

Introduced by Council Member Gay and Co-Sponsored by Council Members Peluso and Miller and amended by the Neighborhoods, Community Services, Public Health and Safety Committee:

ORDINANCE 2026-358-E

AN ORDINANCE REGARDING TOWING AND STORAGE OF VEHICLES OR VESSELS; REPEALING PART 12 (WRECKER FACILITIES AND CHARGES) AND PART 13 (TOWING ON PRIVATE PROPERTY), CHAPTER 804 (JACKSONVILLE TRAFFIC CODE), *ORDINANCE CODE*; CREATING A NEW PART 12 (TOWING AND STORAGE OF VEHICLES AND VESSELS FROM PUBLIC PROPERTY), CHAPTER 804 (JACKSONVILLE TRAFFIC CODE), *ORDINANCE CODE*, TO UPDATE AND CLARIFY PROVISIONS RELATED TO NONCONSENSUAL TOWING AND STORAGE OF VEHICLES AND VESSELS FROM PUBLIC PROPERTY; CREATING A NEW PART 13 (TOWING AND STORAGE OF VEHICLES AND VESSELS FROM PRIVATE PROPERTY), CHAPTER 804 (JACKSONVILLE TRAFFIC CODE), *ORDINANCE CODE*, TO UPDATE AND CLARIFY PROVISIONS RELATED TO NONCONSENSUAL TOWING AND STORAGE OF VEHICLES AND VESSELS FROM PRIVATE PROPERTY; PROVIDING FOR CODIFICATION INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Repealing Part 12 (Wrecker Facilities and Charges) and Part 13 (Towing on Private Property), Chapter 804 (Jacksonville Traffic Code), Ordinance Code. Part 12 (Wrecker Facilities and Charges) and Part 13 (Towing on Private Property),

Chapter 804 (Jacksonville Traffic Code), *Ordinance Code*, copies of which are **On File** with the Legislative Services Division, are hereby repealed in their entirety.

Section 2. Creating a new Part 12 (Towing and Storage of Vehicles and Vessels from Public Property), Chapter 804 (Jacksonville Traffic Code), *Ordinance Code*. A new Part 12 (Towing and Storage of Vehicles and Vessels from Public Property), Chapter 804 (Jacksonville Traffic Code), *Ordinance Code*, is hereby created to read as follows:

CHAPTER 804 - JACKSONVILLE TRAFFIC CODE

*** * ***

**PART 12. - TOWING AND STORAGE OF VEHICLES AND VESSELS
FROM PUBLIC PROPERTY**

Sec. 804.1201. - Definitions.

For the purposes of this Part, the following terms shall have the meaning given below.

- (a) *City* as used herein shall refer to the City of Jacksonville.
- (b) *Owner or legally authorized person* as to a vehicle or vessel means a person who has a property interest in the vehicle or vessel as evidenced by any of the following documents:
 - 1. An electronic title.
 - 2. A paper title.
 - 3. A contract between a lender and the owner of the vehicle or vessel.
 - 4. A contract between a lessor and the lessee of the vehicle or vessel.
 - 5. Credentials establishing the person as an employee or contract agent of an insurance company along with documentation identifying the vehicle by the vehicle identification number or vessel by the hull identification number.
 - 6. A written agreement evidencing that the person is an

1 agent of the vehicle or vessel owner or lienholder.

2 Pursuant to Section 713.78(17), Florida Statutes, a towing-
3 storage operator must accept an original or a copy of any of the
4 above listed documents as evidence of a person's interest in a
5 vehicle or vessel. Presenting one form of current government-
6 issued photo identification constitutes sufficient identity
7 verification for the purposes of this subsection. A towing-
8 storage operator may not require any of the documents listed in
9 this subsection to be notarized, except for the agreement in
10 subparagraph 6., if such agreement is presented for the purpose
11 of releasing the vehicle or vessel.

12 Notwithstanding subparagraph 6., a rental vehicle or vessel
13 agreement is not evidence that the person who rented a vehicle
14 or vessel is an agent of the rental vehicle or vessel owner for
15 the purpose of releasing the vehicle or vessel. However, a
16 towing-storage operator must release to the renter of a rental
17 vehicle or vessel all personal property belonging to the renter
18 which is not affixed to the rental vehicle or vessel within 1
19 hour after the renter's arrival.

20 (c) *Payment* means as provided in Section 713.78(19), Florida
21 Statutes. A towing-storage operator acting under this Part
22 must accept payment for accrued charges in any form from at
23 least two of the following subparagraphs:

- 24 1. Cash, cashier's check, money order, or traveler's check.
- 25 2. Bank, debit, or credit card.
- 26 3. Mobile payment service, digital wallet, or other
27 electronic payment system.

28 (d) *Tow* shall mean as defined in Section 320.01, Florida Statutes,
29 as amended from time to time, to include to pull or draw any
30 vehicle or vessel with a power unit by means of a direct
31 attachment, drawbar, or other connection or to carry a vehicle

or vessel on a power unit designed to transport such vehicle or vessel from one location to another.

(e) *Towing-storage operator* shall mean as defined in Section 713.78, Florida Statutes, as amended from time to time.

(f) *Vehicle* shall mean as defined in Section 715.07, Florida Statutes, as amended from time to time.

(g) *Vessel* shall mean as defined in Section 715.07, Florida Statutes, as amended from time to time. As used in this section the term "vessel" is limited to vessels on land above the mean high water line.

(h) *Wrecker* shall mean as defined in Section 713.78, Florida Statutes, as amended from time to time.

Sec. 804.1202. - Establishment of rotating wrecker call list.

(1) (a) The Sheriff is authorized to establish standards and rules for the administration of a rotating wrecker call list to provide safe and dependable wrecker service to the Sheriff's Office, or a Department or Agency of the City of Jacksonville. This rotating wrecker call list of eligible towing-storage operators, as described in this subsection is referred to as the "rotating wrecker call list", "Top Of the List", or "TOL", in this Part. Annually, Departments or Agencies of the City using towing-storage operator services noted herein shall obtain the current TOL, from the Jacksonville Sheriff's Office, the updated fees, and updated policies and procedures. In promulgating the rules governing the TOL, the Sheriff shall require each participating towing-storage operator to maintain certain types of insurance in the name of the towing-storage operator effective throughout the period that the towing-storage operator is to be an authorized towing-storage operator on the TOL.

