

Chapter 12

JUNKED, WRECKED, ABANDONED PROPERTY*

* **Cross References:** Buildings and building regulations, Ch. 5; code enforcement, Ch. 6; fire prevention, Ch. 8; litter on private property prohibited, §§ 11-6, 11-7; construction wastes, § 11-10; landscaping, Ch. 13; permitting foreign material in waterways, §§ 15-22, 15-23; obstructions to waterways, §§ 15-25--15-28, 15-37; planning and development, Ch. 19; handbills prohibited, § 22-1; streets, sidewalks, bridges and other public places, Ch. 23; traffic and vehicles, Ch. 25; zoning, Ch. 27; streets, § 23-21 et seq.

State Law References: Seized, abandoned, wrecked or derelict property, F.S. Ch. 705; abandoned property of nominal value, supplemental procedure for removal and destruction, F.S. § 705.16; personal property found in public places, F.S. § 715.01; reporting of unclaimed motor vehicles, F.S. § 715.05; vehicles parked on private property, towing, F.S. § 715.07.

Art. I. In General, §§ 12-1--12-20

Art. II. Abandoned and Inoperative Vehicles, §§ 12-21--12-40

Art. III. Wrecker Service for Towing Vehicles, §§ 12-41--12-77

ARTICLE I.

IN GENERAL

Sec. 12-1. Authority of police to seize.

The police department is hereby authorized and directed to seize and reduce to the possession of the police department any automobiles, bicycles, or other vehicles, or any machinery or part, whether stolen, wrecked or otherwise lost or abandoned, which may be found upon any of the public streets or highways or parks of the city. The police may impound any boat, motor or skiff, whether stolen, wrecked or otherwise abandoned which may be found upon any of the public canals, lakes or other waterways, or upon the banks of such bodies of water, or the public streets, highways or upon any public ground or in any public building in the city. The police department is hereby authorized to reduce to the possession of the police department any gun, pistol, knife or other weapon, or any other property legally confiscated.

(Code 1964, § 19A-1)

Cross References: Police, Ch. 21.

Sec. 12-2. Storage of seized or found property; time period.

The police department shall keep and maintain adequate safes, storage rooms, garages, warehouses or other compounds where the bicycles and other vehicles, except motor vehicles, boats and other property seized or impounded under the provisions of this article shall be stored and kept for a period of six (6) months from the date of such seizure or impounding.

(Code 1964, § 19A-2)

Sec. 12-3. Notice to owner of seizure; redemption procedure.

During the storage period of six (6) months the police department shall make every effort to notify the owner of any such vehicles or other property that the same are being retained under the provisions of this article, and shall throughout such period of six (6) months permit the owner to regain possession thereof upon proof of ownership and upon payment of storage charges and costs connected with the seizure and storage of vehicles and other property.

(Code 1964, § 19A-3)

State Law References: Reporting of unclaimed motor vehicles, F.S. § 715.05.

Sec. 12-4. Sale of unredeemed property; public notice.

After the expiration of the period of six (6) months the mayor and/or chief of police shall publish in a newspaper of general circulation a description of such vehicles and other property, together with the date of seizure or taking possession thereof, and shall give notice that if such vehicles and other property be not claimed by the rightful owner thereof within thirty (30) days from date of publication, such vehicle or other property shall be sold at public sale at such place and in such manner as the custodian shall prescribe. The notice shall be published for two (2) consecutive weeks, two (2) publications being sufficient.

(Code 1964, § 19A-4)

Sec. 12-5. Disposition of proceeds of sale.

The proceeds of any sale of unredeemed property so made after deducting the costs of storage, advertising, selling and other expenses incident to the selling of such vehicles and other property, shall be turned over to the general funds of the city.

(Code 1964, § 19A-5)

Secs. 12-6--12-20. Reserved.

ARTICLE II.

ABANDONED AND INOPERATIVE VEHICLES*

* **Cross References:** Public works or police department to inspect wrecker storage facilities, § 12-55; wrecker drivers to be approved by the police department and fire department, § 12-57.

Sec. 12-21. Definitions.

For the purpose of this article, the following terms shall have the following meanings:

Abandoned means:

- (1) Any vehicle located on public property or private property that does not have lawfully affixed thereto or displayed thereon a valid, unexpired license plate that permits its operation upon the highways of the State of Florida.
- (2) Any vehicle or part thereof that is left on public property continuously without being moved for a period of twenty-four (24) hours or more.

- (3) Any vehicle or part thereof located on public property illegally or in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or other vehicular traffic on a public right-of-way, street or highway.
- (4) Any vehicle or part thereof that has remained on private property without the consent of the owner or person in control of such private property, for a continuous period of twenty-four (24) hours or more.
- (5) Any "inoperative motor vehicle," which is defined to be any motor driven vehicle that cannot move under its own power due to defective or missing parts.

Enforcement officer means the police chief, his agents or employees, a police officer, a police service aide, the code enforcement officer and assistants, or any other person designated by law, charter, ordinance, or resolution to enforce the provisions of this article of the City Code.

Owner means the last known record title holder to a vehicle according to the records of the Florida Department of Motor Vehicles.

Parts means all component parts of a vehicle that are in a state of disassembly, or are assembled with other vehicle component parts, but which, in their state of assembly, do not constitute a complete vehicle.

Person means all natural persons, firms, partnerships, corporations, and other entities.

Vehicle means any motor vehicle as defined in Florida Statutes, automobile, motorcycle, truck, trailer, semi-trailer, truck-tractor, bus, school bus, house car, motorbicycle, wagon, farm machinery, moped and every device in, upon, or by which any persons or property are or may be transported, every type of equipment on wheels.

(Code 1964, § 14-12; Ord. No. 1387, § 1, 4-2-86; Ord. No. 2329, § 1, 7-28-2004)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 12-21.5. Control of parking facilities subject to public parking easements.

(a) *Private property* means all privately owned property that is not classified within the definition of public property.

(b) *Public property* means any public right-of-way, any property which has been dedicated to, conveyed to, or over which the following have an easement (but only during such times such easement is not reserved for private use in accordance with this section): the state, county, city, community redevelopment agency, safe neighborhood district, or other governmental entity.

(c) Where an easement for parking has been dedicated or granted to the public or to a governmental entity, the police department (upon an application by the landowner approved by the governmental entity enjoying the easement or with jurisdiction if the easement is to the public) may restrict public usage during certain times within a twenty-four-hour period. During such determined periods of public use, the property shall be public for purposes of this article and during time periods reserved for private use the property, shall be considered private property for the purposes of this article.

