

ORDINANCE NO. 2017-01

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 14, TRAFFIC AND VEHICLES, ARTICLE I ENTITLED "IN GENERAL" AND ARTICLE II ENTITLED "STOPPING, STANDING, PARKING" AND REPEAL OF ARTICLE III OF THE CITY OF GREENACRES CODE OF ORDINANCES PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 14, Article I of the City of Greenacres Code provides for the adoption of Florida Statutes which addresses motor vehicles; and

WHEREAS, Chapter 14, Article II of the City of Greenacres Code provides for the restriction of parking in designated areas, zones, and rights-of ways; and

WHEREAS, the City Council desires to preserve the residential character and aesthetics of the City; and

WHEREAS, the City Council desires to promote safe, unimpeded traffic circulation throughout the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. Code of Ordinances City of Greenacres, Chapter 14, Traffic and Vehicles, is hereby amended as follows:

ARTICLE I. IN GENERAL

Sec. 14-1. - Adoption of Florida Statutes.

All of the provisions of Florida Statutes which address motor vehicles, those provisions which are known as the Florida Uniform Traffic Control Law are hereby adopted by reference and made a part of this Code.

Sec. 14-2. - ~~Impounding vehicles~~ Vehicle Towing, Storage.

The city hereby adopts by reference the Palm Beach Sheriff's Office (PBSO) General Order 504.00, Sec. I, Towing of Vehicles or Vessels, attached hereto as

"Exhibit A" and by this reference made part hereof. A copy of the PBSO General Order 504.00 shall be kept on file in the office of the city clerk.

- ~~(a) Public safety officers are authorized to remove a vehicle from the street to the nearest garage or other place of safety or to a garage designated or maintained by the department of public safety under circumstances herein enumerated:~~
- ~~(1) When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic, or the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody and removal.~~
 - ~~(2) When a vehicle is found upon the right-of-way and is not in proper condition to be driven.~~
 - ~~(3) When any vehicle is left unattended upon the street or highway and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.~~
 - ~~(4) When any vehicle is left unattended upon the right-of-way continuously for more than twenty-four (24) hours.~~
 - ~~(5) When removal is necessary in the interest of public safety because of fire, flood, storm, or other emergency reasons.~~
- ~~(b) No vehicle impounded in a garage as herein provided shall be released therefrom until the charges for towing such vehicle into the garage and storage charges have been paid. Charges for towing and removal shall be approved by the department and posted for public inspection in the garages affected.~~
- ~~(c) Whenever an officer removes a vehicle from a street or highway as authorized in this section, and the department knows or is able to ascertain the name and address of the owner thereof, the department shall within twenty-four (24) hours give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event such vehicle is stored in an authorized garage, a copy of such notice shall be given to the proprietor of such garage.~~
- ~~(d) Whenever an officer removes a vehicle from a street or highway under this section, and the department does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and if the vehicle is not returned to the owner within a period of three (3) days, then the department shall immediately send or cause to be sent written report of such removal by mail to the motor vehicle commissioner of the state department of public safety and shall file a copy of such notice with the proprietor of any garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.~~

Sec. 14-3 ----14-24. – Reserved.**ARTICLE II. - STOPPING, STANDING, PARKING****Sec. 14-25. - Definitions.**

The following terms, words and phrases when used in this article shall have the following meanings: ascribed to them in this section or as defined elsewhere in this code, except where the context clearly indicates a different meaning. Any terms, words, or phrases not herein defined shall have the meanings ascribed to them in F.S. Chapters 316 and 320 as the same may be amended from time to time.

Boat shall mean a vessel as defined in F.S. Chapter 327 as the same may be amended from time to time. any and every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water and is synonymous with vessel.

Commercial lettering shall mean letters, numbers, symbols or combinations thereof which advertise a trade; business; industry or other activity for profit; a product; commodity; or service. The term shall not include bumper stickers affixed to bumpers only; the decal or plate commonly applied to a motor vehicle by a motor vehicle dealer; or lettering for any government service.

Commercial vehicle shall mean any motor vehicle upon which commercial lettering, as defined herein, has been affixed. The term shall also include, but shall not necessarily be limited to any motor vehicle with tools, building materials or merchandise visible from the street or from abutting residential property.

Construction and industrial equipment shall mean bulldozers, drag lines, cranes, forklifts, earth moving equipment, mixers, drilling equipment, bucket trucks, farm tractors and implements normally used in farming, excavation and/or construction activities.

Gross vehicle weight rating (GVWR) shall mean the maximum operating weight of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers.

Impervious surface means a surface such as concrete, asphalt, paver block or other surface which completely repels water, including "ribbons" which provide an impervious surface upon which tires are fully supported. This definition does not include loose materials such as mulch, river rock, shell rock or lime rock alone.

