, empowered and directed to install or cause to be installed parking meters, devices, timed parking systems or authorize the use of parking meter

technology in parking meter zones and to designate or cause to be designated in accordance with the provisions of this division pay parking spaces in such zones. Mechanical or electronic parking meters or pay stations shall be placed alongside of or adjacent to individual parking spaces or conspicuously located within an off-street parking facility to be designated as aforesaid. For any pay parking zone or spaces where no mechanical or electronic parking meters or parking pay stations are installed, the parking administrator shall install signage in the area and visible from the parking spaces indicating that payment for those spaces shall be made using pay parking technology, and indicating the procedure for using said technology.

(2) When any vehicle shall be parked in any space adjacent to which a parking meter or pay parking area is located in accordance with the provisions of this article, the operator of such vehicle shall, upon entering the parking space, immediately deposit or cause to be deposited in such parking meter, pay station, or meter technology, the denomination specified on such parking meter, pay station, or posted pay parking sign. Upon the activation of the parking session, the parking space may be lawfully occupied by such vehicle during the period of parking time prescribed on such parking meter or meter technology for the specified payment activated therein.

(3) The parking administrator shall provide for the regulation, control, operations and use of the parking meters provided for in this division and shall maintain such meters in good working condition.

(4) The parking administrator shall provide for the administration, collection, safeguarding, auditing, and accountability of all revenue derived from on and off-street parking meters; such revenue to be deposited as directed by the City's Finance Department.

**Sec. 20-27. – Method of Parking; Parking in city lots, garages, public streets and other property.**

(1) Any vehicle stopped, standing or parked in a single parking space on any city owned or operated parking lot, garage, public street or other property shall be parked within the lines or other markings for such single parking space or parking area. It is unlawful to stop, stand or park any vehicle across any such line or mark or to park such vehicle in any such way that the same shall not be within the area so designated by such lines or markings for that single parking space.

(2) It is unlawful for any person to remove a vehicle from any city owned or operated parking lot, garage, public street or other property after the person shall have parked thereon without first making payment of authorized legal tender by manual or electronic means or for any person to make any attempt thereof to defraud the city.

(3) It is unlawful to fraudulently alter, duplicate, damage, destroy, throw away or copy any control card, entry ticket, permit, tag, decal or receipt used for parking control issued by the parking division or to make any attempt thereof to defraud the city.

(4) It is unlawful to deposit or cause to be deposited in any meter, pay station, other electronic device, mechanical equipment or change maker or coin receptacle on any city owned or operated parking lot, garage, public street, or other property any slug, device, metallic or other substitute legal tender or to make any attempt thereof to defraud the city.

(5) It is unlawful and an offense for any person to deface, injure, tamper with, open, willfully break, destroy or impair the usefulness of any equipment installed on any city owned or operated parking lot, garage, public street or other property or to make any attempt thereof.

(6) It is unlawful for the operator of a vehicle to stop, park or leave standing a vehicle on a city owned or operated parking lot, garage, public street or other property, using pay stations, electronic devices, mechanical equipment, meters, meter technology, or gates for revenue control, for a period longer than twenty-four (24) hours unless posted otherwise or without first making arrangements in advance with the parking division.

(7) (a) When a parking space in any pay parking zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked in the same direction as the flow of traffic as the adjacent traffic lane so that the foremost part of such vehicle shall be nearest to the front of the parking stall.

(b.) When a parking space in any parking meter zone is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of the vehicle nearest to the curb, unless the parking space is an angled backin parking at which the backmost part of the vehicle is nearest to the curb.

#### **Sec. 20-28. – Reserved parking; Parking space rental fees.**

The parking administrator shall promulgate policies and procedures authorizing the issuance of reserved parking permits for the purpose of temporarily closing or restricting use of any public pay parking space regulated through a parking meter, pay station, or any type of parking technology; timed parking; or any regulated parking spaces including loading zones, freight zones, or valet parking spaces. The policies and procedures will define the process for application, administration and distribution. The rates charged for reserved parking space rentals, to include City Hosted Events, and penalties are as follows:

- (1) Administrative processing fees. An administrative fee as stated in Division 5, shall be assessed for any parking space rental for the processing of all reserved parking space rental permits for public parking spaces as set forth herein and may be amended from time to time by the City Manager. The administrative fee is in addition to any fee paid for parking stalls, meter bags, or linear curb space.
- (2) Parking space rental fee. The cost per parking space is outlined in Division 5.
- (3) Space rentals for construction purposes shall only be restricted between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday. Upon approval of the Code Compliance Department, additional hours may be allowed at a different fee structure. Space rental shall end on Friday evenings at 6:00 p.m. to allow for additional parking opportunities for the public on the weekends. A copy of a valid, city issued Building or Public Works permit must accompany each application for space rental. The fee per space per day is outlined in Division 5. Only essential vehicles shall be parked at rented spaces with applicable permit visibly displayed. No construction crew parking is allowed at spaces rented for construction. Construction rented spaces are payable two weeks in advance. If the rental is to be greater than a two-week period; then payment shall be due one month in advance. Construction rented spaces can be purchased for up to three (3) months at a time. Hours may be modified subject to approval by the Parking Administrator.

- (4) The city may provide on an as-needed basis, the ability for a valet parking service company to rent public parking spaces for the purpose of creating a valet ramp for the expeditious unloading and loading of passengers. The parking administrator shall determine the number and location of said spaces and will provide, if possible, spaces adjacent to the business served by the valet service unless the business is located within a centralized valet parking area under the direction of the city. A copy of the valet occupational license for the location to be served, a notarized letter of authorization from the business owner and a certificate of insurance covering the valet service location must be presented to the parking administrator when submitting for the first space rental request. The fee per space is outlined in Division 5, per day, payable two (2) weeks in advance for regular users, and at least forty-eight (48) hours or two (2) business days, whichever is greater, in advance for special events. Rented spaces shall state, "No Parking/Tow Away" and shall be strictly enforced.
- (5) Any person who violates the terms and conditions under which a reserved parking space rental permit has been issued will be subject to fines for improper parking in a meter zone.
- (6) No person may fraudulently procure, alter or wrongfully utilize a reserved parking space rental permit issued pursuant to the policies and procedures promulgated under this section.

**Sec. 20-29. – Charging station parking.**

No person shall stop, stand, or park any vehicle in any parking space located in any city owned or operated parking garage or parking facility that is clearly marked as reserved for the use of an electric vehicle charging station located within said parking facility, unless such vehicle is actually using the electric vehicle charging station. Electric vehicles may be subject to pay a customary fee per space as stated in Division 5.

Secs. 20-30. – 20-40. - RESERVED

**DIVISION 3. – VALET PARKING**

**Sec. 20-41. - Purpose; Permit and license required.**

- (1) The purpose of this article is to:
  - (a) Reduce the disruption of vehicular and pedestrian traffic that valet parking service operations may create;
  - (b) Minimize hazardous conditions that valet parking service operations may create in order to protect the health, safety and welfare of the public;
  - (c) Promote the safe and legal operation of valet parking services for the use and convenience of businesses and the general public.

- (2) No person, establishment or entity shall conduct valet parking service on public or private right-of-way or private property as herein defined without first obtaining a permit from the Public Works Department.

**Sec. 20-42. – Regulations; Limitations.**

- (1) 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.

(2) Any vehicles valet parked outside of their assigned parking zone in any other on-street or off-street parking stalls, private property without the property owner's written authorization, or outside the approved storage plan provided to the parking administrator will be cited.

(3) No person, establishment or entity shall conduct valet parking service on public right-of way or private property as herein defined without first obtaining a permit from the parking administrator and paying the permit fee(s).

(4) 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.

#### **Sec. 20-43. – Boundaries.**

(1) Valet parking service shall only be permitted citywide within any licensed hotel, motel, or restaurant and within the Downtown Commercial area.

(2) The city reserves the right to create and administer a centralized valet parking program to limit the number of parking spaces or public right-of-way dedicated to valet in high demand areas. The city will establish the number, location, hours of operation, storage requirements, and rates for the centralized valet parking zones.

#### **Sec. 20-44. – Permit application; Review procedures.**

(1) A person or entity requesting use of municipal parking space for valet ramping and/or storage must provide the parking administrator with a copy of the valet business tax receipt for the location to be served, a notarized letter of authorization from the business owner or a valet service agreement/contract, a certificate of insurance meeting the City's insurance coverage requirements.

(2) A site plan shall be provided and include the following but not be limited to: valet service drop-off location, proposed valet operational plan including but not limited to the proposed vehicle routes, size of proposed mobile stands, tables, chairs, umbrellas, key box, signs, trash receptacles, location of existing trees, parking meter equipment, traffic signs, planters, bus shelters, driveways, storage locations for valet related items when not in use, and any other sidewalk obstruction. Under no circumstances shall permanent structures or equipment be permitted. The site plan shall clearly identify the valet parking service area, and shall also show the proposed location, number of parking stalls and the distance to the off-street parking facility providing the parking space storage for the valet parking service. The City reserves the right to modify the site plan at any time.

(3) A copy of the agreement/contract for the provision of the off-street parking spaces that includes identification of the location of vehicle storage parking spaces must be included with the permit application information. Rented spaces utilized for ramping and/or storage shall be clearly identified by signs approved by the parking division.

(4) Applications shall be accompanied by a non-refundable, initial application fee in Division 5.

(5) The parking administrator 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.

(6) An appeal from the decision of the parking administrator on a valet parking application may be taken to the Director of the Code Compliance Department. The City Manager shall have the authority to uphold or overrule the parking administrator's decision.

**Sec. 20-45 – Permit fee; Exceptions.**

A bi-annual permit fee for establishing or maintaining a valet parking service will be established from the effective date, paid to the parking division in accordance with the fee in Division 5, plus the following ramping fees:

Ramping fee:

(1) If the operation of the valet parking service requires the rental of metered or non-metered parking spaces or area, the permittee/operator shall also pay a ramping fee of the rate established by the parking division per metered or pay parking space, or the rate for every 20 linear feet per day to the division. All rates are listed in Division 5.

(2) The City Manager, or designee, may waive said permit fee and ramping fee for valet parking service exclusively serving a city-owned and operated facility.

**Sec. 20-46 – Operator's code of conduct; Required customer protection regulations.**

Permittees/operators shall require their employees and independent contractors to meet the following requirements:

(1) All employees who operate motor vehicles shall have in their possession a valid Florida Driver's License in good standing and shall abide by all City, Miami-Dade County and state traffic regulations.

(2) All employees shall be in similar uniforms.

(3) All employees shall wear on their uniform a name tag identifying the employee's name and the name of the valet operator/company.

(4) All employees shall perform their duties in a courteous and professional manner and speak the English language. Ability to communicate in Spanish is a plus.