(d) In considering whether to approve a restriction on the hours of public use for any parking area over which the public has an easement, the police department, acting with the advice of the planning, zoning and economic development department and fire department, shall consider:

- (1) The character and type of surrounding uses, both on the property subject to the easement and on the surrounding property;
- (2) Whether the restriction would further the city's interest in crime prevention;
- (3) The hours of typical and permitted operation of the property subject to such easement;
- (4) The hours of typical and permitted operation of the property immediately surrounding the property subject to the easement;
- (5) The city's development approval conditions, if any, for the property subject to such easement, and the property immediately surrounding same;
- (6) Any reported dispatch calls or responses by law enforcement, fire prevention, or emergency medical transport agencies for the six (6) months preceding a request to restrict the hours of public use;
- (7) Whether the restriction would further the public health, safety, and welfare in terms of any lessening or preventing of adverse effects caused by noise, litter, routine gatherings of numbers of persons, property damage, and the like during the time the parking facilities are currently being used for public parking;
- (8) Whether the parking facility is reasonably in use by the public during the times for which the restriction is requested; and,
- (9) Whether and to what extent approving the restriction would not further economic development or redevelopment interests.

(e) The city administration may initiate an application to restrict the hours of public use of a parking easement pursuant to this section.

(f) The police department may approve an application to restrict hours of public usage of parking areas for a limited term not to exceed one (1) year, after which initial term the restriction may be renewed for another one-year term. The police department may also cancel an approved restriction or modify same at any time upon consideration of the above factors and shall advise the owner of the land subject to the easement of such decision in writing.

(g) Upon the expiration or termination of the restriction, the owner of the property subject to the easement may apply for a new restriction.

(h) When the use of parking spaces within an easement to the public or to another governmental

agency has been restricted pursuant to this section, the owner shall be able to erect signs approved by the police department advising the public that the area is to be used by the public during certain hours, and at all other hours public parking may not occur. The property may be appropriately signed for towing of unauthorized vehicles during the hours when the public is prevented from usage, and trespass laws may also be enforced.

(i) This section is cumulative to all other laws and regulations and policies that may from time to time exist with respect to these matters, and may or may not be used in lieu of same.
(Ord. No. 2329, § 2, 7-28-2004)

Sec. 12-22. Deposit, storage prohibited on public or private property.

No person shall deposit, store or keep, or permit to be deposited, stored or kept, in the open upon public or private property an abandoned vehicle.
(Code 1964, § 14-14; Ord. No. 1387, § 2, 4-2-86)

Sec. 12-23. Abandoned vehicle; supplemental procedure for removal and destruction.

(a) The rights, powers, and procedures set forth in this section shall be cumulative to the rights, powers and procedures set forth elsewhere in state law, this article, and in the Code. These rights, powers, and procedures are not intended to replace such other law, but are intended to enable the city to act under this section and article where it may not be able to do so under such other law.

(b) Whenever the enforcement officer ascertains that an abandoned vehicle is present on public property or on private property contrary to section 12-22 of this Code, he may cause a notice to be placed upon such abandoned vehicle in substantially the following form:

"NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VEHICLE.
THIS VEHICLE, TO WIT:

[Setting forth brief description]

LOCATED AT [setting forth a brief description]

IS:

(1) Unlawfully upon public property at [setting forth brief description of location]

OR

(2) Improperly stored and is in violation of section 12-22 of the Plantation Code of Ordinances, and

MUST BE REMOVED WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE; OTHERWISE IT SHALL BE PRESUMED TO BE AN ABANDONED VEHICLE AND WILL BE REMOVED.

You are notified that you may show cause why the above vehicle should not be removed as an abandoned vehicle by written request for a pretaking hearing to be held before the Code Enforcement

Board or Special Master of the City of Plantation at City Hall, 400 N.W. 73rd Avenue, Plantation, Florida. You must make such a request for a pretaking hearing by delivering a written request for a hearing to the City Clerk of the City of Plantation at City Hall, 400 N.W. 73rd Avenue, Plantation, Florida, within ten (10) days of the posting of this notice on the vehicle, which posting took place on _____. Failure to request such hearing, attend this hearing, or to remove this vehicle as so ordered by the code enforcement board or special master within forty-eight (48) hours of said hearing, will result in removal by the City of Plantation. The vehicle may thereafter be stored or destroyed at the expense of the owner of the vehicle (and if the vehicle is located on private property at the expense of the private property owner), traded to another unit of local government or state agency, donated to a charitable organization, or sold with the benefit and proceeds thereof kept by the City of Plantation.

DATED this _____ [setting forth the date of posting of notice].

Signed [setting forth name, title, address and telephone number of enforcement officer]"

Such notice shall be not less than eight (8) inches by ten (10) inches and shall be sufficiently weatherproof to withstand normal exposure to the elements.

(c) The enforcement officer shall also make a reasonable effort to ascertain the name and address of the owner of the abandoned vehicle, and if such address is reasonably available to the enforcement officer, he shall mail a copy of such notice to the owner on the date of posting or the next business day thereafter.

(d) If the abandoned vehicle is located on private property, the enforcement officer shall mail a copy of the notice to the owner of the real property upon which the abandoned vehicle is located as shown by the real estate tax rolls of Broward County on or before the date of posting such notice.

(e) If:

- (1) At the end of ten (10) days after the posting of such notice if no hearing was timely requested; or,
- (2) Forty-eight (48) hours after the pre-taking hearing if a hearing has been timely requested and the requester failed to attend such hearing or the code enforcement board or special master has determined that reasonable cause to prevent the city from towing the vehicle has not been shown, whichever occurs later, the owner or any person interested in the abandoned vehicle described in such notice has not removed the abandoned vehicle from public property, then the enforcement officer may cause the abandoned vehicle to be removed and either stored, destroyed, used by the city for its own use, traded to another unit of local government or state agency, donated to a charitable organization, or sold. The salvage value, if any, of such abandoned vehicle that is destroyed shall be retained by the city and may be deposited in the city's general funds. The owner of any abandoned vehicle, who, after notice as provided in this section, does not remove the vehicle within the specified period shall be liable to the City of Plantation for all costs of removal, storage, and destruction of such vehicle, less any salvage value received by the city. Upon such removal and destruction, the enforcement officer shall notify the owner of the amount owed and of the penalty provision of this subsection. Any person who neglects or refuses to pay such amount shall be subject to a fine of two hundred fifty dollars (\$250.00).

- (f) If:
- (1) At the end of ten (10) days after the posting of such notice if no hearing was timely requested; or,
 - (2) Forty-eight (48) hours after the pre-taking hearing if a hearing has been timely requested and the requester failed to attend such hearing or the code enforcement board or special master has determined that reasonable cause to prevent the city from towing the vehicle has not been shown, whichever occurs later, the owner or any person interested in the abandoned vehicle described in such notice has not removed the abandoned vehicle from private property, then the enforcement officer may cause the abandoned vehicle to be removed and either stored, destroyed, used by the city for its own use, traded to another unit of local government or state agency, donated to a charitable organization, or sold if:
 - a. The vehicle presents a fire hazard as determined in the reasonable, exclusive discretion of the city; or,
 - b. The vehicle presents a traffic circulation hazard on the property as determined in the reasonable, exclusive discretion of the city; or
 - c. The vehicle is not secured such that children may access same and it presents conditions of an attractive nuisance as determined in the reasonable, exclusive discretion of the city; or,
 - d. The vehicle is in an unsafe condition or presents danger to property (i.e., may create a windblown hazard during times of tropical storm force winds) as determined in the reasonable, exclusive discretion of the city; or,
 - e. The vehicle becomes used for human habitation or is used in or is the scene of a criminal activity; or,
 - f. The city determines in the reasonable, exclusive exercise of its discretion that there is some other circumstances or facts present in the matter that creates a risk of injury to persons or property and that removing the vehicle so as to protect the public health, safety, and welfare.

