## Chapter 30 TRAFFIC AND MOTOR VEHICLES [[1]](#BK_F0728FFA619262B293423AD1606423F4)

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FOOTNOTE(S):

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**Editor's note—** Section 2 of Ord. No. 71-94, enacted Dec. 21, 1971, repealed Chapter 30, §§ 30-1—30-196, inclusive, as of January 1, 1972. Section 1 of said Ord. No. 71-94 enacted new Chapter 30, §§ 30-201—30-418, effective January 1, 1972, consistent with state law which became effective January 1, 1972. [(Back)](#BK_3B215063A190ECD1EF745713214C3739)

**Cross reference—** Miami-Dade Police, § 2-91 et seq.; branch offices of County auto tag agency, § 2-119 et seq.; Miami-Dade Transit Agency, § 2-145 et seq.; Citizens' Transportation Advisory Committee, § 2-336 et seq.; ambulances and medical transportation vehicles, Ch. 4; truth in motor vehicle repairs, § 8A-154 et seq.; commercial vehicle identification, § 8A-276; automobile and motorcycle races, § 21-33; used motor vehicle parts dealers, § 21-51 et seq.; vehicles for hire, Ch. 31; off-street parking, § 33-122 et seq.; right-of-way plan, § 33-133 et seq.; street names, § 33-138 et seq. [(Back)](#BK_3B215063A190ECD1EF745713214C3739)

**State Law reference—** Florida Uniform Traffic Control Law, F.S. Ch. 316. [(Back)](#BK_3B215063A190ECD1EF745713214C3739)

### ARTICLE I. IN GENERAL

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[Sec. 30-388.18. One-way streets, parking on left side.](#BK_EFF371B6465766A8B01480843AB5709B)

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[Sec. 30-392. Same—Right of police to inspect unaffected.](#BK_55B3FFCDBD3ACE246ABBFF2DEF20B347)

[Sec. 30-393. Same—Illegal sale; issuance, transfer, etc.](#BK_5A03C165A5DAC1F976C0F609533EB4B3)

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[Sec. 30-396. Fees for inspection and reinspection.](#BK_87CD239558F9DC3D217165889517B702)

[Sec. 30-397. Inspection time limit for certain vehicles brought into State.](#BK_EEBFCB1001231859E6954A2BF22C06ED)

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[Sec. 30-401. Motor vehicles involved in accident and otherwise damaged.](#BK_12C18B9248A0553F99B047EFD8A458B4)

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[Sec. 30-403. Penalty for violations.](#BK_FFD0EAC6C61277B54C306629D220F04C)

[Sec. 30-404. Railroads and locomotives-regulations pertaining to the blocking of crossings; penalty for violation of section.](#BK_21E329AA4BA864B8E21C7BCA7F0DBC98)

[Sec. 30-405. Dangerous grade crossings—Procedure for determination.](#BK_E0FF83DA9CD600DE3872AE0B14FB1EE0)

[Sec. 30-406. Same—Regulations.](#BK_A282183FD385E153A74B373556E2596B)

[Sec. 30-407. Railroad officials; duties.](#BK_F3DC65EE9FE5F83D7C4651C3D22204B1)

[Sec. 30-408. Enforcement.](#BK_5B4B71248413779B8BE5ACE4A9B6C303)

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[Sec. 30-411. Annual report of Sheriff of Miami-Dade County.](#BK_A620EFC0A396F0D8051EEA7C16A80C1C)

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[Sec. 30-414. Accident reports; filing; admissibility in court.](#BK_92B33193DC822FBE349CAA2655EC1377)

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[Sec. 30-420. Violations of the Florida Uniform Traffic Control Law.](#BK_1D53E27E54BD9604E41358E0B43BB038)

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[Sec. 30-422. Traffic intersection safety and traffic infraction detectors.](#BK_A1BC691A084C8656768044E31D1525C0)

[Secs. 30-423—30-441. Reserved.](#BK_DCC782B28C8261D72FA69B66FE286C1D)

Sec. 30-201. [Short title.]

This chapter may be known and cited as the "Miami-Dade County Traffic Code."

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-202. Definitions.

The following words and phrases, when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) *Alcoholic beverages* means all beverages containing more than one (1) percent of alcohol by weight. The percentage of alcohol by weight shall be determined by measuring the weight of the standard ethyl alcohol in the beverage and comparing it with the weight of the remainder of the ingredients as though said remainder ingredients were distilled water. It is the intent of this subsection that the volume and weight tables for standard ethyl alcohol and distilled water as established by the National Bureau of Standards shall be conclusive regardless of the actual weight which variance from the weight of distilled water is due to the adding of sugar, flavoring, or other ingredients used in making the final product.

(1.01) *All terrain vehicle (ATV).* Any motorized off-highway vehicle 50 inches (1270 mm) or less in width, having a dry weight of 600 pounds (273 kg) or less, traveling on three (3) or more low-pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and having handlebars for steering control.

(1.1) *Authorized emergency vehicles.* Vehicles of the fire department (fire patrol), police vehicles, such ambulances and emergency vehicles of municipal departments or public service corporations operated by private corporations, and emergency vehicles of the Department of Transportation, as are designated or authorized by the Department or the Chief of Police of an incorporated city or any Sheriff of the various counties.

(2) *Bicycle.* Every vehicle propelled solely by human power, or any moped or any motor-driven cycle propelled by a pedal-activated helper motor with a manufacturer's certified maximum rating of one and one-half (1½) brake horsepower, upon which any person may ride, having two (2) tandem wheels, and including any device generally recognized as a bicycle though equipped with two (2) front or two (2) rear wheels, except such vehicles with a seat height of no more than twenty-five (25) inches from the ground when the seat is adjusted to its highest position, and except scooters and similar devices.

(3) *Bus.* Any motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(4) *Business district.* The territory contiguous to, and including a highway when fifty (50) percent or more of the frontage thereon, for a distance of three hundred (300) feet or more, is occupied by buildings in use for business.

(5) *Cancellation.* Cancellation means that a license which was issued through error or fraud is declared void and terminated. A new license may be obtained only as permitted in this chapter.

(6) *Crosswalk.*

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(7) *Daytime.* Daytime means from a half hour before sunrise to a half hour after sunset. Nighttime means at any other hour.

(8) *Department.*

(a) Any reference herein to Department shall be construed as referring to the Department of Highway Safety and Motor Vehicles, defined in Section 20.24, F.S., or the appropriate division thereof.

(b) Any reference herein to Department of Transportation shall be construed as referring to the Department of Trans- portation, defined by Section 20.23, F.S., or the appropriate division thereof.

(9) *Director.* Director of the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles.

(10) *Driver.* Any person who drives or is in actual physical control of a vehicle, on a highway, or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

(11) *Explosive.* Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effect on contiguous objects or of destroying life or limb.

(12) *Farm tractor.* Any motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(13) *Flammable liquid.* Any liquid which has a flash point of seventy (70) degrees Fahrenheit, or less, as determined by a Tagliabue or equivalent closed-cup test device.

(14) *Gross weight.* The weight of a vehicle without load plus the weight of any load thereon.

(14.1) *Holidays.* Where used in this chapter or on authorized signs erected by authorized official agencies shall, in addition to Sundays, mean those entire days declared by law of the State of Florida to be legal holidays, to wit: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(15) *House trailer.*

(a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, or

(b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(16) *Implement of husbandry.* Any vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(17) *Intersection.*

(a) The area embraced within the prolongation or connection of the lateral curblines; or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

(18) *Laned highway.* A highway, the roadway of which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(19) *Limited access facility.* A street or highway especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways from which trucks, buses, and other commercial vehicles shall be excluded; or they may be freeways open to use by all customary forms of street and highway traffic.

(20) *Local authorities.* Includes all officers and public officials of the several counties and municipalities of this State.

(21) *Motor vehicle.* Any vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(22) *Motorcycle.* Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

(23) *Motor-driven cycles.* Every motorcycle and every motor scooter with a motor which produces not to exceed five (5) brake horsepower, including every bicycle with motor attached.

(24) *Official traffic control signal.* Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(25) *Official traffic control devices.* All signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

(25.1) *Open container* means any bottle, can, cup, glass, or other receptacle containing any alcoholic beverage which is open, which has been opened, which has its seal broken, or which has had its contents partially removed. The term "open container" includes a receptacle located in any unlocked glove compartment. The term does not include a receptacle located in the trunk of the motor vehicle or, if the motor vehicle is not equipped with a trunk, in some other cargo area not normally occupied by the driver or passengers.

(26) *Operator.* Any person who is in actual physical control of a motor vehicle upon the highway, or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(27) *Owner.* 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.

(27.1) *Parcel trunk* Any truck with a length not exceeding sixteen (16) feet, and any fixed-bodied, six-bay, side-loading truck regardless of length.

(28) *Park or parking.* The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this chapter.

(29) *Pedestrian.* Any person afoot, or on roller skates, or riding in or by means of any coaster, toy vehicle (without a motor) or similar device.

(30) *Person.* Any natural person, firm, copartnership, association, or corporation.

(31) *Pneumatic tire.* Any tire in which compressed air is designed to support the load.

(32) *Pole trailer.* Any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(33) *Police officer.* Any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations including Florida Highway Patrolmen, sheriffs, deputy sheriffs and municipal police officers.

(33.1) *Portable street scooter.* Any vehicle consisting of a long footboard between two small end wheels, controlled by a foldable upright steering handle attached to the front wheel.

(34) *Private road or driveway.* Any way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(35) *Radioactive materials.* Any materials or combination of materials which emit ionizing radiation spontaneously, in which the radioactivity per gram of material, in any form, is greater than two-thousandths (0.002) microcuries.

(36) *Railroad.* A carrier of persons or property upon cars operated upon stationary rails.

(37) *Railroad sign or signals.* Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(38) *Railroad train.* A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

(39) *Residence district.* The territory contiguous to, and including, a highway not comprising a business district when the property on such highway, for a distance of three hundred (300) feet or more, is in the main, improved with residences or residences and buildings in use for business.

(40) *Revocation.* Revocation means that a licensee's privilege to drive a motor vehicle is terminated. A new license may be obtained only as permitted by law.

(41) *Right-of-way.* The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one (1) grants precedence to the other.

(42) *Road tractor.* Any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

(43) *Roadway.* That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(44) *Saddle mount.* An arrangement whereby the front wheels of one (1) vehicle rest in a secured position upon another vehicle. All of the wheels of the towing vehicle are upon the ground and only the rear wheels of the towed vehicle rest upon the ground.

(45) *Safety zone.* The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked by adequate signs or authorized pavement markings as to be plainly visible at all times while set apart as a safety zone.

(46) *School bus.* Any motor vehicle that complies with the color and identification requirements of Chapter 234, F.S., and used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children.

(47) *Semitrailer.* 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 and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

(48) *Sidewalk.* That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

(49) *Special mobile equipment.* Any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditchdigging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling grades, finishing machines, motor graders, road rollers, scarifiers, earth moving carry alls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(50) *Stand or standing.* The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers, as may be permitted by law under this chapter.

(51) *State road.* Any highway designated as a state maintained road by the Department of Transportation.

(52) *Stop.* When required means complete cessation from movement.

(53) *Stop or stopping.* When prohibited means any halting even momentarily, of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic control sign or signal.

(54) *Street or highway.* The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic.

(54.1) *Sundays.* The term "Sunday" or "Sundays" includes both Sundays and holidays as the same are defined herein.

(55) *Suspension.* A licensee's privilege to drive a motor vehicle is temporarily withdrawn.

(56) *Through highway.* Any highway or portion thereof on which vehicular traffic is given the right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or yield sign, or otherwise in obedience to law.

(57) *Tire width.* Tire width is that width stated on the surface of the tire by the manufacturer of the tire, provided the width stated does not exceed two (2) inches more than the width of the tire contacting the surface.

(58) *Traffic.* Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any street or highway for purposes of travel.

(58.1) *Traffic director.* That person who is responsible for the planning and geometric design of streets, highways and abutting lands and with operation thereon as the use is related to the safe, convenient and economic transportation of persons and goods. Whenever the term "traffic director" or "director of traffic and transportation" or other similar term is used herein, the same shall refer to the Administrator of the Traffic and Transportation Department of Miami-Dade County.

(59) *Trailer.* 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.

(60) *Truck.* Any motor vehicle designed, used or maintained primarily for the transportation of property.