(5) All employees must comply with the requirements of this article and all applicable laws, statutes, ordinances, rules and regulations relating to traffic safety.

(6) Pricing for services shall be identified on any "signage" used by the valet operator. The size print of the foregoing information shall be equal to the largest size print used on any "signage" used to identify the service or valet operator. Claim tickets shall also indicate the price for the service. The print size of the foregoing shall be equal to that used for any other information displayed on the ticket.

(7) The claim ticket shall identify the valet operator's company name, correspondence address and a phone number for questions/complaints. The foregoing print shall be of equal size.

(8) Requirements will be required to be updated on an annual basis and submitted to the city for approval.

**Sec. 20-47 – Operational regulations and restrictions for valet parking service.**

(1) The public on-street/curbside parking spaces, metered or non-metered, shall only be used for ramping of vehicles. Ramping of vehicles shall consist of allowing the customer to enter or exit a vehicle and to turn it over to or retrieve it from a valet parking operator employee. Ramping shall only be permitted and operated in the public on-street/curbside spaces provided by the department for ramping. There shall be no storage of vehicles in the area used for ramping. A vehicle will be considered stored if it remains in the ramping area for more than ten minutes. Ramping spaces shall not be blocked by any type of sign, structure or other type of object. These spaces shall not

be cordoned off by any type of signage, rope or barrier of any kind. Fines as outlined in Division 5 will be applicable for noncompliance.

(2) The permittee/operator shall possess a valid local business tax receipt to operate the valet parking service within the city.

(3) The permittee/operator shall maintain a key control booth at all valet parking locations until all cars have been claimed; or the permittee/operator shall have a 24-hour phone number for after-hours vehicle pick up information.

(4) The permittee/operator shall not load or unload passengers within traffic lanes that are open to through traffic;

(5) The valet parking service shall not interfere with the regular flow of vehicular or pedestrian traffic.

#### **Sec. 20-48 – Procedures and penalties for violations.**

(1) The parking administrator may deny, revoke, or suspend a permit for any valet parking service authorized in the city if it is found that:

(a) The permittee/operator has not maintained required insurance;

(b) The parking administrator determines that the operation of a valet parking service, due to changing or changed conditions of pedestrian or vehicular traffic, cause congestion necessitating removal of valet parking service which endangers the health, safety or welfare of persons or property; unreasonably interferes with pedestrian or vehicular traffic; unreasonably interferes with the use of any pole, sign, fire hydrant, traffic signal or other object already permitted at or near the valet parking service area; or otherwise not in the public interest; or

(c) The permittee/operator has failed to correct violations of this article or conditions of the permit within three days of the parking administrator's notice of same being delivered in writing to the permittee at the address shown on the permit application;

(d) If permittee/operator is found in violation of the same offense three times within a permit period;

(e) The permittee/operator made any false statements or omission of material fact on the application, site plan or elsewhere in connection with securing a permit;

(2) Stands, tables, chairs, umbrellas, key boxes and other objects necessary for the operation of the valet parking service may be removed by the parking administrator / designee or city, and a reasonable fee charged for labor, transportation, and storage, should the permittee/operator fail to remove said items at the close of business on a daily basis. Under no circumstances shall the city, the department, and its officers and employees be deemed responsible or liable in any way for any damage or loss resulting from the removal of the permittee/operator equipment and other objects necessary for the operation of the valet parking service. Furthermore, the permittee/operator agrees and acknowledges by accepting a permit issued pursuant to this article that the city, the department, and its officers and employees be held harmless in connection with its actions under this section.

#### **Sec. 20-49. – Violations appeal procedures; Rights and remedies; Supplemental provisions.**

Any person wishing to contest a parking citation may appeal in the manner set forth in this section.

(1) If the person who received the citation believes the citation itself is incorrect in fact or law, such person shall notify Parking Division Manager, with particularity, stating objections to the citation, within ten (10) business days of issuance to the Parking Division Manager or his or her

designee, who will then make a decision as the validity of the citation within seven business days after receipt of a timely objection by violator. If a decision is made that the citation is valid, the violator will be notified via mail or email.

(2) If the violator does not concur with the decision of the Parking Division Manager, or his/her designee, that the citation is valid, then, within ten (10) days notice of the decision, the violator shall appear in court date before the magistrate.

**Sec. 20-50. – Special events and residential areas.**

(1) Valet service—Special Event. Valet services operating for a special event may apply for a special event permit in addition to the special event application. Special event parking shall be restricted to any event occurring no more than twice per year and lasting no longer than three days in length. The special event permit will allow the valet operator to request from the department, additional ramping and/or storage space, if available, as long as it does not reduce the number of parking spaces needed to serve the general public in the area of the request.

(2) Valet service—Residential. Valet service may be provided for special event non-commercial uses, including private functions in residentially zoned areas for a one-day period. Valet operators must meet the same criteria as a regular day-to-day valet operation as referenced in the permit application. Valet operators must complete a temporary valet parking permit form and submit this form to the department ten (10) days prior to the scheduled event.

(3) Emergency Permit Requests. Temporary valet parking permit requests submitted within less than ten (10) working days of a scheduled event will only be accepted for situations deemed as an emergency. An emergency is defined as a situation or occurrence of a serious nature, developing suddenly and unexpectedly within less than ten (10) working days of the event and demanding immediate attention. The following requirements must be satisfied:

(a) Ramping. Valet ramping may be provided either on private property at the location to be serviced or on public property. Ramping on public property shall not occur in any other location than the public on-street/curbside parking spaces provided for ramping. Ramping from a moving lane of traffic is strictly prohibited unless authorized by the city.

(b.) Storage. Storage of vehicles on public right-of-way is strictly prohibited, unless authorized by department.

(c) Valet operators may request the use of public right-of-way for storage under the following conditions:

1. Private or public storage (parking lot and/or garage) is not available within 2,500 feet of the location to be serviced.

2. All prohibited parking regulations (fire hydrants, crosswalks, etc.) are strictly enforced.  
Secs. 20-51. – 20-60. RESERVED

**DIVISON 4. – PENALTIES AND ENFORCEMENT**

**Sec. 20-61. – Issuance of parking citations; Payment or contesting citations; Penalties for violations.**

(1) A law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of this chapter or other law may issue a parking citation form as shall be provided by Miami-Dade County Clerk of the Court and used by the parking division. The citation form includes the following information:

- (a) The location of the vehicle by physical address, block, zone, metered space or pay parking area;
- (b) The state and license number of such vehicle;
- (c) The date and time at which such vehicle was found parked in violation of any of the provisions of this division and in accordance with Miami-Dade County Code Chapter 30;
- (d) Any other facts, acknowledgement of which is necessary to a thorough understanding of the circumstances attending such violation.

(2) 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.

(3) 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.

(4) Instructions for payment of fines to Miami-Dade County Clerk of the Court is provided on the violation notice. The violation notice provides the rules for a person wishing to contest the violation.

(5) Penalties for not paying or contesting a violation are punishable by Miami-Dade County Code Chapter 30.

**Sec. 20-61. – Immobilization or impoundment of vehicles bearing outstanding parking citations.**

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. Miami-Dade County Clerk of the Court provides electronic notification to the city of such vehicles authorizing city law enforcement or parking enforcement specialists to initiate the prescribed procedures to immobilize or impound the identified vehicle under Miami-Dade Code Chapter 30.

**DIVISION 5. - FEES**

<b>Description</b>	<b>Fee</b>
<u>Meter Rental Administrative Fee</u>	<u>\$50.00</u>
<u>Parking space rental fee-Construction</u>	<u>\$40.00 per space per day</u>
<u>Parking space rental fee-Other</u>	<u>\$40.00 per space per day</u>
<u>Valet Parking Application Fee</u>	<u>\$225.00</u>
<u>Valet Ramping Fee</u>	<u>\$30.00</u>
<u>Residential Parking Permit Application Fee</u>	<u>N/A</u>
<u>Residential Parking Permit-Annual</u>	<u>\$20.00 per month</u>
<u>Residential Parking Permit-Guest</u>	<u>\$5.00 per day</u>
<u>Residential Parking Permit-Contractor</u>	<u>N/A</u>
<u>Electric Vehicle Charging</u>	<u>N/A</u>
<u>Blocking of Valet Fine</u>	<u>\$150.00</u>

**Sec. 20-62-20-70. RESERVED**

## **ARTICLE II. - TOWING OF MOTOR VEHICLES**

### **Sec. 20-71. - Definitions.**

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

*City council* means the Mayor and City Council of the City of North Miami, Florida.

*City manager* means the chief executive officer and head of the administrative branch of city government as provided in Article 3 of the Charter of the City of North Miami.

*Chief of police* means the highest ranking officer and head of the City of North Miami Police Department.

*CP&D* means the Community Planning and Development Department of the City of North Miami.

*Immobilization, immobilize or immobilizing*, also known as boot or booting, means the act of placing, on a parked vehicle, a mechanical device that is designed to be attached to the wheel or tire so as to prohibit its usual manner of movement.

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

*Local business tax receipt* means the document which allows a person to engage in the business of the non-consensual activity of recovering, towing, removing, storing, and immobilization of vehicles for compensation within the city limits and pursuant to chapter 11 of the City Code.

*Operate* means to provide for compensation the services of the non-consensual recovering, towing, removing, or immobilization of vehicles and any associated vehicle storage services, at the request of and for the city.

*Operator* means any person who provides for compensation the services of the non-consensual recovering, towing, removing, or immobilization of vehicles and any vehicle associated storage services, at the request of and for the city.

*Permit* means the document which allows a person to engage in the non-consensual activity of recovering, towing, removing, storing, and immobilization of vehicles. As used in this article, a "permit" shall not mean a municipal or county local business tax receipt.

*Permittee or permit holder* means the person, company, or agency that is the holder or recipient of a non-consensual towing or immobilization permit from the city.

*Person* means any natural person, firm, partnership, association, corporation or other entity of any kind whatsoever engaged in non-consensual towing or immobilization activities.

*Property owner* means that person who exercises dominion and control over real property, including but not limited to the legal titleholder, lessee, designated representative of a

condominium association or any person authorized to exercise or share dominion and control over real property, however, "property owner" shall not mean or include a person providing towing services within the purview of this article. The foregoing notwithstanding, 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 it.

Regulation means a rule set forth in this article, the violation of which is sufficient grounds for fines; suspension or revocation of a towing permit; civil damages, court costs and attorneys fees; and specified criminal penalties.

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

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

Store means to place and leave a towed vehicle at a location 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 along a vehicle by means of another vehicle equipped with booms, car carriers, winches or similar equipment.

