

## ATTACHMENT B

### DRAFT ORDINANCE WITH PROPOSED CHANGES

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE V, ENTITLED "POLICE VEHICLE TOWING," BY AMENDING DIVISION 2, ENTITLED "PERMIT," BY AMENDING SECTION 106-213, ENTITLED "APPLICATION" TO PROVIDE FOR AN INCREASE IN THE TOTAL NUMBER OF TOWING PERMITS GRANTED UNDER ARTICLE V TO NOT EXCEED FOUR PERMITS (CURRENTLY TWO PERMITS); AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, as per Miami Beach City Code Article V, entitled "Police Vehicle Towing," a permit is required in order to tow or store vehicles identified by the police and parking departments as requiring removal from the public right of way; and

**WHEREAS**, the tow service contractor must submit a permit application to the City Manager who shall file with the City Commission his recommendation as to which of the qualified applicant(s) should be awarded the permit; and

**WHEREAS**, currently the total number of permits granted under this article shall not exceed two (2); and

**WHEREAS**, on November 18, 2020 the Mayor and City Commission approved Resolution No. 2020-31507 directing the Administration, among other things, to amend the City Code to enhance competition beyond the existing two (2) permittees; and

**WHEREAS**, the Administration recommends increasing the limit of the number of permittees from two (2) to four (4); and

**WHEREAS**, the Finance and Economic Resiliency Committee discussed and recommended approval of this item at its April 30, 2021 meeting.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Chapter 106, "Traffic and Vehicles," Article V, "Police Vehicle Towing," Division 2, "Permit," Section 106-213, "Application," of the Code of the City of Miami Beach, Florida, is hereby amended as follows:

### CHAPTER 106

## TRAFFIC AND VEHICLES

\* \* \*

### ARTICLE V. POLICE VEHICLE TOWING

#### DIVISION 2. Permit

\* \* \*

##### **Sec. 106-213. - Application.**

An application for a permit under this article shall be filed in writing with the city manager. Such application shall be verified by the oath of the person making such application as to the truth of the statements contained therein, if a natural person, by such person; by the officers thereof, if the applicant is a corporation; or by a member thereof, if the applicant is a partnership. Such application shall include the name and address of the applicant and the address of its officers, if any. The total number of permits granted under this article shall not exceed ~~two~~ four (4).

\* \* \*

##### **Sec. 106-216. - Issuance; fee.**

Grantees of a permit under this article shall be issued an annual permit upon satisfactory proof of compliance with applicable provisions of this article and such supporting regulations as may be promulgated by the city manager. Permittees shall pay to the city a permit fee as provided in ~~appendix A~~ according to the payment time schedule and regulations set forth in the administrative rules and regulations for police towing permit as amended from time to time. Any moneys already paid to the city by current permittees for the period from July 1, 1995, through September 30, 1995, pursuant to the former six-month permit fee requirement shall be credited against the new per vehicle tow fee. Failure to remit timely payment shall result in automatic forfeiture of the permit and the applicant shall be prohibited from applying for another permit for a four-year period. If the permit holder defaults or forfeits permit, all fees paid by the permit holder will be forfeited and become the property of and will be due and owing to the city.

#### **SECTION 3. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

#### **SECTION 4. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 5. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten (10) days following adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Richardson)

Underline denotes new language

~~Strike through~~ denotes deletions

f:\ping\man\ran\committee memos\ferc - towing april-2021-attachmentb-ordinance.docx