(61) *Truck operator.* Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(62) *Migrant farm worker.* Any person employed in the planting, cultivating or harvesting of agricultural crops who is not indigenous to or domiciled in the locale where so employed. *Carrier of migrant farm worker* means any person who transports or who contracts or arranges for the transportation of migrant farm workers to or from their employment by motor vehicle other than a passenger automobile or station wagon, except a migrant farm worker transporting himself or his immediate family, and except the owner, or manager or a fulltime employee of the owner or manager of the crops where such migrant farm worker is employed.

(63) *Vehicle.* Every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. The term shall include but not be limited to boats mounted on trailers, recreational vehicles and motor homes.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 84-19, § 1, 3-6-84; Ord. No. 86-26, §§ 2—4, 4-1-86; Ord. No. 95-81, § 1, 5-2-95; Ord. No. 96-63, § 1, 5-7-96; Ord. No. 96-82, § 1, 6-4-96; Ord. No. 00-150, § 1, 11-28-00; Ord. No. 01-45, § 1, 3-20-01; Ord. No. 01-86, § 1, 5-8-01)

Sec. 30-203. Applicability of chapter.

This chapter shall pertain to all violations hereof within the County, and supersedes and nullifies any and all municipal ordinances or codes and any and all County ordinances or codes relative to the regulation of traffic and its enforcement, except as otherwise provided in [Chapter 25](../level2/PTIIICOOR_CH25AVDERURE.docx#PTIIICOOR_CH25AVDERURE) of this Code. This chapter is applicable in all the unincorporated and incorporated areas of the County.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 75-114, § 1, 12-2-75; Ord. No. 87-41, § 1, 6-16-87)

Sec. 30-204. Enforcement.

The enforcement of the traffic laws of this State is vested as follows:

(1) *State.*

(a) The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles has authority to enforce all of the traffic laws of this State on all the streets and highways thereof and elsewhere throughout the State wherever the public has a right to travel by motor vehicle.

(b) The Florida Public Service Commission has authority to enforce on all the streets and highways of this State all laws applicable within its authority.

(2) *Counties.* The sheriff's office of each of the several counties of this State shall enforce all of the traffic laws of this State on all the streets and highways thereof and elsewhere throughout the County wherever the public has the right to travel by motor vehicle within the respective counties.

(3) *Municipalities.* The Police Department of each chartered municipality shall enforce the traffic laws of this State on all the streets and highways thereof and elsewhere throughout the municipality, wherever the public has the right to travel by motor vehicle within the respective municipalities; provided, however, nothing in this act shall affect any law, general, special or otherwise, in effect on the effective date of this act relating to "hot pursuit" without the boundaries of the municipality.

Anything in this chapter to the contrary notwithstanding, no municipal police officer shall have any power or jurisdiction to issue summons or make arrests on the Palmetto Expressway. The Sheriff's Department and the Florida Highway Patrol shall have exclusive jurisdiction in respect to the enforcement of traffic regulations on the Palmetto Expressway.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-205. Arrest authority of officer at scene of an accident.

A police officer who makes an investigation at the scene of a traffic accident may arrest any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this chapter in connection with the accident.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-206. Form of traffic citations.

(1) Every traffic enforcement agency in this County shall provide in appropriate form traffic tickets containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of this chapter.

(2) The chief administrative officer of every such traffic enforcement agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each ticket contained therein issued to individual members of the traffic enforcement agency and shall require and retain a receipt for every book so issued. Provided, however, that the issuance of such books shall not conflict with any rules of procedure for municipal traffic courts adopted by the State Supreme Court.

(3) All prosecution on any charge involving any violation of this chapter or upon a charge of a violation of any law regulating the control of traffic upon the highways of the County shall be by a uniform traffic ticket substantially as hereinafter set forth:

UNIFORM TRAFFIC TICKET  
AND COMPLAINT

Case No. \_\_\_\_\_\_\_\_\_\_\_\_ Docket No. \_\_\_\_\_ Page No. \_\_\_\_\_\_\_\_\_\_\_\_ State of \_\_\_\_\_\_\_\_\_\_\_\_ S.S. No.\_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_ County of \_\_\_\_\_\_\_\_\_\_\_\_ COMPLAINT-AFFIDAVIT \_\_\_\_\_\_\_\_\_\_\_\_ City \_\_\_\_\_\_\_\_\_\_\_\_ Village \_\_\_\_\_\_\_\_\_\_\_\_ Township of \_\_\_\_\_

in the \_\_\_\_\_\_\_\_\_\_\_\_ Court of \_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_

THE UNDERSIGNED BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS:

On \_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_ the \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_19\_\_\_\_\_\_\_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_ a.m.  
p.m.

Name \_\_\_\_\_

  Last  (Please print)  First  Middle

Street \_\_\_\_\_

City-State \_\_\_\_\_

Age \_\_\_\_\_\_\_\_\_\_\_\_ Birth date \_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_ Race \_\_\_\_\_\_\_\_\_\_\_\_ Sex \_\_\_\_\_\_\_\_\_\_\_\_ Ht. \_\_\_\_\_\_\_\_\_\_\_\_ Wt. \_\_\_\_\_\_\_\_\_\_\_\_

Driver's License No. \_\_\_\_\_

Kind   Number

Vehicle License No. \_\_\_\_\_\_\_\_\_\_\_\_ State \_\_\_\_\_\_\_\_\_\_\_\_ Yr. \_\_\_\_\_\_\_\_\_\_\_\_

Make \_\_\_\_\_\_\_\_\_\_\_\_ Style \_\_\_\_\_\_\_\_\_\_\_\_ Color \_\_\_\_\_\_\_\_\_\_\_\_

Upon a public highway, name at (location) \_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_

DID UNLAWFULLY (PARK) (OPERATE) IN THE CITY, VILLAGE, TOWNSHIP, COUNTY AND STATE AFORESAID AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

|  |  |  |
| --- | --- | --- |
| *Leading causes of accidents* | | |
| Speeding (Over limit) | \_\_\_\_\_ | [5-10](../level2/PTIIICOOR_CH5ANFO.docx#PTIIICOOR_CH5ANFO_S5-10RESADOCA) m.p.h. |
| (…m.p.h. in | \_\_\_\_\_ | 11-15 m.p.h. |
| …m.p.h. zone) | \_\_\_\_\_ | Over 15 m.p.h. |
| Improper Left Turn | \_\_\_\_\_ | No signal |
|  | \_\_\_\_\_ | Cut corner |
|  | \_\_\_\_\_ | From wrong lane |
| Improper Right Turn | \_\_\_\_\_ | No signal |
|  | \_\_\_\_\_ | Into wrong lane |
|  | \_\_\_\_\_ | From wrong lane |
| Disobeyed Traffic Signal (When light turned red) | \_\_\_\_\_ | Not Reached Intersection |
| Disobeyed Stop sign | \_\_\_\_\_ | Wrong place |
|  | \_\_\_\_\_ | Walk speed |
|  | \_\_\_\_\_ | Faster |
| Improper passing and Lane usage | \_\_\_\_\_ | At intersection |
|  | \_\_\_\_\_ | Between traffic |
|  | \_\_\_\_\_ | Lane straddling |
|  | \_\_\_\_\_ | Cut-in |
|  | \_\_\_\_\_ | On right |
|  | \_\_\_\_\_ | Wrong lane |
|  | \_\_\_\_\_ | Wrong side of pavement |
|  | \_\_\_\_\_ | On hill |
|  | \_\_\_\_\_ | On curve |

\_\_\_\_\_\_\_\_\_\_\_\_ Following too closely \_\_\_\_\_\_\_\_\_\_\_\_ Failure to yield

Other violations:

in violation of Sec. \_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_ State Statute \_\_\_\_\_\_\_\_\_\_\_\_ Local Ordinance in such case made and provided.

Parking: \_\_\_\_\_\_\_\_\_\_\_\_ Overtime \_\_\_\_\_\_\_\_\_\_\_\_ Double parking

Meter No. \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_ Prohibited \_\_\_\_\_\_\_\_\_\_\_\_ Expired

(Describe) Other

\_\_\_\_\_\_\_\_\_\_\_\_ parking violation \_\_\_\_\_\_\_\_\_\_\_\_

*Conditions that increased seriousness of violation*

Slippery pavement \_\_\_\_\_\_\_\_\_\_\_\_ Rain \_\_\_\_\_\_\_\_\_\_\_\_ Snow \_\_\_\_\_\_\_\_\_\_\_\_ Ice

Darkness \_\_\_\_\_\_\_\_\_\_\_\_ Night \_\_\_\_\_\_\_\_\_\_\_\_ Fog \_\_\_\_\_\_\_\_\_\_\_\_ Snow

Other traffic

present \_\_\_\_\_\_\_\_\_\_\_\_ Cross \_\_\_\_\_\_\_\_\_\_\_\_ Oncoming \_\_\_\_\_\_\_\_\_\_\_\_ Pedestrian \_\_\_\_\_\_\_\_\_\_\_\_ Same direction

Caused person to dodge \_\_\_\_\_\_\_\_\_\_\_\_ Pedestrian \_\_\_\_\_\_\_\_\_\_\_\_ Driver \_\_\_\_\_\_\_\_\_\_\_\_ Just missed accident \_\_\_\_\_\_\_\_\_\_\_\_

*Type accident:*

\_\_\_\_\_\_\_\_\_\_\_\_ PD \_\_\_\_\_\_\_\_\_\_\_\_ PI \_\_\_\_\_\_\_\_\_\_\_\_ Fatal \_\_\_\_\_\_\_\_\_\_\_\_ Ped.

\_\_\_\_\_\_\_\_\_\_\_\_ Vehicle \_\_\_\_\_\_\_\_\_\_\_\_ Hit fixed object

\_\_\_\_\_\_\_\_\_\_\_\_ Right angle \_\_\_\_\_\_\_\_\_\_\_\_ Head on

\_\_\_\_\_\_\_\_\_\_\_\_ Sideswipe \_\_\_\_\_\_\_\_\_\_\_\_ Rear end

\_\_\_\_\_\_\_\_\_\_\_\_ Ran off roadway

\_\_\_\_\_\_\_\_\_\_\_\_ Intersection

*Area:*

\_\_\_\_\_\_\_\_\_\_\_\_ Business \_\_\_\_\_\_\_\_\_\_\_\_ Industrial \_\_\_\_\_\_\_\_\_\_\_\_ School \_\_\_\_\_\_\_\_\_\_\_\_ Residential \_\_\_\_\_\_\_\_\_\_\_\_ Rural

*Highway type:*

\_\_\_\_\_\_\_\_\_\_\_\_ 2 lane \_\_\_\_\_\_\_\_\_\_\_\_ 3 lane

\_\_\_\_\_\_\_\_\_\_\_\_ 4 lane \_\_\_\_\_\_\_\_\_\_\_\_ 4 lane divided

THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH CONTRARY TO LAW. SWORN TO AND SUBSCRIBED BEFORE THIS \_\_\_\_\_\_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_, 19\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_

(name and title)

|  |  |
| --- | --- |
|  | \_\_\_\_\_ |
|  | (Signature and identification of officer or other complainant) |
|  | (Unit No.) \_\_\_\_\_ |
|  | COURT APPEARANCE: \_\_\_\_\_ |
|  | DAY OF \_\_\_\_\_ |
|  | 19\_\_\_\_\_\_\_\_\_\_\_\_, AT \_\_\_\_\_, |
|  | ADDRESS OF COURT \_\_\_\_\_ |
|  | I PROMISE TO APPEAR IN SAID COURT OR BUREAU AT SAID TIME AND PLACE. |
|  | Signature \_\_\_\_\_ |

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-207. Fleeing or attempting to elude a police officer.

(1) It is unlawful for the operator of any motor vehicle upon a street or highway, having knowledge that he has been directed to stop such vehicle by a duly authorized police officer, to willfully refuse or fail to stop such vehicle in compliance with such a directive, to willfully flee, in an attempt to elude such officer, and any person violating this subsection shall, upon conviction, be punished by imprisonment in the County Jail for a period not to exceed one (1) year, or by fine not to exceed one thousand dollars ($1,000.00), or by both such fine and imprisonment.

(2) The court may revoke the operator's or chauffeur's license of any person convicted of a violation of this section for a period not to exceed one (1) year.

(Ord. No. 71-294, § 1, 12-21-71)

Sec. 30-208. Penalties.