Tow or impound request means a clear, definite and explicit request:

- (1) Made in writing by a police officer, code enforcement officer, or public service aide to immobilize, recover, tow, remove or store a specific and individual vehicle which is disabled or abandoned or parked without authorization, or whose operator is unable or unwilling to remove the vehicle;
- (2) Made in writing by a property owner or duly authorized agent of the property owner to immobilize, 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 immobilize, recover, tow, remove or store the vehicle or an employee or agent thereof; or
- (3) 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, code enforcement officer or public service aide, 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.

Towing permit coordinator means an officer, with the rank of lieutenant or higher, appointed by the chief of police to supervise compliance with this article.

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

Vehicle shall mean to include, but not be limited to, an automobile, truck, bus, motorcycle, motorized scooter, trailer, semi-trailer, truck tractor semi-trailer combination, 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 of the city, which is used to transport persons or property and is propelled by power other than muscular power; provided, however, that the term does not include bicycles, mopeds, traction engines, road rollers or vehicles which run only upon a track.

Wrecker class shall mean the type of towing vehicle, equipment or apparatus used to recover, tow or remove vehicles. The wrecker classes shall be distinguished as follows:

(1) Class "A" wrecker:

- a. Commercially manufactured unit, with a rated capacity of not less than ten thousand (10,000) pounds, GVW;
- b. Cab to axle dimension of not less than fifty-six (56) inches;
- c. Dual rear wheels;
- d. Commercially manufactured boom with a minimum capacity of eight thousand (8,000) pounds;
- e. Hydraulically operated winch(es) with a minimum total winching capacity of eight thousand (8,000) pounds;
- f. One hundred (100) feet of  $\frac{3}{8}$ -inch steel core cable per winch;
- g. Wheel life with a retracted rating of not less than three thousand five hundred (3,500) pounds and an extended rating of not less than two thousand (2,000) pounds;
- h. Tow sling with a safe lift rating of three thousand five hundred (3,500) pounds;
- i. Two (2)  $\frac{3}{8}$ -inch high test safety chains;
- j. Dolly equipped;
- k. One (1) motorcycle sling;
- l. Four-way lug wrench; and
- m. One (1) pair of jumper cables.

(2) Class "A" slide back car carrier:

- a. Commercially manufactured unit, with a rated capacity of not less than ten thousand (10,000) pounds, GVW;
- b. Cab to axle dimension of not less than one hundred two (102) inches;
- c. Dual rear wheels;
- d. Seventeen (17) feet or longer hydraulically operated slide back or tilt bed;
- e. Hydraulically operated winch(es) with a minimum total winching capacity of eight thousand (8,000) pounds;
- f. Sixty-five (65) feet of  $\frac{3}{8}$ -inch steel core cable;
- g. Two (2) tie down chains, each ten (10) feet in length;
- h. Four-way lug wrench; and
- i. One (1) pair of jumper cables.

(3) Class "B" wrecker:

- a. Commercially manufactured unit, with a rated capacity of not less than eighteen thousand (18,000) pounds, GVW;
- b. Cab to axle dimension of not less than eighty-four (84) inches;

- c. Commercially manufactured hydraulic boom(s) with a minimum total capacity of sixteen thousand (16,000) pounds;
- d. Hydraulically operated winch(es) with a minimum total winching capacity of sixteen thousand (16,000) pounds;
- e. Two hundred (200) feet of  $\frac{1}{2}$ -inch steel core cable per winch;
- f. Under reach with a retracted rating of not less than six thousand (6,000) pounds and an extended rating of not less than four thousand (4,000) pounds;
- g. Tow sling with a safe lift rating of eight thousand five hundred (8,500) pounds;
- h. Two (2)  $\frac{5}{16}$  -inch alloy safety chains;
- i. Tow bar equipped;
- j. Two (2) snatch blocks, minimum eight thousand (8,000) pound capacity each;
- k. Two (2) scotch blocks;
- l. Break lock;
- m. Six (6) to eight (8) feet of extra towing chain with hooks, minimum four thousand (4,000) pound capacity chain with hooks, minimum four thousand (4,000) pound capacity;
- n. Four-way lug wrench;
- o. One (1) pair of jumper cables;

(4) Class "B" slide back car carrier:

- a. Commercially manufactured unit, with a rated capacity of not less than twenty thousand (20,000) pounds, GVW;
- b. Cab-to axle dimension of not less than one hundred thirty-eight (138) inches;
- c. Dual rear wheels;
- d. Twenty-one (21) feet or longer hydraulically operated slide back or tilt bed;
- e. Hydraulically operated winch with a minimum winching capacity of eight thousand (8,000) pounds;
- f. One hundred (100) feet of  $\frac{3}{8}$ -inch steel core cable;
- g. Two (2) tie down chains, each ten (10) feet in length;
- h. One (1) snatch block, minimum eight thousand (8,000) pound capacity;
- i. Four-way lug wrench;
- j. One (1) pair of jumper cables; and
- k. Commercial Non-restricted license plate.

(5) Class "C" wrecker:

- a. Commercially manufactured unit with a rated capacity of not less than thirty-six thousand (36,000) pounds, GVW;
- b. Cab to axle dimension of not less than one hundred forty-four (144) inches;
- c. Commercially manufactured boom(s) with a minimum total capacity of fifty thousand (50,000) pounds;
- d. Winch(es) with a minimum total winching capacity of fifty thousand (50,000) pounds;
- e. Two hundred (200) feet of  $\frac{3}{8}$ -inch steel core cable per winch;
- f. Under reach with a retracted rating of not less than twenty-five thousand (25,000) pounds and an extended rating of not less than twelve thousand (12,000) pounds;
- g. Rear support jacks or outriggers;
- h. Tow sling, with a safe lift rating of twelve thousand (12,000) pounds;

- i. Two (2) ½-inch alloy safety chains;
- j. Tow bar equipped;
- k. External air hookup and hoses to supply air to disabled vehicles;
- l. Two (2) snatch blocks, minimum twenty-four thousand (24,000) pound capacity each;
- m. Two (2) scotch blocks;
- n. Spring brake air lock;
- o. Six (6) to eight (8) feet of extra towing, chain with hooks, minimum; and four thousand (4,000) pound capacity.

Where two (2) Class "C" wreckers are required, at least one (1) shall be under reach equipped.

(6) Additional equipment required on each vehicle.

- a. Two-way radio;
- b. Proper safety lights;
- c. Amber rotation dome light;
- d. Two (2) flood lights to rear;
- e. Sand (50 pounds minimum);
- f. Heavy duty sweeping broom (twenty-four (24) inches wide);
- g. Two (2) safety cones (day-glow orange three (3) feet high);
- h. One (1) set of three (3) reflectors;
- i. Six (6) 30-minute flares;
- j. Flat shovel;
- k. Axe;
- l. Fire extinguisher five (5) pounds dry chemical Underwriter approved; and
- m. First aid kit—Minimum sixteen (16) units.

**Sec. 20-72. - Permit required.**

No person shall submit a towing permit application, nor shall the city enter into any contract or agreement to recover, tow, or remove vehicles or provide storage in connection with such services unless that person has a valid and current business tax receipt issued pursuant to the provisions [of] Chapter 11 of the City of North Miami Code of Ordinances. Any applications not in compliance with this section shall be null and void.

(1) It shall be unlawful for any person to provide public towing and storage of city-owned vehicles, vehicles impounded by the city or any non-consensual towing and associated storage, or to cause or allow any other person for compensation to recover, tow or remove a vehicle or provide storage in connection therewith, or to advertise or offer to recover, tow or remove a vehicle or provide storage, without first obtaining and maintaining a current and valid permit pursuant to this article, provided, however, that a property owner without a permit may cause or allow the removal of a vehicle from his or her property in accordance with the provisions of this article. The provisions of this article do not apply to persons who use a towing vehicle to transport their vehicles purely for personal, family, household or recreational use, or tow or impound request(s) by the vehicle owner.

(2) Nothing in this article shall be construed to prohibit the discharge or storage of a vehicle lawfully recovered, towed or removed in another city or county and lawfully transported into the

city; nor shall anything in this article be construed to prohibit a vehicle owner or his authorized agent from requesting the services of a towing business not regularly doing towing business in the city, to remove the owner's vehicle to a location outside the city.

(3) Nothing in this article shall be construed to prevent a natural person from working in an employment relationship for another person holding a valid business tax receipt and permit under this article; however, any person who is an independent contractor and not an employee of a person or entity holding a business tax receipt and permit, is also subject to all the requirements and provisions of this article.

**Sec. 20-73. - Application for towing permit; fees.**

(a) Any company and/or individual currently licensed to do business in the State of Florida, County of Miami-Dade and City of North Miami, may apply for a towing permit as established by administrative regulation of the city manager to provide non-consensual public towing and storage of vehicles impounded by the city, and towing and storage of city-owned vehicles.

(b) Every application for a towing permit shall be in writing, signed and verified by the applicant, and filed with the city manager's office together with an investigative, processing fee, or late fee as applicable, established by administrative regulation of the city manager. The amount of the application fee shall be reasonably related to the cost of the services and regulation provided. The statements contained in the application shall become a part of the towing permit and may be modified only in accordance with the provisions of this article.

(c) Every application for a towing permit shall be on a form prescribed by the city manager 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 of formation of legal entity, 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 shall not be accepted.

(2) Documentation demonstrating that all corporate or partnership applicants are qualified to do business under the laws of Florida.

(3) Photocopy of the business tax receipt of the applicant from the city and Miami-Dade County.

(4) Photocopy of the certificate of occupancy of the applicant, indicating authorization for the business use of the applicant, for each business address located in the city and identified in the application.

(5) A list of all persons with any ownership interest in the applicant who have previously been denied a permit.

(6) 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.

(7) A description of the applicant's management plan, which shall include but not be limited to the following: Location and description of all places of business, a description of all existing towing vehicles and equipment, a system for handling complaints and accidents, insurance coverage, and a description of any communication system.

(8) 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.

(9) A record of all outstanding warrants of arrest; all misdemeanors committed within the preceding thirty-six (36) month period; and felonies of which the applicant has been convicted within the last five (5) years preceding the date of the application. Individual applicants shall obtain their fingerprints and photographs from the city's police department or the Miami-Dade Police Department and provide them with the application and, where civil rights have been restored or periods of incarceration or probation have been completed, as is further described in subsections 20-87(e)(1) and (2) below, provide such information with the application. In the case of a corporate or partnership applicant, 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 (5) 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 (5) percent or more of issued and outstanding stock in a corporate general partner, or beneficial interest therein.

(10) Proof of insurance as required in section 20-75 of 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 agreement on the part of the applicant to abide by the provisions of this article, the laws of Miami-Dade County and the State of Florida.

(13) It shall be a violation of this section to fail to report to the city manager any material change pertaining to the information supplied by the applicant or permittee for his or her permit, including, but not limited to, changing the location of any of the applicant's place(s) of business.