The salvage value, if any, of such abandoned vehicle that is destroyed shall be retained by the city and may be deposited in the city's general funds. The owner of any abandoned vehicle and the property owner, who, after notice as jointly and severally liable provided in this section, does not remove the vehicle within the specified period shall be jointly and severally liable to the City of Plantation for all costs of removal, storage, and destruction of such vehicle, less any salvage value received by the city. Upon such removal, storage, and destruction, the enforcement officer shall notify such owner(s) of the amount owed and of the penalty provision of this subsection. Any person who neglects or refuses to pay such amount shall additionally be subject to a fine of two hundred fifty dollars (\$250.00).

(Code 1964, § 14-15; Ord. No. 1387, § 3, 4-2-86; Ord. No. 2329, § 3, 7-28-2004)

Sec. 12-24. Repossession by owner; procedure.

If the enforcement officer determines that the abandoned vehicle has sufficient value to justify its storage, the owner of the vehicle so removed may regain possession thereof from the city by making application therefor within two (2) months after its receipt by the city, upon paying to the city all costs of removal, which shall be repaid to the person who paid or incurred such charges, plus storage charges of said vehicle while in possession of the city, plus all fines imposed upon the owner for violation of this chapter. If the enforcement officer determines that the abandoned vehicle should be destroyed, the owner will be notified by certified mail and the vehicle may be destroyed thirty (30) days thereafter.

(Ord. No. 1387, § 5, 4-2-86)

Editors Note: Section 5 of Ord. No. 1387, adopted Apr. 2, 1986, amending § 14-17 of the 1964 Code, has been included as § 12-24 hereof at the editor's discretion. Former § 12-24, pertaining to removal of junked vehicles by property owner or occupant or police, deriving from § 14-16 of the 1964 Code, was repealed by § 4 of Ord. No. 1387.

Sec. 12-24.1. Sale of unclaimed vehicles.

If no claim for said aforescribed vehicle is made within two (2) months after receipt thereof, the city may sell said vehicle for the best price obtainable as junk or otherwise, and the proceeds thereof shall be available to pay the reasonable charges of delivering the same to the city if a claim therefor be made by the person who paid said charges, the expense of keeping and disposing of said vehicle, and any balance shall be paid into the general fund.

(Ord. No. 1387, § 6, 4-2-86)

Editors Note: Section 6 of Ord. No. 1387, adopted Apr. 2, 1986, redesignated § 14-18 of the 1964 Code as § 14-17; same has been included herein as § 12-24.1, at the editor's discretion.

Sec. 12-25. Liability for trespass.

Section 705.16(7), Florida Statutes [1985], is hereby adopted by reference. This statute provides:

"Any enforcement officer or any person authorized by the enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed by this section."

(Code 1964, § 14-19; Ord. No. 1387, § 8, 4-2-86)

State Law References: Similar provisions, F.S. 1987, § 705.103(6).

Sec. 12-26. Interference with enforcement of this article.

Section 705.16(6), Florida Statutes [1985], is hereby adopted by reference. This statute provides:

"Whoever opposes, obstructs, or resists any enforcement or any person authorized by the enforcement officer in the discharge of his duties as provided in this section upon conviction shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083."

(Ord. No. 1387, § 7, 4-2-86)

Editors Note: Ord. No. 1387, § 7, adopted Apr. 2, 1986, adding § 14-18 to the 1964 Code, has been codified as § 12-26 hereof at the editor's discretion.

State Law References: Similar provisions, F.S. 1987, § 705.103(5).

Secs. 12-27--12-40. Reserved.

ARTICLE III.

WRECKER SERVICE FOR TOWING VEHICLES*

* **Editors Note:** Ord. No. 2329, § 4, adopted July 28, 2004, amended the former Art. III, §§ 12-41--12-74, and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter. For complete derivation see the Code Comparative Table at the end of this volume.

Cross References: Police, Ch. 21; traffic and vehicles, Ch. 25.

Sec. 12-41. Reserved.

Editors Note: Ord. No. 2393, § 5, adopted Aug. 22, 2007 repealed § 12-41, which pertained to applicability; rotation system established and derived from Ord. No. 2329, § 4, 7-28-2004.

Sec. 12-42. Availability of services.

Towing services must be available on a twenty-four-hour basis.
(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-43. Maintenance of fleet.

Towing vehicle fleets must be in good repair.
(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-44. Wreckers defined.

(a) A towing contractor's fleet of trucks must consist of class A and class C wreckers as defined and described in "Florida Highway Patrol Rules and Regulations for Wreckers on FHP Rotation List," as promulgated by the department of highway safety and motor vehicles.

(b) All equipment shall be modern, commercially manufactured, and in good mechanical condition. No towing service equipment shall be used by the contractor as an emergency vehicle. All towing vehicles must be equipped with a two-way communication capable of covering all assigned territory and the contractor's compound.

(c) Contractor shall have full control and total availability of all equipment listed below in his/her contract inventory.

- (1) Class "A" towing/recovery vehicle specifications quantity: Four (4) including "roll back or slide back" wreckers.
 - a. A truck chassis with a manufacturers rated capacity of at least ten thousand (10,000) pounds gross vehicle weight. A complete commercially manufactured crane (boom) and which having a manufacturers rating of at least four (4) tons must be mounted on the chassis. Hand crank winches do not satisfy these requirements and will not be approved.
 - b. A minimum of one hundred (100) feet of three-eighths-inch cable.

- c. Cradle, tow plate, tow sling, wheel lift, or wheel lift with tow sling to pick up vehicles. This equipment shall have appropriate safety accessories (e.g. safety chains) and shall be so constructed that no further damage will occur when picking up vehicles.
 - d. Dual rear tires.
 - e. Vehicles which are equipped with wheel lifts or equivalent may also qualify as class "A" tow trucks so long as all other applicable requirements are met.
 - f. In addition, contractor should have sufficient roll-back or slide back car carriers with specifications and equipment as follows:
 - 1. A minimum of a one (1) ton truck with a sixteen-foot bed, dual wheels and one (1) winch with an eight thousand (8,000) pound capacity.
 - 2. A minimum of fifty (50) feet of three-eighths-inch cable.
 - 3. A brake lock device.
 - 4. A minimum of two (2) safety tie down chains twenty (20) feet in length.
 - 5. Tow spot (flood) lights mounted on the rear.
- (2) Class "B" towing/recovery vehicle specifications quantity: One (1).
- a. A truck chassis with a manufacturers rated capacity of at least twenty thousand (20,000) pounds gross vehicle weight. Twin winches with a minimum combined capacity of ten (10) tons.
 - b. A minimum of one hundred (100) feet of one-half inch cable.
 - c. Same as class "A"
 - d. Same as class "A"
 - e. Same as class "A" except insert "class 'B'"
 - f. 1--5 Same as class "A," except one (1) twenty-foot bed
- (3) Class "C" towing/recovery vehicle specifications quantity: One (1).
- a. A truck chassis with a manufacturers rated capacity of at least thirty thousand (30,000) pounds gross vehicle weight for single axle trucks and fifty thousand (50,000) pounds gross vehicle weight for tandem axle trucks. A complete twin winch, commercially manufactured crane and a winch having a manufacturers rating of at least twenty-five-ton

capacity mounted on the chassis.