~~Motor vehicle, bus, truck, heavy truck, truck tractor, trailer, semi-trailer, camping trailer, truck camper, motor home, private motor coach, van conversion, park trailer, pole trailer, gross weight, net weight and owner shall have the meanings respectively ascribed to them in F.S. Chapters 316 and 320 as the same may be amended from time to time.~~

Motor vehicle shall mean any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped.

Owner shall mean a person who holds the legal title of a vehicle, or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, or lessee, or mortgagor shall be deemed the owner, for the purposes of this chapter.

Recreational vehicle shall mean any travel trailer, camping trailer, truck camper, motor home, private motor coach, van conversion, swamp/dune buggy, sport-type recreational vehicles and trailers, race cars, off-road motorcycles and motor vehicles which are used for recreational purposes only.

Swale means that portion of the public right-of-way from the edge of the improved roadway to the edge of the sidewalk, inclusive, or in the alternative, from the edge of the improved roadway to the edge of the right-of-way (if no sidewalk).

Trailer shall mean any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

Truck shall mean any motor vehicle designed, used, or maintained primarily for the transportation of property.

Sec. 14-26. - Designation of restricted, limited areas.

- (a) The city manager shall designate, upon the advice of the city traffic engineer or engineering consultant, places where the parking, standing or stopping of a motor vehicle shall be restricted or limited and signs giving notice of such restrictions or limitations shall be appropriately erected.
- (b) Fine for violations of this section. A violator of this section shall pay a penalty in accordance with Chapter 2 Sec. 2-65 of the Greenacres Code of Ordinances ~~thirty dollar (\$30.00) fine to the finance department for each violation. If the violator fails to pay this fine within fifteen (15) days after the notice or citation was attached to the vehicle, a late penalty of twenty dollars (\$20.00) will be assessed.~~ The public safety department PBSO may also authorize the towing of a vehicle in violation of this section. When any vehicle found in violation of this chapter has been towed away on the order of a ~~police officer~~ sheriff's deputy, it shall be the duty of the owner thereof to pay the towing charges necessary and reasonably incurred, including towing and wrecker charges and storage.

Sec. 14-27. – Reserved.

Sec. 14-28. - Parking of motor vehicles, boats and trailers.

(a) Parking on rights-of-way.

(1) The parking, standing or stopping of a boat; bus; truck with a gross vehicle weight rating in excess of ten thousand (10,000) pounds, or rated over one (1) ton, or height in excess of seven (7) feet including any load, bed or box, or length in excess of twenty-two (22) feet; truck tractor; trailer; semi-trailer; pole trailer; step-van; commercial vehicle; recreational vehicle; or construction and industrial equipment as previously defined, for a period exceeding one (1) hour in any twenty-four-hour period is prohibited on all public streets, alleys or rights-of-way therewith within the city.

(2) The prohibitions in section 14-28 (a) shall not apply to motor vehicles which are temporarily parked for the purpose of loading and unloading materials or equipment or making service calls, however, the duration of such temporary parking shall not exceed four (4) hours in any twenty-four-hour period.

(3) The prohibitions in section 14-28 (a) shall not apply to motor vehicles which have become disabled; however, the duration of such temporary parking shall not exceed four (4) hours after which the vehicle must be removed by wrecker towing if necessary, regardless of the nature of the emergency.

(4) The parking of non-prohibited vehicles shall be done in a safe manner so as not to cause hazards such as encroachment on sidewalks, obstruction of visibility to motorists utilizing the roadway, or in general eaffecting the ability of motorists to safely use the roadway. The parking of non-prohibited vehicles shall not obstruct driveways or impede the ability of the abutting property owner to maintain the right-of-way strip.

(5) No person shall park a vehicle upon any right-of-way for the purpose of advertising any place of business or service, displaying the vehicle for sale, repairing the vehicle except repairs necessary for meeting an emergency, or selling merchandise from the vehicle, except when authorized or licensed under the Code or other ordinances of the city.

(6) Parking on swales, consent of owner required; emergencies exempted. It shall be unlawful to stop, park or drive a motor vehicle upon the unpaved portion of the street right-of-way within the city without the express consent of the owner of the property abutting said right-of-way. The driver of any motor vehicle who stops, parks or drives upon the unpaved portion of the street right-of-way because of an actual emergency which requires such action shall be exempt from the provisions of this section

(7) Fine for violations of this section. A violator of this section shall pay a penalty in accordance with Chapter 2 Sec. 2-65 of the Greenacres Code of Ordinances ~~thirty dollar (\$30.00) fine to the finance department for each violation. If the violator fails to pay this fine within fifteen (15) days after the notice or citation was attached to the vehicle, a late penalty of twenty dollars (\$20.00) will be assessed. The public safety department PBSO may also authorize the towing of a vehicle in violation of this section. When any vehicle found in violation of this chapter has~~

been towed away on the order of a ~~police officer~~ sheriff's deputy, it shall be the duty of the owner thereof to pay the towing charges necessary and reasonably incurred, including towing and wrecker charges and storage.