(14) Each applicant for a permit shall provide with his or her application for a permit, a listing of all of his or her existing proposed rates and charges on a form prepared by the city manager.

#### **Sec. 20-74. - Issuance of permits; renewal.**

(a) The city manager shall be responsible for issuing permits to applicants which have met the standards and requirements for a towing permit, and to promulgate rules, regulations and procedures for the application, issuance and revocation of such permits.

(b) The city shall review and investigate each application for a towing permit 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.

(c) No towing permit shall be issued to an applicant or renewed unless the applicant has completed the following:

(1) Filed with the city manager a true, correct and complete application on the form; prescribed by the city manager, 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 city 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 (5) percent or more of the issued and outstanding stock of a corporate applicant or of a corporate

general partner of a partnership applicant, has a currently suspended business tax receipt, has had its permit revoked by action of the city manager within two (2) 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 (5) percent or more of the issued and outstanding stock of a corporate general partner of a partnership applicant, has been convicted of one (1) or more of the felonies listed in subsection 20-73(c)(9) within the preceding five (5) years; or that three (3) misdemeanors have been committed within the thirty-six (36) month period preceding the date of application as described in subsection 20-73(c)(9), 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 city manager may only consider crimes committed after the date the applicant obtained his or her permit, unless such crimes were not previously disclosed in the original application.

c. Each corporate or partnership applicant is qualified under the laws of Florida to do business under the trade name or names under which it has applied for a permit.

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. That there be 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 (5) percent or more of the issued and outstanding stock of a corporate general partner of a partnership applicant.

(d) Each towing permit shall be on a form prescribed by the city manager and shall be signed by the city manager. Each towing permit shall contain, at a minimum, the name and address of the applicant, the dates the permit 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) All initial towing permits shall be effective from one (1) year commencing on October 1st and shall expire on September 30th of the following year, otherwise known as the permit year. The fee for the initial non-consensual permits application shall be established by administrative regulation of the city manager. The city manager shall, for each initial application, prorate the fee from the date of its issuance to the succeeding September 30th, whichever is the case.

(f) Prior to the expiration of the initial towing permit or expiration of the annual permit, whichever is the case, an applicant may apply for an annual towing permit. As a part of the renewal process, the original application shall be updated and verified by the applicant on forms prescribed by city manager. Each updated renewal application shall be submitted at least sixty (60) days prior to expiration of the current initial or annual permit and shall be accompanied by a fee which shall be established by administrative regulation of the city manager. The amount of the renewal fee shall be reasonably related to the cost of the services and regulation provided, and shall be in addition

to any other fees or charges required by this article. All annual towing permits which are not renewed shall automatically expire upon the expiration date of the date of issuance and all non-consensual recovery, towing, removing and storage services permitted thereunder shall cease immediately. The city manager shall deny each renewal application that is not timely, is not properly filed, is incomplete, is untrue in whole or in part, or results in a determination by the city manager that the applicant has failed to satisfy the requirements of subsection (c)(3) of this section.

(g) A permit issued or renewed pursuant to the provisions of this article shall not be transferable nor shall the ownership structure of the permittee be so modified as to constitute a change in the control or ownership of the permit, without the prior written approval of the city manager.

(h)There shall be no numerical limit on permits issued pursuant to the provisions of this article.

**Sec. 20-75. - Insurance requirements.**

(a) It shall be unlawful for any person to conduct non-consensual recovery, tow, or removal of a vehicle or to provide vehicle storage services for or on behalf of the city, until that person has filed with the city manager and maintains in effect, for each towing vehicle operated by that person, an insurance policy or policies or certificates of insurance which shall indemnify or insure such person for its liability at a minimum:

(1) Proof of insurance meeting or exceeding the following requirements:

- a. Workers' compensation insurance—As required by law.
- b. Employer's liability insurance—One million dollars (\$1,000,000.00) per occurrence.
- c. General liability insurance—One million dollars (\$1,000,000.00) per person and one million dollars (\$1,000,000.00) per accident for bodily injury.
- d. Automobile liability insurance—Five hundred thousand dollars (\$500,000.00) per occurrence, five hundred thousand dollars (\$500,000.00) per accident for bodily injury and five hundred thousand dollars (\$500,000.00) per accident for property damage.

(2) The required insurance coverage shall be issued by an insurance company authorized and licensed to do business in the State of Florida, with the minimum rating of B+ or better, in accordance with the latest edition of A.M. Best's Insurance Guide. The city shall be named as additional insured on the policies.

(3) Where a permit has been issued, the permittee shall furnish certificates of insurance to the city's risk management coordinator prior to the commencement of the services, which certificates shall clearly indicate that the permittee has obtained insurance in the type, amount, and classification as required for strict compliance with this section and that no material change or cancellation of this insurance shall be effective without thirty (30) days prior written notice to the city. Failure to provide current certificates of insurance or policies or failure to maintain the required coverage for each vehicle may result in revocation of the towing permit. The permit shall remain in effect for ten (10) days until proof of compliance is submitted to the city manager and approved. The city manager shall revoke the permit if permittee fails to submit proof of insurance within the required ten (10) days.

(b) The insurance requirements of this article shall not apply to governmental entities which are self-insured.

**Sec. 20-76. - Denial of permit; appeal; review.**

Any person dissatisfied or aggrieved with the decision of the city manager to deny an application for an initial permit or a permit renewal may, within ten (10) days after the denial, appeal in writing to the city council. Upon receipt of an appeal, the city council shall schedule and hold a hearing. At the hearing, witnesses shall be sworn, and the rules of evidence applicable to quasi-judicial proceedings shall govern. After the conclusion of the hearing, the city council shall affirm or reverse the decision of the city manager, and that action shall be final. Should the city council reverse the decision of the city manager, the city manager shall issue the permit forthwith.

**Sec. 20-77. - Vehicle standards.**

(a) Upon application for a towing permit, the city is authorized to conduct the following inspections for each towing vehicle, equipment or car carrier that is identified in the permit application and/or will be operated by the permittee, its agents and assigns to deliver towing services for the city:

- (1) Inspection of vehicle records by personnel authorized by the city manager to determine ownership, or first-party lease held by the permittee, of the towing vehicle or equipment or car carrier.
- (2) Inspection by personnel authorized by the city manager to assure that the non-governmentally owned towing vehicle or equipment or car carrier clearly displays on the front of the tow truck or car carrier body, the towing permit number in letters at least three (3) inches high; and on the driver and passenger sides of the vehicle and/or doors, the permittee's name in letters at least three (3) inches high; and in letters at least one (1) inch high, the permittee's principal address and telephone number.
- (3) Inspection by personnel authorized by the city manager to ascertain that the towing vehicle has the equipment required by rules to be promulgated by the city manager's administrative regulations and that such equipment is operable. If an inspection of the towing vehicle does not reveal that it meets the minimum ratings for the vehicle's class specifications, as contained in section 20-76(23) [20-71], the permittee must furnish the city manager a sworn statement that the towing vehicle meets the applicable minimum ratings.

**Sec. 20-78. - Manifest or trip records.**

(a) It shall be unlawful for any person to recover, tow or remove a vehicle or provide storage in connection therewith unless the person providing such service shall maintain a manifest or trip sheet which shall include but not be limited to the following information:

- (1) Name of the towing agency and of the natural person physically providing the service.
- (2) Business tax receipt and permit number, where applicable, of the towing vehicle or equipment or car carrier used to provide the service.
- (3) Date and time that the service was requested.
- (4) Name, address and telephone number of the person requesting the service.
- (5) Date and time that the service was initiated.
- (6) Location at which the service originated.
- (7) Destination to which the vehicle being provided the service taken.

(8) Description of the vehicle being provided the service, including make, model, year, color, vehicle identification number and state license plate number, if any.

(9) Description of services provided.

(10) Cost(s) for the service(s) provided.

(11) Any and all "load and offload" charges, including the name, badge number, and agency of the officer on the scene who approved these additional charges.

(b) Each manifest or trip record shall be immediately available for inspection by police officers or by personnel authorized by the city manager to perform enforcement duties, at any time during the period of recovery, towing or removal of a vehicle.

(c) No person providing towing or immobilization service shall destroy, mutilate, alter or deface any original manifest or trip record prior to the expiration of three (3) years without written approval of the city manager. All manifests and trip records shall be available for inspection by personnel authorized by the city manager or any police agency during regular business hours.

**Sec. 20-79. - Permittee required to maintain records.**

Each permittee shall maintain accurate and complete records of all financial and operating information as the city manager may require, including but not limited to manifests or trip records, invoices and statements for services rendered, and records of payments for services rendered. Such records shall be maintained in the city for at least three (3) years. The city manager shall be granted access to these records for inspection or copying, upon five (5) days' prior notice and during regular business hours.

**Sec. 20-80. - Anti-discrimination.**

No permittee shall refuse or neglect to provide non-consensual vehicle recovery, towing or removal services or storage services in connection therewith to any orderly person requesting such service and able and willing to pay for such services, on account of that person's race, sex, religion, national origin, age, marital status, sexual orientation or disability.

**Sec. 20-81. - Towing safety standards.**

It shall be unlawful for any person providing towing or immobilization service within the city limits to recover, tow or remove a vehicle by use of towing vehicle, equipment or car carrier in a manner which violates the standards for use of such towing vehicle, equipment or car carrier as set by the manufacturer. It shall be unlawful to tow without the use of safety chains.

It shall be unlawful for any permittee to operate a tow truck if the vehicle has failed to pass the critical items of any vehicle inspection performed by personnel authorized by the city manager or if the owner has failed to correct other inspection deficiencies within the time period specified by the city manager, or is operating without the proper insurance coverage. When a vehicle has failed to pass inspection, inspection deficiencies have not been corrected or when the vehicle is operating without the proper insurance coverage, personnel authorized by the city manager may affix to the upper left corner of the vehicle windshield a notice stating the date of the inspection or action and the reasons for the inspection rejection or action. It shall be unlawful for the permittee or any other person other than personnel authorized by the city manager to remove this notice from the windshield of the vehicle.