- b. A minimum of two hundred (200) feet of at least five-eighths-inch cable on each drum.
- c. Air brakes so constructed as to lock the rear wheels automatically upon failure. Air brake system to supply air to disabled vehicles.
- d. A cradle or tow plate or tow sling to pick up vehicle. The cradle or tow plate or tow sling is to be equipped with safety chain and so constructed that no further damage will occur when picking up vehicles.
- e. Dual rear wheels.

(4) Class "D" towing/recovery vehicle specifications quantity: One (1).

- a. A truck chassis with a manufacturers rated capacity of at least thirty-five thousand (35,000) pounds gross vehicle weight for single axle trucks and fifty thousand (50,000) pounds gross vehicle weight for tandem axle trucks. A minimum of two (2) winches each with a thirty thousand-pounds manufacturers rating.
- b. Same as class "C"
- c. Same as class "C"
- d. Same as class "C"
- e. Same as class "C"
- f. One (1) tilt bed, hydraulic, lowboy semi-trailer with thirty-five (35) ton capacity, forty-eight (48) foot bed and a twenty thousand (20,000) pound winch with seventy-five (75) feet of five-eighths (5/8) inch cable.
- g. The boom shall extend beyond the tailgate a minimum of one hundred ten (110) inches. The boom shall elevate to height of eighteen (18) feet.

(d) Contractor is required to have a minimum of two (2) vehicles available at all times to respond within twenty (20) minutes to an emergency scene, on a twenty-four-hour basis, seven (7) days a week, to assist the Plantation Police or Fire Departments with extrication.

(e) Miscellaneous requirements for equipment.

(1) Contractor shall provide the following miscellaneous requirements for equipment.

(2) Wreckers shall be properly equipped with clearance and marker lights and all other equipment as required by the Florida Statutes.

- (3) There shall be a rotor beam or strobe type light, amber in color, mounted on the wrecker in such a manner that it can be seen from the front, rear and both sides.
- (4) Dollies for all vehicles except for class "C" and roll back carriers.
- (5) At least one (1) heavy duty push broom with a minimum width of twenty-four (24) inches on each vehicle.
- (6) Flood light on the hoist.
- (7) Minimum of one (1) square shovel per each vehicle.
- (8) Minimum of one (1) axe per each vehicle.
- (9) One (1) crowbar or pry bar with a minimum length of thirty (30) inches per vehicle.
- (10) A minimum of one (1) five (5) pound CO², or dry chemical fire extinguisher or equivalent. The extinguisher must be of an improved type and have attached a current inspection tag. The extinguisher must be mounted so as to be readily accessible on every vehicle.
- (11) One (1) pair of bolt cutters with a minimum one-half-inch opening per vehicle.
- (12) One (1) set of jumper cables per vehicle.
- (13) One (1) four-way lug wrench per vehicle.
- (14) One flashlight per vehicle.
- (15) Five (5) thirty-minute fuses per vehicle.
- (16) One (1) snatch block for each winch, manufacturers rating to match winch, except for roll back carrier.
- (17) External air hookup and hoses for class "C" trucks.
- (18) Extra towing chain six (6) to eight (8) feet in length with hooks per vehicle.
- (19) At least six (6) safety cones or triangle reflectors per vehicle.
- (20) Fifty (50) pounds of sand or suitable equivalent per vehicle.
- (f) Tow truck markings.
- (1) Contractor agrees to have no markings on either vehicles, buildings, or correspondence that indicates or tends to indicate any official relationship between contractor and the City of Plantation, the Plantation Police Department, Broward County, or any law enforcement or fire

prevention agency.

- (2) The name, address and telephone number of the contractor and any other required decals or markings must be applied as required by F.S. § 713.78(6), as amended from time to time, and current county ordinances.

(Ord. No. 2329, § 4, 7-28-2004; Ord. No. 2393, § 14, 8-22-2007)

Sec. 12-45. Two-way communication.

All towing vehicles will be equipped with two-way communication capability covering the city limits. Communication radios used in the vehicles will not be turned to any police frequencies. Wreckers will not be operated as emergency vehicles.

(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-46. Location of storage facilities.

Towing contractors will maintain storage facilities for towed vehicles not more than three (3) miles from the city limits.

(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-47. Storage area facilities specifications.

(a) Contractor shall maintain a storage garage and outside storage facilities complying with all provisions of law and regulations where such facilities are located sufficient to store all vehicles towed by contractor until such vehicle(s) are claimed by the owner or otherwise disposed of legally. Contractor must maintain a principal compound of not less than fifty (50) vehicle capacity. Said compound shall be owned or leased by the contractor.

- (b) The storage areas shall be subject to the following additional and specific requirements:

- (1) Inside storage.

- a. Paved floor, i.e., concrete or asphalt, free of dirt, standing water and vegetation.
- b. Working area of nine (9) feet by twenty (20) feet per vehicle with at least an eight (8) foot ceiling.
- c. Have, no later than thirty (30) calendar days of approval by the police department, a hydraulic rack capable of lifting vehicles totally off the floor or equivalent facilities to permit police investigators to stand below the vehicle to make thorough investigations.
- d. Electrical lighting source sufficient to permit processing of vehicle.
- e. One (1) outside window or ventilation system.
- f. Inside storage must be located inside the physical plant of the contractor's business.

g. Contain a minimum of two (2) inside storage spaces.

(2) Outside storage.

- a. Shall be kept and maintained to include, the removal of junk tires and auto parts, the trimming of all shrubbery, trees and lawns (fence line and grounds), adequate drainage to prevent standing water two (2) hours after rainstorms.
- b. Must contain a minimum of fifty (50) spaces and used such that when vehicles are parked therein a person may reasonably walk around each vehicle or trailer in an unobstructed manner.
- c. Must be protected with an alarm system, guard dog, or approved equal and enclosed with a solid wall or a substantial chain link fence not less than six (6) feet in height.
- d. Contractor must provide outside storage, at outside storage rates, unless he receives written instructions from the city or vehicle owner to provide inside storage for that vehicle.
- e. The fence shall screen the enclosed area from public view, and the storage area shall be illuminated consistent with any laws or development approvals governing same by the municipality wherein the business is located. The fence or wall shall be kept in good repair. Damage to the fence or wall shall be repaired within twenty-four (24) hours of written notice by the police department.