(b) Parking on private property.

~~(1) Parking, standing or stopping of a bus, truck with a gross weight in excess of ten thousand (10,000) pounds, or height in excess of ten (10) feet including any load, bed or box; or length in excess of twenty-six (26) feet, truck trailer, semi-trailer, pole trailer, construction and industrial equipment as previously defined is prohibited on any property in any residential and mixed district residential zoning districts in the city. The parking of motor vehicles is allowed on private property within residential districts and on residential properties within mixed development and commercial districts subject to the following restrictions:~~

- ~~a) The plot of land must be improved with a residence.~~
- ~~b) The vehicle is parked in a safe manner so as not to cause hazards such as encroachment on sidewalks, or roadways, or obstructing visibility of motorists.~~
- ~~c) The motor vehicle cannot be inoperative, wrecked, junked, partially dismantled, or abandoned, and is licensed and registered as required by state law, and is used by the resident of the premises or a guest thereof.~~
- ~~d) The motor vehicle cannot have a gross vehicle weight rating in excess of 11 thousand (11,000) pounds, or a rating of over 1 ton, or a height in excess of ten (10) feet including any load, bed or box, or a length in excess of twenty-six (26) feet.~~
- ~~e) The vehicle cannot be; a bus, a trailer except as allowed by section 14-28 (c), a semi-trailer, a pole trailer, a tow truck, or construction and industrial equipment.~~
- ~~f) The motor vehicle must be parked in a garage/carport or on a driveway that has been designed and permitted for that purpose except for those properties that do not have an impervious driveway and were originally constructed without such driveway.~~

(2) The prohibitions in section 14-28 (b) shall not apply to motor vehicles which are temporarily parked for the purpose of loading and unloading materials or equipment or making service calls, however, the duration of such temporary parking shall not exceed eight (8) hours in any twenty-four-hour period.

(3) The prohibitions in section 14-28 (b) shall not apply to motor vehicles which have become disabled, however, the duration of such temporary parking shall not exceed eight (8) hours after which the vehicle must be removed by wrecker towing if necessary, regardless of the nature of the emergency.

(4) The prohibitions of section 14-28 (b) shall not apply to the temporary parking of construction vehicles where construction is underway for which a current and valid building permit has been issued by the city and the building permit is displayed on the premises.

~~(5) The parking of nonprohibited motor vehicles is allowed on private property within residential zoning districts provided that the plot of land is improved with a residence and the motor vehicle is not inoperative, wrecked, junked or partially dismantled or abandoned and is licensed and registered as required by state law and used by the resident of the premises or a guest thereof. Performing mechanical or other repair work on a motor vehicle parked on private property within the residential, mixed development residential, or mixed development commercial zoning districts is prohibited unless done in a garage. This prohibition does not extend to minor maintenance such as oil and tire changes or emergency repairs lasting no more than twenty four (24) hours on a vehicle owned by a resident of the property where the repairs are made.~~

(c) Parking and storage of boats, trailers and recreational vehicles.

(1) ~~One (1) b Boats, or trailers, with or without a boat, and one (1) recreational vehicles but not more than two (2)~~ may be parked on private property in residentially zoned districts within the city subject to the following restrictions:

- a. The plot of land is must be improved with a residence;
- b. The boat, trailer or recreational vehicle must be licensed and registered as required by state law;
- c. The boat, trailer or recreational vehicle must not be inoperative, wrecked, junked, partially dismantled or abandoned;
- d. The boat, trailer or recreational vehicle must be owned or used by a resident of the premises;
- e. The boat or recreational vehicle is must not be used for living, sleeping or housekeeping purposes;
- f. Notwithstanding subsection i. below, the boat, trailer or recreational vehicle must be parked in the rear yard or side yard not projecting beyond the front roof line, must have a height at or below eleven (11) feet, must be setback a minimum of four (4) feet from the building wall of any abutting property, and must be effectively screened from view of abutting surrounding propertyies and streets with an opaque by a masonry wall, ornamental fence or dense hedge planting a minimum of six (6) feet in height;
- g. The total of all boats, trailers and recreational vehicles, excluding those stored in a closed garage, shall be limited to two (2);
- h. The parking, storing or keeping of boats, ~~boat~~ trailers and recreational vehicles shall not cause other vehicles to be parked on sidewalks or in rights-of-way so as to create a hazard; and shall not reduce the required number of parking spaces for any dwelling by more than one (1) space; and
- i. One (1) boat, or trailer or recreational vehicle but not more than one (1) in total may be parked in a required front yard area between the structure and the street line, property line or right-of-way line, however,

it may not be greater than ten (10) feet in height or twenty-six (26) feet in length including motors and trailer tongues;-

j. All boats trailers and recreational vehicles must be parked on an impervious surface if parked in the front yard.