**Sec. 20-82. - Non-consensual tows.**

In addition to the other requirements of this article, no person shall recover, tow or remove a vehicle or provide storage in connection therewith without the prior express instruction of the vehicle owner or authorized driver, except in accordance with the following:

- (1) Only the person or agency duly permitted under this article shall recover, tow or remove a vehicle or provide storage in connection therewith without the prior express instruction of the vehicle owner or authorized driver.
- (2) The person or agency duly permitted under this article may recover, tow or remove a vehicle without the prior express instruction of the vehicle owner or authorized driver upon the express instruction of a police officer, code enforcement officer or public service aide, and in accordance with the terms of any contracts or agreements between the permittee and the city.
- (3) The person or agency duly permitted under this article may recover, tow or remove a vehicle without the prior express instruction of the vehicle owner or authorized driver, upon the express instruction of a property owner, or an authorized agent, on whose property the vehicle is disabled, abandoned or parked without authorization or whose operator is unwilling or unable to remove the vehicle, provided that the requirements of sections 20-73, 20-74 and 20-75 are satisfied.
- (4) The person or agency who provides towing services pursuant to a permit shall not pay or rebate money, or solicit or offer the rebate of money, or other valuable consideration, to obtain the privilege of rendering such services.
- (5) The person or agency who provides services pursuant to this section shall transport the vehicle directly to the storage site of the person providing the service, or to such other location as a police officer, code enforcement officer or public service aide, authorizing the tow may expressly direct.
- (6) The person or agency who provides services pursuant to a permit shall transport the vehicle directly to the storage site of the person providing the service, or to such other location as a police officer, code enforcement officer or public service aide authorizing the tow may expressly direct. Any vehicle towed or removed, pursuant to a permit shall be stored at a site within three (3) miles radius of the municipal limits of the city. The three (3) miles distance shall be measured in a straight line without regard to intervening structures or road patterns.
- (7) The storage site of a business that provides towing services pursuant to this article shall have a sign that clearly and conspicuously identifies the business to the public; and office space that has at least one person on duty from 8:00 a.m. until 6:00 p.m., Monday through Friday, to answer telephone calls and to be open to serve the public. However, the office may be closed to observe all holidays observed by the city government. The place of business shall maintain a telephone communication system to answer telephone calls from the public twenty-four (24) hours a day.
- (8) The person or agency who provides services pursuant to this article shall file and keep on record with the city a complete copy of all current rates charged for the recovery, towing or removal of vehicles and storage provided in connection with the towing services. Such person or agency shall also display prominently at each vehicle storage site a schedule of all charges and rates for removal of vehicles at the request of property owners. That rate schedule shall be posted prominently in the area designated for the vehicle owner or his agent to transact business. Such area shall provide shelter, safety and lighting adequate for the vehicle owner or his or her authorized representative to read the posted rate schedule. Further, notice shall be posted advising the vehicle owner or his or her authorized representative of the right to request and review a complete schedule of charges and rates for towing services provided at the city's request.

(9) The person or agency who provides services pursuant to this article shall advise any vehicle owner or authorized representative who calls by telephone prior to arriving at the storage site of the following:

- a. Each and every document or other thing which must be produced to retrieve the vehicle;
- b. The exact charges as of the times of the telephone call, and the rate at which charges accumulate after the call;
- c. The acceptable methods of payment; andd. The hours and days the storage site is open for regular business.

(10) The person or agency who provides services pursuant to this article shall allow every vehicle owner or an authorized representative to inspect the towed vehicle immediately upon arrival at the storage site and before payment of any charges. The vehicle owner or an authorized representative shall be permitted to remove from the vehicle all personal possessions inside that is not affixed to the vehicle, including but not limited to radios and telephones, and the operator of the storage site shall assist any vehicle owner or authorized representative in doing so. The vehicle owner or authorized representative shall acknowledge receipt of such property on a form provided by the person or agency permitted to provide towing services.

(11) The person or agency who provides services pursuant to this article shall accept payment for charges from the vehicle owner or authorized representative in any of at least two (2) of the following listed categories:

- a. Cash, money order or valid traveler's check;
- b. Valid bank credit card; or
- c. Valid personal check showing on its face the name and address of the vehicle owner or authorized representative.

A vehicle owner or authorized representative shall not be required to furnish more than one (1) form of picture identification when payment is made by valid bank credit card or personal check, and such presentation shall constitute sufficient identity verification.

(12) The person or agency who provides services pursuant to this article shall display on the same sign as the rate schedule required by subsection (h) of this section the following statement:

*To The Vehicle Owner*

If you believe that you have been overcharged for the services rendered, you do not have to pay your bill to get your car. Instead, you the have right to post a bond in the Circuit Court, payable to (name of person providing service), in the amount of the final bill for services rendered, and file a complaint within five (5) days of the time you have knowledge of the location of the vehicle, and the Court will decide later who is right. If you show a valid Clerk's certificate showing that you have posted a bond, your vehicle will be released to you immediately. This remedy is in addition to other legal remedies you may have. If you have a complaint about the way services were provided, you may call the North Miami City Manager's Office.

(13) The person or agency who provides services pursuant to a permit shall not use profane language, physical force or violence or threats of physical force or violence in dealing with the individuals responsible for administering this article or individuals who have had or about to have their vehicles recovered, towed or removed or stored in connection therewith.(14)Nothing in this section shall prevent the city from providing additional or more restrictive requirements in

contracts or arrangements under which police officers direct and authorize the recovery, towing or removal of vehicles or storage provided pursuant to a permit.

**Sec. 20-83. - Notice requirements for providing tow services at request of property owners.**

Persons or agencies duly permitted may recover, tow or remove a vehicle or provide storage in connection therewith upon the instruction of a property owner, or an authorized agent on whose property the vehicle is abandoned or parked without authorization, provided that the following requirements are satisfied:

(1) Notice shall be prominently posted on the property from which the vehicle is proposed to be removed and shall fulfill the following requirements:

a. Notice, in the form of a sign structure, shall be prominently placed at each driveway access or curb cut allowing vehicle access to the property, within five (5) feet from the public right-of-way line. If there are no curbs or access barriers, signs shall be posted not less than one (1) sign each twenty-five (25) feet of lot frontage. The sign structure shall be permanently installed with the bottom of the sign not less than four (4) feet above ground level and the top of the sign not more than ten (10) feet above ground level, and shall be continuously maintained on the property for not fewer than twenty-four (24) hours before the towing or removal of vehicles.

b. The notice shall clearly display:

1. In not less than two-inches high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense; and  
2. In not less than four-inches high, light-reflective letters on a contrasting background the words "tow-away zone"; and  
3. In not less than two-inches high, light-reflective letters on a contrasting background, the days of the week and hours of the day during which vehicles will be towed away at the owner's expense where the property owner selectively causes the towing of vehicles, depending on the day of the week and hour of the day the vehicle is parked; and  
4. In not less than two-inches high, light-reflective letters on a contrasting background, the name and telephone number of the person performing the towing service, if there exists a written contract between the property owner and that person for the towing of vehicles; and  
5. In not less than one-inch high, light-reflective letters on a contrasting background, the address of the storage site.

c. The posting of notice requirements of this section shall not be required where:

1. The property on which a vehicle is parked is property appurtenant to and obviously a part of a single-family type residence; or  
2. Notice is personally given to the owner or operator of the vehicle that the property on which the vehicle is or will be parked is reserved or otherwise not available for unauthorized vehicles and is subject to being removed at the owner's expense; or  
3. The property on which a vehicle is parked is owned by a governmental entity and the towing is performed by a towing vehicle owned or authorized by the governmental entity and the towing is performed by a towing vehicle owned or

authorized by the governmental entity in compliance with laws authorizing removal of the vehicle.

(2) The property owner or an authorized agent shall provide express instruction to recover, tow or remove the vehicle and shall date and sign such instruction in the presence of the natural person recovering, towing or removing the vehicle. Neither the property owner nor an authorized agent shall be an officer, employee or agent of the person requested to recover, tow or remove the vehicle. No such instruction shall be considered to have been given by the mere posting of the notice as required by the preceding parts of this section. No such instruction shall be considered to have been given by virtue of the mere terms of any contract or agreement between a person providing towing services and a property owner. No such instruction shall be considered to have been given where the instruction occurs in advance of the actual unauthorized parking of the vehicle. No such instruction shall be considered to have been given where the instruction is general in nature and unrelated to specific, individual and identifiable vehicles which are already parked without authorization.

(3) The person recovering, towing or removing a vehicle at the request of a property owner or an authorized agent shall, within thirty (30) minutes of completing the vehicle recovery, tow or removal, notify the North Miami Police Department of the nature of the service rendered, the storage site of the vehicle, the time the service was rendered, and the make, model, color, vehicle identification number and license plate number of the vehicle.

(4) Persons or agencies authorized to provide services pursuant to this article shall not recover, tow or remove a vehicle or provide storage in connection therewith if the vehicle owner or other person legally authorized to control the vehicle arrives at the scene prior to recovery, towing or removal, except where:

- a. The registered owner or other legally authorized person in control of the vehicle refuses or is unable to remove the vehicle; or
- b. A complete mechanical connection exists between the vehicle and the towing or removal apparatus and the registered owner or other person in control of the vehicle refuses to pay a reasonable service fee of not more than half of the posted rate for such towing services as required by this article.

(5) Except as otherwise provided for in F.S. § 715.07, as amended from time to time, persons who provide services pursuant to this article shall not store or impound a towed vehicle at a distance which exceeds a three-mile radius of the location from which the vehicle was recovered, towed or removed unless no towing business providing services under this section is located within a three-mile radius, in which case a towed or removed vehicle may be stored at a site within the limits of Miami-Dade County.

(6) Persons or agencies authorized to provide services pursuant to this article shall maintain one (1) or more storage sites, each of which shall be open for the purpose of retrieval of vehicles by owners or owners' authorized agents on any day that the person providing the service is open for towing purposes, from at least 8:00 a.m. to 6:00 p.m., Monday through Friday, and, when closed, shall have posted prominently on the exterior of the place of business a notice indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open a site to retrieve a vehicle, the operator of the site shall return to the

site within one (1) hour. Persons who provide services pursuant to this section shall release the vehicle to the owner or authorized agent within one-half (½) hour after request is made in person.

**Sec. 20-84. - Contract requirements pertaining to tows from private property.**

(a) Each person or agency providing non-consensual tow recovery, removal, or storage services at the request of a private property owner or authorized agent of a property owner must enter into a written contract with every owner of private property that authorizes the tow of vehicles from the private property. The person or agency providing tow recovery, removal, or storage services must keep on file each contract that is in effect with each property owner, or that was terminated within the previous twelve (12) months. The city manager, law enforcement officers, and the owner of the vehicle towed by the permittee may inspect and copy any such contract during business hours.

(b) A property owner or an authorized representative may cause a vehicle parked without authorization upon the property owner's property to be recovered, towed or removed from such property by a person or agency contracted to provide tow recovery, removal or storage services and shall not incur liability for the costs of recovery, towing or removal or storage associated therewith, under the following circumstances:

- (1) When the property is appurtenant to and obviously a part of a single family residence property; or
- (2) When notice is personally given to the vehicle owner or other authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable for unauthorized vehicles and subject to being removed at the expense of the vehicle owner or authorized person in control of the vehicle; or
- (3) When the vehicle has been parked without authorization on the property for more than forty-eight (48) hours; or
- (4) In the case of any other unauthorized parking when notice is prominently posted on the property as provided in section 20-84(a) of this article; or
- (5) When the vehicle has been parked on the property for the principal purpose of displaying such vehicle for sale.