(3) Office facilities.

- a. Shall include telephone and rest room facilities and workspace such as desk, phone, etc.
- b. Physical plant to have name and mailing address clearly signed on the front of the building or premises.
- c. Must be accessible to the police department twenty-four (24) hours per day, seven (7) days per week.
- d. There must be twenty-four-hour radio communication which is manned seven (7) days per week. Phone answering services are not permitted.

(4) Crime scene storage.

- a. A storage facility for vehicles which have been marked "hold" by the Plantation Police Department relative to a crime scene investigation, shall be stored at the contractor's principal compound.
- b. Any vehicle towed and stored as a result of the marked "HOLD" relative to a crime scene

investigation shall be handled with gloves, i.e. cloth, rubber or leather, by the wrecker operator.

- c. Crime scene vehicles shall be stored to prevent physical contamination or degradable evidence from deteriorating by coverage of the vehicles with tarpaulin type covers, or their equivalent, or by storage in a covered facility.
- d. If laboratory work on a crime scene vehicle must be processed at the City of Plantation Police Headquarters, the crime scene vehicle shall be transported at no charge to the city.

(c) Unless a hold has been placed upon the vehicle, disposal of vehicles will be in accordance with Florida State Statutes.
(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-48. Liability for damage to towed vehicles.

By participating in the towing rotation, a towing contractor will be responsible for any damage done to vehicles towed or stored.
(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-49. Time limit for responding to calls.

(a) A towing contractor is expected to respond (arrive at the scene) within twenty (20) minutes of notice at any time of the day or night with appropriate equipment at the request of the Plantation Police or Fire Departments, or in the case of city vehicles that are not used by such departments. The public works department may also authorize such services. Contractor assumes all liability in meeting the twenty (20) minutes response time including, but not limited to, any and all damages resulting from traffic accidents and motor vehicle infraction fines.

(b) Contractor is not to hook up or move any vehicle at the scene in any way without first having received instructions from the Plantation Police Department, the Plantation Fire Department, or the public works department.

(c) In the case of abandoned or derelict vehicles where a police department member is not waiting at or on his way to the scene, and contractor is so notified, response time shall be within twenty-four (24) hours' of notice.
(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-50. Conducting business from residences.

No towing contractor franchised by the city will conduct a wrecker business from their residence or from a residential area.
(Ord. No. 2329, § 4, 7-28-2004; Ord. No. 2393, § 6, 8-22-2007)

Sec. 12-51. Service call cancellation.

City reserves the right to cancel a request for services at any time up to the time of hookup, without any charge. Contractor agrees that the mere response to a service call including arrival at the scene, without hookup, does not constitute a service call where charges are applicable.

(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-52. Contractor to clean up accident scenes.

Contractor, when responding to the scene of an accident, shall be responsible for removing from the street all broken debris, glass and other nonhazardous matter that may be in the street as a result of the accident. The cost of such normal accident cleanup shall be included in the basic towing rate when a vehicle is towed and no separate charge made to city or vehicle owner. If no vehicle is towed, this service will be provided at no cost, except as is provided in the next sentence. In the event the accident creates a major oil or fuel spill, a major site cleanup without a tow, or other unusual circumstance that requires additional contractor staff or equipment, the cost of such staff or equipment shall be charged to the vehicle owner. The determination of whether the amendment has created circumstances which require clean up beyond that normally expected, to allow charges being assessed for such labors, will be made by the police officer in charge of the scene.

(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-53. Requirements for drivers.

(a) Towing contractors agree to review annually each of their drivers' licenses to ensure that all of the drivers have a valid Florida driver's license, that all drivers have not been arrested for serious misdemeanors or felonies, and that all drivers are insured. Drivers shall remain alert, neat, clean, and courteous while operating towing vehicles or responding to towing calls. Towing contractors agree to be responsible for all drivers, and shall have a drug-free workplace policy that is enforced.

(b) The city police department reserves the right to conduct background investigations on all drivers and towing contractors' personnel.

(c) The city police department may limit or restrict certain drivers representing any towing contractor from responding to calls within the city.

(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-54. Insurance.

(a) The contractor shall secure and maintain, at its own expense, and keep in effect during the full period of its franchise, a policy or policies of insurance, which must include the following coverages and minimum limits of liability:

- (1) Worker's compensation and employer's liability insurance for all employees of the contractor engaged in work under this rotation system in accordance with the laws of the State of Florida. The contractor shall be responsible for the employment, control and conduct of its employees and for any injury sustained by such employees in the course of their employment.
- (2) Comprehensive garage liability insurance with the following minimum limits of liability:

One million dollars (\$1,000,000.00) combined single limit, bodily injury and property damage liability per occurrence. Coverage shall specifically include the following minimum limits not less than those required for bodily injury liability and property damage:

One million dollars (\$1,000,000.00) combined single limit bodily, injury and property damage liability per occurrence:

- a. Premises and operations;
- b. Independent contractors;
- c. Products and completed operations;
- d. Broad form property damage;
- e. Broad form contractual coverage applicable to this rotation system.
- f. Personal injury coverage with employment and contractual exclusions removed and deleted.

- (3) Comprehensive automobile liability insurance for all owned, nonowned and hired automobiles and other vehicles used by contractor in the performance of the work with the following minimum limits of liability:

One million dollars (\$1,000,000.00) combined single limit bodily, injury and property damage liability per occurrence:

- (4) Garage keeper's legal liability insurance in an amount not less than one hundred thousand dollars (\$100,000.00) for each loss, covering perils of fire and explosion; theft of a vehicle, its parts or contents; riot and civil commotion; vandalism; malicious mischief; and damage to a vehicle in tow.
- (5) All liability insurance policies shall specifically provide that the city is an additional named insured or additional insured with respect to the required coverages and the operations of the contractor under the contract. Insurance companies selected must be acceptable to city. All of the policies of insurance so required to be purchased and maintained shall contain a provision or endorsement that the coverage afforded shall not be canceled, materially changed, or a coverage renewal refused until at least thirty (30) calendar days advance written notice has been given to city by certified mail.

(b) The required insurance coverage shall be issued by an insurance company duly authorized and licensed to do business in the State of Florida with the following minimum qualifications in accordance with the latest edition of A.M. Best's Insurance Guide: Financial Stability B+ to A+.

(c) The contractor shall ensure that any company issuing insurance to cover the requirements contained in this section agrees that they shall have no recourse against city for payment or assessments in any

form on any policy of insurance.