- (2) Fine for violations of this section. A person violating the provisions of section 14-28 (b) and 14-28 (c) shall be subject to the provisions set forth in chapter 2, article III, division 2 of this Code.

~~ARTICLE III. - COMBAT AUTOMOBILE THEFT (CAT) PROGRAM~~

~~Sec. 14-30. - Establishment.~~

~~There is hereby established a combat automobile theft (CAT) program within the city. Such program shall include:~~

- ~~(1) Consent forms to be signed by motor vehicle owners who wish to enroll their vehicles; and~~
- ~~(2) Bright yellow decals indicating a vehicle's enrollment in the program.~~

~~Sec. 14-31. - Consent forms.~~

~~The consent forms referenced in section 14-30 above shall:~~

- ~~(1) Explain the general operation of the program; and~~
- ~~(2) Provide authorization for a law enforcement officer to stop the vehicle when it is being driven between the hours of 1:00 a.m. and 5:00 a.m. provided that a decal is conspicuously affixed to the bottom left corner of the back window of the vehicle to provide notice of its enrollment in the program; and~~
- ~~(3) Advise the motor vehicle owner of the proper means by which the driver of the vehicle should cooperate with the law enforcement officer in such instance; and~~
- ~~(4) Provide that the owner of the motor vehicle is responsible for removing the decal when terminating participation in the program or when selling or otherwise transferring ownership of the vehicle and for notifying the department of public safety in writing of said termination; and~~
- ~~(5) Provide that the owner of the motor vehicle is responsible for informing any person authorized to use the vehicle that said vehicle is registered in the program; and~~

~~(6) Clearly provide that participation in the combat automobile theft program is strictly voluntary and may be terminated at any time; and~~

~~(7) Include a statement which indicates that the consent form has been read and understood in its entirety, including the procedures to be observed by the driver in a stop.~~

~~Sec. 14-32. - Program implementation.~~

~~The combat automobile theft program may be implemented upon approval of program materials and procedures for making a stop of a vehicle bearing a decal by the public safety director and city attorney. Such program materials and procedures may be subject to periodic review and approval by the public safety director and the city attorney.~~

Section 2. Repeal of Conflicting Ordinances

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 4. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and

Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “Section”, “Article” or another word.

Section 5. Effective Date


The provisions of this Ordinance shall become effective .

Passed on the first reading this 23rd day of January , 2017.

PASSED AND ADOPTED on the second reading this 6th day of February, 2017.



Samuel J. Ferreri
Mayor




Jonathan G. Pearce
Deputy Mayor

Voted

(yes)

Attest:

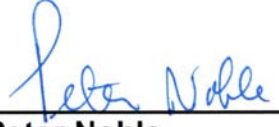

Joanna Cunningham
City Clerk



Lisa Rivera
Councilwoman, District I

(yes)






Peter Noble
Councilman, District II

(yes)



Judith Dugo
Councilwoman, District III


(yes)



Paula Bousquet
Councilwoman, District V

(yes)

Approved as to Form and Legal Sufficiency:



James D. Stokes
City Attorney

GENERAL ORDER

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| SUBJECT: VEHICLE TOWING, STORAGE | | | |
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This General Order consists of the following numbered sections:

- I. TOWING OF VEHICLES OR VESSELS
- II. CURBSTONING

DISCUSSION:

The purpose of this order is to establish guidelines for the towing, storage and release of vehicles or vessels. A variety of circumstances arise that require a vehicle or vessel to be moved by Sheriff's Office employees. These range from removal of a traffic hazard to found property. In order to ensure that procedural guidelines and legal requirements are met, a uniform method is required. This order will outline the authority and process to be used. This order shall apply to all Sheriff's Office employees.

DEFINITIONS:

ABANDONED VEHICLE NOTICE (RED TAG) – A visible tag/sticker that is attached to an abandoned vehicle giving the owner of the vehicle notice that if the vehicle is not removed within a designated period of time it will be towed away.

BIOLOGICAL WASTE - Solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to biohazardous waste, diseased or dead animals, and other waste capable of transmitting pathogens to humans or animals.