(c) When any property owner or an authorized representative causes a vehicle to be recovered, towed, removed from a private property and stored, the property owner shall immediately upon request and without demanding compensation inform the vehicle owner or other authorized person in control of the vehicle of the name and address of the person that has recovered, towed or removed the vehicle.

(d) No property owner or authorized representative shall request the recovery, tow, removal or fee storage of a vehicle pursuant to this section until there has first been ascertained from the person providing the service the current towing license number of that person.

(e) Nothing in this section shall permit any property owner or authorized representative to request the recovery, tow or the removal of law enforcement, fire fighting, rescue squad, ambulance or other emergency vehicles marked as such.

(f) Any person who improperly causes a vehicle to be recovered, towed, removed or stored shall be liable to the vehicle owner or the authorized representative for the costs of the services provided, any damages resulting from the recovery, towing, removal or storage and attorney's fees.

**Sec. 20-85. - Maximum non-consensual immobilization, towing and storage rates for providing immobilization or tow services.**

(a) The city council shall establish maximum rates for providing immobilization, recovery, towing, removal and storage services at the request of a city law enforcement officer, code enforcement officer, public service aide or a property owner or authorized representative, without the prior consent of the vehicle owner or other authorized person in control of the vehicle. The rates established shall be uniform throughout the city and in compliance with the rates established by Miami-Dade County, except that from time to time, the maximum rates established by the city council may be altered, revised, increased or decreased, pursuant to F.S. § 125.0103 and 166.045. The rates established pursuant to this article are attached as Exhibit "2".

(b) Persons who provide services pursuant to this article shall not charge in excess of the maximum allowable rates established by the city council. No person providing services pursuant to this article shall charge any type of fee other than the fees for which the city council has established specific rates.

**Sec. 20-86. - Requirements pertaining to roadside solicitation.**

(a) It shall be unlawful for any person to offer or solicit business regulated by this article from owners or operators of distressed vehicles on the roadways or streets of the city unless such person has obtained a business tax receipt, all necessary licenses, and permits where applicable, and complies with all city, Miami-Dade County, state and federal laws and regulations.

(b) It shall be unlawful for any person to provide services to a distressed vehicle on the roadways or streets of the city, unless such person has first disclosed all rates to the owner or operator.

(c) Except where federal or state laws or regulations mandate to the contrary, it shall be unlawful:

(1) For any person to offer or solicit business regulated by this article from, or engaged in business regulated by this article with, owners or operators of distressed vehicles or vehicles which have been involved in an accident on the roadways or streets of the city, unless:

a. The person is summoned to proceed to the scene of the distressed vehicle or accident by the owner or operator of the vehicle; or

b. The person is summoned to proceed to the scene of the distressed vehicle or accident by a law enforcement officer or public service aide;

(2) It shall be unlawful for any person to stop or drive along any street or bridge within one thousand five hundred (1,500) feet of the scene of a distressed vehicle or accident for the purpose of offering or soliciting business regulated by this article; except that a driver for the company having a towing permit with the city, may proceed to the location.

(3) For any person to offer or solicit business regulated by this article by reason of information received by shortwave or police radio; provided that this shall not apply to those persons described in subsections (e)(1)(I) and (ii) [(c)(1)a., b.] above.

(4) For any person to offer or solicit business regulated by this article in an attempt to knowingly divert and service patrons of another tow truck or wrecker legally present at the scene of an accident or distressed vehicle;

(5) For any person to offer, solicit, or engage in business regulated by this article while conveying false information to the owner or operator of a distressed vehicle or vehicle involved in an automobile accident.

(6) For any person to offer or solicit business regulated by this article by identifying oneself as having a contract with the governmental unit having jurisdiction over the street or area

where the distressed vehicle or vehicle which has been involved in an accident is located, when such information is untrue.

**Sec. 20-87. - Enforcement of towing permits and penalties.**

(a) This article, as it relates to towing permits, shall be enforced by personnel authorized by the city manager. When specifically authorized by the city manager, this article may be enforced by other city personnel.

(b) The city manager shall maintain a system by which permittees are given written notice of all violations.

(c) The city manager is authorized to enforce the provisions of this article by administrative fines of up to five hundred dollars (\$500.00) for each violation. Each day of a continuing violation shall be deemed a separate violation.

(d) In addition to fines, the city manager is authorized to enforce the provisions of this article by suspension or revocation of towing permits, upon notice and hearing as provided in this section, unless the permittee waives such notice and hearing. Permits are subject to suspension or revocation when it shall appear that:

(1) The permittee has failed to comply with or has violated the provisions of this article; or  
(2) The permit was obtained by an application in which any material fact was omitted or falsely stated; or

(3) Any towing vehicle or equipment or car carrier owned or operated by the permittee has been operated, parked or stored in violation of this article or of any provision of law regarding the use of tow vehicles, including but not limited to section 33-20.1 of the Miami-Dade County Code.

(e) In addition to the foregoing, a permit issued pursuant to this article shall be automatically suspended without a hearing when the city manager shall receive written notification that the permittee's officer, director or partner, or any other stockholder owning, holding, controlling or having beneficial interest in five (5) percent or more of the issued and outstanding stock of the permittee of the issued and outstanding stock of a corporate partner of a partnership permittee, has been convicted of a felony as listed in section 20-73(b)(9) above or of three (3) misdemeanors after receiving a permit. In addition to such suspension, the city manager shall initiate a hearing as specified in this article to consider revocation of such permit. A permittee whose permit has been suspended under this provision shall be entitled to reinstatement of a permit upon proof that:

(1) After a felony conviction, the permittee's civil rights have been restored or that the permittee otherwise qualifies for restoration of rights under F.S. § 940.05; or  
(2) After a conviction of any other criminal offense, that the person convicted has successfully completed all sentences of incarceration, probationary periods, required rehabilitation activities, and payment of all fines and penalties imposed in connection with such criminal offense.

(f) All hearings required by this section for proposed suspensions or revocations of permits shall be preceded by a maximum of ten (10) days' written notice. That notice shall specify the city's proposed action and the grounds upon which the action is predicated. The permittee may be represented by legal counsel and shall be entitled to present a defense to the proposed action. The

permittee shall notify the city manager in writing no later than five (5) business days before the scheduled hearing whether permittee will be represented by legal counsel at the hearing. Failure to give such notice shall entitle the city manager to a continuance of the hearing if requested. Failure to appear at a duly noticed hearing shall be deemed a waiver of the right to a hearing and an admission of the acts specified in the notice. Failure to claim certified mail notifying the permittee of the hearing shall be construed as failure to appear at a duly noticed hearing. All such hearings shall be conducted before a hearing examiner who shall not have responsibility for enforcement of this article and who shall be designated by the city attorney. Hearings under this section shall, insofar as practicable, be conducted in accordance with the rules of civil procedure governing in the circuit court. All such hearings shall be reported and, at the request of any party, transcribed at the expense of the party. Within a reasonable time after the conclusion of the hearing, the hearing examiner shall submit to the city manager a statement of findings, conclusions and recommendations. If the hearing examiner affirms the city manager's proposed action, the appellant shall pay the administrative costs of the hearing, unless such decision is reversed on subsequent appeal. The city manager shall promptly notify the appellant of his or her decision.

(g) The hearing examiner conducting a hearing under this section shall have the power to administer oaths or affirmations and may request the production of records, books, papers or other items.

(h) The city manager's decision may be appealed to the city council within ten (10) days of the date of decision. Upon such an appeal, the city council shall consider all evidence produced at the hearing. No further testimony or exhibits shall be permitted. The city council shall, on the basis of the record established before the hearing examiner, either affirm, reverse or modify the city manager's decision.

(i) Review of the city council's decisions under this section shall be to a court of appropriate jurisdiction in accordance with the Florida Rules of Appellate procedure.

(j) Notwithstanding any other provision of this article, the city manager may secure enforcement of the provisions of this article by any legal action necessary, including but not limited to execution upon fines levied or temporary or permanent injunctive relief.

**Sec. 20-88. - Scope of article.**

The provisions of this article shall be the exclusive regulations applicable to the non-consensual immobilization, recovery, towing and removal of vehicles in the city and all storage provided therein. Except as provided by this section, the regulations established by this article shall be applicable throughout the city. The provisions of this article shall not apply to the immobilization of a motor vehicle by a governmental agency, or person acting at the direction of a governmental agency, when such immobilization is authorized by a court order.

**Sec. 20-89. - Requirements for non-consensual immobilization of vehicles.**

It is unlawful for a person providing immobilization services to immobilize a vehicle owned by another person which is parked on private property without permission or authority of the owner or duly authorized driver of that vehicle, unless the following requirements are satisfied:

(1) Local business tax receipt required. No individual person or agency shall engage in the business of immobilization of motor vehicles parked on private property without first obtaining a local business tax receipt.

(2) Immobilization permit required. No individual person or agency shall engage in the business of immobilization of motor vehicles parked on private property without first obtaining a permit issued by the city manager in accordance with section 20-73, and subject to the provisions in sections 20-74 and 20-76 (any reference to towing permit in this section shall mean "immobilization permit").

(3) Notice. Notice shall be prominently posted on the property on which the vehicle is immobilized in accordance with the requirements set forth in subsection 20-83(1)(a) of this article. Notice must be prominently placed at each driveway access or curb allowing vehicular access to the property, within five (5) feet from the public right-of-way line. The text of the notice shall clearly display, in light reflective letters on a contrasting background, the following information:

- a. In letters at least two (2) inches high that unauthorized vehicles will be immobilized or towed away at the owners' expense;
- b. In not less than four (4) inches high the words immobilization/tow away zone;
- c. In letters at least two (2) inches high the days of the week and hours of the day during which vehicles will be booted;
- d. In letters at least one (1) inch high the fee to unboot the vehicle and acceptable methods of payment;
- e. In letters at least one (1) inch the name and address of the person performing the booting service;
- f. In letters at least two (2) inches high the telephone number to call and the on-site location (if applicable) where a person can go to request the unbooting of the vehicle; and
- g. In letters at least three-fourths (¾) of an inch high, NORTH MIAMI POLICE DEPARTMENT COMPLAINT NUMBER: (insert current telephone number).

(4) The vehicle is unlawfully parked.

(5) The vehicle is not occupied by a living natural person or animal.

(6) The vehicle may not be a police, fire fighting, rescue squad, ambulance or other emergency vehicle or other governmentally owned vehicle marked as such.

(7) The persons providing the immobilization service shall comply with subsections 20-78 and 20-83(2) of this article.