1. TYPES AND AMOUNTS OF INSURANCE. Each participating towing-

1 storage operator shall maintain, without limitation thereto,
2 the following types of insurance with the minimum limits set
3 forth below in the name of the towing-storage operator and
4 which shall include coverage for towing and storage.

5 A. Workers' compensation and employer's liability insurance
6 in the amounts required by Florida law.

7 B. Garage Keepers General Liability Insurance in an amount
8 not less than \$300,000 combined single limit liability
9 for damages arising from bodily injury or death, and not
10 less than \$50,000 per occurrence of property loss,
11 covering perils of fire and explosion; theft of a
12 vehicle, its parts or contents; riot and civil
13 commotion; vandalism; malicious mischief.

14 C. On-Hook Towing Coverage in an amount not less than
15 \$100,000 per occurrence, covering repair or replacement
16 to a customer's vehicle if it is damaged by collision,
17 fire, theft or vandalism, while hooked up to or being
18 transported, including during loading, transit, or
19 unloading.

20 D. Commercial motor vehicles additional liability insurance
21 coverage in at least the minimum levels of combined
22 bodily injury liability insurance and property damage
23 liability insurance in the amounts required by Section
24 627.7415, *Florida Statutes*.

25 2. SOURCE OF POLICIES. Each such required insurance policy
26 shall be issued by an insurance company authorized to write
27 liability insurance in the State having a B policyholder's
28 rating and a class X financial rating or better from Alfred
29 M. Best Company, approved by the Office of General Counsel
30 and the Sheriff and possessing a certificate duly issued by
31 the State Treasurer or another officer specified by the laws

1 of the State, in the required amounts for each wrecker owned
2 or controlled by the towing-storage operator. Where the
3 towing-storage operator is unable to procure a policy from
4 an insurance company which meets the policyholder rating
5 requirements of this Section because of unavailability in
6 the insurance market, the towing-storage operator may submit
7 for consideration to the Sheriff a policy having a cut-
8 through reinsurance agreement from an insurance company
9 which meets the policyholder rating provisions of this
10 Section. To be considered for approval, a cut-through
11 reinsurance agreement must create a direct contractual
12 relationship between the insurance company and the City. The
13 reinsurance's obligation to the towing-storage operator's
14 insurance company must run directly to the City.
15 Alternatively, the towing-storage operator may submit a
16 policy meeting the requirements of this Section purchased
17 through the Florida Joint Underwriters Association.

18 3. POLICY TERM. All such required insurance policies shall be
19 effective throughout the period that the towing-storage
20 operator is to be an authorized towing-storage operator
21 under these rules.

22 (b) At least 30 days prior to the expiration of an existing
23 policy, a renewal binder for a period of 60 days shall be
24 filed with the Sheriff. If the policy is being purchased
25 through the Florida Joint Underwriters Association, a 30-day
26 binder may be submitted if it contains a declaration that the
27 binder will be extended for an additional 30 days in the event
28 that a new policy has not been issued prior to expiration
29 date of the prior policy. If a binder or new policy has not
30 been received by the Sheriff prior to expiration of the
31 previous policy or in the event of cancellation or expiration

1 of a renewal binder, the Sheriff shall notify the towing-
2 storage operator to cease and desist operations in the City,
3 pending a hearing before the Council committee of reference
4 tasked with reviewing and making recommendations on measures
5 addressing towing. The policy or policies shall include an
6 endorsement to the effect that it or they cannot be altered
7 or canceled for any cause without notice of cancellation or
8 alteration being served on the Sheriff and the Office of
9 General Counsel at least 30 days prior to the date of
10 cancellation or alteration. All binders and insurance
11 policies shall be submitted by the Sheriff to the Office of
12 General Counsel to ascertain whether they comply with the
13 policy rating requirements of this Section.

14 **Sec. 804.1203. - Application for rotating wrecker call list; fees and**
15 **grounds for removal from rotating wrecker call list; suspension from**
16 **list.**

- 17 (a) All towing-storage operators licensed to conduct business
18 within the City may apply annually on or before October 1 for
19 a listing by the Sheriff's Office on the rotating wrecker
20 call list, also referred to as the Top of List or "TOL". A
21 fee as found in www.jaxsheriff.org/fees, shall accompany the
22 application, renewable annually, together with an annual
23 permit fee as found in www.jaxsheriff.org/fees, for each
24 wrecker. Each towing-storage operator approved for the TOL
25 shall be charged a flat fee as found in
26 www.jaxsheriff.org/fees, for each vehicle or vessel towed at
27 the request of the Sheriff's Office. All of these fees and
28 charges shall be utilized by the Sheriff's Office to
29 administer this Part. The Sheriff's Office shall promulgate
30 guidelines for qualifications to be on the TOL, so as to
31 protect the public interest. Qualified applicants may be

1 placed on the TOL, at the discretion of the Sheriff. The
2 Sheriff is authorized to limit the number of towing-storage
3 operators authorized to conduct business within each zone
4 established by the Sheriff, as described in Section 1207, of
5 this Part.

6 (b) If the Sheriff's Office determines that an applicant does not
7 meet the qualifications to be on the TOL, it shall notify the
8 applicant in writing stating the reasons for such
9 disqualification and shall forward a copy of that letter to
10 the Council Secretary.

11 (c) Any applicant that has been notified of such disqualification
12 shall have the right to appeal that decision to the Council
13 by sending a letter requesting an appeal to the Council
14 Secretary within ten days of receipt of the disqualification
15 letter from the Sheriff's Office.

16 (d) Upon receipt of such appeal request, the Council Secretary
17 shall cause a resolution to be introduced into the Council,
18 sponsored by the Council committee of reference tasked with
19 reviewing and making recommendations on measures addressing
20 towing to determine whether the applicant should be placed on
21 the TOL. The Council committee of reference shall hold a
22 public hearing on the appeal resolution and make a
23 recommendation to the Council as to whether the applicant
24 should be placed on the TOL.

25 (e) In the event the Sheriff's Office receives two verified
26 complaints within any six-month period that a towing-storage
27 operator on the TOL has failed to comply with the notice
28 provisions set forth in Section 804.1107, then such towing-
29 storage operator may be removed from the TOL for a one-year
30 period. Upon the expiration of this removal period, the
31 towing-storage operator shall be required to pay an

1 additional fee as found in www.jaxsheriff.org/fees, to
2 reapply for inclusion on the TOL. This fee shall be in
3 addition to the annual fee required herein.

- 4 (f) The Sheriff's Office shall have the authority to suspend
5 towing-storage operators from the TOL. The Sheriff's Office
6 shall promulgate rules and procedures for suspension.