(d) The contractor shall not commence work under any franchise until after he has obtained all of the minimum insurance described herein, given such policies, coverages, and endorsements to the city risk management department, and such department has approved same as satisfying the requirements of this section. The city risk management department may approve minor deviations to the insurance coverages specified in this section so long as it determines that the overall coverages obtained are not materially different as a whole from that specified in this section. Any deviations that are not, in the reasonable opinion of the city risk management department, deemed minor must be approved by the city administration or city council. (Ord. No. 2329, § 4, 7-28-2004; Ord. No. 2393, § 7, 8-22-2007)

Sec. 12-55. Inspection of equipment, storage facilities.

(a) All equipment and storage facilities of towing contractors may be inspected by the city public works department or police department at any time.

(b) The city reserves the right to reject the use of any storage facilities or equipment after inspection by the police department or the public works department. (Ord. No. 2329, § 4, 7-28-2004)

Cross References: Police department, § 12-21; utilities, Ch. 26.

Sec. 12-56. Audit of company records.

All towing company records, including records of drivers' performance and records of towing calls made, may be audited by the city police department or finance department at any time. (Ord. No. 2329, § 4, 7-28-2004)

Cross References: Finance, § 2-266 et seq.; police department, § 21-21 et seq.

Sec. 12-57. Drivers to be available.

Towing contractors will have drivers available on a twenty-four-hour basis. The city police department and fire department may or may not require approval of one, some or all driver(s) on a random basis. (Ord. No. 2329, § 4, 7-28-2004)

Cross References: Fire protection, Ch. 8; police, § 21-21 et seq.

Sec. 12-58. Vehicles placed on "Hold" by police not to be released.

Towing contractors will not release any vehicles to the owner or lienholder which have been placed on "Hold" by the city police department, in accordance with § 323.001, Fla. Stat. (2003), as amended. (Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-59. Release of vehicles.

Towing contractors will release any vehicle which is not to be held or which has been authorized to be released when there is presented a copy of the towing sheet and proof of ownership by a title or registration accompanied by proper identification or any other identification requirements which may be required by the city police department before the vehicle may be released. When the vehicle incident/storage report from the

Plantation Police Department indicates who the owner is, the vehicle may be released, to the person indicated as the owner or their designated representative.

(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-60. Owner notification.

Contractor agrees to be responsible for notifying the registered owner or agent of the whereabouts of the vehicle in accordance with § 713.78, Fla. Stat. (2003), as amended from time to time. Contractor agrees to maintain a log at the place of business listing date, time, and method of notification.

(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-61. Payment of storage fees; statement to owner and police.

(a) Storage fees will be paid at a rate for each twenty-four-hour period or fraction thereof, at the rate provided in this article.

(b) When a vehicle is claimed, an itemized statement of all charges made for the towing and/or impounding of the vehicle will be provided to the owner. The yellow copy of the tow slip will be returned to the police department with the monthly reports required by section 12-63 below on all such claimed motor vehicles.

(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-62. Hours for redemption; time limit after request for release.

All owners of vehicles which were towed or which are located in the impound area must be able to redeem such vehicles from the towing contractor during every business day from 7:00 a.m. to 7:00 p.m. When the storage site is closed, the telephone number of the towing contractor or his employee must be prominently posted for purposes of redemption. The contractor or one of his employees must be able to be reached at all times by the police department. Upon receipt of a telephone request from the police department to open the site to redeem a vehicle which is not on "Hold" by the police department, the vehicle must be released within one (1) hour. In the event the police department requests a vehicle be released outside of the time the impound area is required to be open, a member of the city police department will accompany the person, to whom the vehicle is to be released, to the impound area and witness the delivery of the vehicle.

(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-63. Monthly reports to police department.

Towing contractors must provide the police department monthly, within ten (10) days of the end of each month, or on demand, a complete and detailed listing of vehicles which have been impounded during the previous thirty (30) days (or longer if so deemed necessary by the city or the police department). Information required on such reports is to be determined by the police department but shall include an accurate VIN number for each impounded vehicle included within such monthly report.

(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-64. Commencement of liability; inventory of property within--Towed vehicles.

(a) A contractor will indemnify the city for damage, as well as personal injury, negligence, property

or casualty damage that may result from the contractor's negligent, reckless, or intentional acts or omissions, with liability commencing from the time the towing contractor begins to respond to the dispatch summons. The indemnity shall be as stated in section 12-71 of this Code. The indemnity may include such other terms and provisions as is determined reasonably appropriate by the city attorney, and shall be in the franchise agreement.

(b) The contractor will have his employee, representative or agent inventory jointly with a police officer or owner or possessor of the vehicle all personal property in the vehicle which he is directed to tow. Such inventory shall be made in triplicate and shall be maintained by the contractor as a permanent record. One (1) copy will be given to the owner or operator of the vehicle being towed, if known, or securely attached to the vehicle, and one (1) copy will be retained by the police department.

(c) The contractor shall also be solely liable and responsible to the owner or person or legal entity entitled to lawful possession for all personal property in any vehicle towed under this contract, and for the vehicle towed.

(Ord. No. 2329, § 4, 7-28-2004; Ord. No. 2393, § 8, 8-22-2007)

Sec. 12-65. Safekeeping of vehicles, property; report of services rendered.

(a) The contractor shall be responsible for the safekeeping of and shall be accountable to the owner of the vehicle for all personal property, vehicle accessories, and vehicle stored within the storage facilities of the contractor. Personal property contained in vehicles which are removed and stored by the contractor shall not be disposed of by the contractor to defray any charges for towing or the storage of vehicles and such property must be returned to the owner or other person legally entitled to lawful possession of the vehicle upon request and without regard to any fees owed by such person or legal entity.

(b) The contractor immediately upon removal or impounding of any vehicle shall prepare a written report of the services rendered which will include the following:

Report No. _____ Vehicle Towing Service (Contract):

- (1) Make of vehicle and type;
- (2) License number;
- (3) Motor number;
- (4) Number of tires (including spare);
- (5) Tools and other separate articles of personal property;
- (6) General description of the vehicle as to the condition, damaged parts (identified in detail), and such other information as may be necessary to adequately describe the vehicle. Such report shall be signed by the contractor and delivered immediately to the police department.

(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-66. Posting of charges; differentiation between regular rates, rates for city.

(a) The city shall impose fees for wrecker services ordered by the city. The contractor shall permanently have available for review by members of the public a schedule of user charges approved by the city for the rotation system in each wrecker used to perform the contract and in each storage compound. The initial user fees and charges shall be subject to adjustment in accordance with section 2-421 of this Code. The contractor may label these price schedules "Noncommercial City of Plantation" rates to differentiate these charges from the charges which the contractor may make in his commercial towing business unrelated to the rotation system.

(b) The charges to be made will be determined at the time of towing for vehicles that are not owned or leased by the city and that are not towed upon order of the city. The tow truck driver or other representative of the contractor will fill a ticket in triplicate listing the specific charge, the time and date of removal and the location of removal. The ticket will also have printed on it the general schedule of charges and the location of the contractor's storage compound. One (1) copy of the ticket will be retained by the contractor; one (1) copy will be delivered to the police to be attached to the police copy of the inventory of the vehicle made pursuant to this article; one (1) copy will be given to the owner or operator of the vehicle, if known, or securely attached to the vehicle.