(8) Prior to immobilization, the property owner or immobilization operator's representative shall attempt to notify the owner, operator, or person legally in control of the vehicle to retrieve it promptly or the vehicle will be immobilized.

(9) Immobilization shall be accomplished by placing a steel boot on the front wheel of the driver's side of the motor vehicle. The steel boot may be placed on any other wheel if placement on the front wheel on the driver side is not feasible.

(10) Immediately after a vehicle is booted, the person booting such vehicle, the owner of the property where such vehicle was booted, or an employee or agent of such person or owner, shall affix at the rearmost portion of the window adjacent to the driver's seat of such vehicle, a sticker with a completely removable adhesive, measuring eight and one-half (8½) by eleven (11) inches containing a warning written in English, Spanish, French, and Haitian Creole that any attempt to move the vehicle may result in damage to the vehicle, and stating the name and business address of the person who booted such vehicle as well as a business telephone number which will facilitate the dispatch of personnel responsible for removing the boot.

(11) No release or waiver of any kind purporting to limit or avoid liability for damages to a vehicle that has been booted shall be valid. In addition, any person who booted a vehicle, or other person authorized to accept payment of any charges for such booting, shall provide a signed receipt to the individual paying the booting charges at the time such charges are paid. Such receipt shall state the name, business address, and business telephone number of the person who has booted such vehicle, and such receipt shall include a telephone number of the office within the city's police department responsible for receiving complaints with respect to booting.

(12) No charge shall be imposed for the booting of a vehicle unless and until the requirements of this section have been met, and any such unlawful charge shall be reimbursed by any person found to have violated this section article.

(13) The property owner or immobilization operator shall make available on a 24-hour, seven-days-a-week basis, attendants and equipment for the timely release of the immobilization device. Any person who had booted a vehicle shall release such vehicle as soon as practical, but not to exceed thirty (30) minutes of receiving a request for such vehicle's release; provided however, that payment of any charge for booting is made at or prior to the time of such vehicle's release. The owner or person in control of a vehicle which has been booted shall be permitted to pay any charge for booting at the location where such vehicle was booted and the person receiving payment for booting services shall accept payment for charges from the owner or duly authorized representative in accordance with the provisions of subsection 20-82(11), of this article. Acceptable methods for payment of the immobilization fee shall include cash, check, and credit card.

(14) A person may not charge more than the maximum fee established pursuant to section 20-85 and the schedule of rates, attached as Exhibit "2".

(15) The rebate or repayment of money or any other valuable consideration directly or indirectly from the individual or firm booting vehicles to the owners or operators of the premises from which the vehicles are immobilized, for the privilege of immobilizing those vehicles, is prohibited.

(16) The employees or agents of the booting business shall wear identification tags stating the full name of the booting business and the name of the employee or agent; no identification worn by the booting business' employees or agents shall use the words: "Enforcement," "Department," or "Police." Said identification tags shall be prominently displayed on the front left side of the employee or agent's shirt. All booting business vehicles shall display the company name (or name of joint venture, or individual owner or other entity ownership) on the driver and passenger side of the vehicle in letters at least three (3) inches high. The company's address (or address of joint

venture, or individual owner or other entity ownership) and telephone number shall be displayed on the driver and passenger side of the vehicle in letters at least one (1) inch high. No booting business shall use the words "Enforcement," "Department," or "Police," in its advertising, signs, stickers or identifications.

(17) Each person who performs immobilization must enter into a written contract with every owner of private property that authorizes the person to immobilize vehicles on their property. Each contract that is in effect or that was terminated within the previous twelve (12) months must be kept on file. The city manager, law enforcement officers, and the owner of the vehicle that was immobilized may inspect and copy such contract during business hours.

(18) Any person who improperly causes a vehicle to be immobilized shall be liable to the vehicle owner or his authorized representative for the cost of the services provided, any damages results from the immobilization, and the immobilization and attorney's fees.

(19) The permitted immobilization operator providing the booting service carries at least one hundred thousand dollars (\$100,000.00) in liability insurance, which will cover any damage to the vehicle.

(20) The permitted immobilization operator providing the booting service must comply with subsection 20-72(1) and section 20-79 of this article (any reference in these sections to tow shall mean "immobilization" or "booting").

(21) Persons who provide services pursuant to this section shall not use profane language, physical force or violence or threats of physical force or violence in dealing with the individuals responsible for administering this article or individuals who have had or are about to have their vehicles booted or immobilized.

(22) Persons who provide services pursuant to this section shall maintain a place of business. The place of business shall have a sign that clearly and conspicuously identifies the business to the public; and office space that has at least one (1) person on duty from 8:00 a.m. until 6:00 p.m., Monday through Friday, to answer telephone calls and to be open to serve the public and records requests made pursuant to section 20-79. However, the office may be closed to observe all holidays observed by the city government. The place of business shall maintain a telephone communication system to answer telephone calls from the public twenty-four (24) hours a day. The permit issued by the city manager shall be prominently displayed to the public at the business location.

#### Exhibit "2"

#### Categories and Maximum Rates for Non-Consensual Towing and Immobilization Services

1. To the extent permitted by law, set forth below are the maximum rates for providing recovery, towing, immobilization, and removal services authorized by the city pursuant to this article:

##### 1.1 Class "A" Tow Trucks

- a. Tow rate (hook-up and 1st one-half (½) hour at scene) ....\$88.00
- b. Per towed mile after first five (5) miles .....3.00
- c. Rate if released on scene ....44.00d. Extra labor/waiting time at scene (after first one-half (½) hour), per one-fourth (¼) hour thereafter .....20.00

#### 1.2 Class "B" Tow Trucks

- a. Tow rate (hook-up and 1st one-half (½) hour at scene) ....150.00
- b. Per towed mile after first five (5) miles .....3.50
- c. Extra labor/waiting time at scene (after first one-half (½) hour) per one-fourth (¼) hour thereafter .....37.50

#### 1.3 Class "C" Tow Trucks

- a. Tow rate (hook-up and 1st one-half (½) hour at scene) ....175.00
- b. Per towed mile after first five (5) miles .....4.50
- c. Extra labor/waiting time at scene (after first one-half (½) hour) per one-fourth (¼) hour thereafter .....43.752. Class "A" and "B" Slide back car carriers, miscellaneous and other charges applicable to classes "A", "B", and "C" above:

#### 2.1 Slide Back Car Carriers

- a. Tow rate (hood-up and 1st one-half (½) hour at scene) ....175.00
- b. Per towed mile after first five (5) miles .....4.50
- c. Extra labor/waiting time at scene (after first one-half (½) hour) per hour thereafter .....43.75

#### Categories and Maximum Rates for Non-consensual Towing Services

#### 2.2 Dollies

- Class "A" (except private property tows), per job .....35.00

#### 2.3 Underwater recovery salvage divers

- a. For first hour/per diver .....125.00
- b. For each additional fifteen (15) minutes .....31.25

Per one-fourth (¼) hour or any fraction thereof over the first hour per diver

3. Storage rates: The following rates shall be set for the storage of vehicles. However, pursuant to F.S. § 713.78(2), no storage fee shall be charged if the vehicle is stored for less than six (6) hours. The storage rate charges shall be based upon each twenty-four (24) hour increment, after the first six (6) hours, rather than by calendar day.

#### 3.1 Inside storage

- a. Cars, per day .....25.00
- b. Motorcycles and scooters, per day .....12.00
- c. Any vehicle/trailer over twenty (20) feet, per day .....40.00

#### 3.2 Outside storage

- a. Cars, per day .....20.00
- b. Motorcycles and scooters, per day .....10.00
- c. Any vehicle/trailer over twenty (20) feet, per day .....35.00

3.3 Weatherproof cover/protection (add'l.), per day .....0.50

4. Immobilization rate: The maximum rate for removal of an immobilization device shall not exceed thirty dollars (\$30.00).

**Sec. 20-90. - Improper towing.**

In the event that it is determined by the city that a motor vehicle was towed under circumstances or in a manner not in accordance with this chapter, the operator who executed the improper towing will take one of the following actions:

- (1) The operator will refund all money paid for the release of the motor vehicle; or
- (2) The operator will release the motor vehicle to its rightful owner without payment.

In the event the operator fails to take one (1) of the two (2) aforementioned actions, the operator's permit will be revoked within the city for six (6) months.

Sec. 20-91-20-100. RESERVED

**ARTICLE III. CONTROLLED RESIDENTIAL PARKING AREAS**

**Sec. 20-101. - Declaration of necessity and purpose.**

(a) It is in the best interests of the residents of the city to reduce vehicular congestion on residential streets and to facilitate the efficient movement of traffic by providing for residential parking preference during certain hours of the day within certain areas meeting criteria set forth in this article;

(b) Controlled residential parking regulation is necessary to promote the health, safety, and welfare of the residents of the city by providing adequate parking spaces adjacent to or close by their places of residence;

(c) It is in the public interest to:

- (1) Reduce hazardous traffic conditions resulting from the use of streets located within congested residential areas for the parking of vehicles by persons using such residential areas to gain access to other places;
- (2) Protect those areas from excessive noise;
- (3) Protect the residents of those areas from unreasonable burdens in gaining access to their residences;
- (4) Preserve the character of those areas as residential;
- (5) Promote efficiency in the maintenance of these streets in a clean and safe condition;
- (6) Preserve the value of the property in those areas;
- (7) Preserve the safety of children and other pedestrians; and
- (8) Promote traffic safety, clean air, and the comfort, health, convenience, and welfare of the inhabitants of the city.

**Sec. 20-102. - 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:

*Commuter vehicle* means a motor vehicle parked in a residential area by a person not a resident of the designated residential area.

*Impacted by commuter vehicles* means:

(1) A condition whereby an undue number of commuter vehicles are being driven into or left in a residential area regularly between the hours of 7:00 p.m. and 6:00 a.m. of the following day, parking therein for purposes unrelated to residential uses.

*Controlled parking residential area* means a contiguous or nearly contiguous area containing public streets or parts thereof primarily abutted by residential property or residential and nonbusiness property such as cemeteries, parks, churches, hospitals, and nursing homes. A residential area shall contain at least a city block.

*Residential area* means a contiguous or nearly contiguous area containing public streets or parts thereof primarily abutted by residential property or residential and nonbusiness property such as cemeteries, parks, churches, hospitals, and nursing homes. A residential area shall contain at least half a city block.

*Residential parking permit* means a special permit issued under this division for the privilege of parking on a street designated as controlled parking residential area.

*Resident* means a person who owns or leases real property within a residential area and who maintains either a voting residence or a bona fide occupancy, or both, at that address and can provide one of the following proofs of residency:

- Proof of ownership of their residentially utilized property ownership within the city limits; or
- Current lease for their residentially utilized property within the city limits; or
- Voter registration demonstrating their residency within the city limits; or
- A utility bill for their residentially utilized property within the city limits.