It is unlawful to violate any of the provisions of this chapter. A violation of any of the provisions of this chapter, unless a penalty is specifically provided for, shall be subject to a fine or imprisonment or both such fine and imprisonment hereinafter provided: Any person convicted for a violation of any of the provisions of any section of this chapter, for which another penalty is not specifically provided for in such section, shall, for first conviction thereof, be punished by a fine of not more than one hundred dollars ($100.00) or by imprisonment for not more than ten (10) days. For a second conviction of a violation of any section of this chapter for which a penalty is not provided in such section, within one (1) year thereafter, such person shall be punished by a fine of not more than two hundred dollars ($200.00) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment. Upon a third or subsequent conviction within one (1) year after the first conviction, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than sixty (60) days, or by both such fine and imprisonment.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-208.1. Additional penalties for noncriminal traffic infraction.

(a) The assessment of an additional penalty of four dollars ($4.00) per violation for noncriminal traffic infractions as authorized by Section 318.18(7), Florida Statutes, is approved.

(b) The moneys collected from the additional penalty provided for in subsection (a) shall be paid in accordance with law to local governmental entities within Miami-Dade County administering a school crossing guard program.

(c) The assessment of an additional penalty of twelve dollars and fifty cents ($12.50) per violation for noncriminal traffic infractions as authorized by Section 316.655(7), Florida Statutes, is approved. The moneys collected from this additional penalty shall be used by the County to fund County intergovernmental radio communication programs pursuant to Section 316.655(7), Florida Statutes.

(Ord. No. 85-60, § 1, 9-3-85; Ord. No. 95-174, § 14, 9-20-95)

Sec. 30-209. Accidents involving death or personal injuries.

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of the accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of [Section 30-225](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-225DUGIINREAI). Every such stop shall be made without obstructing traffic more than is necessary.

(2) Any person willfully failing to stop or to comply with said requirements under such circumstances is guilty of a felony and, upon conviction, shall be punished by imprisonment in the state penitentiary for not more than one (1) year or by fine of not more than five thousand dollars ($5,000.00) or by both such fine and imprisonment.

(3) The Department shall revoke the operator's or chauffeur's license of the person so convicted.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-210. Driving while under the influence of alcoholic beverages, narcotic drugs, barbiturates or other stimulants.

(1) It is unlawful and punishable as provided in subsection (2) for any person who is under the influence of alcoholic beverages, marijuana or narcotic drugs as defined in Chapter 398, F.S., model glue as defined in Section 877.11, F.S., or barbiturates, central nervous system stimulants, hallucinogenic drugs or any other drugs to which the drug abuse laws of the United States apply as defined in Chapter 404, F.S., when affected to the extent that his normal faculties are impaired, to drive or be in the actual physical control of any vehicle within this State.

(2) Any person who is convicted of a violation of this section shall, for first conviction thereof, be punished by imprisonment for not more than six (6) months or by a fine of not less than twenty-five dollars ($25.00) or more than five hundred dollars ($500.00), or by both such fine and imprisonment. For a second conviction within a period of three (3) years from the date of a prior conviction for violation of this section, such person shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months and, in the discretion of the court, a fine of not more than five hundred dollars ($500.00). Upon a third or subsequent conviction within a period of five (5) years from the date of conviction of the first of three (3) or more convictions for violations of this section, such person shall be punished by imprisonment for not less than thirty (30) days nor more than twelve (12) months and, in the discretion of the court, a fine of not more than five hundred dollars ($500.00).

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-210.1. Consumption of alcohol or possession of open containers of alcohol prohibited in motor vehicles.

(a) No person in any motor vehicle shall consume any alcoholic beverage or have in his or her possession any open container containing any alcoholic beverage while the motor vehicle is upon a street or highway in Miami-Dade County.

(b) This section shall not apply to any business passenger on a bus or motor vehicle being operated by a duly licensed chauffeur in the course of the chauffeur's ongoing business or employment of providing passenger transportation. Furthermore, this section shall not apply to any open container in a refrigerator in the living area of a house trailer.

(c) Any violation of this section shall be punishable as follows:

(1) For a first offense, by a fine of not less than twenty-five dollars ($25.00) and not more than two hundred dollars ($200.00) or by imprisonment in the County Jail for a term not to exceed ten (10) days, or by both.

(2) For a second offense, by a fine of not less than fifty dollars ($50.00) and not more than two hundred fifty dollars ($250.00) or by imprisonment in the County Jail for a term not to exceed ten (10) days, or by both.

(3) For each subsequent offense, by a fine of not less than seventy-five dollars ($75.00) and not more than five hundred dollars ($500.00) or by imprisonment in the County Jail for a term not to exceed thirty (30) days, or by both.

(Ord. No. 86-26, § 5, 4-1-86)

**Editor's note—**

Ord. No. 86-26, § 5, adopted April 1, 1986, added [§ 30-464](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-464ISLIRE) to the Code, making the provisions the last section in the article "Towing of Motor Vehicles." For purposes of classification, the editor has renumbered the provisions as [§ 30-210.1](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-210.1COALPOOPCOALPRMOVE)

Sec. 30-211. Reckless driving.

(1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(2) Any person convicted of reckless driving shall be punished, upon a first conviction, by imprisonment for a period of not more than ninety (90) days or by fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), or by both such fine and imprisonment. On a second or subsequent conviction, any such person shall be punished by imprisonment for not more than six (6) months or by a fine of not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000.00), or by both such fine and imprisonment.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-212. Careless driving.

(1) Any person operating a vehicle upon the streets or highways within the County shall drive the same in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and all other attendant circumstances, so as not to endanger the life, limb, or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this section.

(2) Any person found guilty of careless driving shall be punished as provided in [Section 30-208](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-208PE)

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-213. Incompetent drivers; drivers' licenses.

(1) No person under the age of sixteen (16) years without a special permit as provided by the laws of the State, and no person physically or mentally disabled or incapacitated in any particular, temporarily or permanently, shall drive a motor vehicle upon the streets or highways of this County providing such disability or incapacity is such as to interfere with the ready and safe operation of the vehicle.

(2) No person shall drive a motor vehicle upon the streets or highways of this County unless such person has a valid operator's license issued by this State, or such operator's license as is required of the person under the laws of the State, or chauffeur's license if a chauffeur's license is required.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-214. Unlawful use of license; driving while license revoked, suspended; penalty.

(a) *Unlawful use.* It shall be unlawful for any person:

(1) To display, or cause or permit to be displayed, or have in his possession, any cancelled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license.

(2) To lend his operator's or chauffeur's license to any person or knowingly permit the use thereof by another.

(3) To display, or represent as one's own, any operator's or chauffeur's license not issued to him.

(4) To fail to surrender to the Florida Department of Public Safety, as defined in and provided by Chapters 321 and 322, Florida Statutes, upon lawful demand, any operator's or chauffeur's license which has been suspended, revoked or cancelled.

(5) To use a false or fictitious name in any application for an operator's or chauffeur's license, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application.

(6) To permit any unlawful use of an operator's or chauffeur's license issued to him.

(b) (1)  
*Suspended or revoked license.* It shall be unlawful and an offense for any person whose operator's or chauffeur's vehicle license or driving privilege as a nonresident, has been cancelled, suspended or revoked as provided by the laws of this State, to drive any vehicle upon the streets, roadways, rights-of-way or highways within this County while such license or privileges is cancelled, suspended or revoked.

(2) *Restricted license.* It is unlawful for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

(c) *Penalty.* Every person who is convicted of a violation of any provision of this section shall be punished by a fine not to exceed five hundred dollars ($500.00) or imprisonment in the County Jail not to exceed sixty (60) days, or by both such fine and imprisonment.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-215. Obedience to and effect of traffic laws.

(1) *Provisions of act referring to vehicles upon the highways; exceptions.* The provisions of this chapter shall apply to the operation of vehicles, bicycles and the movement of pedestrians upon all State maintained highways, County maintained highways and municipal streets and alleys and wherever vehicles have the right to travel.

(2) *Required obedience to traffic laws.* It is unlawful for any person to do any act forbidden or to fail to perform any act required in this chapter. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

(3) *Obedience to Police and Fire Department officials.* No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, or member of the Fire Department at the scene of a fire, who is invested by law or ordinance with authority to direct, control, or regulate traffic.

(4) *Public officers and employees to obey act; exceptions.*

(a) The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, Florida, or any County, city, town, district, or any other political subdivision of the State, subject to such specific exceptions as are set forth in this chapter.

(b) Unless specifically made applicable, the provisions of this chapter except those contained in Sections 30.210—30.212 shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

(5) *Authorized emergency vehicles.*

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle, except when otherwise directed by a police officer, may:

1. Park or stand, irrespective of the provisions of this chapter;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as he does not endanger life or property;

4. Disregard regulations governing direction or movement or turning in specified directions, so long as he does not endanger life or property.

(c) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-216. Applicability to animals and animal-drawn vehicles.

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-217. Obedience to and required traffic control devices.

(1) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(2) No person shall drive any vehicle from a roadway to another roadway to avoid obeying the indicated traffic control indicated by such traffic control device.

(3) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(4) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary shall be established by competent evidence.

(5) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter unless the contrary shall be established by competent evidence.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-218. Obedience to signal indicating approach of train.

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(c) A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and the railroad train, by reason of its speed or nearness to the crossing, is an immediate hazard;

(d) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-219. Moving heavy equipment at railroad grade crossings.

(1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than one-half (½) inch per foot of the distance between any two (2) adjacent axles or in any event of less than nine (9) inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to a station agent, or other proper authority, of the railroad and a reasonable time shall be given to the railroad to provide proper protection at the crossing.

(3) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-220. Detour signs to be respected.

It is unlawful to tear down or deface any detour sign or to break down or drive around any barricade erected for the purpose of closing any section of a public street or highway to traffic during the construction or repair thereof, or to drive over such section of public street or highway until again thrown open to public traffic. However, such restriction shall not apply to the person in charge of the construction or repairs.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-221. Pedestrian obedience to traffic control devices and traffic regulations.

A pedestrian shall obey the instructions of any official traffic control device specifically applicable to him unless otherwise directed by a police officer.

(1) Pedestrians shall be subject to traffic control signals at intersections as provided in [Section 30-281](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-281TRCOSIDE), but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

(2) Where sidewalks are provided, no pedestrian shall, unless required by other circumstances, walk along and upon the portion of a roadway paved for vehicular traffic.

(3) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the shoulder on the left side of the roadway in relation to the pedestrian's direction of travel, facing traffic which may approach from the opposite direction.

(4) No person shall stand in the portion of a roadway paved for vehicular traffic, for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

(5) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(6) When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger; provided that any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(7) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(8) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(9) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(10) Between adjacent intersections at which traffic-control signals are in operation, and which are two hundred fifty (250) feet apart, or less, pedestrians shall not cross at any place except in a marked crosswalk.

(11) No pedestrian shall, except in a marked crosswalk, cross a roadway at any other place than by a route at right angles to the curb or by the shortest route to the opposite curb.

(12) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(13) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices, and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(14) Notwithstanding other provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person operating a bicycle and shall give warning when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person.

(15) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given. No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad gate crossing or bridge while such gate or barrier is closed or is being opened or closed.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 78-38, § 1, 6-6-78; Ord. No. 84-19, § 2, 3-6-84)

Sec. 30-222. Electrical, mechanical, or other speed calculating devices; power of arrest; evidence.

(1) Whenever any peace officer engaged in the enforcement of the motor vehicle laws of this County uses an electronic or electrical, mechanical, or other device used to determine the speed of a motor vehicle on any highway, road, street, or other public way, such device shall be of a type approved by the Department and have been tested to determine that it is operating accurately. Tests for this purpose shall be made not less than once each six (6) months according to procedures and at regular intervals of time prescribed by the Department.

(2) Any police officer, upon receiving information relayed to him from a fellow officer stationed on the ground or in the air operating such a device that a driver of a vehicle has violated the speed laws of this County may arrest the driver for violation of said laws where reasonable and proper identification of the vehicle and the speed of same has been communicated to the arresting officer.

(3) (a)  
A witness otherwise qualified to testify shall be competent to give testimony against an accused violator of the motor vehicle laws of this County when such testimony is derived from the use of such an electronic, electrical, mechanical, or other device used in the calculation of speed, upon showing that the speed calculating device which was used had been tested. Provided, however, that the operator of any visual average speed computer device shall first be certified as a competent operator of such device by the Department.

(b) Upon the production of a certificate, signed and witnessed, showing that such device was tested within the time period specified and that such device was working properly, a presumption is established to that effect unless the contrary shall be established by competent evidence.