7 **Sec. 804.1204. - Non-consensual towing from public property; other**
8 **services and storage charges; notice by the Sheriff.**

- 9 (a) Whenever a towing-storage operator tows or stores a vehicle
10 or vessel from public property upon instructions from the
11 Jacksonville Sheriff's Office, or a Department or Agency of
12 the City of Jacksonville, without the consent of the owner of
13 the vehicle or vessel, standard charges for towing and storage
14 or other services shall be charged by towing-storage
15 operators and by the City to the owner of the vehicle or
16 vessel, pursuant to Sections 125.0103, 166.043, and 713.78,
17 Florida Statutes.

- 18 (b) Whenever a towing-storage operator tows or stores a vehicle
19 or vessel under this Part, the towing-storage operator shall
20 within five business days from the date of such direction
21 notify in writing, by certified mail, the registered owner of
22 the vehicle or vessel, the insurance company insuring the
23 vehicle or vessel, and any and all lienholders of record (as
24 appears on the vehicle or vessel registration or as disclosed
25 by the records in the State Department of Highway Safety and
26 Motor Vehicles). The notice shall contain the date and time
27 of towing, the name of the registered owner of the vehicle or
28 vessel, the name of the towing-storage operator and the
29 address at which the towed vehicle or vessel is stored. In
30 the event the towed vehicle has a temporary license tag
31 affixed to it, the towing-storage operator shall, if

possible, provide the same notice required herein within five business days to the entity to which the temporary license tag was issued.

(c) At the request of an owner or legally authorized person as to a vehicle or vessel towed or stored under this Part, for the vehicle or vessel to be towed to another location, charges shall be negotiated between the requesting owner or legally authorized person and the towing-storage operator.

(d) Charges for towing or storage of a vehicle or vessel or other services and the category of wrecker service shall be determined by the vehicle or vessel to be towed or service to be performed, shall apply 24 hours a day seven days a week, and shall not exceed the rates set forth in www.jaxsheriff.org/fees for the following:

1. TOWING AND SERVICE CHARGES.

A. *Category A* (gross weight of up to and including 10,000 pounds):

(1) *Category A Wrecker:*

a. Motorcycles, cars, pickups (through light duty – one ton with single rear axles), small camper trailers, trailers with single axles, that are upright and in towable condition; includes sling, rollback or dollies – rate plus amount per mile.

b. All other vehicles or vessels within the category that are upright and in towable condition – rate plus amount per mile.

c. Extra fees:

i. Rollover.

ii. Extra Winch Time.

iii. Extra time at scene (Equipment) – After

the first 30 minutes at the scene, extra time at the scene may be charged at the rate per hour, in one-quarter hour increments, for such services as additional recovery, cleanup, waiting for inventory, or other similar services.

(2) Category A Storage (after the first six hours):

a. Motorcycles - rate per 24-hour day or fraction thereof inside or outside.

b. All other vehicles or vessels within the category:

i. Outside - rate per 24-hour day or fraction thereof.

ii. Inside - rate per 24-hour day or fraction thereof, only when owner, law enforcement agency or the City, specifies or when necessary for protection from weather.

B. *Category B* (gross weight over 10,000 pounds and up to and including 19,500 pounds):

(1) Category B Wrecker:

a. One-ton through two-ton trucks and camper trailers that are upright and in towable condition - rate per hour (no mileage charge). Time starts when wrecker leaves the shop; time ends when wrecker service is complete and wrecker returns to shop.

b. Motor homes with dual rear wheels, tandem axles, that are upright and in towable condition - rate per hour (no mileage

1 charge). Time starts when wrecker leaves the
2 shop; time ends when wrecker service is
3 complete and wrecker returns to shop.

4 c. All other vehicles or vessels within the
5 category that are upright and in towable
6 condition - rate per hour (no mileage
7 charge). Time starts when wrecker leaves the
8 shop; time ends when wrecker service is
9 complete and wrecker returns to shop.

10 d. Extra fees:

11 i. Rollover.

12 ii. Dollies.

13 iii. Special nylon recovery straps.

14 (2) Category B Storage (after the first six hours):

15 a. Outside - rate per 24-hour day or fraction
16 thereof.

17 b. Inside - rate per 24-hour day or fraction
18 thereof, only when owner, law enforcement
19 agency or the City, specifies or when
20 necessary for protection from weather.

21 C. *Category C* (gross weight of more than 19,500 pounds):

22 (1) Category C Wrecker:

23 a. Two and one-half ton trucks and up, semis,
24 buses, mobile homes, and similar vehicle
25 types, that are upright and in towable
26 condition - rate per hour (no mileage
27 charge). Time starts when wrecker leaves the
28 shop; time ends when wrecker service is
29 complete and wrecker returns to shop.

30 b. All other vehicles or vessels within the
31 category that are upright and in towable

condition - rate per hour (no mileage charge). Time starts when wrecker leaves the shop; time ends when wrecker service is complete and wrecker returns to shop.

c. Extra fees:

i. Dollies - per hour, no mileage charges.

ii. Rollover.

iii. Special nylon recovery straps.

(2) Category C Storage (after the first six hours):

a. Semi-tractor - rate per day or fraction thereof.

b. Semi-trailer - rate per day or fraction thereof.

c. All other vehicles or vessels within the category - rate per day or fraction thereof.

2. OTHER SERVICE CHARGES OR FEES. In addition to towing and service charges described in subsection 1., above, and administrative fees described in subsection 3., below, the following service charges and fees may apply.

A. *Electric vehicle (EV) storage in isolation areas:* rate per 24-hour day or fraction thereof, and the storage location must be approved by Jacksonville Sheriff's Office Wrecker Compliance Officer.

B. *Air cushion recovery:* rate plus wrecker and equipment, per hour in one-quarter hour increments. Time starts when wrecker leaves the shop; time ends when wrecker service complete and wrecker returns to shop.

C. *Front-end loader:* rate per hour, includes operator. Time starts when loader leaves the shop; time ends when loader service complete and loader returns to

shop.

D. *Super Heavy Wrecker Rotator* (only when rotator feature is necessary for the service not as routine wrecker): rate per hour, includes operator. Time starts when Rotator leaves the shop; time ends when Rotator service complete and Rotator returns to shop.

E. *Mini Excavator, skid-steer, forklift, street sweeper*: rate per hour, includes operator. Time starts when Bobcat, skid-steer, forklift, and/ or street sweeper leaves the shop; time ends when service of the particular equipment is complete and particular equipment is returned to shop.