**Sec. 20-103. - Creation of controlled parking residential area.**

(a) Whenever the city manager or his designee shall make a determination that a residential area is impacted by commuter vehicles in accordance with the criteria set forth herein, he may initiate the creation of a controlled residential parking area. A request for a determination by the city manager or his designee should be initiated through petition of a majority of the bona fide residents of a residential area which shall state the residents' names, addresses and the exact location and boundaries of the proposed residential parking permit area.

(b) After initiation of the creation of a controlled residential parking area by the city manager or his designee as set forth in subsection (a) of this section, the city council shall hold a public hearing on the matter. Such public hearing shall be held only after:

- (1) Notices have been mailed or personally delivered to every household that can reasonably be established within the area under consideration; and
- (2) Notice has been posted in the area under consideration fifteen (15) days prior to the hearing date. The notice shall clearly state the purpose of the hearing and the exact location and boundaries of the proposed residential parking permit area.

(c) The city council shall, by resolution, approve or disapprove the creation of the residential parking permit area.

(d) A residentially zoned area shall be deemed eligible for designation as a "controlled parking residential area" for controlled residential parking if parking there is impacted by commuter vehicles and/or commercial vehicle parking and off-street parking is limited.

(e) The following objective criteria are established to be used in evaluating the need for restricted parking in a residentially zoned area/street in accordance with this division. For an area/street to be eligible for controlled residential parking, that area must meet the following criteria:

(1) During peak periods, the number of vehicles parked or standing, legally or illegally, on streets in the area is equal to 50 percent or more of the on-street parking capacity of the area. For purposes of this criterion, a legal parking space shall be 20 linear feet measured parallel to the curb or pavement edge; and

(2) During the same period, 25 percent or more of the vehicles parking or standing on the streets in the area are not registered in the name of a person residing in the area. For purposes of this criterion, the latest available information from the state department of motor vehicles regarding registration of motor vehicles shall be used.

(3) In determining whether an area identified as impacted and eligible for controlled residential parking shall be designated as a controlled parking residential area, the following factors shall be considered:

- a. The local needs with respect to clean air and environment in residential areas.
- b. The possibility of a reduction in total vehicle miles driven in the city.
- c. The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards.
- d. The proximity of public transportation to the residential area.
- e. The desire and need of the residents for controlled residential parking.
- f. The need for parking regulation to maintain the residential character of neighborhoods.

(f) When the city manager finds the criteria to designate have been met in a "controlled parking residential area", the city manager shall cause the regulation to be recorded upon an appropriate map of the city and retained permanently in the office of the city clerk. In addition, the city manager shall cause parking signs to be erected upon public streets in the area, indicating the times, locations, and conditions upon which parking shall be by permit only. When an area has been approved, designated and posted as a "controlled parking residential area", it shall be unlawful and a violation of this ordinance to park a commuter vehicle in an area restricted to permit parking only without having a valid residential parking permit affixed on the left rear window or bumper of the vehicle or license plate registered with the city.

**Sec. 20-104. - Issuance of permits; placement of signs.**

(a) A permit shall be issued once the resident has completed the 'residential parking permit' application, provided the required documentation, and paid the permit fees, if any, for the street they currently reside on. No more than two 'residential parking permits' per household.

(b) Permit fees, if any, shall be approved by the city manager. The city manager or their designee shall calculate the permit fees based on the actual cost of manufacture and installation of pertinent signs, applications, permits and administrative costs in connection with the issuance of permits and present recommended fees.

(c) The application for a permit shall contain the name of the owner or operator of the motor vehicle, a copy of their driver's license, and a photostatic copy of the vehicle registration. The applicant must also provide a current form of residency which can include a utility bill, lease agreement, property deed, voter's registration or any other form of documentation with the name of the applicant and the address they are applying for. The permittee shall apply in person for the initial permit and shall present all required documentation. Personal appearance shall not be required for permit renewals with the same information required each year prior to expiration of the permit. Permits will be available as of December 20 of each year.

(d) The permit must be displayed on the lower left corner of the outside rear window or on the left rear bumper of the vehicle or the license plate may be registered with the city. For the permit to be valid it must be displayed as such on the vehicle listed on the completed application. Permits not displayed properly or on a vehicle other than listed will be null and void.

(e) Guest/service permits. Upon application by such owner, up to two guest/service permits may be issued and used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for guests of such owner's residence. The permits shall be used only for the period during which business is to be conducted by the service vehicles or for the duration of stay of a guest to the residence for which the permit is issued. The application for a guest/service permit or permits shall be completed by such owner.

The permit or permits shall be valid until the end of the current fiscal year and may be renewed in the same manner each successive year. A person must have a residential parking permit to be eligible to purchase a guest/service permit. These permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the guest or service vehicle observable through the front windshield of the vehicle or the license plate of the vehicle may be registered with the city. The permits shall be valid only for the period during which the service vehicle is conducting work at the premises or for the period of time a guest is at the premises.

**Sec. 20-105. - Parking in residential permit areas "controlled parking residential areas".**

(a) The holder of a residential parking permit that is properly displayed shall be permitted to stand or park a motor vehicle in the appropriately designated parking area. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed to be clearly visible to enforcement personnel or the vehicle license plate may be registered with city. A residential parking permit shall not guarantee or reserve to the holder a parking space within the designated parking area.

(b) A residential parking permit shall not authorize the holder of the permit to park in spaces or areas designated by law as restricted or prohibited parking (loading zones, fire hydrants, disabled, or other such regulated areas), nor shall it exempt him from the observance of any traffic regulations, other than parking time limits.

(c) Time limits for parking in each controlled parking residential area shall be posted in plain view and shall be strictly enforced.

**Sec. 20-106. - Enforcement.**

Vehicles found within a controlled parking residential area during the time limits posted without a valid permit for that area:

- (1) Shall be issued a uniform parking citation pursuant to this article; and
- (2) May be towed pursuant to this article.

**Sec. 20-107. - Parking permit violations.**

It shall be unlawful for any person to represent that he is entitled to a residential parking permit when he is not entitled, or to hold or display such a permit at any time when he is not entitled.

**Sec. 20-108. - Revocation of permits and penalties.**

(a) The city manager or his designee is authorized to revoke the residential parking permit of any individual found to be in violation of the provisions of this division.

(b) Failure to surrender a revoked permit within ten working days of written notification from the parking department shall carry the following penalties:

- (1) The violator shall not be allowed to reapply for another permit for six months.
- (2) Once restored, if the permit holder should once again have his permit revoked by the department, the resident would be restricted from applying for one year.

**Sec. 20-109. - Removal of "controlled parking residential area".**

The city manager or his designee is authorized to remove a controlled parking residential area when sixty percent (60%) of residents in said area submit a signed petition requesting to dissolve the particular controlled parking residential area.

**Sec. 20-110. - Exemptions.**

Vehicles with valid handicapped license plates issued by the Florida Department of Motor Vehicles and displaying the internationally accepted wheelchair symbol, handicapped parking permit, or disabled veteran motor vehicle license plate are exempt from the requirements of this division.

**Sec. 20-111. - Administrative policy and procedure.**

The city manager is instructed to create a residential parking program policy manual which shall be adopted by resolution of the city council. The city manager is granted the authority to make amendments to said policy manual as the city manager finds necessary. Copies of the residential parking program policy manual shall be available upon request.

**Sec. 20-112. - Creation of the Arch Creek East controlled parking residential areas.**

(a) The entirety of 135th Street east of Biscayne Boulevard is designated a controlled residential parking area.

(b) Seven (7) subareas are additionally created to correspond with the following streets:

- (1) NE 20th Court (Pelican Court).
- (2) NE 21st Court (Ibis Court).
- (3) NE 22nd Court (Dolphin Court).
- (4) NE 23rd Court (Manatee Court).
- (5) NE 23rd Place (Osprey Place).
- (6) NE 24th Court (Heron Court).
- (7) NE 24th Place (Red Fish Place).

(c) Parking in the subareas listed in section (b) above is expressly limited to residents and visitors living on those respective streets. All other vehicles parked in the seven (7) subareas are subject to parking enforcement. The city manager or his designee is empowered to take whatever steps necessary, including a residential parking permit program to enforce this section.

(d) The parking of commercial vehicles on 135th Street is prohibited between the hours of 7:00 p.m. and 7:00 a.m.

(e) No vehicle may be parked in a given space for more than seventy-two (72) hours, otherwise it shall be considered abandoned and subject to towing.

(f) There shall be no overnight parking on 135th Street between 7:00 p.m. and 7:00 a.m. except by residential or visitor parking permit holders only.

**Sec. 20-113. - Creation of the Griffing Biscayne Park Estates controlled residential parking area.**

(a) As shown in the following figure, 127th Street between NE 5th Avenue and NE 6th Avenue and NE 5th Avenue between 125th Street and 129th Street is designated the Griffin Biscayne Park Estates controlled residential parking area.

(b) There shall be parking by residential or visitor parking permit only in this area between 8:00 a.m. and 8:00 p.m.

(c) The parking of commercial vehicles as defined under section 33-124 of the Miami-Dade County Code of Ordinances, without the permission of a resident or owner living in the area, is prohibited between 8:00 a.m. and 8:00 p.m.

(d) The city manager is authorized to do all things necessary to establish the Griffing Biscayne Park Estates controlled residential parking area including but not limited to issuance of permits, striping and placement of signs.



\* \* \* \* \*

**Section 2. Repeal of Articles X and XI of Chapter 11 of the City Code.** Whereas the Mayor and City Council of the City of North Miami, FL hereby repeal Chapter 11, Articles X and XI, of the City Code of Ordinances, entitled “Towing of Motor Vehicles” and “Controlled Residential Parking Areas” to provide for their relocation into the newly created Chapter 20.

**Section 3. Repeal.** All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance

**Section 4. Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

**Section 7. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 14th day of October, 2025.

**PASSED AND ADOPTED** by a 4 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 28th day of October, 2025.

  
ALIX DESULME, ED.D.  
MAYOR

ATTEST :

  
VANESSA JOSEPH, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Charles

Seconded by: Estime-Irvin

**Vote:**

Mayor Alix Desulme, Ed.D.	<u>      </u> (Yes) <u>      </u> (No) <u>Absent</u>
Vice Mayor Kassandra Timothe, MPA	<u>X</u> (Yes) <u>      </u> (No)
Councilman Kevin A. Burns	<u>X</u> (Yes) <u>      </u> (No)
Councilwoman Mary Estimé-Irvin	<u>X</u> (Yes) <u>      </u> (No)
Councilman Pierre Frantz Charles, M.Ed.	<u>X</u> (Yes) <u>      </u> (No)

Additions shown by underlining. Deletions shown by overstriking.