CURBSTONING – The name given to an illegal practice of buying and selling vehicles without a dealer's license and a legally established place of business. It includes the parking or display of motor vehicles for sale, hire or rent, in certain areas unless authorized. Curb-stoners usually park and display their vehicles for sale in high traffic locations. Often these are found parked on right of ways and locations such as utility or pipeline easements, gas stations, convenience stores, repair facilities, supermarket parking lots, public parking lots and vacant lots.

DESIGNATED TOWING SERVICE - A towing service that performs services in accordance with a signed agreement with the Sheriff's Office.

PESTICIDE - Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insect, rodents, nematodes, fungi, weeds or other forms of plant or animal life or viruses.

PROPERTY AND EQUIPMENT - For purposes of this procedure, a broad range of items, which due to size, weight and shape, cannot be transported by passenger vehicles (i.e., farm equipment, safes, etc.).

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TOWING SERVICE - A company that moves vehicles or vessels by hooking-up and towing from one place to another.

VEHICLES - The broad range of motor powered means of transportation, such as, but not limited to, passenger cars, motorcycles, vans, trucks, motor homes, tractors, trailers and mopeds.

VESSEL - A craft, larger than a rowboat, designed to navigate on water.

PROCEDURE:

I. TOWING OF VEHICLES OR VESSELS

A. Employees are authorized by Florida law and Palm Beach County Ordinance to tow vehicles or vessels, remove abandoned equipment or property from roadways or waterways for traffic safety or to prevent and protect it from further damage, or when the driver is taken into custody. Specific attention will be given to the requirements of Florida Statutes (FS) and applicable Palm Beach County Ordinances when towing a vehicle and completing the required documentation. The towing of all vehicles will be documented on a Vehicle Storage Receipt (PBSO #0085). At the minimum, the Vehicle Storage Receipt (VSR) shall contain the following information:

1. Time
2. Date
3. Location
4. Requesting employee
5. Reason for removal or tow
6. Towing service name
7. Location of the vehicle
8. Notification (or attempts) to the registered owner
9. Inventory of contents
10. Placing and removal of holds (hand written on the VSR by employee)

B. Where any vehicle upon a bridge, causeway, waterway, or roadway presents a clear danger, hazard, or obstruction to others it may be towed under the following circumstances:

1. When a vehicle is found being operated upon public roads of the county in such condition as to create an immediate threat to the safety of other motorists or pedestrians.
2. When a vehicle/bicycle is left unattended upon a highway, public roadway, or any bridge, causeway, or viaduct, in a manner that obstructs traffic or creates a hazard and every reasonable effort to contact the vehicle owner to have the vehicle owner affect immediate removal, has been exhausted.

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- a. A parking citation may be attached to the vehicle.
 - b. Communications will enter any vehicle/bicycle towed in the "Vehicle Tow Log," the FCIC system, and PALMS system. The employee towing the vehicle/bicycle will supply Communications with the vehicle information, time, date, location, towing service name, location of vehicle and reason towed. If the employee or Communications has personally notified the owner, an FCIC entry should not be made.
3. Attended vehicles that are inoperable and which are obstructing a highway or roadway, or otherwise creating a traffic hazard, will be removed by the owner or person responsible for the vehicle. If the person responsible for the vehicle is unable or unwilling to remove the hazard or obstruction within a reasonable time, the vehicle may be towed.
- a. The vehicle owner or persons responsible for the vehicle may remove the vehicle from the roadway and temporarily park the vehicle upon a public right-of-way when land adjacent to the roadway is public property. The vehicle owner will then retain full responsibility for timely removal (within 24 hours) and for security of the parked vehicle.
 - b. The vehicle owner may request a towing service be called from the Sheriff's Office rotation list.
 - c. The vehicle owner or operator should be advised that towing service operators generally require an immediate cash payment for their services, unless service is authorized by an automobile club with which the towing service is affiliated or the vehicle is to be towed to the premises of the service or, towing company where it can be held under mechanics lien until payment is made.
- C. Abandoned, Parked or Stored Vehicles
1. When any vehicle, (wrecked, junked, non-operating, or partially dismantled), equipment, or property is abandoned, parked or stored on any street, road, alley, highway or public right-of-way, for a period exceeding 24 hours, in other than designated parking areas, the following will be conducted (care must be taken to insure that vehicle is on a public right-of-way and not on private property):
 - a. A registration check will be made on all vehicles to determine the identity of the vehicle owner and if the vehicle has been stolen or used in the commission of a crime.