F. *Tractor required for towing a trailer*: rate per hour, includes operator. Time starts when tractor to be used to tow trailer leaves the shop; time ends when tractor towing service is complete and tractor returns to shop.

G. *Lowboys*: rate per hour includes operator and tractor, no mileage charges. Time starts when Lowboy leaves the shop; time ends when Lowboy service is complete and Lowboy returns to shop.

H. *Extra cleanup and recovery personnel (when needed)*: after the first 30 minutes at the scene, extra time at the scene may be charged per hour, in one-quarter hour increments, for such services as recovery, cleanup, winching, waiting for inventory or other similar services - Rate per on-site cleanup/recovery worker per hour.

I. *Crash Wrap Fee*: one-time fee per vehicle or vessel if requested by law enforcement agency or the City or if without the wrap the vehicle or vessel cannot be

sealed from water.

J. *Maintenance of Traffic (MOT) setup (includes operator):* truck with DMS signboard, lightbar, cones and Florida Department of Transportation-approved temporary signage; only on Rapid Incident Scene Clearance ("RISC") calls or if requested by law enforcement.

3. ADMINISTRATIVE FEES. In addition to towing and service charges described in subsection 1. and the other service charges and fees described in subsection 2., above, the following administration fees may apply.

A. *Internet research fee.* Towing-storage operators may charge an internet research fee per vehicle or vessel, but only when such research is necessary to establish ownership of the vehicle or vessel - this fee shall not exceed the rate found in www.jaxsheriff.org/fees.

B. *Notice fee.* Towing-storage operators may, after the first 48 hours, charge a reasonable fee for advertising notice, for research needed to prepare notice, and for the mailing by certified mail of the notices, to registered owners, insurers, and lien holders of record as required by Section 713.78(4), Florida Statutes, but the fee shall not exceed the rate found in www.jaxsheriff.org/fees.

C. *Lien release fee.* Towing-storage operators may, after the first 48 hours, charge a lien release fee not to exceed \$250.00 as allowed by Section 713.78(2)(a), Florida Statutes.

D. *Cost of sale fee.* Towing-storage operators may charge cost of sale fees associated with the public sale not to exceed \$200 per vehicle or vessel.

1 E. *Non-business hours gate fee.* Towing-storage operators
2 may charge a non-business hours (6:00 p.m. through
3 8:00 a.m., seven days per week) gate fee per visit.
4 However, no such fee shall be charged for the recovery
5 of prescription medication or prescription glasses,
6 child car seats, oxygen tanks or any type of medical
7 equipment or life necessity items. No gate fee shall
8 be charged when complete payment is tendered for a
9 vehicle or vessel being retrieved.

10 (e) Charges, Rates and Fees all-inclusive. The charges, rates and
11 fees described in this Part are the only charges, rates and
12 fees allowed under this Part; no other charges, rates or fees
13 are permitted under this Part. Storage fees as set forth in
14 this Part may be assessed after the initial six (6) hour
15 period based on a twenty-four (24) hour day, each day starting
16 at the time of impound.

17 **Sec. 804.1205. - Reimbursement for lien discharged pursuant to Section**
18 **804.1107.**

19 If a lien created by Section 804.1107 and held by a private wrecker
20 or towing firm is discharged by Section 804.1107 pursuant to a
21 determination by a hearing examiner that an impoundment was improper
22 and that the City shall bear part or all of the towing and storage
23 charges, the City shall pay to the firm the amount determined by the
24 hearing examiner. No payment shall be made until it is authorized by
25 the General Counsel.

26 **Sec. 804.1206. - Sheriff's authorization to adjust rates.**

27 The Sheriff is authorized to adjust the rate for the TOL (rotating
28 wrecker call list) applicable charges, towing and services, fees,
29 and storage charges, upward or downward, by an amount equal to the
30 percentage change in the Consumer Price Index for the most current
31 June to June 12-month period immediately preceding the adjustment,

utilizing the Average of All Items (1982-84=100), U.S. City Average, All Urban Consumers, as published by the U.S. Department of Labor, Bureau of Statistics (the CPI). The rate will be adjusted by the Sheriff with notice to the City Council through the Council Secretary's Office and will be effective on October 1 of each fiscal year.

Sec. 804.1207. - Towing Zone Boundaries.

The Sheriff may divide the City into towing zones and may alter towing zone boundaries at the Sheriff's discretion based upon traffic, business, and other demographic needs. The Sheriff may set, and alter, a limit on the number of towing-storage operators authorized to conduct business within each zone established by the Sheriff. Such changes to towing zone boundaries or to the number of operators per zone shall include notice to the City Council through the Council Secretary's Office and will be effective on October 1 of each fiscal year hereafter.

Sec. 804.1208. - Civil penalty.

It shall be a violation of the Deceptive and Unfair Trade Practices Act as specified in Section 501.203, Florida Statutes, to violate any provision of Chapter 804, Part 12. A civil penalty may be assessed by the Court up to \$10,000, giving due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the violator and the history of previous violations.

Sec. 804.1209. - Violations and fines.

The violation of any provision of this Part shall be unlawful and a class D offense.

Section 3. Creating a new Part 13 (Towing and Storage of Vehicles and Vessels from Private Property), Chapter 804 (Jacksonville Traffic Code), Ordinance Code. A new Part 13 (Towing and Storage of Vehicles and Vessels from Private Property), Chapter

804 (Jacksonville Traffic Code), *Ordinance Code*, is hereby created to read as follows:

CHAPTER 804 - JACKSONVILLE TRAFFIC CODE

*** * ***

**PART 13. - TOWING AND STORAGE OF VEHICLES AND VESSELS
FROM PRIVATE PROPERTY**

Sec. 804.1301. - Definitions.

(a) *City* as used herein shall refer to the City of Jacksonville.

(b) *Owner or legally authorized person* as to a vehicle or vessel means a person who has a property interest in the vehicle or vessel as evidenced by any of the following documents:

1. An electronic title.
2. A paper title.
3. A contract between a lender and the owner of the vehicle or vessel.
4. A contract between a lessor and the lessee of the vehicle or vessel.
5. Credentials establishing the person as an employee or contract agent of an insurance company along with documentation identifying the vehicle by the vehicle identification number or vessel by the hull identification number.
6. A written agreement evidencing that the person is an agent of the vehicle or vessel owner or lienholder.