(c) Any person accused pursuant to the provisions hereof shall be entitled to have the officer actually operating the device appear in court and testify upon oral or written motion.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-223. Scope and effect of regulations.

(1) It is a violation of this chapter for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

(2) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(3) The provisions of this chapter with respect to equipment required on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable.

(4) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-drive cycles, except as herein made applicable.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-224. Accidents involving damage to vehicle or property.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of [Section 30-225](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-225DUGIINREAI). Every stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements shall, upon conviction, be punished as provided in [Section 30-208](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-208PE).

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-225. Duty to give information and render aid.

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving, and shall upon request and if available, exhibit his license or permit to drive to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in the accident and shall give such information and, upon request, exhibit such license or permit to any police officer at the scene of the accident or who is investigating the accident and shall render to any person injured in the accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person.

(2) In the event none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (1), and no police officer is present, the driver of any vehicle involved in such accident, after fulfilling all other requirements of [Section 30-209](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-209ACINDEPEIN) and subsection (1), insofar as possible on his part to be performed, shall forthwith report the accident to the nearest office of a duly authorized police authority and submit thereto the information specified in subsection (1).

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-226. Duty upon damaging unattended vehicle or other property.

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of the vehicle or other property of his name, address and the registration number of the vehicle he is driving or shall attach securely in a conspicuous place in or on the vehicle or other property a written notice giving his name, address and the registration number of the vehicle he is driving and shall without unnecessary delay notify the nearest office of a duly authorized police authority. Every such stop shall be made without obstructing traffic more than is necessary.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-227. When driver unable to report.

(1) An accident report is not required under this chapter from any person who is physically incapable of making a report during the period of such incapacity.

(2) Whenever the driver of a vehicle is physically incapable of making an immediate or a written report of an accident, as required in Sections [30-228](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-228IMREAC) and [30-229](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-229WRREACDR) and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made the report not made by the driver.

(3) Whenever the driver is physically incapable of making a written report of an accident as required in this chapter, then the owner of the vehicle involved in the accident shall, within five (5) days after the accident, make such report not made by the driver.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-228. Immediate reports of accidents.

(1) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage shall immediately by the quickest means of communication give notice of the accident to the local Police Department, if such accident occurs within a municipality; otherwise, to the Office of the County Sheriff or the nearest office or station of the Florida Highway Patrol.

(2) Every coroner, or other official performing like functions, upon learning of the death of a person in his jurisdiction as the result of a traffic accident, shall immediately notify the nearest office or station of the Department.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-229. Written reports of accidents by drivers.

(1) The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of one hundred dollars ($100.00) or more shall, within five (5) days after the accident, forward a written report of such accident to the Department. However, when the investigating officer has made a written report of the accident, no written report need be forwarded to the Department by the driver.

(2) The Department may require any driver of a vehicle involved in an accident of which written report must be made as provided in this section, to file supplemental written reports, whenever the original report is insufficient in the opinion of the Department, and may require witnesses of accidents to render reports to the Department.

(3) (a)  
Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident in which damage to property exceeds the amount of one hundred dollars ($100.00), or bodily injury, or death occurs, either at the time of and at the scene of the accident, or thereafter by interviewing participants or witnesses shall, within twenty-four (24) hours after completing the investigation, forward a written report of the accident to the Department.

(b) Accident reports confidential. All accident reports made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department or other State agencies having use of the records for accident prevention purposes, except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident, and except that the Department shall disclose the final judicial disposition of the case indicating which if any of the parties were found guilty. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department solely to prove a compliance or a failure to comply with the requirements that such a report be made to the Department.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-230. False reports.

Any person who gives information in oral or written reports as required in this chapter knowing or having reason to believe that such information is false shall be punished as provided in [Section 30-208](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-208PE).

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-231. Accident report forms.

(1) The Department shall prepare and, upon request, supply to Police Departments, sheriffs, and other appropriate agencies or individuals, forms for written accident reports as required in this chapter, suitable with respect to the persons required to make such reports and the purposes to be served. The written reports shall call for sufficiently detailed information to disclose, with reference to a vehicle accident, the cause, conditions then existing, and the persons and vehicles involved.

(2) Every accident report required to be made in writing shall be made on the appropriate form approved by the Department and shall contain all the information required therein unless not available.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-232. Department to tabulate and analyze accident reports.

The Department shall tabulate and may analyze all accident reports and shall publish, annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-233. Driving on right side of roadway; exceptions.

(1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway designated and sign-posted for one-way traffic.

(2) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic; or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(3) Upon any roadway having four (4) or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under paragraph (b) of subsection (1). However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-234. Passing vehicles proceeding in opposite directions.

Driver of vehicles proceeding in opposite directions shall pass each other to the right; and upon roadways having width for not more than one (1) line of traffic in each direction, each driver shall give to the other at least one-half (½) of the main traveled portion of the roadway, as nearly as possible.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-235. Overtaking and passing a vehicle.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle, on audible signal or upon the visible blinking of the head lamps of the overtaking vehicle if such overtaking is being attempted at nighttime, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-236. When overtaking on the right is permitted.

(1) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn;

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving traffic in each direction;

(c) Upon a one-way street, or upon any roadway on which traffic is restricted to one (1) direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(2) The driver of a vehicle may overtake and pass another vehicle on the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-237. Limitations on overtaking, passing, changing lanes and changing course.

(1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction of any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any approaching vehicle.

(2) No vehicle shall be driven from a direct course in any lane on any highway until the driver has determined that the vehicle is not being approached or passed by any other vehicle in the lane or on the side to which the driver desires to move, that the move can be completely made with safety and without interfering with the safe operation of any vehicle approaching from the same direction.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-238. No-passing zones.

(1) The Department of Transportation and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(2) Where signs or markings are in place to define a no-passing zone as set forth in subsection (1), no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(3) This section does not apply when an obstruction exists making it necessary to drive to the left of the center of the highway, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-239. Further limitations on driving to left of center of roadway.

(1) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing; provided, however, this section shall not apply to any intersection on a State or County maintained highway located outside city limits unless such intersection is marked by an official Department of Transportation or County Road Department traffic control device indicating an intersection either by symbol or by words and such marking is placed at least one hundred (100) feet before the intersection;

(c) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, or tunnel.

(2) The foregoing limitations shall not apply upon a one-way roadway, nor when an obstruction exists making it necessary to drive to the left of the center of the highway, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-240. One-way roadways and rotary traffic islands.

(1) The Department of Transportation and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one (1) direction at all or such times as shall be indicated by official traffic control devices.

(2) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(3) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-241. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules, in addition to all others consistent herewith, shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three (3) lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic control devices.

(3) Official traffic control devices may be erected, directing specified traffic to use a designated lane, or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway; and drivers of vehicles shall obey the directions of every such device.

(4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-242. Driving on divided highways.

Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically authorized by public authority.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-243. Limited access.

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-244. Following too closely.

(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon, and the condition of the highway.

(2) It is unlawful for the driver of any motor truck, or motor truck drawing another vehicle, or vehicle towing another vehicle or trailer, when traveling upon a roadway outside of a business or residence district, to follow within three hundred (300) feet of another motor truck, or motor truck drawing another vehicle, or vehicle towing another vehicle or trailer. The provisions of this subsection shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor trucks or other slow-moving vehicles.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-245. Obstruction to driver's view or driving mechanism.

(1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) (a)  
No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

(b) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which materially obstructs, obscures, or impairs the driver's clear view of the highway or any intersecting highway.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-246. Coasting prohibited.

The driver of any motor vehicle, when traveling upon a downgrade, shall not coast with the gears or transmission of such vehicle in neutral or the clutch disengaged.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-247. Following fire apparatus prohibited.

No driver of any vehicle other than an authorized emergency vehicle on official business shall follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-248. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or highway, or private road or driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-249. Unattended motor vehicles.

No person driving or in charge of any motor vehicle except a licensed delivery truck or other delivery vehicle while making deliveries, shall permit it to stand unattended without first stopping the engine, locking the ignition, and removing the key. No vehicle shall be permitted to stand unattended upon any perceptible grade without stopping the engine and effectively setting the brake thereon, and turning the front wheels to the curb or side of the street.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-250. Limitations on backing.

(1) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any limited access facility.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-251. Opening and closing vehicle doors.

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open for a period of time longer than necessary to load or unload passengers.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 84-19, § 3, 3-6-84)

Sec. 30-252. Unlawful for person to ride on exterior of vehicle.

(1) It is unlawful for any operator of a passenger vehicle to permit any person to ride on the bumper, radiator, fender, hood, top, trunk, or running board of such vehicle when operated upon any street or highway which is maintained by the State, County or municipality; provided, however, that the operator of any vehicle shall not be in violation of this act where such operator permits any person to occupy seats securely affixed to the exterior of such vehicle.

(2) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to a person or persons riding within truck bodies in space intended for merchandise.

(3) This section shall not apply to a performer engaged in a professional exhibition or a person participating in an exhibition or parade, or any such person preparing to participate in such exhibitions or parades.

(4) Any person violating the provisions of this section, upon conviction, shall be punished as provided in [Section 30-208](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-208PE)

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-253. Riding in house trailers.

No person or persons shall occupy a house trailer while it is being moved upon a public street or highway.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-254. Certain vehicles prohibited on hard surfaced roads.

It is unlawful to operate upon any hard surfaced road in Florida any log cart, tractor, well machine or any steel tired vehicle other than the ordinary farm wagon or buggy, or any other vehicle or machine that is likely to damage a hard surfaced road except to cause ordinary wear and tear on the same.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-255. Obstruction of public streets, highways, etc.

(1) It is unlawful for any person or persons to willfully obstruct the free, convenient and normal use of any public street, highway or road, by impeding, hindering, stifling, retarding or restraining traffic or passage thereon, or by endangering the safe movement of vehicles or pedestrians traveling thereon, and any person or persons violating the provisions of this chapter, upon conviction, shall be punished as set forth in [Section 30-208](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-208PE)

(2) The provisions of this chapter are supplementary to the provisions of any other statute of the State or County ordinance.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-256. Injurious substances prohibited; dragging vehicle or load; obstructing, digging, etc.

(1) It is unlawful to place or allow to be placed upon any street or highway any tacks, wire, scrap metal, glass, crockery, or other substance which may be injurious to the feet of persons or animals, or the tires of vehicles, or in any way injurious to the road.

(2) It is unlawful to allow any vehicle or contrivance or any part of same, or any load or portion of a load carried on the same to drag upon any street or highway.

(3) It is unlawful to obstruct, dig up or in any way disturb any street or highway provided, that this paragraph shall not be construed so as to hinder or prevent the installation or replacement of any utilities in accordance with the provisions of law now existing or that may hereafter be enacted.

(4) It is unlawful for any vehicle to be equipped with any solid tires or any airless type tire on any motor-driven vehicle when operated upon a highway.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-257. Removal of injurious substances.

(1) Any person who drops, or permits to be dropped or thrown, upon any street or highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(2) Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-258. Motor vehicles, throwing advertising materials in.

It is unlawful for any person on a public street, highway or sidewalk, in the State, to throw in, or attempt to throw in any motor vehicle, or offer, or attempt to offer to any occupant of any motor vehicle, whether standing or moving, or to place or throw in any motor vehicle, any advertising or soliciting materials or to cause or secure any person or persons to do any one (1) of such unlawful acts.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-259. Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-260. Riding on motorcycles.

(1) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one (1) leg on each side of the motorcycle.

(3) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

(4) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-261. Operating motorcycles on roadways laned for traffic.

(1) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two (2) abreast in a single lane.

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two (2) abreast in a single lane.

(5) Subsections (2) and (3) shall not apply to police officers in the performance of their official duties.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-262. Driving upon sidewalk, or County-designated bicycle path.

No person shall drive any vehicle other than by human power upon a sidewalk or sidewalk area or County-designated bicycle path except upon a permanent or duly authorized temporary driveway.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 84-19, § 4, 3-6-84)

Sec. 30-263. Bicycle regulations.

(1) Every person operating a bicycle shall have all of the rights and all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter, and except as to provisions of this chapter which by their nature can have no application.

(2) A person operating a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(3) No bicycle shall be used to carry more persons at one (1) time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his person in a backpack or sling.

(4) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. This section shall not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle, if that trailer or semitrailer has been designed for such attachment and solely for carrying cargo.

(5) (a)  
Every person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the righthand curb or edge of the roadway except under any of the following situations:

(1) When overtaking and passing another bicycle or vehicle proceeding in the same direction.

(2) When preparing for a left turn at an intersection or into a private road or driveway.