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- b. If the vehicle is determined not to have been stolen or used in the commission of a crime, reasonable effort will be made to identify and contact the owner.
- c. If the owner can be contacted, the owner will be advised that the vehicle will be issued an Abandoned Vehicle Notice (Red Tag - PBSO #0098) if not removed within 24 hours or as provided herein and by statute.
- d. The odometer reading will be recorded, if possible, or the tires chalked to reveal any vehicle movement. If the owner cannot be contacted, a red tag will be affixed. A parking citation may be affixed to the vehicle. Communications will advise the County that the vehicle has been red tagged and its location.
- e. If there are indications that the vehicle is being stripped or vandalized and the owner cannot be contacted, the vehicle will be immediately towed for safekeeping.
- f. Any vehicle towed will be entered by teletype in the FCIC system. The employee towing the vehicle will provide the vehicle information, time, date, location, towing service and reason towed. Reports documenting an FCIC entry must be dictated/ submitted as a priority to ensure that teletype can validate the entry within 48 hours.
- g. A VSR and a report will be completed when the vehicle is towed. Communications will be notified giving all the necessary information to make the proper entry in the towed vehicle log.
- h. The employee towing a vehicle will be responsible for initially notifying the vehicle owner. If the owner cannot be notified, the employee will have teletype enter the vehicle into the FCIC system as a towed vehicle, and annotate "OWNER NOT CONTACTED" in capital letters under the property section of the VSR with an explanation and the time.
- i. If the owner is contacted after the vehicle is towed, the employee will write the name of the person contacted and the time under the property section of his remaining copies of the VSR and so state in his report.
- j. Validations Unit of Communication generates a monthly print-out of entries made into FCIC and contacts the tow company to update the status of the vehicle.

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2. Vehicles that are abandoned or discarded in non-operating condition, or are partially dismantled, wrecked, junked, on any private property, in the unincorporated area of Palm Beach County, including shopping centers, may be "Red Tagged" by the Sheriff's Office for towing when the period of abandonment exceeds 10 days.
 - a. Except where the private property is a business legally licensed to operate as a vehicle repair or salvage facility, or the vehicle is in an enclosed building.
 - b. A registration check will be made on all vehicles/bicycles to determine the identity of the vehicle/bicycle owner and if the vehicle/bicycle has been stolen or used in the commission of a crime.
 - c. Removal of vehicles from private property will be the responsibility of the property owner. When requested, the Sheriff's Office will assist property owners by directing them to the proper authorities, such as Palm Beach County Department of Public Safety Division of Consumer Affairs.
 - d. Apartment complexes and shopping centers are considered common area by County Zoning. Any vehicles found in these areas can be "Red Tagged."
 - e. For complaints of abandoned vehicles on private property, where the owner of the vehicle is also the property owner, advise the complainant to contact County Zoning and Planning and register the complaint with them. Initiate a report and state in it what action was taken.

3. Found Vehicles or Vessels
 - a. The employee towing a vehicle will be responsible for initially notifying the vehicle owner. If the owner cannot be notified, teletype will enter the vehicle into the FCIC system as a towed vehicle. The employee will annotate, "OWNER NOT CONTACTED" in capital letters under the property section of the VSR with an explanation and the time.
 - b. The vehicle or vessel will be towed by the next wrecker on the rotation list.
 - c. A VSR and a Found Property Report will be completed when the vehicle is towed.

4. Vehicles Abandoned In Canals

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- a. When a vehicle is abandoned in a canal that comes under the authority of Water Management District (FS 373.069) or Drainage Control District (FS 298.001), attempts need to be made to contact the District in question for verification of pesticide application or possible biological waste contamination.
- b. Upon the confirmation of a pesticide or biological waste contamination, necessary steps need to be taken to ensure the safety of Sheriff's Office employees and civilians on scene.
 - 1) Pesticides - Chemtrec (1-800-424-9300) will be contacted to establish safe reentry period. The employee on scene will relay the information to the road supervisor and, if necessary, all employees will follow guidelines set forth in the U.S. Department of Transportation Emergency Response Guide Booklet. Communications will request that the Water Management District or Drainage Control District representative respond to the area in question with copies of the material safety data sheet.
 - 2) Biological Waste Contamination - The Sheriff's Office will contact the Palm Beach County Health Department, the Florida Department of Environmental Regulation, or the Federal Environmental Protection Agency. It will be up to those agencies to establish safe reentry periods for biological waste contaminator.
 - a) If it is found to be unsafe to allow Sheriff's employees or civilians to remove the car from the canal the road sergeant will be notified, who will in turn notify the Watch Commander.
 - b) A non-crime incident report will be written. All information will be listed such as contamination, environmental concern, health official and district official contacted and the safe reentry date.
 - c) Upon the safe reentry date being known, it will be the responsibility of the District in question to remove the vehicle following all steps outlined in this General Order. Once the safe removal is completed the Watch Commander will be advised and a supplement will be completed.
 - d) If an emergency exists or an active felony investigation finds it pertinent to remove the vehicle, steps set forth in General Orders will be

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adhered to for hazardous material decontamination, which includes pesticides or biological waste.