Pursuant to Section 713.78(17), Florida Statutes, a towing-storage operator must accept an original or a copy of any of the above listed documents as evidence of a person's interest in a vehicle or vessel. Presenting one form of current government-issued photo identification constitutes sufficient identity verification for the purposes of this subsection. A towing-storage operator may not require any of

1 the documents listed in this subsection to be notarized,
2 except for the agreement in subparagraph 6., if such agreement
3 is presented for the purpose of releasing the vehicle or
4 vessel.

5 Notwithstanding subparagraph 6., a rental vehicle or vessel
6 agreement is not evidence that the person who rented a vehicle
7 or vessel is an agent of the rental vehicle or vessel owner
8 for the purpose of releasing the vehicle or vessel. However,
9 a towing-storage operator must release to the renter of a
10 rental vehicle or vessel all personal property belonging to
11 the renter which is not affixed to the rental vehicle or
12 vessel within 1 hour after the renter's arrival.

13 (c) *Payment* means as provided in Section 713.78(19), Florida
14 Statutes. A towing-storage operator acting under this Part
15 must accept payment for accrued charges in any form from at
16 least two of the following subparagraphs:

- 17 1. Cash, cashier's check, money order, or traveler's
18 check.
- 19 2. Bank, debit, or credit card.
- 20 3. Mobile payment service, digital wallet, or other
21 electronic payment system.

22 (d) *Property owner* or *Real property owner* shall mean that person
23 who exercises dominion and control over the real property,
24 including, but not limited to: the legal title-holder,
25 lessee, a resident manager, a property manager or other agent
26 who has legal authority to bind the owner of the real
27 property; the designated representative of a condominium
28 association if the real property is a condominium, as defined
29 in Section 718.103(12), Florida Statutes; and may include a
30 business owner or lessee regarding a vehicle or vessel parked
31 in such a manner that restricts the normal operation of

- 1 business. A person providing a towing service may not be
2 appointed as an agent for a property owner.
- 3 (e) *Tow* shall mean as defined in Section 320.01, Florida Statutes,
4 as amended from time to time, to include to pull or draw any
5 vehicle or vessel with a power unit by means of a direct
6 attachment, drawbar, or other connection or to carry a vehicle
7 or vessel on a power unit designed to transport such vehicle
8 or vessel from one location to another.
- 9 (f) *Towing-storage operator* shall mean as defined in Section
10 713.78, Florida Statutes, as amended from time to time.
- 11 (g) *Trespass vehicle* or *trespass vessel* shall mean a vehicle or
12 vessel parked on private real property without the permission
13 of the real property owner, as defined in this Part. Pursuant
14 to Section 715.07(2)(a)5, *Florida Statutes*, a vehicle or
15 vessel parked on a public right-of-way that obstructs access
16 to a private driveway may be considered a trespass vehicle or
17 vessel under this Part. This definition does not include law
18 enforcement, firefighting, rescue squad, ambulance, or other
19 emergency vehicles or vessels that are marked as such and
20 does not include non-emergency vehicles or vessels owned by
21 any governmental entity marked as such.
- 22 (h) *Vehicle* shall mean as defined in Section 715.07, Florida
23 Statutes, as amended from time to time.
- 24 (i) *Vessel* shall mean as defined in Section 715.07, Florida
25 Statutes, as amended from time to time. As used in this
26 section the term "vessel" is limited to vessels on land above
27 the mean high water line.
- 28 (j) *Wrecker* shall mean as defined in Section 713.78, Florida
29 Statutes, as amended from time to time.

30 **Sec. 804.1302. - Non-consensual towing or storage of trespass vehicles**
31 **or trespass vessels from private property, for compensation.**

1 No towing-storage operator shall tow or store any trespass vehicles
2 or trespass vessels for compensation from private property within the
3 jurisdictional limits of City of Jacksonville pursuant to this Part
4 without complying with the requirements of Chapters 713 and 715,
5 Florida Statutes, and the provisions of this Part where applicable.
6 All documentation, required by Florida Statutes or the Jacksonville
7 Ordinance Code, including, but not limited to, tow away authorization
8 forms, notices of claims of lien and correspondence, shall be retained
9 within the jurisdictional limits of the City of Jacksonville. Storage
10 sites or storage yards shall comply with all Jacksonville Ordinance
11 Code provisions including but not limited to Sections 656.322 and
12 656.323, *Ordinance Code*, as may be amended from time to time.

13 **Sec. 804.1303. - Prerequisites to towing or storage, of trespass**
14 **vehicles or trespass vessels from private property for compensation.**

15 (a) Prior to the towing or storage of any trespass vehicles or
16 trespass vessels from private property for compensation
17 pursuant to this Part, the property owner of the real property
18 and the towing-storage operator shall have executed a written
19 agreement which shall at a minimum contain the following
20 provisions:

- 21 1. The name and address of the real property owner
22 requesting the services of the towing-storage operator;
- 23 2. The location and description of the property from where
24 any trespass vehicle or trespass vessel will be towed;
- 25 3. The duration of the agreement;
- 26 4. The time of day that such towing is authorized;
- 27 5. The days of the week that such towing is authorized;
- 28 6. The address and description of the location to where any
29 trespass vehicle or trespass vessel will be towed and
30 stored with verification that the storage site is
31 authorized under Sections 656.322 and 656.323, *Ordinance*

1 Code, as may be amended from time to time. Said storage
2 site shall be located within a ten-mile radius from
3 where the tow originates; and

- 4 7. The signature of both the real property owner and the
5 owner, or an authorized representative of the towing-
6 storage operator, certifying that each has read and is
7 in compliance with the provisions of Section 715.07,
8 Florida Statutes, and the provisions of this Part.

9 Prior to the towing of any trespass vehicle or trespass
10 vessel by a towing-storage operator pursuant to this Part, a
11 copy of the executed agreement described in this subsection,
12 shall be filed by the towing-storage operator with the
13 Jacksonville Sheriff's Office Vehicle Storage and Recovery Unit.
14 The towing-storage operator shall be responsible for advising
15 the Jacksonville Sheriff's Office Vehicle Storage and Recovery
16 Unit within two business days of any changes, amendments, or
17 modifications to, or rescissions of, said agreements. Said
18 agreements shall be nontransferable.

19 The above requirement of a written agreement shall not
20 apply to the removal of vehicles or vessels from property
21 appurtenant to and obviously part of a single-family residence
22 or where the vehicle or vessel is parked in such a way as to
23 obstruct access to private entrances, exits, drives or loading
24 areas.