(3) When reasonably necessary to avoid conditions, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the righthand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and another vehicle to travel safely side-by-side within the lane.

(b) Any person operating a bicycle upon a one-way highway with two (2) or more marked traffic lanes may ride as near the lefthand curb or edge of such roadway as practicable.

(6) Persons operating bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede traffic when traveling at less than the normal speed of traffic at the time and place and under the conditions then existing and shall ride within a single lane.

(7) Any person operating a bicycle shall keep at least one (1) hand upon the handlebars.

(8) Every bicycle in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front and a lamp on the rear exhibiting a red light visible from a distance of six hundred (600) feet to the rear, except that a red reflector meeting the requirements of this section may be used in lieu of the red light. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by this section.

(9) No parent of any minor child and no guardian of any minor ward shall authorize or knowingly permit any such minor child or ward to violate any of the provisions of this section.

(10) A person propelling a bicycle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

(11) (a)  
A person operating a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give any audible signal before overtaking and passing such pedestrian.

(b) A person operating a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall follow all posted regulatory signs governing the use of bicycles in these areas.

(12) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street or a crosswalk and when so crossing such person shall be granted all rights and shall be subject to all of the duties applicable to pedestrians.

(13) This section shall not apply upon any street while set aside as a play street authorized herein or as designated by State, County or municipal authority.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 84-19, § 5, 3-6-84; Ord. No. 93-65, § 1, 6-15-93)

Sec. 30-264. Penalties.

Any person not a juvenile, as such is defined by the laws of this State, found guilty of a violation of any provisions found in [Section 30-263](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-263BIRE) shall be punished by a fine of not more than twenty-five dollars ($25.00) or by impounding of such person's bicycle for a period not to exceed ninety (90) days. Upon the recommendation of a judge of a juvenile court or a competent court having jurisdiction over the person of a minor, the State, County or municipal authority may impound such minor's bicycle for such period as the court may determine.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-264.1. Voluntary registration.

Any person owning a bicycle may register it at the nearest County or participating municipal fire station. Registration shall consist of filling out a registration form and affixing a plastic sticker to the registered bicycle. The Miami-Dade Police Department shall furnish the registration forms and plastic stickers to all County fire stations and to the fire stations of any municipality wishing to participate in the County voluntary registration program.

(Ord. No. 72-10, § 1, 2-15-72; Ord. No. 72-77, § 1, 10-31-72)

**Editor's note—**

Ord. No. 72-10, § 1, amended [Ch. 30](../level2/PTIIICOOR_CH30TRMOVE.docx#PTIIICOOR_CH30TRMOVE) by adding §§ [30-264.1](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-264.1VORE)—30-264.6. The effect of Ord. No. 72-77, § 1, was to reenact §§ [30-264.1](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-264.1VORE)—30-264.6.

Sec. 30-264.2. Required registration of bicycles sold by retail dealers.

Any dealer who sells bicycles shall fill out a registration form for, and affix a plastic sticker to each bicycle sold. The Miami-Dade Police Department shall furnish registration forms and plastic stickers to all retail dealers engaging in the sale of bicycles. The retail dealer shall forward the completed registration form to the Miami-Dade Police Department within two (2) weeks of the sale of any bicycle.

(Ord. No. 72-10, § 1, 2-15-72; Ord. No. 72-77, § 1, 10-31-72)

Note—See the amendment note following § 30-264.1

Sec. 30-264.3. Defacing or removing serial numbers.

(1) It shall be unlawful for any person to deface or remove from any bicycle the serial number imprinted thereon.

(2) It shall be unlawful to sell or purchase any bicycle on which the serial number has been defaced or removed without first registering same as provided in Sections [30-264.1](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-264.1VORE) through [30-264.5](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-264.5REFIBEMA)

(3) All violations of this section shall be punishable by fine not to exceed two hundred fifty dollars ($250.00) or imprisonment not to exceed thirty (30) days in the County Jail, or both, in the discretion of the County Judge.

(Ord. No. 72-10, § 1, 2-15-72; Ord. No. 72-77, § 1, 10-31-72)

Note—See the amendment note following § 30-264.1

Sec. 30-264.4. Reports of stolen or recovered bicycles.

Every police officer, including municipal police officers, who in the regular course of duty, receives a report of a stolen bicycle or recovers an abandoned or stolen bicycle, shall notify the Miami-Dade Police Department of such theft or recovery within twenty-four (24) hours therefrom.

(Ord. No. 72-10, § 1, 2-15-72; Ord. No. 72-77, § 1, 10-31-72)

Note—See the amendment note following § 30-264.1

Sec. 30-264.5. Registration files to be maintained.

The Miami-Dade Police Department shall maintain a suitable record of all bicycles registered pursuant to Sections [30-264.1](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-264.1VORE) through [30-264.5](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-264.5REFIBEMA).

(Ord. No. 72-10, § 1, 2-15-72; Ord. No. 72-77, § 1, 10-31-72)

Note—See the amendment note following § 30-264.1

Sec. 30-264.5.1. Portable street scooter regulations.

A portable street scooter rider who is under sixteen (16) years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap, and that meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the Department.

(Ord. No. 00-150, § 2, 11-28-00)

Sec. 30-264.6. Penalty.

Every person found guilty of a violation of any of the provisions of Sections [30-264.1](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-264.1VORE) through [30-264.5.1](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-264.5.1POSTSCRE) shall be punishable by a fine of not more than one hundred dollars ($100.00) or by impounding of such person's bicycle or portable street scooter for a period not to exceed ninety (90) days, or both unless otherwise provided herein.

(Ord. No. 72-10, § 1, 2-15-72; Ord. No. 72-77, § 1, 10-31-72; Ord. No. 00-150, § 3, 11-28-00)

Note—See the amendment note following § 30-264.1

Sec. 30-265. Driving through safety zone prohibited.

No vehicle shall at any time be driven through or within a safety zone.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-266. Vehicles approaching or entering intersections.

(1) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(2) When two (2) vehicles enter an intersection from different highways at the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(3) The driver of a vehicle about to enter or cross a State maintained road or highway from a paved or unpaved road and not subject to control by an official traffic control device shall yield the right-of-way to all vehicles approaching on the State maintained road or highway.

(4) The driver of a vehicle about to enter or cross a paved County or city maintained road or highway from an unpaved road or highway and not subject to control by an official traffic control device shall yield the right-of-way to all vehicles approaching on said paved road or highway.

(5) The foregoing rules are modified at through highways and otherwise, as hereinafter stated.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-267. Vehicle turning left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-268. Vehicle entering stop or yield intersection.

(1) The right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in [Section 30-204](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-204EN)

(2) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

(3) The driver of a vehicle approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. Provided, however, that if such a driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of this failure to yield the right-of-way.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-269. Stopping, standing or parking outside of municipalities.

(1) Upon any highway outside of a municipality, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway when it is practical to stop, park, or so leave the vehicle off such part of the highway; but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of the stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon the highway.

(2) This section shall not apply to the driver or owner of any vehicle which is disabled, while on the paved or main traveled portion of a highway, in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position, or to passenger-carrying buses temporarily parked while loading or discharging passengers or stopped for any purpose reasonably necessary for the safety or comfort of the passengers or operator where highway conditions render such parking off the paved portion of the highway hazardous or impractical.

(3) (a)  
Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this section, the officer is authorized to move the vehicle, or require the driver or other persons in charge of the vehicle to move the same, to a position off the paved or main traveled part of the highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel, or on any public highway, where the vehicle constitutes an obstruction to traffic, the officer is authorized to provide for the removal of the vehicle to the nearest garage or other place of safety, cost of such removal to be a lien against the motor vehicle.

(c) Any vehicle moved under the provisions of this chapter which is a stolen vehicle shall not be subject to the provisions hereof unless the moving authority has reported to the Florida Highway Patrol the taking into possession of the vehicle within twenty-four (24) hours of the moving of the vehicle.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 72-78, § 1, 10-31-72)

Sec. 30-270. Vehicle entering highway from private road or driveway or emerging from alley, driveway or building.

(1) The driver of a vehicle about to enter or cross a highway from an alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered which are so close thereto as to constitute an immediate hazard.

(2) The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon and shall yield to all vehicles and pedestrians which are so close thereto as to constitute an immediate hazard.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-271. Operation of vehicles and actions of pedestrians on approach of authorized emergency vehicles.

(1) Upon the immediate approach of an authorized emergency vehicle, while en route to meet an existing emergency, the driver of every other vehicle shall, when such emergency vehicle is giving audible signals by siren, exhaust whistle, or other adequate device, yield the right-of-way to the emergency vehicle and shall immediately proceed to a position parallel to, and as close as reasonable to the closest edge of the curb of the roadway, clear of any intersection and shall stop and remain in position until the authorized emergency vehicle has passed, unless otherwise directed by any law enforcement officer.

(2) Every pedestrian using the road right-of-way shall yield the right-of-way until the authorized emergency vehicle has passed, unless otherwise directed by any police officer.

(3) Any authorized emergency vehicle, when en route to meet an existing emergency, shall warn all other vehicular traffic along the emergency route by an audible signal, siren, exhaust whistle, or other adequate device. While en route to such emergency, the emergency vehicle shall otherwise proceed in a manner consistent with the laws regulating vehicular traffic upon the highways of this State.

(4) Nothing herein contained shall diminish or enlarge any rules of evidence or liability in any case involving the operation of an emergency vehicle.

(5) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-272. Motorcycles.

Any person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this act, except as to special regulations in this act and except as to those provisions of this act which by their nature can have no application.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-273. Use of bicycle paths and bikeways by motor vehicles, motorcycles and motor-driven cycles prohibited.

No person shall operate a motor vehicle, motorcycle or motor-driven cycle on any designated bicycle path or bikeway or usable path for bicycles adjacent to a roadway.

(Ord. No. 75-14, § 1, 3-4-75)

Sec. 30-274. Parades and processions; permit required; sound trucks.

In the unincorporated areas, no procession or parade, excepting the forces of United States Armed Services, the military forces of this State, the forces of the police and fire departments, and funeral processions, shall occupy, march, or proceed along any street or roadway except in accordance with a permit issued by the Sheriff and such other regulations as are set forth herein which may apply. No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street except in accordance with a permit issued by the Sheriff.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 73-18, § 1, 3-8-73)

Sec. 30-275. Pedestrian control signals.

Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk" are in place, such signals shall indicate as follows:

(1) *Walk.* Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the driver of any vehicle except an emergency vehicle.

(2) *Don't walk.* No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" signal may proceed to a sidewalk or safety zone while the "don't walk" signal is showing.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-276. Flashing signals.

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) *Flashing red (stop signal).* When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(3) *Railroad grade crossings.* This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Sections [30-290](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-290ALVESTCERAGRCR) and [30-291](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-291CEVESTALRAGRCR)

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-277. Lane direction control signals.

When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane or lanes over which a green signal is shown, but shall not enter or travel in any lane or lanes over which a red signal is shown.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-278. Display of unauthorized signs, signals or markings.

(1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal or marking is declared to be a public nuisance and the authority having jurisdiction over the highway is empowered to remove the same or cause it to be removed without notice.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-279. Interference with official traffic control devices or railroad signs or signals.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-280. Signs at dangerous crossings.

Every railroad company operating or leasing any track intersecting a public road at grade and falling within the purview of Sections [30-290](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-290ALVESTCERAGRCR) and [30-291](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-291CEVESTALRAGRCR) shall place and maintain a suitable signboard on each side of the track or tracks on the right side of the highway not less than ten (10) feet from the ground and forty (40) inches by fifty (50) inches, two hundred (200) feet from the crossing, which said board shall be painted with black lettering and white background with the following inscription thereon: STOP—RAILROAD CROSSING—FLORIDA LAW; provided, that for use at night the signboard shall be equipped with a suitable mirror reflector of such size, color and description as may be approved by the Department of Transportation for use at railroad crossings, so designated that same will reflect the rays of a motor vehicle headlight; and provided further, that where railroad warning signs have already been placed, or shall hereafter be placed, at any railroad crossing by the Department of Transportation, the railroad companies shall not be required to erect or maintain additional signs or reflectors at such crossings.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-281. Traffic control signal devices.

Except for automatic warning signal lights installed or to be installed at railroad crossings, whenever traffic, including municipal traffic, is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) *Green indication.*

(a) Vehicular traffic facing a circular green signal may proceed cautiously straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, as directed by the manual, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a pedestrian control signal as provided in [Section 30-275](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-275PECOSI), pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) *Steady yellow indication.*

(a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in [Section 30-275](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-275PECOSI), are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall start to cross the roadway.