- c. All vehicles, which are determined to be biohazardous, must display a biohazardous sticker to ensure the safety of persons who will come in contact with the vehicle.

D. To Prevent or Protect the Vehicle or Vessel from Further Damage or Loss

1. When the nature of damage or need for security requires removal of such vehicles or vessels from a right-of-way or waterway and the person in charge of the vehicle or vessel is incapacitated by reason of physical injury or is unable to provide for its custody, it will be towed.
2. When the removal is necessary in the interest of public safety because of flood, fire, storm, or other emergency reasons.
3. When the driver or operator of a vehicle is taken into custody and reasonable efforts have been made to provide the vehicle driver with an alternative to towing the vehicle or vessel; and the vehicle would otherwise be left unattended upon a public roadway, public parking lot, shopping center, etc., or upon the private property of a person other than the owner or operator of the vehicle.

E. Recovered Stolen Vehicles

1. If the employee positively knows that the vehicle was not used in the commission of a crime, and it is possible and practical, the vehicle should be processed and searched at the recovery site and released to the owner without towing it. If the owner cannot respond to the scene and does not want the vehicle towed, he will be advised that a "Red Tag" will be affixed to the vehicle for its removal within 24 hours.
2. The employee recovering the vehicle is responsible for notifying the vehicle owner during his tour of duty. If the vehicle is to be towed, a rotation wrecker may remove the vehicle to a tow lot. Indicate on the VSR why the vehicle was not returned to the owner. If a vehicle/vessel is found to have its identification numbers removed or altered or the vehicle is burned, the designated tow company will tow the vehicle/vessel to the designated tow company's facility. The investigating employee will notify the Auto Theft unit as soon as possible, informing them that a vehicle/vessel has been recovered and is unidentifiable.
3. A copy of the VSR will be given to the tow truck operator and a copy placed in the vehicle towed.

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4. If the vehicle has been reported stolen to the Sheriff's Office and a Stolen Vehicle Report is on file, a supplemental report will be made.
 5. If the vehicle has been reported stolen to another law enforcement agency, an original report will be prepared by the employee with case information from the other jurisdiction included in the report.
 6. Teletype will be notified of the vehicle recovery for the wrecker log and for updating the computerized stolen vehicle file.
 7. Teletype will remove copies of the stolen vehicle record from the file; make appropriate teletype entries, and forward copies to the Auto Theft unit.
- F. Only a contractual tow company will be used when towing an investigative hold vehicle. Notification to the appropriate bureau or division (i.e., Auto Theft, Investigations) shall be made for follow up investigation.
- G. Towing a vehicle without the vehicle owner's or authorized agent's consent, must be done by a tow company properly licensed by the State of Florida and Palm Beach County. Employees will not allow an unlicensed or inappropriately licensed tow truck to perform a non-consent tow.
- H. Employees at the scene of a crash will ensure that a non-authorized towing company, as defined in FS, does not solicit business from driver's involved in the crash. An authorized tow company must be on a law enforcement agencies rotation or contract list in good standing at the time of solicitation.
- I. Holds
1. Vehicles towed for investigative purposes, used in crimes, forfeiture (refer to GO 504.01 – Forfeiture Procedures), or other reason(s) allowed by law, may have a hold placed on the vehicle where the tow company may not release the vehicle unless authorized by the towing Sheriff's Office employee or an appropriate Sheriff's Office supervisor.
 2. The employee placing the hold will notify Communications, who will then enter the vehicle into FCIC.
 3. Holds are to be noted on the VSR and the tow truck driver is to be advised of the hold.
 4. Pursuant to FS, initial holds are good for only five days, after which the towing company may release the vehicle without authorization from the law enforcement agency.
 5. Holds may be extended past five days with written notification of an

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extended hold being delivered to the towing company prior to the expiration of the initial five day hold. The Sheriff's Office becomes financially responsible for all storage charges incurred on an extended hold over the initial five days. The notice of extended hold must contain all information required by FS.

6. Any vehicle that is to be held over five days should be moved to a PBSO Impound Lot, if possible, within the initial five days. Vehicles held at a PBSO Impound Lot are not subject to the five day requirement and storage charges in FS.