- 25 (b) Unless excepted from the requirements of Section 715.07,
26 Florida Statutes, a real property owner must post notice that
27 unauthorized vehicles or vessels will be towed away at the
28 vehicle or vessel owner's expense. A Tow-away sign shall
29 provide only one name, address, and current telephone number
30 of the towing-storage operator authorized to tow from that
31 location. The vehicle or vessel shall only be towed to the

1 address posted on the sign.

2 (c) A towing-storage operator must maintain a rate sheet listing
3 all fees for, or incidental to, the towing or storage of a
4 vehicle or vessel and must do all of the following:

5 1. Post the rate sheet at the towing-storage operator's
6 place of business.

7 2. An identical rate schedule and a complete copy any
8 written contracts with real property owners shall be
9 posted at the storage site.

10 3. Make the rate sheet available upon request by the vehicle
11 or vessel owner, lienholder, insurance company, or their
12 agent.

13 4. Before attaching a vehicle or vessel to a wrecker,
14 furnish the rate sheet to the owner or operator of the
15 vehicle or vessel, if the owner or operator is present
16 at the scene of the disabled vehicle or vessel. Any fee
17 charged in excess of those listed on the rate sheet
18 required under this subsection is deemed unreasonable.

19 (d) No towing-storage operator shall pay or rebate money, or
20 solicit or offer the payment or rebate of money or other
21 valuable consideration, to property owners for the right to
22 engage in the towing or storage of trespass vehicles or
23 trespass vessels from any property.

24 (e) At each incident of a tow pursuant to this Part, the real
25 property owner, or an authorized representative or agent
26 thereof must be present at the time of towing and must sign
27 the authorization at that time. No electronic signatures are
28 allowed. For the purposes of this subsection, no person
29 employed by, or affiliated with the towing-storage operator
30 may act as the real property owner's representative or agent.
31 No pre-approved blank forms or post-approved blank forms are

permitted, and use of same shall constitute a violation under this Part.

(f) The towing-storage operator shall, within 30 minutes of the completion of the towing of a trespass vehicle or trespass vessel, notify the Jacksonville Sheriff's Office of the towing; the location from where the tow originated; the storage site; the time the vehicle or vessel was towed; and as to a trespass vehicle: the make, model, year, color, vehicle identification number (VIN), and license plate number; as to a trespass vessel: the make, model, year, color, length, hull identification number (HIN), and registration number. The towing-storage operator; shall obtain the Jacksonville Sheriff's Office case number assigned to the case and the name or badge number of the person at the Jacksonville Sheriff's Office to whom the fact of the tow was reported.

(g) All towed trespass vehicles or trespass vessels shall be towed directly to the storage site owned or leased by the towing-storage operator and shall not be kept in any temporary holding area.

(h) Each towing-storage operator shall staff or monitor its telephone at all times and immediately advise the owner or authorized representative of a stored trespass vehicle or trespass vessel who calls by telephone prior to arriving at the storage site of the following:

1. Each and every document or other item which must be produced to retrieve the vehicle or vessel;
2. The exact charges as of the time of the telephone call, and the rate at which charges will accumulate thereafter;
3. The acceptable methods of payment; and

1 4. That the vehicle or vessel can be picked up within one
2 hour of request.

3 (i) The towing-storage operator must produce and make be
4 available an itemized invoice of actual fees charged by a
5 towing-storage operator for a completed tow for the vehicle
6 or vessel owner, lienholder, insurance company, or their
7 agent no later than 1 business day after:

8 1. The tow is completed; or

9 2. The towing-storage operator has obtained all necessary
10 information to be included on the invoice, including any
11 charges submitted by subcontractors used by the towing-
12 storage operator to complete the tow and recovery.

13 (j) The itemized invoice required under paragraph (i) must
14 contain all of the following information:

15 1. The date and time the vehicle or vessel was towed.

16 2. The location to which the vehicle or vessel was towed.

17 3. The name, address, and telephone number of the towing-
18 storage operator.

19 4. The name or badge number of the person at the
20 Jacksonville Sheriff's Office to whom the fact of the
21 tow was reported, and the Jacksonville Sheriff's Office
22 case number assigned.

23 5. A description of the towed vehicle or vessel, including:
24 as to a trespass vehicle: the make, model, year, color,
25 vehicle identification number (VIN), and license plate
26 number; as to a trespass vessel: the make, model, year,
27 color, length, hull identification number (HIN), and
28 registration number.

29 6. The cost of the initial towing service.

30 7. The cost of any storage fees, expressed as a daily rate.

31 8. Other fees, including administrative fees and other

fees, as permitted under this Part.

9. A list of the services that were performed under a warranty or that were otherwise performed at no cost to the owner of the vehicle or vessel.

(k) Any service performed or fee charged in addition to those described in subparagraph (j)6. or subparagraph (j)7. must be set forth on the itemized invoice required under paragraph (i). individually as a single line item that includes an explanation of the service or fee and the exact amount charged for the service or the exact amount of the fee.

(l) A towing-storage operator must make the itemized invoice required under paragraph (i) available for inspection and copying no later than 48 hours after receiving a written request to inspect such invoice from:

1. A law enforcement agency;
2. The Attorney General; or
3. The vehicle or vessel owner, lienholder, insurance company, or their agent.

(m) The towing-storage operator shall provide, at the time of payment, a written receipt for all charges imposed and funds received resulting from the towing or storage of a trespass vehicle or trespass towed under this Part. Said receipt shall include at a minimum:

1. The date, time and location of the tow;
2. A copy of the itemized invoice required under paragraph (i); and
3. The date, time, and method of payment of the charges.

(n) A towing-storage operator must retain for 3 years records produced for all vehicles or vessels towed, stored, or released. Such records must include at least all of the following:

1. The name of the towing-storage operator and the person providing the service;
2. The date, time of departure and location of the origin of the tow;
3. The date, time and destination of storage;
4. As to a trespass vehicle: the make, model, year, color, vehicle identification number (VIN), and license plate number; as to a trespass vessel: the make, model, year, color, length, hull identification number (HIN), and registration number;
5. The Jacksonville Sheriff's Office case number and the name or badge number of the person at the Jacksonville Sheriff's Office to whom the fact of the tow was reported;
6. All notice publications and certified mailings;
7. The purchase price of any unclaimed vehicle or vessel sold;
8. The names and addresses of persons to which vehicles or vessels were released;
9. The names and addresses of vehicle or vessel purchasers;
10. All fees imposed under this Part, including the itemized invoice required under subparagraph (i), of this subsection.