(3) *Steady red indication.*

(a) Vehicular traffic facing a steady red signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown; provided, however:

1. The driver of a vehicle which is stopped at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none then at the point nearest the intersecting roadway where the driver was a view of approaching traffic on the intersecting roadway before entering the intersection in obedience to a steady red signal may make a right turn, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that municipal and County authorities may prohibit any such right turn against a steady red signal at any intersection, which prohibition shall be effective when a sign giving notice thereof is attached to the traffic control signal device at said intersection.

2. The driver of a vehicle on a one-way street which intersects another one-way street on which traffic moves to the left shall stop in obedience to a steady red signal, but may then make a left turn into the one-way street, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that municipal and County authorities may prohibit any such left turn as described, which prohibition shall be effective when a sign giving notice thereof is attached to the traffic control signal device at the intersection.

(b) Unless otherwise directed by a pedestrian control signal as provided in [Section 30-275](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-275PECOSI), pedestrians facing a steady red signal shall not enter the roadway.

(4) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(5) (a)  
No traffic control signal device shall be used which does not exhibit a yellow or "caution" light between the green or "go" signal and the red or "stop" signal.

(b) No traffic control signal device shall display other than the color red at the top of the vertical signal, nor shall it display other than the color red at the extreme left of the horizontal signal.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-282. Traffic to stop for school bus.

(1) Any person using, operating or driving a motor vehicle on or over the roads or highways of this State shall, upon approaching any school bus used in transporting school pupils to or from school which is properly identified in substantial accordance with the provisions of Section 234.08, F.S., and which displays a stop signal, bring such motor vehicle to a full stop while the bus is stopped and the motor vehicle shall not pass the school bus until the signal has been withdrawn.

(2) The driver of a vehicle upon a divided highway where the one-way roadways are separated by an intervening unpaved space of at least five (5) feet or physical barrier need not stop upon meeting or passing a school bus which is on a different roadway.

(3) Every school bus shall stop as far to the right of the street as possible before discharging or loading passengers and, when possible, shall not stop where the visibility is obscured for a distance of two hundred (200) feet either way from the bus.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-283. Required position and method of turning at intersections; exception for buses.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. A person operating a bicycle intending to turn left in accordance with this section shall be entitled to the full use of the lane from which such a turn may legally be made. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) In addition to the method of making a left turn described in subsection (2), a person operating a bicycle intending to turn left shall have the option of following the course described hereafter: The rider shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the turn shall be made as close as practicable to the curb or edge of the roadway on the far side of the intersection. Before proceeding, the bicyclist shall comply with any official traffic control device or police officer regulating traffic on the highway along which he intends to proceed.

(4) This section shall not apply to the owner or operator of any bus where the size of the bus renders impossible strict compliance with the requirements of this section.

(5) The State, County and local authorities in their respective jurisdictions may cause official traffic control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection. When such devices are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 72-78, § 2, 10-31-72; Ord. No. 84-19, § 6, 3-6-84)

Sec. 30-284. Turning on curve or crest of grade prohibited.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-285. Limitations on turning around.

The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-285.1. No turns; exception for buses.

(a) Whenever authorized signs, markers or buttons indicate that no right or left or U-turn is permitted, no driver shall disobey the direction of such signs, markers, or buttons except as provided in subsection (b).

(b) Whenever authorized signs prohibiting right or left or U-turns include the words "except buses" the driver of a bus as defined in [Section 30-202](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-202DE)(3), may execute the otherwise prohibited turning movement after yielding the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard and to pedestrians lawfully within the intersection or crosswalk. Any operator of a regularly scheduled bus may turn or change lanes or direction of travel contrary to traffic signs and markings, controlling the direction of travel of vehicles, where such movement is necessary for that bus to continue over the established route providing regularly scheduled service.

(Ord. No. 72-10, § 2, 2-15-72; Ord. No. 72-36, § 2, 6-20-72)

Sec. 30-286. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing, or parked, unless and until such movement can be made with reasonable safety.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-287. When signal required.

(1) No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety, and then only after giving an appropriate signal in the manner hereinafter provided, in the event any other vehicle may be affected by the movement.

(2) A signal of intention to turn right or left shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear, when there is opportunity to give such signal.

(4) The signals provided for in [Section 30-288](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-288SIHAARSILA), shall be used to indicate an intention to turn and shall not, except as provided in [Section 30-323](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-323CELIPREX), be flashed on one (1) side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-288. Signals by hand and arm or signal lamps.

(1) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (2).

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle and also to any combination of vehicles.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-289. Method of giving hand and arm signals.

All signals herein required to be given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(1) *Left turn.* Hand and arm extended horizontally.

(2) *Right turn.* Hand and arm extended upward.

(3) *Stop or decrease speed.* Hand and arm extended downward.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-290. All vehicles to stop at certain railroad grade crossings.

The Department of Transportation and local authorities, in conformity to criteria promulgated to the Department of Transportation, are authorized to designate particularly dangerous highway grade crossings of railroads for the purpose of erecting traffic control devices. When such devices are erected, the driver of any vehicle, when directed to stop, shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad and shall proceed only upon exercising due care.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-291. Certain vehicles to stop at all railroad grade crossings.

(1) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad and, while so stopped, shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in a gear of the vehicle so that there will be no necessity for changing gears while traversing the crossing, and the driver shall not shift gears while crossing the track or tracks.

(2) No stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-292. Stopping, standing or parking prohibited in specified places.

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand or park a vehicle:

1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

2. On a sidewalk;

3. Within an intersection;

4. On a crosswalk;

5. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the Division of Road Operations of the Department of Transportation indicates a different length by signs or markings;

6. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

7. Upon any bridge or other elevated structure upon a highway, causeway or within a highway tunnel, where parking is not provided for thereon;

8. On any railroad tracks;

9. On a bicycle path;

10. At any place where official traffic control devices prohibit stopping;

11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

12. At any place where disabled access is provided, including but not limited to: an access aisle adjacent to an accessible parking space, curb ramp, ramp, or accessible path of travel such as sidewalks and bicycle paths. Any violation of this section shall result in a fine of one hundred fifty dollars ($150.00).

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

1. In front of a public or private driveway;

2. Within fifteen (15) feet of a fire hydrant;

3. Within twenty (20) feet of a crosswalk at an intersection;

4. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;

5. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when property sign-posted);

6. On an exclusive bicycle lane;

7. At any place where official traffic control devices prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers:

1. Within fifty (50) feet of the nearest rail of a railroad crossing, or bridge;

2. At any place where official signs prohibit parking.

(2) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 84-19, § 7, 3-6-84; Ord. No. 07-137, § 1, 10-2-07)

Annotation—AO of 9-1-81.

Sec. 30-293. Additional parking regulations.

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or edge of the roadway.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the roadway, or its left wheels within twelve (12) inches of the left-hand curb or edge of the roadway.

(3) Local authorities may, by ordinance, permit angle parking on any roadway, except that angle parking shall not be permitted on any State road unless the Department of Transportation as determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-294. Funeral or other processions.

(1) As used in this act, "funeral procession" means four (4) or more motor vehicles accompanying a body of a deceased person in the daytime, when each of such vehicles has its headlights lighted.

(2) Pedestrians and the operators of all vehicles, except emergency vehicles, shall yield the right-of-way to each vehicle which is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in such procession may continue to follow the lead vehicle through the intersection notwithstanding any traffic control device or right-of-way provisions prescribed by statute or local ordinance, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the roadway.

(3) No person shall operate any vehicle as a part of a funeral procession without having the headlights of such vehicle lighted.

(4) No operator of a vehicle shall drive between vehicles in a funeral or other procession which are properly identified while the procession is in motion except when directed to do so by a police officer.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-295. Disabled persons, exemption from payment of parking fees; issuance of identification stickers.

(1) Neither Miami-Dade County nor any city, town or any agency thereof shall exact any fee for parking on the public streets or highways or in any metered parking space from any person who has suffered the amputation of one (1) or both legs or who has suffered the loss of the use of one (1) or both legs as a consequence of paralysis or other permanent disability and who is licensed to operate a motor vehicle in Florida.

(2) No penalty shall be imposed upon any such disabled person for parking on the street or highways or in a metered space for a longer period of time than other persons are permitted to park on such streets or highways or in such metered space; provided, persons not so disabled using the vehicle of a disabled person with a sticker for their own use shall not have the privileges of this section.

(3) Upon the application of any such disabled person, the Tax Collector of the County in which the disabled person applies for his automobile license plate shall issue to such person a certificate showing that the disabled person is entitled to the immunities provided in this section and a sticker reflecting the disability, which sticker shall be displayed upon the lower right-hand portion of the windshield of the motor vehicle of such disabled person.

(4) The Department is authorized and empowered to make any necessary rules and regulations to carry out the purposes of this section and to provide the necessary procedure for assuring that all applicants meet the qualifications prescribed in this section.

(5) The Department shall prescribe the form of the application, the certificate and the design of a distinctive identifying sticker and the Department shall supply such applications, certificates and stickers to the Miami-Dade County Tax Collector.

(6) The Department shall prescribe the fee to be paid by the applicant for the certificate and sticker but the fee shall not exceed fifty cents ($0.50). The Department shall, in its discretion, determine at what intervals the certificate and sticker shall be renewed.

(7) The fee, as set by the Department, shall be collected by the Miami-Dade County Tax Collector from the applicant at the time the certificate and sticker are issued and all such fees so collected shall be paid over to the Department and used to defray the expenses of carrying out the purposes of this section.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-296. Parking near rural mailbox during certain hours; penalties.

Whoever parks any vehicle within thirty (30) feet of any rural mailbox upon any State highway in this State between 8:00 a.m. and 3:00 p.m. shall be punished by a fine not exceeding thirty dollars ($30.00) or by imprisonment not exceeding thirty (30) days.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-297. Reserved.

Sec. 30-298. Establishment of State speed zones.

(1) Whenever the Department of Transportation determines, upon the basis of an engineering and traffic investigation, that any speed hereinbefore set forth in [Section 30-300](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-300UNSP)(2) or (3), is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of a highway outside of a municipality or upon any State roads connecting links or extensions thereof within a municipality, the Department of Transportation may determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at the intersection or other place or part of the highway.

(2) The Department of Transportation is authorized to set such maximum and minimum speed limits for travel over those roadways under its authority as it deems safe and advisable, not to exceed as a maximum limit seventy (70) miles per hour.

(3) Violation of the speed limits established pursuant to this section shall be punished as set forth in [Section 30-208](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-208PE)

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-299. Establishment of municipal and County speed zones.

(1) *Municipal speed.* The maximum speed within any municipality is thirty (30) miles per hour in the daytime or nighttime. Provided that a municipality may set speed zones altering such speed, both as to maximum and minimum, after investigation determines such a change is reasonable and in conformity to criteria promulgated by the Department of Transportation, except no changes shall be made on State highways, connecting links or extension thereof which shall be changed only by the Department of Transportation.

(2) *Speed on County roads.* The maximum speed on any County maintained road is: In any business or residence district, thirty (30) miles per hour in the daytime or nighttime; on any other part of a County road not a business or residence district, as set forth in [Section 30-300](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-300UNSP). Provided that the Board of County Commissioners may set speed zones altering such speeds, both as to maximum and minimum, after investigation determines such a change is reasonable and in conformity to criteria promulgated by the Department of Transportation, except that no such speed zone shall permit a speed of more than sixty-five (65) miles per hour.

(3) *Posting of speed limits.* All speed zones shall be posted with clearly legible signs. No change in speeds from thirty (30) miles per hour or from those established in [Section 30-300](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-300UNSP) shall take effect until the zone is posted by the authority changing the speed pursuant to this section and [Section 30-298](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-298ESSTSPZO). All signs which limit or establish speed limits, maximum and minimum, shall be so placed and so painted as to be plainly visible and legible in daylight or in darkness when illuminated by headlights.

