

EXHIBIT 1
ORDINANCE 2023 -

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
CHAPTER 28 "TRAFFIC, MOTOR VEHICLES AND BOATS",
SECTION 28-7 (b)(1) TO EXPAND THE TOWING MILE
DISTANCE IN ACCORDANCE WITH FLORIDA LAW;
PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.

WHEREAS, Florida Statute Section 715.07 (2)(a)(1.a.) provides that any towed or removed vehicle or vessel must be stored at a site within a 10 mile radius of the point of removal in any county of 500,000 population or more; and

WHEREAS, a review of the City's towing code section 28-7 (b)(1) has revealed inconsistency with Florida Statute 715.07 in that city code section 28-7 (b)(1) provides that any towed or removed vehicles must be stored at a site within five miles of the point of tow; and

WHEREAS, the population of Broward County is greater than 500,000 and as such city code section 28-7(b)(1) must be amended to conform to Florida Law; and

WHEREAS, the City Administration has examined Chapter 28 section 28-7 (b)(1) and is recommending that section 28-7 (b)(1) be amended to expand towing mile distance in accordance with Florida Law; and

WHEREAS, the Mayor and the City Commission have determined that it is in the best interest of the residents of the City of Hallandale Beach to amend Chapter 28 Section 28-7(b)(1) as recommended.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF HALLANDALE BEACH, FLORIDA:

SECTION 1. The foregoing "Whereas" clauses are confirmed as true and incorporated herein.

SECTION 2. Chapter 28, Article I, "In General", Section 28-7 (b)(1) is amended as follows:

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36 **Sec. 28-7 Towing vehicle from private property without owner's consent.**
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38 (a) * * *

39 (b) * * *

40 (1) Any towed or removed vehicles must be stored at a site within ~~five~~ ten miles of the
41 point of tow. That site must be open for the redemption of vehicles seven days per week,
42 from 8:00 a.m. to 11:00 p.m., and must have a person physically in the office to handle
43 telephone calls Monday through Friday, 8:00 a.m. to 6:00 p.m., however may be closed
44 to observe any legal holiday observed by the City of Hallandale Beach. When closed,
45 the site shall have prominently posted a sign indicating a name and telephone number
46 within the county where the operator of the site can be reached at all times. Upon receipt
47 of a telephoned request to open the site to redeem a vehicle, the operator has one hour
48 to return to the site or be in violation of this section. That line shall be kept open for
49 receipt of these calls at all times; and if that line is busy for five continuous minutes, it
50 shall create a rebuttable presumption that the line has been disconnected in violation of
51 this section.

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53 **SECTION 3. Conflict.** All ordinances or portions of the Code of Ordinances of the City of
54 Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent
55 of such conflict.

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57 **SECTION 4. Codification.** It is the intention of the Mayor and City Commission that the
58 provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention
59 the words "ordinance" or "section" may be changed to other appropriate words.

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61 **SECTION 5. Severability.** Should any provision of this ordinance be declared by a court
62 of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a
63 whole, or any part thereof, other than the part declared to be invalid.

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65 **SECTION 6. Effective Date.** This Ordinance shall take effect immediately upon
66 adoption.

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68 PASSED AND ADOPTED on 1st reading on _____.
69 PASSED AND ADOPTED on 2nd reading on _____.
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SPONSORED BY: CITY ADMINISTRATION

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ATTEST:

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JENORGEN GUILLEN

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CITY CLERK

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APPROVED AS TO LEGAL SUFFICIENCY AND

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FORM

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JENNIFER MERINO

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CITY ATTORNEY

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JOY F. COOPER
MAYOR