The towing-storage operator shall make such records available to any law enforcement officer during normal business hours.

- (o) No towing-storage operator shall tow a vehicle or vessel when there is a natural person occupying the vehicle or vessel.
- (p) No towing-storage operator acting under this Part shall tow a trespass vehicle or trespass vessel from within Duval County out of Duval County.

(q) Each towing-storage operator that performs the towing of a trespass vehicle or trespass vessel from private property pursuant to this Part shall have on record a Zoning Certificate Form from the City's zoning office listing their storage yard as a permitted use and shall file a copy of the same with the Jacksonville Sheriff's Office.

Sec. 804.1304. - Exemptions.

This Part shall not apply to the towing of a Trespass vehicle or trespass vessel which occurs:

- (a) At the direction of a law enforcement officer pursuant to an agreement between the City and the towing-storage operator, or
- (b) With the consent of the owner or authorized person in control of that vehicle or vessel.

Sec. 804.1305. - Return of a vehicle or vessel without costs to owner prior to tow, certain circumstances.

- (a) If the registered owner or legally authorized person in control of the vehicle or vessel arrives to the site of the vehicle or vessel designated to be towed under this Part and agrees to remove the vehicle or vessel from the real property upon which it is in trespass before the vehicle or vessel has been attached to a wrecker, the towing-storage operator must stop the process of the tow and release the vehicle or vessel without charging costs or fees to the registered owner or legally authorized person in control of the vehicle or vessel owner.
- (b) If the registered owner or legally authorized person in control of the vehicle or vessel arrives to the site of the vehicle or vessel designated to be towed under this Part and seeks the return of the vehicle or vessel before the vehicle or vessel has been attached to a wrecker but refuses to remove

1 the vehicle or vessel from the real property upon which it is
2 in trespass the towing-storage operator may proceed with the
3 process of the tow.

- 4 (c) If the registered owner or legally authorized person in
5 control of the vehicle or vessel arrives to the site of the
6 vehicle or vessel designated to be towed under this Part and
7 seeks the return of the vehicle or vessel after the vehicle
8 or vessel has been attached to a wrecker, and either refuses
9 to or is unable to pay a service fee of not more than one-
10 half of the rate of the category appropriate for the trespass
11 vehicle or trespass vessel as provided in Section 804.1306,
12 of this Part, after a reasonable opportunity to do so, the
13 towing-storage operator may proceed with the process of the
14 tow. The towing-storage operator shall wait a minimum of 30
15 minutes to allow the owner or operator of the trespass vehicle
16 or trespass vessel to secure payment of the fees enumerated
17 herein.

18 **Sec. 804.1306. - Non-consensual towing from private property, other**
19 **services and storage charges; notice.**

- 20 (a) Standard charges for towing and storage or other services
21 related to the towing and storage of trespass vehicles and
22 trespass vessels shall be charged by the towing-storage
23 operator to the owner of the vehicle or vessel, pursuant to
24 Sections 125.0103, 166.043, 713.78, and 715.07, Florida
25 Statutes.

- 26 (b) Whenever a towing-storage operator tows or stores a trespass
27 vehicle or trespass vessel under this Part, the towing-
28 storage operator shall within five business days from the
29 date of such direction notify in writing, by certified mail,
30 the registered owner of the vehicle or vessel, the insurance
31 company insuring the vehicle or vessel, and any and all

lienholders of record (as appears on the vehicle or vessel registration or as disclosed by the records in the State Department of Highway Safety and Motor Vehicles). The notice shall contain the date and time of towing, the name of the registered owner of the vehicle or vessel, the name of the towing-storage operator and the address at which the towed vehicle or vessel is stored. In the event a towed vehicle has a temporary license tag affixed to it, the towing-storage operator shall, if possible, provide the same notice required herein within five business days to the entity to which the temporary license tag was issued.

(c) At the request of a registered owner of a vehicle or vessel towed or stored under this subsection, for their vehicle or vessel to be moved to another location, charges shall be negotiated between the owner and the towing-storage operator.

(d) Charges for towing or storage of a trespass vehicle or trespass vessel or other services performed pursuant to this Part and the category of wrecker service shall be determined by the vehicle or vessel to be towed or service to be performed, shall apply 24 hours a day seven days a week, and shall not exceed the rates set forth in www.jaxsheriff.org/fees for the following:

1. TOWING AND SERVICE CHARGES.

A. *Category A* (gross weight of up to and including 10,000 pounds):

(1) *Category A Wrecker*:

a. Motorcycles, cars, pickups (through light duty – one ton with single rear axles), small camper trailers, trailers with single axles; includes sling, rollback or dollies – rate plus amount per mile.

- 1 b. All other vehicles or vessels within the
2 category; includes sling, rollback or
3 dollies - rate plus amount per mile.

4 (2) Category A Storage (after the first six hours):

- 5 a. Motorcycles - rate per 24-hour day or
6 fraction thereof inside or outside.

7 b. All others in Category:

- 8 i. Outside - rate per 24-hour day or
9 fraction thereof.

- 10 ii. Inside - rate per 24-hour day or
11 fraction thereof, only when vehicle
12 or vessel owner specifies or when
13 necessary for protection from
14 weather.

15 B. Category B (gross weight over 10,000 pounds and up
16 to and including 19,500 pounds):

17 (1) Category B Wrecker:

- 18 a. One-ton through two-ton trucks and
19 camper trailers - rate per hour (no
20 mileage charge). Time starts when
21 wrecker leaves the shop; time ends when
22 wrecker service is complete and wrecker
23 returns to shop.

- 24 b. Motor homes with dual rear wheels,
25 tandem axles - rate per hour (no mileage
26 charge). Time starts when wrecker leaves
27 the shop; time ends when wrecker service
28 is complete and wrecker returns to shop.

- 29 c. All other vehicles or vessels within the
30 category - rate per hour (no mileage
31 charge). Time starts when wrecker leaves

the shop; time ends when wrecker service
is complete and wrecker returns to shop.

(2) Category B Storage (after the first six hours):

a. Outside — rate per 24-hour day or
fraction thereof.

b. Inside — rate per 24-hour day or
fraction thereof, only when vehicle
or vessel owner specifies or when
necessary for protection from
weather.

C. *Category C* (gross weight of more than 19,500
pounds):

(1) Category C Wrecker:

a. Two and one-half ton trucks and up,
semis, buses, mobile homes, and similar
vehicle types — rate per hour (no
mileage charge). Time starts when
wrecker leaves the shop; time ends when
wrecker service is complete and wrecker
returns to shop.

b. All other vehicles or vessels within the
category — rate per hour (no mileage
charge). Time starts when wrecker leaves
the shop; time ends when wrecker service
is complete and wrecker returns to shop.