(4) *Penalty.* Violation of the speed limits established pursuant to this section shall be punished as set forth in [Section 30-208](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-208PE)

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-300. Unlawful speed.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance or object on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) (a)  
On all highways except those provided for in paragraph (b), the maximum speed limits for motor vehicles of less than eight thousand (8,000) pounds and motor vehicles designed for carrying passengers shall be:

1. Thirty (30) miles per hour in business or residential districts.

2. Sixty-five (65) miles per hour during the daytime at other locations on the highway.

3. Sixty (60) miles per hour during the nighttime at other locations on the highway.

(b) On all highways which are outside of business and residential districts and which have at least four (4) lanes divided by a median strip at least twenty (20) feet wide and on all highways which comprise a part of the national system of interstate and defense highways, the maximum speed limits for motor vehicles of less than eight thousand (8,000) pounds and motor vehicles designed for carrying passengers shall be seventy (70) miles per hour during the daytime and sixty-five (65) miles per hour during the nighttime.

(c) The maximum speed limits for motor vehicles of more than eight thousand (8,000) pounds or any combination of vehicles, except as provided in paragraph (d), shall be:

1. Thirty (30) miles per hour in business or residential districts.

2. During daytime, sixty-five (65) miles per hour on highways provided for in paragraph (b) and sixty (60) miles per hour on other highways.

3. During nighttime, sixty (60) miles per hour on highways provided for in paragraph (b) and fifty-five (55) miles per hour on other highways.

(d) The maximum speed limit for motor vehicle towing house trailers shall be:

1. Thirty (30) miles per hour in business or residential districts.

2. During daytime, sixty (60) miles per hour on highways provided for in paragraph (b) and fifty-five (55) miles per hour on other highways.

3. During nighttime, fifty-five (55) miles per hour on highways provided for in paragraph (b) and fifty (50) miles per hour on other highways.

(e) The minimum speed on all highways which comprise a part of the national system of interstate and defense highways and having not less than four (4) lanes, shall be forty (40) miles per hour.

(3) No school bus shall exceed the maximum speed limit of fifty-five (55) miles per hour on highways which form a part of the national interstate system or on any expressway or limited access four-lane road or when involved in interCounty travel on highways outside of municipalities with respect to extracurricular activities authorized by the School Board, forty (40) miles per hour on the highways outside of municipalities of which are not a part of the national system of interstate highways, or twenty-five (25) miles per hour in any business or residential district.

(4) The driver of every vehicle shall, consistent with the requirements of subsection (1), drive at an appropriately reduced speed when:

(a) Approaching and crossing an intersection or railway grade crossing;

(b) Approaching and going around a curve;

(c) Approaching a hill crest;

(d) Traveling upon any narrow or winding roadway; and

(e) Any special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

(5) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.

(6) No person shall operate any motor-driven cycle at nighttime at a speed greater than thirty-five (35) miles per hour unless such motor-driven cycle is equipped with a headlamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred (300) feet ahead.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-301. Establishment of school speed zones, enforcement; designation.

(1) School zone speed limit shall be fifteen (15) miles per hour for all public and private schools, except high schools, which shall be individually studied for determination of appropriate speed limit, when designated by the appropriate traffic control devices as stipulated in Sections [30-301](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-301ESSCSPZOENDE)(2), (3), and (4) below. Such speed limit shall be in force only during those times thirty (30) minutes before and thirty (30) minutes after the times necessary and corresponding to the periods of time when pupils are arriving at and leaving regularly scheduled school sessions.

(2) Permanent signs designating school zones and school zone speed limits shall be uniform in size and color, and shall have the times during which the restrictive speed limit is enforced clearly designated thereon. The Department of Transportation shall establish adequate standards for the signs.

(3) Portable signs designating school zones and school zone speed limits shall be uniform in size and color. Such signs shall be erected on the roadway only during those hours when pupils are arriving at and leaving regularly scheduled school sessions. The Department of Transportation shall establish adequate standards for the signs.

(4) Nothing herein shall prohibit the use of automatic traffic control devices for the control of vehicular and pedestrian traffic at school crossings in lieu of permanent or portable school zone signs. The Department of Transportation shall establish standards for automatic flashing signals.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 88-63, § 1, 7-5-88)

Annotation—CAO 86-4.

Sec. 30-302. Special hazards.

The fact that the speed of a vehicle is lower than the prescribed limits shall not relieve the driver from the duty to be decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazards exist or may exist with respect to pedestrians or other traffic or by reason of weather or other roadway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-303. Racing on highways.

(1) No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.

(2) "Drag race" is defined as the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one (1) or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(3) "Racing" is defined as the use of one (1) or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(4) This section does not apply to licensed or duly authorized racetracks, drag strips or other designated areas set aside by property authorities for such purposes.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-304. Maximum width, height, length.

(1) The total outside width of any vehicle or the load thereon shall not exceed ninety-six (96) inches, except as otherwise provided in this chapter.

(2) No vehicle shall exceed a height of thirteen (13) feet six (6) inches, inclusive of load carried thereon.

(3) (a)  
No vehicle shall exceed a length of forty (40) feet extreme overall dimension, inclusive of front and rear bumpers, and load carried thereon; provided, that any vehicle in excess of thirty-five (35) feet, except buses, shall have not less than three (3) axles. No combination of vehicles coupled together shall consist of more than two (2) units and no such combination of vehicles shall exceed a total length of fifty-five (55) feet, inclusive of load carried thereon; provided, that automobile tow-away or drive-away operations, transporting new or used trucks may use what is known to the trade as saddle mounts, provided the overall length shall not exceed fifty-five (55) feet and in no instance may more than two (2) saddle mounts be towed.

Provided, combinations of vehicles up to five (5) in number will be authorized for the sole purpose of collecting refuse and transporting same to the dump by vehicles and combinations of vehicles provided that such vehicles or combination of vehicles shall be covered in such manner that refuse transported therein shall not spill from the vehicle, where they otherwise comply with the provisions of this law and only use the State roads to the extent necessary to collect and dispose of refuse.

(b) Tour trains and similar operations which have been continuously conducted for one hundred twenty (120) days prior to the date this act becomes law shall also be authorized hereunder, subject to the length and other restrictions imposed by law, not in conflict with the provisions of this act.

(4) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three (3) feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a bumper.

(5) The length limitation imposed by this section shall not apply to fire apparatus, to vehicles operated in the daytime when transporting poles, pipes, machinery or other objects of a structural nature which cannot readily be dismembered, nor to such vehicles transporting such objects operated at night by a public utility when required for emergency repair of public service facilities or properties, when operated under special permit as hereinafter provided for, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-305. Projecting loads on passenger vehicles.

No passenger type vehicle shall be operated on any highway with any load carried thereon extending beyond the fenders on the left side of the vehicle or extending more than six (6) inches beyond the line of the fenders on the right side thereof.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-306. Loads on vehicles.

(1) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-307. Maximum weights.

(1) The gross weight imposed on the highway by the wheels of any one (1) axle of a vehicle shall not exceed twenty thousand (20,000) pounds.

(2) For the purposes of this chapter, an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two (2) parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle.

(3) Subject to the limit upon the weight imposed upon the highways through any one (1) axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the following table:

|  |  |
| --- | --- |
| *Distance in feet between first and last axles of vehicles or combination of vehicles* | *Maximum load in pounds on all the axles* |
| 4 | 40,000 |
| 5 | 40,000 |
| 6 | 40,000 |
| 7 | 40,000 |
| 8 | 40,000 |
| 9 | 44,140 |
| 10 | 44,980 |
| 11 | 45,810 |
| 12 | 46,640 |
| 13 | 47,480 |
| 14 | 48,310 |
| 15 | 49,150 |
| 16 | 49,980 |
| 17 | 50,810 |
| 18 | 51,640 |
| 19 | 52,480 |
| 20 | 53,310 |
| 21 | 54,140 |
| 22 | 54,980 |
| 23 | 55,810 |
| 24 | 56,640 |
| 25 | 57,470 |
| 26 | 58,310 |
| [27](../level2/PTIIICOOR_CH27SWPOPU.docx#PTIIICOOR_CH27SWPOPU) | 59,140 |
| 28 | 59,970 |
| [29](../level2/PTIIICOOR_CH29TA.docx#PTIIICOOR_CH29TA) | 60,810 |
| 30 | 61,640 |
| [31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI) | 62,470 |
| 32 | 63,310 |
| 33 | 64,140 |
| 34 | 64,970 |
| 35 | 65,800 |
| 36 | 66,610 |

(4) Except as hereinafter provided, no vehicle or combination of vehicles exceeding the gross weights specified in subsection (3) shall be permitted to travel on the public highways within the County.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-308. Weight and load unlawful; inspection; penalty; review.

(1) Any officer or agent of the Department of Highway Safety and Motor Vehicles or the Florida Public Service Commission having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest public scales, provided such public scales are within two (2) miles.

(2) Whenever an officer upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon, and if overloaded the amount of penalty to be assessed as provided herein; provided, however, that any and all gross weight over and beyond six thousand (6,000) pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator; provided that for enforcement purposes all scaled weights of the gross or axle weight of vehicles and combinations of vehicles shall be deemed to be not closer than ten (10) percent to the true gross weight; provided further, however, that if the driver of any vehicle can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of this chapter.

(3) Any person who violates the overloading provisions of this chapter shall be conclusively presumed to have damaged the highways of this State by reason of such overloading, which damage is hereby fixed as follows:

(a) When the excess weight is one hundred (100) pounds or less than the maximum herein provided, the penalty shall be five dollars ($5.00);

(b) Five cents ($0.05) per pound for each pound of weight in excess of the maximum herein provided when the excess weight exceeds one hundred (100) pounds; provided, however, that whenever the gross weight of the vehicle or combination of vehicles does not exceed the maximum allowable gross weight, the maximum fine for the first one thousand (1,000) pounds of unlawful axle weight shall be ten dollars ($10.00).

(4) Whenever any person violates the provisions of this chapter and becomes indebted to the State because of such violation in the amounts aforesaid and refuses to pay said penalty, such penalty shall become a lien upon the overloaded motor vehicle, and the same may be foreclosed by the State in a court of equity. It shall be presumed that the owner of the overloaded motor vehicle is liable for the sum, provided that any person, firm or corporation claiming an interest in the seized motor vehicle may at any time after the State's lien attaches to the motor vehicle obtain possession of the seized vehicle by filing a good and sufficient forthcoming bond with the officer having possession of the vehicle, payable to the Governor of the State in twice the amount of the State's lien, with a corporate surety duly authorized to transact business in this State as surety, conditioned to have the motor vehicle or combination of vehicles forthcoming to abide the result of any suit for the foreclosure of said lien. It shall be presumed that the owner of the overloaded motor vehicle is liable for the penalty imposed under this section. Upon the posting of such bond with the officer making the seizure, the vehicle shall be released and the bond shall be forwarded to the Department of Transportation for safekeeping. The lien of the State against the motor vehicle aforesaid shall be foreclosed in equity and the ordinary rules of court relative to proceedings in equity shall control. If it appears that the seized vehicle has been released to the defendant upon his forthcoming bond, the State shall take judgment of foreclosure against the property itself, and judgment against the defendant and the sureties on the bond for the amount of the lien including cost of proceedings. After the rendition of the decree, the State may, at its option, proceed to sue out execution against the defendant and his sureties for the amount recovered as aforesaid or direct the sale of the vehicle under foreclosure.

(5) Any officer collecting the penalty herein imposed shall give to the owner or driver of the overloaded vehicle an official receipt for all penalties collected. Such officers or agents of the State departments shall cooperate with the owners or drivers of motor vehicles so as not to unduly delay the vehicles. All penalties imposed and collected under this section by any State agency having jurisdiction, shall be paid to the Treasurer of the State, who shall credit the total amount thereof to the State roads trust fund which shall be used to repair and maintain the roads of this State, and to enforce this chapter, relating to weights of vehicles.

(6) There is hereby created a Board of Review consisting of the Secretary of the Department of Transportation, the Chairman of the Public Service Commission, the Director of the Division of Motor Vehicles, and the Director of the Division of Highway Patrol, or their authorized representatives, which may review any penalty imposed upon any vehicle or person under the provisions of this chapter, relating to weights imposed on the highways by the axles and wheels of motor vehicles.

(7) Any person aggrieved by the imposition of a civil penalty pursuant to this section may apply to the Review Board for a modification, cancellation, or revocation of the penalty, and the Review Board is authorized to modify, cancel, revoke or sustain such penalty.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-309. Reregistration of certain motor vehicles not conforming with Section 30-307.