(c) The contractor agrees to accept the following forms of payment at the storage facility and in the field: cash, at least one (1) major credit card, any bank certified check or travelers check.
(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-67. Payment city-owned or city-leased vehicles.

(a) Contractor shall recover and tow city-owned, confiscated (by forfeiture or like proceedings), or leased vehicles which are located within Broward County to contractor's compound or to any location within city limits at no charge to city. City vehicles which are located outside Broward County which require towing services shall be billed to the city at normal commercial rates, as agreed to by contractor and city. In the event a vehicle is held for evidence or otherwise in accordance with section 323.01, Florida Statutes, for a period of more than five (5) days and the Plantation Police Department has requested the vehicle to be held for more than five (5) days, and placed such requirement in writing, the contractor shall store the vehicle at contractor's compound at no charge to city, owner or lien holder for the period of time from the sixth day until the vehicle is authorized to be released. Upon the city's request, contractor shall move the vehicle from contractor's compound to any city designated location, within city limits.

(Ord. No. 2329, § 4, 7-28-2004)

Secs. 12-68, 12-69. Reserved.

Editors Note: Ord. No. 2393, §§ 9, 10, adopted Aug. 22, 2007, repealed §§ 12-68, 12-69 which pertained to dummy companies; conflicts of interest and complaints about contractors; removal from rotation list, respectively and derived from Ord. No. 2329, § 4, 7-28-2004.

Sec. 12-70. Private corporations to submit list of shareholders.

If the contractor is a corporation other than a publicly held corporation subject to regulations by the U.S. Securities and Exchange Commission or by the State of Florida Department of Banking and Finance, such corporation shall submit a list of its shareholders to the city along with its request to be on the rotation list. Should the corporation ultimately be placed on the rotation list, the city will reserve the option to remove the

company from the rotation list upon any change in ownership of the corporation's stock, whether from the transfer of authorized and issued shares, the issuance of authorized but unissued shares or the issuance of any additional shares authorized by increases in capital stock limitations.

(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-71. Indemnity of city.

(a) Contractor agrees to indemnify and hold harmless the city, its employees, and their elected and appointive officers from liabilities, damages, losses, and costs, including, but not limited to, attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of contractor and all persons employed or utilized by the contractor in the performance of this agreement.

(b) Payment of any amount due pursuant to the foregoing indemnity shall, after receipt of written notice by contractor from the city that such amount is due, be made by contractor prior to the city being required to pay same, or in the alternative, the city, at the city's option, may make payment of an amount so due and contractor shall promptly reimburse the city for same, together with interest thereon at the rate of twelve (12) percent per annum simple interest from the date of receipt by contractor of written notice from the city that such payment is due.

(c) Contractor agrees, at contractor's expense, after written notice from the city, to defend any action against the city that falls within the scope of this indemnity, or the city, at the city's option, may elect to secure its own attorney to defend any such action and the reasonable costs and expenses of such attorney incurred in defending such action shall be payable by contractor.

(d) Additionally, if contractor, after receipt of written notice from the city fails to make any payment due hereunder to the city, contractor shall pay any reasonable attorneys' fees or costs incurred by the city in securing any such payment from contractor.

(Ord. No. 2329, § 4, 7-28-2004)

Sec. 12-72. Reserved.

Editors Note: Ord. No. 2393, § 11, adopted Aug. 22, 2007, repealed § 12-72, which pertained to enforcement of compliance with article and derived from Ord. No. 2329, § 4, 7-28-2004.

Sec. 12-73. Schedule of charges.

(a) The fees for towing, removing, or storing vehicles with a gross weight rating of less than or equal to ten thousand (10,000) pounds without regard to the classification of the towing vehicle.

- (1) Towing (first 15 minutes) \$105.00
\$55.00 each additional 30 minutes.
- (2) Storage (outdoor) (per day) 24.00
- (3) Storage (indoor) (per day) 30.00
- (4) Administration (after 24 hours) 30.00

(5) Road service (vehicle not towed) 40.00

(6) Divers (this service is not to be provided)

(7) Winch recovery (first 30 minutes) 100.00

\$50.00 each additional 30 minutes.

Administration charges apply only when company providing service must actually perform research to determine ownership of and notification to vehicle owner. Written documentation of the effort to ascertain ownership of the vehicle must be in the form of a TAVIS report or similar documentation and be made available by request. In addition to the fee of thirty dollars (\$30.00), the customer must pay for actual costs incurred in obtaining the ownership information and providing notice. Costs must be documented in writing detailing costs incurred. Winch recovery charges apply when the vehicle is not towed and is based on the time actually on scene.

(b) Vehicle in tow has a gross vehicle weight rating of greater than ten thousand (10,000) pounds, but less than or equal to fifteen thousand (15,000) pounds without regard to the classification of the towing vehicle.

(1) Towing \$175.00

(2) Storage (per day) 43.00

(3) Flatbed 195.00

(4) Administration (after 24 hours) 30.00

(5) Labor (per hour per person) 175.00

(6) Road service (vehicle not towed) 56.00

(7) Divers (this service is not to be provided)

(8) Winch recovery (first 30 min) 175.00

\$87.50 each additional 30 minutes.

Administration charges apply only when company providing service must actually perform research to determine ownership of and notification to vehicle owner. Written documentation of the effort to ascertain ownership of the vehicle must be in the form of a TAVIS report or similar documentation and be made available by request. In addition to the fee of thirty dollars (\$30.00), the customer must pay for actual costs incurred in obtaining the ownership information and providing notice. Costs must be documented in writing detailing costs incurred. Winch recovery charges apply when the vehicle is not towed and is based on the time actually on scene.

(c) Vehicle in tow has a gross vehicle weight rating of greater than fifteen thousand (15,000) pounds but less than or equal to thirty thousand (30,000) pounds, without regard to the classification of the towing

vehicle.

- (1) Towing \$300.00
- (2) Storage (per day) 50.00
- (3) Flatbed 322.00
- (4) Administration (after 24 hours) 30.00
- (5) Labor (per hour per person) 300.00
- (6) Road service (vehicle not towed) 72.50
- (7) Divers (this service is not to be provided)
- (8) Winch recovery (first 30 minutes) 300.00

\$150.00 each additional 30 minutes.

Administration charges apply only when company providing service must actually perform research to determine ownership of and notification to vehicle owner. Written documentation of the effort to ascertain ownership of the vehicle must be in the form of a TAVIS report or similar documentation and be made available by request. In addition to the fee of thirty dollars (\$30.00), the customer must pay for actual costs incurred in obtaining the ownership information and providing notice. Costs must be documented in writing detailing costs incurred. Winch recovery charges apply when the vehicle is not towed and is based on the time actually on scene.