(2) Category C Storage (after the first six
hours):

a. Semi-tractor — rate per day or fraction
thereof.

b. Semi-trailer — rate per day or fraction
thereof.

1 c. All other vehicles or vessels within the
2 category - rate per day or fraction
3 thereof.

4 2. OTHER SERVICE CHARGES OR FEES. In addition to towing and
5 service charges described in subsection 1., above, and
6 administrative fees described in subsection 3., below, the
7 following service charges and fees may apply.

8 A. *Electric vehicle (EV) storage in isolation areas:*
9 rate per 24-hour day or fraction thereof, and the
10 storage location must be approved by Jacksonville
11 Sheriff's Office Wrecker Compliance Officer.

12 B. *Front-end loader:* rate per hour, includes operator.
13 Time starts when loader leaves the shop; time ends
14 when loader service complete and loader returns to
15 shop.

16 C. *Super Heavy Wrecker Rotator* (only when rotator
17 feature is necessary for the service not as routine
18 wrecker): rate per hour, includes operator. Time
19 starts when Rotator leaves the shop; time ends when
20 Rotator service complete and Rotator returns to
21 shop.

22 D. *Mini Excavator, skid-steer, forklift, street*
23 sweeper: rate per hour, includes operator. Time
24 starts when Bobcat, skid-steer, forklift, and/ or
25 street sweeper leaves the shop; time ends when
26 service of the particular equipment is complete and
27 particular equipment is returned to shop.

28 E. *Tractor required for towing a trailer:* rate per
29 hour, includes operator. Time starts when tractor
30 to be used to tow trailer leaves the shop; time
31 ends when tractor towing service is complete and

1 tractor returns to shop.

2 F. *Lowboys*: rate per hour includes operator and
3 tractor, no mileage charges. Time starts when
4 Lowboy leaves the shop; time ends when Lowboy
5 service is complete and Lowboy returns to shop.

6 G. *Crash Wrap Fee*: one-time fee per vehicle if
7 requested by real property owner.

8 3. ADMINISTRATIVE FEES. In addition to towing and service
9 charges described in subsection 1. and the other service
10 charges and fees described in subsection 2. above, the
11 following administration fees may apply.

12 A. *Internet research fee*. Towing-storage operators may
13 charge an internet research fee per vehicle or vessel,
14 but only when such research is necessary to establish
15 ownership of the vehicle or vessel - this fee shall
16 not exceed the rate found in www.jaxsheriff.org/fees.

17 B. *Notice fee*. Towing-storage operators may, after the
18 first 48 hours, charge a reasonable fee for
19 advertising notice, for research needed to prepare
20 notice, and for the mailing by certified mail of the
21 notices, to registered owners, insurers, and lien
22 holders of record as required by Section 713.78(4),
23 Florida Statutes, but the fee shall not exceed the
24 rate found in www.jaxsheriff.org/fees.

25 C. *Lien release fee*. Towing-storage operators may, after
26 the first 48 hours, charge a lien release fee not to
27 exceed \$250.00 as allowed by Section 713.78(2)(a),
28 Florida Statutes.

29 D. *Cost of sale fee*. Towing-storage operators may charge
30 cost of sale fees associated with the public sale not
31 to exceed \$200 per vehicle or vessel.

1 E. *Non-business hours gate fee.* Towing-storage operators
2 may charge a non-business hours (6:00 p.m. through
3 8:00 a.m., seven days per week) gate fee per visit.
4 However, no such fee shall be charged for the recovery
5 of prescription medication or prescription glasses,
6 child car seats, oxygen tanks or any type of medical
7 equipment or life necessity items. No gate fee shall
8 be charged when complete payment is tendered for a
9 vehicle or vessel being retrieved.

10 (e) *Charges, Rates and Fees all-inclusive.* The charges, rates and
11 fees described in this Part are the only charges, rates and
12 fees allowed under this Part; no other charges, rates or fees
13 are permitted under this Part. No additional charges or fees
14 shall be made for special equipment or services such as double
15 hook up, vehicle entry when locked, dropping transmission
16 linkage, axle or drive shaft removal, dollies, trailer or
17 flat bed, lifts, slim jims, go jacks, removing bumpers, or
18 airing up brakes. Storage fees as set forth in this Part may
19 be assessed after the initial six (6) hour period based on a
20 twenty-four (24) hour day, each day starting at the time of
21 impound.

22 **Sec. 804.1307. - Sheriff's authorization to adjust rates.**

23 The Sheriff is authorized to adjust the rate for towing and services,
24 fees, and storage charges, upward or downward, by an amount equal to
25 the percentage change in the Consumer Price Index for the most current
26 June to June 12-month period immediately preceding the adjustment,
27 utilizing the Average of All Items (1982-84=100), U.S. City Average,
28 All Urban Consumers, as published by the U.S. Department of Labor,
29 Bureau of Statistics (the CPI). The rate will be adjusted by the
30 Sheriff with notice to the City Council through the Council
31 Secretary's Office and will be effective on October 1 of each fiscal

1 year.

2 **Sec. 804.1308. - Civil penalty.**

3 It shall be a violation of the Deceptive and Unfair Trade Practices
4 Act as specified in Section 501.203, Florida Statutes, to violate any
5 provision of Chapter 804, Part 13. A civil penalty may be assessed
6 by the Court up to \$10,000, giving due consideration to the
7 appropriateness of the penalty with respect to the gravity of the
8 violation, the good faith of the violator and the history of previous
9 violations.

10 **Sec. 804.1309. - Violations and fines.**

11 A violation of any provision of this Part shall be unlawful and a
12 class D offense.

13 **Section 4. Codification Instructions.** The Codifier and the
14 Office of General Counsel are authorized to make all chapters and
15 division "table of contents" consistent with the changes set forth
16 herein. Such editorial changes and any other necessary changes to
17 make the *Ordinance Code* consistent with the intent of this legislation
18 are approved and directed herein, and the changes to the *Ordinance*
19 *Code* shall be made forthwith and when inconsistencies are discovered.

20 **Section 5. Effective Date.** This Ordinance shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

23
24 Form Approved:

25
26 /s/ Mary E. Staffopoulos

27 Office of General Counsel

28 Legislation Prepared By: Shannon MacGillis

29 GC-#1761126-v1-2026-358-E.docx