
Sec. 30-36. Removal of vehicle by city from public property.

Members of the police department of the city are hereby authorized, but are not required, to have immediately removed any vehicle from any street or alley or other public place within the city by the city's authorized towing service under the following circumstances:

- (a) When such vehicle is in violation of any portion of this chapter.
- (b) When a vehicle upon a street or alley is:
 - (1) Disabled or when the person in charge of the vehicle is by reason of physical injury or condition incapacitated to such an extent as to be unable to provide for its custody or removal and the vehicle is obstructing traffic or otherwise creating a safety hazard.
 - (2) Disabled, abandoned, or otherwise left in a manner obstructing traffic or otherwise creating a safety hazard.
 - (3) Stolen, subject to forfeiture, being held as evidence or contains evidence in a criminal investigation, or the driver is being arrested and the arresting officer decides to remove the vehicle from the location to protect the vehicle from potential damage.
- (c) When any vehicle is parked on any municipal parking facility or area designated or used in connection with city hall, the police station or other municipal property of the city in violation of the posted signs and the permitted uses.
- (d) When any motor vehicle remains stopped or parked on any property owned or controlled by the city not designated for parking; longer than allowable posted times; overnight; or in a manner endangering the safety and security of any property owned or controlled by the city. If the towing is due to a security concern, and such concern is ultimately determined to be unfounded, the chief of police reserves the right to waive any tow fee.
- (e) Storage, cost and removal of impounded vehicles.
 - (1) When a vehicle is removed under this chapter, notice of storage and costs shall be sent to the vehicle owner within seven days via certified mail, return receipt requested, pursuant to the provisions of F.S. § 713.78.
 - (2) Owner responsibility. The cost of towing, or removing a vehicle impounded or immobilized under this section and the cost of storing the same or removing the immobilization device, shall be chargeable against the vehicle owner and a lien shall be placed upon the vehicle. Before the release of the vehicle, the owner of the vehicle shall pay these charges and any outstanding parking tickets, administrative delinquency or collection fees owed. The vehicle shall be stored in a private place and the towing and/or storage charges shall be set by the private towing company. All of such charges shall be the responsibility of the vehicle owner.
- (f) Notice to vehicle owner.
 - (1) Upon taking possession of any vehicle, as provided in this section, the towing company shall follow guidelines set forth in F.S. § 715.05 regarding notification of owner, upon towing or removing a motor vehicle.
 - (2) Notification shall be by certified mail, return receipt requested, and shall notify the owner and all lien holders of the location of the vehicle and the fact that it is unclaimed. Notice shall be given within seven days excluding Saturdays and Sundays, from the date of storage and shall be complete upon mailing.

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- (a) If at the end of ten days after posting the notice provided for in this article, the owner or any person interested in the abandoned, wrecked or junked vehicle described in such notice has not removed the vehicle from the property at the location described in such notice, or has failed to show reasonable cause for failure to do so, the enforcement officer may cause the vehicle to be removed and disposed of or destroyed, and the salvage value, if any, of such vehicle shall be retained by the city clerk of the city to be applied against the cost of removal and disposition or destruction thereof. Additionally, the clerk of the city shall notify the county sheriff's department of the violation for the purpose of obtaining service on the owner of a notice to appear in court pursuant to Rule 3.125, Florida Rules of Criminal Procedure. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person authorized by the enforcement officer to enter upon private property for the purpose of removing a vehicle under the provisions of this article.
- (b) When an abandoned, junked, or wrecked vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the enforcement officer.