J. Release of Holds

1. Holds may be released on vehicles after the original reason(s) for the hold is no longer valid, i.e., investigation is complete; vehicle is no longer of evidentiary value, etc.
 - a. Vehicles held at the Sheriff's Office Impound Lots pursuant to traffic crash investigations shall be released to the original towing company unless a valid court order requires the vehicle to be held by the Sheriff's Office.
 - b. Under special circumstances the Vehicle Homicide Supervisor and/or the Impound Lot Coordinator may authorize the release to another lawfully entitled party on a case-by-case basis.
2. Upon release of the vehicle, the releasing employee will notify Communications, who will then remove the vehicle from FCIC.
3. Holds are released by the employee authorizing the original hold, lead investigator, or an appropriate supervisor. Communications between all interested parties are to be maintained to prevent an inadvertent/premature release of a vehicle, especially when multiple departments are involved.
4. Any employee authorizing the release of any held vehicle is responsible for completing all required documentation, notifying the vehicle owner or authorized agent, notifying the towing company and/or the Impound Lot Evidence Technician and notifying Teletype to remove the held vehicle from FCIC.

II. CURBSTONING

- A. When a vehicle is unlawfully displayed for sale, hire, or rent in violation of FS 316.1951/Palm Beach County Ordinance 2015-036, it subjects the vehicle(s) in question to immediate removal and the owner of such vehicle(s) to pay a fine as required by FS 318.18. A deputy may affix a warning notice to the vehicle providing the vehicle's owner with 24 hours to correct the violation, unless:

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1. The same vehicle owner has received another warning notice within a 12-month period;
 2. The parked vehicle endangers public safety or constitutes a hazard;
 3. The vehicle reasonably appears to be a stolen vehicle;
 4. the vehicle's identification number has been destroyed, removed, covered, altered, or defaced, as described in s. 319.33(1)(d), to display or offer for sale a vehicle that does not have a valid registration as provided in s. 320.02;
 5. If the vehicle bears a telephone number that has been displayed on 3 or more vehicles offered for sale within a 12-month period;
 6. Or other extraordinary conditions exist, in which case the vehicle may be immediately towed without warning.
- B. The FDOT describes the right of way for a road or other transportation facility as the paved area of the road, the road shoulders, sidewalks, swales, and all the other property adjacent to the road owned by the government for the construction and operation of the road or other facility. It may extend as far beyond the paved road surface and may or may not be mowed or fenced.
- C. FS 315.1951(1) does not prohibit a person from parking his or her own motor vehicle or his or her other personal property on any private real property which the person owns or leases or on private real property which the person does not own or lease, but for which he or she obtains the permission of the owner, or on the public street immediately adjacent thereto, for the principal purpose and intent of sale, hire, or rental. Prior to enforcement action, deputies are encouraged to identify the property owner and right of way boundaries where vehicles are displayed for sale utilizing the Palm Beach County Property Appraiser's GIS map program located at <http://www.pbcgov.com/papa/index.htm>.
- D. If a vehicle meets the Curbstoning requirements set forth in FS 316.1951, and warnings have proven ineffective, deputies will request Sister's Towing east of the 20 mile bend, and Moss's Towing west of the 20 mile bend to respond to the scene. If the VIN number is covered and there is no other means to identify the vehicle's information, the deputy will ensure the responding tow service is equipped with a vehicle unlock kit.
- a. If the owner arrives prior to the tow service, they must prove ownership of the vehicle prior to release, and if the vehicle is legal to operate, a written traffic warning should be issued for tracking purposes.
 - b. The deputy will complete an abandoned vehicle report for each vehicle towed from a location using the vehicle vessel status code of "18-curbstoning towed." The deputy will photograph/in-car video the vehicle and scene documenting the violation(s). Those photos/videos will be placed into evidence or uploaded accordingly. The deputy will ensure each vehicle's towed status is entered into teletype while on scene. The vehicle storage receipt will include the reason for impounding as follows:

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“Curbstoning per FS 316.1951 Owner must provide PBC release form when claiming vehicle.” A copy of each vehicle storage receipt will be forwarded to PBC Code Enforcement for tracking purposes. A legible copy of the vehicle storage receipt must be emailed to PBC Code Enforcement for tracking purposes PZB-CurbStoning@pbcgov.org.

- c. The deputy will attempt to contact the seller by way of the phone number appearing on the vehicle and provide information, such as the reason the vehicle was towed, where to submit payment of the fine in order to obtain a release form (Palm Beach County Planning, Zoning, and Building, 2300 N. Job Road, 2nd Floor, West Palm Beach, FL 33411) and the location the vehicle was towed.
- d. Vehicle owners will report to PBC Code Enforcement to obtain a vehicle release form. They will receive the release form only after they have paid the required fee. PBC Code Enforcement should email the release form and scan copy of the original tow receipt to the Tow Company and PBSO ARU at curbstoning@pbso.org. ARU specialists will notify teletype to remove the vehicle’s information from FCIC and complete a supplement to the original report.
- e. Per FS 316.1951 (4) A local government or municipality contracting with PBSO for police services must adopt this county ordinance or create their own prior to any enforcement action.