- (d) Vehicle in tow has a gross vehicle weight rating greater than thirty thousand (30,000) pounds.
- (1) Towing \$400.00
- (2) Storage (per day) 50.00
- (3) Flatbed/lowboy 322.00
- (4) Administration (after 24 hours) 30.00
- (5) Labor (per 1 4 hr per person/truck) 100.00
- (6) Road service (vehicle not towed) 72.50
- (7) Divers (this service is not to be provided)
- (8) Winch recovery (first 30 minutes) 400.00

\$200.00 each additional 30 minutes.

Administration charges apply only when company providing service must actually perform research to determine ownership of and notification to vehicle owner. Written documentation of the effort to ascertain ownership of the vehicle must be in the form of a TAVIS report or similar documentation and be made available by request. In addition to the fee of thirty (\$30.00) dollars, the customer must pay for actual costs incurred in obtaining the ownership information and providing notice. Costs must be documented in writing detailing costs incurred. Winch recovery charges apply when the vehicle is not towed and is based on the time actually on scene.

(e) *Storage of vehicles held by Plantation Police Department.* Vehicles placed on hold by the city police department shall be subject to the regular storage rates, as set forth above, for the first five (5) business days of the hold. If the police department requests in writing that a vehicle be held beyond five (5) business days in accordance with F.S. § 323.001(5), for a vehicle which meets the requirements of F.S. § 323.001(4) then the storage rate shall be zero dollars (\$0.00) per day from the sixth business day of storage until the vehicle is authorized to be released.

(f) *City owned or leased vehicles.* There shall be no charge for the towing or storage of a vehicle owned or leased by the City of Plantation that are not held by the police department. If the police department requires that a vehicle owned or leased by the city be held pursuant to F.S. § 323.001, the rates set forth in subsection (e) above shall apply.

(g) *City fire operations.* There shall be no charge for providing wrecked vehicles and removing wrecked vehicles to the fire department for its use in training operations. Similarly upon a request by the fire chief or a battalion chief for assistance at non vehicle accident scenes, and under the direction of the commanding fire officer at the scene, the franchisee shall use reasonable efforts to move heavy objects, pull building walls down, stabilize collapsed structures, and perform such other services as may be reasonably desired.

(h) The terms of the franchise agreements concerning rates shall control in the event of conflict. (Ord. No. 2329, § 4, 7-28-2004; Ord. No. 2393, § 12, 8-22-2007)

Sec. 12-74. Reserved.

Sec. 12-75. Plantation's authorized wrecker operator system.

(1) As used in this section, the term:

Authorized wrecker operator means any wrecker operator who has been designated as part of the wrecker operator system established by the City of Plantation for the scene of a wrecked or disabled or abandoned vehicle over which Plantation has jurisdiction.

Unauthorized wrecker operator means any wrecker operator who has not been designated as part of the wrecker operator system established by the City of Plantation for the scene of a wrecked or disabled or abandoned vehicle over which Plantation has jurisdiction.

Wrecker operator system means a system for the towing or removal of wrecked, disabled, or abandoned vehicles, under which a Plantation contracts with one or more wrecker operators for the towing or removal of

wrecked, disabled, or abandoned vehicles from accident scenes, streets, highways, bodies of water, or other property over which the city has exercised some type of governmental power (e.g., nuisance abatement, code enforcement, police power etc.). A wrecker operator system shall include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of a rotation schedule.

(2) From and after the date this section is implemented:

- (a) It is unlawful for an unauthorized wrecker operator or its employees or agents to monitor police radio for communications between patrol field units and the dispatcher in order to determine the location of a wrecked or disabled vehicle for the purpose of driving by the scene of such vehicle in a manner described in subsections (b) or (c) below.
- (b) It is unlawful for an unauthorized wrecker operator to drive by the scene of a wrecked or disabled vehicle before the arrival of an authorized wrecker operator, initiate contact with the owner or operator of such vehicle by soliciting or offering towing services, and tow such vehicle.
- (c) When an unauthorized wrecker operator drives by the scene of a wrecked or disabled vehicle and the owner or operator initiates contact by signaling the wrecker operator to stop and provide towing services, the unauthorized wrecker operator must disclose to the owner or operator of the vehicle that he or she is not the authorized wrecker operator who has been designated as part of the city wrecker operator system and must disclose, in writing, what charges for towing and storage will apply before the vehicle is connected to the towing apparatus.
- (d) At the scene of a wrecked or disabled vehicle, it is unlawful for a wrecker operator to falsely identify himself or herself as being part of the wrecker operator system.

(3) This section does not prohibit, or in any way prevent, the owner or operator of a vehicle involved in an accident or otherwise disabled from contacting any wrecker operator for the provision of towing services, whether the wrecker operator is an authorized wrecker operator or not. The prior sentence shall not apply when the vehicle is located within waterways or water bodies owned by the public, the state or federal governments or any of their agencies or political subdivisions, the city, or a different local governmental entity, or a special district; and furthermore in these cases, the city or other governmental entity with jurisdiction shall effect the removal of the vehicle at the expense of the owner thereof.

(4) Violations of this section may be prosecuted by the city using any means available to the city to enforce its codes, including but not limited to seeking injunctive relief, notwithstanding that the same conduct may also constitute a crime pursuant to state law.

(Ord. No. 2393, § 2, 8-22-2007)

Sec. 12-76. Franchise contract.

(a) No person or entity may be an authorized wrecker operator within Plantation as the term is used in section 12-76 of this Code without having been granted a franchise by the city and no person may be granted a franchise by the city without having entered into a franchise agreement with the city. A franchise payment may be required. Pursuant to this article, the city shall continue to utilize its unfranchised and nonexclusive rotation list until the first franchisee agreement has been entered into.

(b) No franchise agreement shall be entered into with a wrecker operator until the city undertakes an advertised competitive procurement process utilizing one of the procedures set forth in subsections 2-220 (b)--(e) of this Code, adapted for this purpose.

(c) The city, consistent with past practice, shall have two (2) franchisees selected, which shall be dispatched on a rotation basis and which shall service the entire city. Each franchisee shall be required to provide cross coverage.

(d) The selected franchisees shall be able to meet standards currently in the city's code and any additional standards contained in the franchise agreement.

(e) The city's initial franchise term shall not exceed five (5) years. The city may renew the franchises for an additional period not to exceed five (5) years consistent with the provisions for renewal contained in the franchise agreement.

(Ord. No. 2393, § 3, 8-22-2007)

Sec. 12-77. Reservation of rights.

The city hereby expressly reserves the following rights:

- (a) To exercise its governmental powers, now or hereafter, to the full extent that such powers may be vested in or granted to the city.
- (b) To adopt, in addition to the provisions contained herein and in the franchise and in any existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of its powers.
- (c) To renegotiate the franchise granted pursuant to this chapter should substantial sections of the chapter be amended or rendered void, voidable, or unenforceable by binding federal or state judicial opinions or by subsequent changes in applicable federal or state law.

(Ord. No. 2393, § 4, 8-22-2007)