

**MIAMI DADE COUNTY ORDINANCE REGARDING TOWING OF VEHICLES FROM
PRIVATE PROPERTY**

SEC: 30-473, 30-474, 30-475, 30-476

Sec. 30-473. - Nonconsent towing without prior consent of vehicle owner or duly authorized driver of vehicle.

In addition to the other requirements of this article, no nonconsent tower 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:

- (a) Only persons duly licensed 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.
- (b) Persons duly licensed 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 and in accordance with the terms of any contracts or agreements between the licensee and the governmental entity in whose jurisdiction the police officer serves. Such contracts or agreements may provide terms and requirements in excess of the requirements provided by this article.
- (c) Persons duly licensed 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 his 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 30-474, 30-475 and 30-476 are satisfied.
- (d) Persons who provide services pursuant to this section 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.
- (e) Persons who provide services pursuant to this section shall not do so when there is a living natural person occupying the vehicle.
- (f) Persons who provide 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 authorizing the tow may expressly direct, and shall not keep the vehicle in any temporary holding area.

- (g) 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. However, the office may be closed to observe all holidays observed by Miami-Dade County government. The place of business shall maintain a telephone communication system to answer telephone calls from the public twenty-four (24) hours a day.
- (h) Persons who provide services pursuant to this section shall file and keep on record with the CSD a complete copy of all current rates charged for the recovery, towing or removal of vehicles and storage provided in connection therewith. Such persons 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 police request for the jurisdiction in which the police order to tow was made.
- (i) Persons who provide services pursuant to this section shall advise any vehicle owner or authorized representative who calls by telephone prior to arriving at the storage site of the following:
- (1) Each and every document or other thing which must be produced to retrieve the vehicle;
 - (2) The exact charges as of the times of the telephone call, and the rate at which charges accumulate after the call;
 - (3) The acceptable methods of payment; and
 - (4) The hours and days the storage site is open for regular business.
- (j) Persons who provide services pursuant to this section shall permit every vehicle owner or his or her authorized representative to inspect the towed vehicle immediately upon his or her arrival at the storage site and before payment of any charges. The vehicle owner or his or her authorized representative shall be permitted to remove from the vehicle any and all personal possessions inside but 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. No release or waiver of any kind which would release the authorized representative at the time of retrieval may be required as a condition of release of the vehicle.

- (k) Persons who provide services pursuant to this section shall accept payment for charges from the vehicle owner or authorized representative in any of at least two (2) of the following listed categories:
- (1) Cash, money order or valid traveler's check;
 - (2) Valid bank credit card; or
 - (3) 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 said presentation shall constitute sufficient identity verification.

- (l) Persons who provide services pursuant to this section 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 have the 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 us a valid Clerk's certificate showing that you have posted a bond, we must release your vehicle to you immediately. This remedy is in addition to other legal remedies you may have. F.S. §§ 713.76, 713.78.

If you have a complaint about the way services were provided, you may call the Miami-Dade County Consumer Services Department.

- (m) Persons who provide services pursuant to this section shall not use 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 recovered, towed or removed or stored in connection therewith.
- (n) Nothing in this section shall prevent the County or any jurisdiction in it 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 in connection therewith.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 90-29, § 1, 4-3-90; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-474. - Requirements for providing nonconsent tow services at request of property owners.

Nonconsent towers duly licensed under this article may recover, tow or remove a vehicle or provide storage in connection therewith upon the instruction of a property owner, or his authorized agent, on whose property the vehicle is abandoned or parked without authorization, provided that the following requirements are satisfied:

- (a) Notice shall be prominently posted on the property from which the vehicle is proposed to be removed and shall fulfill the following requirements:
 - (1) 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.
 - (2) The notice shall clearly display:
 - a. In not less than two (2) inches high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense; and
 - b. In not less than four (4) inches high, light-reflective letters on a contrasting background the words "tow-away zone"; and
 - c. In not less than two (2) 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
 - d. In not less than two (2) 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
 - e. In not less than one (1) inch high, light-reflective letters on a contrasting background, the address of the storage site.

- (3) The posting of notice requirements of this section shall not be required where:
 - a. The property on which a vehicle is parked is property appurtenant to and obviously a part of a single-family type residence; or
 - b. 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
 - c. The property on which a vehicle is parked is owned by a governmental entity and the towing is performed by a towing vehicle owned by the governmental entity in compliance with laws authorizing removal of the vehicle.
- (b) The property owner or his 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 his 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.
- (c) The person recovering, towing or removing a vehicle at the request of a property owner or his authorized agent shall, within thirty (30) minutes of the completion of the vehicle recovery, tow or removal, notify the Miami-Dade 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.
- (d) Persons who provide services pursuant to this section 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:
 - (1) The registered owner or other legally authorized person in control of the vehicle refuses or is unable to remove the vehicle; or
 - (2) 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.

- (e) Except as otherwise provided for in Section 715.07 Florida Statutes, as amended from time to time, persons who provide services pursuant to this section shall not store or impound a towed vehicle at a distance which exceeds a ten-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 ten-mile radius, in which case a towed or removed vehicle must be stored at a site within twenty (20) miles of the point of removal.
- (f) Persons who provide services pursuant to this section 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.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 90-29, § 1, 4-3-90; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-475. - Requirements for licensees and property owners pertaining to nonconsent tows from private property.

- (a) Each nonconsent tower must enter into a written contract with every owner of private property that authorizes the licensee to tow vehicles from its property. The licensee 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 CSD, law enforcement officers, and the owner of the vehicle towed by the licensee may inspect and copy any such contract during business hours.
- (b) A property owner or his or her 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 licensed pursuant to this article, 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 30-474(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 his or her authorized representative causes a vehicle to be recovered, towed, removed from his or her property and stored, he 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 storage of a vehicle pursuant to this section until he or she has first 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 his authorized representative for the costs of the services provided, any damages resulting from the recovery, towing, removal or storage and attorney's fees.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 94-108, § 2, 6-9-94; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-476. - Maximum immobilization, nonconsent towing and storage rates for providing immobilization or tow services at the request of property owners or police agencies.

- (a) The Commission shall by resolution, establish maximum rates for providing immobilization, recovery, nonconsent towing, removal and storage services at the request of a police agency, 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 Miami-Dade County, both in incorporated and unincorporated areas, except where municipalities pursuant to Sections 125.0103 and 166.043, Florida Statutes, have established differing maximum rates for their jurisdictions. From time to time, the maximum rates established by the Commission may be altered, revised, increased or decreased.

- (b) Persons who provide nonconsent towing services shall not charge in excess of the maximum allowable rates established by the Commission. No person providing services pursuant to this section shall charge any type of fee other than the fees for which the Commission has established specific rates.
- (c) In addition to the maximum rates that may be charged by persons providing services pursuant to this section, the County shall charge an administrative fee of \$15 for each vehicle that is recovered, towed, removed, or stored at the request of the Miami-Dade County Police Department. Any administrative fee charged and collected on behalf of the County by a person providing services at the County's request is hereby ratified and confirmed. All administrative fees, as described above, imposed before the effective date of this ordinance are ratified, validated, and confirmed in all respects, from the date any such fee was charged, billed, or collected.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 99-70, § 1, 6-22-99; Ord. No. 03-165, § 1, 7-22-03; Ord. No. 03-176, § 1, 7-22-03)