Any motor vehicles or combination of vehicles which conformed to the requirements of motor vehicle laws relative to weights and sizes prior to the enactment of Chapter 25342, Laws of Florida, 1949, which are now registered and continue to reregister yearly for operation in this State, and due to their peculiar construction and design may not, in the opinion of the Department, be made to conform to the axle spacing requirements of Section 30-199 without excessive expenses may be continued in operation for the life of the vehicle, subject to all safety and operational requirements of law, without being made to conform to the axle spacing requirements of [Section 30-307](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-307MAWE) provided that such vehicles or combination of vehicles shall be limited to a total gross load, including weight of vehicle, of twenty thousand (20,000) pounds per axle plus scale tolerances and shall not exceed five hundred fifty (550) pounds per inch width tire surface. Such vehicles equipped with more than three (3) axles shall not exceed a gross weight, including the weight of the vehicle and scale tolerances of seventy thousand (70,000) pounds provided such gross weight shall not exceed twenty thousand (20,000) pounds per axle and five hundred fifty (550) pounds per inch width of tire surface plus scale tolerances. Such reregistration may be made only by the Department and shall show that the license is a specially issued one. Dump trucks, concrete mixing trucks, fuel oil and gasoline trucks designed and constructed for special type work or use need not be registered as required herein, but shall meet the requirements of this section as to load limits. Any vehicle violating the weight provisions of this section shall be penalized as provided in [Section 30-308](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-308WELOUNINPERE).

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-310. Weight, load, speed limits may be lowered; condition precedent.

Anything in this chapter to the contrary notwithstanding, the Department of Transportation with respect to highways under their jurisdiction, may prescribe, by notice hereinafter provided for, loads and weights and speed limits lower than the limits prescribed in this chapter and other laws, whenever in its or their judgment any road or part thereof, or any bridge or culvert shall, by reason of its design, deterioration, rain or other climatic or natural causes be liable to be damaged or destroyed by motor vehicles, trailers or semitrailers, if the gross weight or speed limit thereof shall exceed the limits prescribed in said notice. The Department of Transportation or local authority may, by like notice, regulate or prohibit, in whole or in part, the operation of any specified class or size of motor vehicles, trailers or semitrailers on any highways or specified parts thereof under its or their jurisdiction, whenever in its or their judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on the highways, or parts thereof, by reason of traffic density, intensive use thereof by the traveling public, or other reasons of public safety and convenience. The notice or the substance thereof shall be posted at conspicuous places at terminals of all intermediate crossroads and road junctions with the section of highway to which the notice shall apply. After any such notice has been posted, the operation of any motor vehicle or combination contrary to its provisions shall constitute a violation of this chapter, provided, that no limitation shall be established by any County, municipal or other local authorities pursuant to the provisions of this section that would interfere with or interrupt as authorized hereunder over State roads, including officially established detours for such highways, including cases where such traffic passes over roads, streets or thoroughfares within the sole jurisdiction of the County, municipal or other local authorities unless such limitations and further restrictions have first been approved by the Department of Transportation; provided further that, with respect to County roads, except such as are in use as State road detours, the respective County road authorities shall have full power and authority to further limit the weights of vehicles upon bridges and culverts upon such public notice as they deem sufficient, and existing laws applicable thereto shall not be affected by the terms of this chapter.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-310.1. Maximum height, length and width of vehicles; projecting loads.

(a) No person shall drive, move, stop or park, and no owner shall cause or knowingly permit to be driven, moved, stopped or parked on any street of this County and vehicle or vehicles of a size or weight or gross loaded weight exceeding the maximum limitations specified in the laws of the State as to such size, weight, or gross loaded weight unless such person or owner is authorized to drive, stop, park such vehicle of a size or weight exceeding the maximum by special permit of the Department of Transportation on State highways as provided by the laws of the State, or by special permit issued by the Director, Public Works Department, as provided in subsection (e).

The provisions of this section shall not apply to fire apparatus, road machinery or to implements of husbandry temporarily moved upon a street.

(b) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles shall not extend beyond the front wheels of such vehicle or the headlamp lenses of such vehicle, provided that the part of any load projecting ahead of the rear of the cab, or driver's compartment shall be so loaded as not to obscure the vision of the driver to the front or either side.

(c) Whenever the load upon any vehicle or any projection on any vehicle extends to the rear four (4) feet or more, beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load or projection at the times specified in [Section 30-310.2](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-310.2WHLILAARRE), red light or lantern plainly visible from a distance of at least five hundred (500) feet to the sides and the rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen (16) inches square.

(d) In no event shall a load project for a distance of more than ten (10) feet from the rear of the vehicle except as hereinafter permitted.

(e) The Director, Public Works Department, is authorized to permit the movement of vehicles having a greater width, height, length or having a load of greater length as hereinabove specified in this section upon application to his office for such special permission.

(f) Schedule of permit fees for the movement of oversize and overweight vehicles. The Miami-Dade County Public Works Department shall charge and collect permit fees for the movement of oversize and overweight vehicles and fees for equipment and personnel at the rates established by separate administrative order which shall not become effective until approved by the Board of County Commissioners.

(g) Reserved.

(h) Agencies of federal, State, County and municipal governments may obtain permits for movement of oversize/overweight vehicles without paying the fees set forth in subsection (f). Nongovernmental firms or individuals doing work for such governmental agencies may obtain trip permits for the movement of oversize/overweight vehicles without paying the fees set forth in subsection (f) if the movement for which the permit is sought is part of the work being done by the nongovernmental firm or individual for the governmental agency. The Director, Public Works Department, shall, through standard procedures established by him for that purpose, determine the existence or nonexistence of facts entitling a permittee to the fee exemption provided by this subsection.

(i) The permittee shall be responsible for the repair of any damage to property resulting from the move. Upon notification from the Public Works Department, the permittee shall make arrangements for the expeditious repair of such damage. In case the permittee fails to repair the damage within fifteen (15) days, the County shall make such repairs and the permittee shall be liable for all costs incurred. No permit shall be issued for any person or firm who has failed to make the required repairs or who has failed to reimburse the County for such repairs until such repairs or reimbursements are made.

(j) All moving contractors requesting permits for the movement of any load exceeding the limits established by this section or by other sections of the Code of Miami-Dade County shall maintain at all times with an insurance company authorized to do business in the State of Florida, the limits of insurance required by any applicable law or authority having jurisdiction, but no less than bodily injury liability insurance in the minimum amounts of fifty thousand dollars ($50,000) for one (1) person and one hundred thousand dollars ($100,000.00) for more than one (1) person in any one (1) accident, and property damage insurance in the minimum amount of five thousand dollars ($5,000.00) for any one (1) accident including damage to public rights-of-way. Certificates signed by a qualified agent of the insurer shall be filed with the Public Works Department showing the type of policy issued, the policy number, name of the insurer, amount and effective date of the policy and any other pertinent information requested by the County.

(k) All proceeds collected by the Public Works Department under terms of this section shall be forthwith transmitted to the Director, Finance Department, who shall deposit said proceeds in the general fund.

(l) The Director, Public Works Department, shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration of the provisions of this section.

(Ord. No. 72-25, § 1, 5-2-72; Ord. No. 85-18, § 1, 4-2-85)

**Editor's note—**

Ord. No. 85-18 repealed subsections (f) and (g) and added back a new subsection (f). The editor has deleted references in subsection (h) to the now-repealed subsection (g).

Sec. 30-310.2. When lighted lamps are required.

Every vehicle upon a highway or street within this County, at any time from a half hour after sunset to half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway or street at a distance of five hundred (500) feet ahead, shall display lighted lamps and illuminating devices meeting the requirements of the laws of the State subject to exceptions with respect to parked vehicles as hereinafter stated.

(Ord. No. 72-25, § 1, 5-2-72)

Sec. 30-311. Damage to highways; liability of driver and owner.

Any person driving or moving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damages which the highway or structure may sustain as a result of any illegal operating, driving or moving of such vehicles, object, or contrivance, whether or not such damage is a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weights as provided in this act but authorized by special permit issued pursuant to [Section 30-203](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-203APCH). Whenever the driver is not the owner of the vehicle, object or contrivance but is so operating, driving or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage. Such damage may be recovered in any civil action brought by the authorities in control of the highway or highway structure.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-312. Emergency transportation, perishable foods; establishment of weight loads, etc.

(1) The Governor may declare an emergency to exist when there is a breakdown in the normal public transportation facilities necessary in moving perishable food crops grown in the State. The Department of Transportation is authorized during such emergency to establish such weight loads for hauling over the highways from the fields or packinghouses to the nearest available public transportation facility as circumstances demand. The Department of Transportation shall designate special highway routes, excluding the interstate highway system, to facilitate the trucking and render any other assistance needed to expedite moving the perishables.

(2) It is the intent of the Commission in this chapter to supersede any existing laws when necessary to protect and save any perishable food crops grown in the State and give authority for agencies to provide necessary temporary assistance requested during any such emergency.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-313. Towing requirements.

(1) When one (1) vehicle is towing another vehicle the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and said drawbar or other connection shall not exceed fifteen (15) feet from one (1) vehicle to the other except the connection between any two (2) vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered. When one (1) vehicle is towing another vehicle and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve (12) inches square.

(2) When a vehicle is towing a trailer or semitrailer on a public road or highway by means of a trailer hitch attached to the rear of the vehicle there shall be attached in addition thereto safety chains from the trailer or semitrailer to the vehicle. These safety chains shall be of sufficient strength to maintain connection of the trailer or semitrailer to the pulling vehicle under all conditions while the trailer or semitrailer is being towed by the vehicle. The provisions of this subsection shall not apply to trailers or semitrailers using a hitch known as a fifth-wheel nor to farm equipment traveling less than twenty (20) miles per hour.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-314. Exceeding weight and length; penalties.

It is a violation of this chapter for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this State. Local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this chapter.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-315. Windshields required to be unobstructed, fixed upright and equipped with safety glass and wipers.

(1) Front windshields in a fixed and upright position equipped with safety glass as defined in and required by Section 320.062, Florida Statutes, are required on all motor vehicles which are driven on public highways, roads or streets except motorcycles and implements of husbandry, and no person shall drive any motor vehicle with any sign or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle, other than a certificate or other paper required to be so displayed by law.

(2) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(3) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-316. Authority of Department with reference to lighting devices.

(1) The Department is authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, adjustment and aiming, and adjustment when in use on motor vehicles. Such regulations shall correlate with standards and specifications of the Society of Automotive Engineers applicable to such equipment.

(2) The Department is required to approve or disapprove any lighting device of a type on which approval is specifically required in this chapter within a reasonable time after such device has been submitted.

(3) The Department is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

(4) The Department, upon approving any such lamp or device, shall issue to the applicant a certificate of approval together with any instructions determined by it.

(5) The Department shall publish lists of all lamps and devices by name and type which have been approved by it.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-317. When lighted lamps are required.

(1) Every vehicle upon a highway within this State at any time from sunset to sunrise, or during fog, smoke, or rain, or at any other time, when due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices.

(2) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible, said provisions shall apply during the times stated in subsection (1) in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(3) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when the vehicle is without a load.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-318. Number of driving lamps required or permitted.

(1) At all times specified in [Section 30-317](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-317WHLILAARRE), at least two (2) lighted lamps shall be displayed, one (1) on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(2) Whenever a motor vehicle equipped with head lamps, as herein required, is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one (1) time when upon a highway.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-319. Motor vehicles; minimum head lamp requirement.

Any motor vehicle may be operated at nighttime under the conditions specified in Sections [30-337](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-337MUBEROLIEQ) and [30-339](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-339SIBEROLIEQ), when equipped with two (2) lighted lamps upon the front thereof capable of revealing persons and objects one hundred (100) feet ahead in lieu of maps required in Sections [30-337](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-337MUBEROLIEQ) and [30-339](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-339SIBEROLIEQ); provided, that at no time when lighted lamps are required shall such motor vehicle be operated in excess of twenty (20) miles per hour.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-320. Head lamps on motor vehicles.

(1) Every motor vehicle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter, and shall show a white light.

(2) Every head lamp upon every motor vehicle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-four (24) inches to be measured as set forth in [Section 30-317](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-317WHLILAARRE)

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-321. Tail lamps.

(1) Every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two (2) tail lamps mounted on the rear, which, when lighted as required in [Section 30-317](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-317WHLILAARRE) shall emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear, except that passenger cars manufactured or assembled prior to January 1, 1972, shall have at least one (1) tail lamp. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one (1) tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(2) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-322. Stop lamps and turn signals.

(1) Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two (2) or more stop lamps meeting the requirements of [Section 30-334](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-334SILASIDE)(1). Motor vehicles, trailers, semitrailers and pole trailers manufactured or assembled prior to January 1, 1972 shall be equipped with at least one (1) stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in [Section 30-334](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-334SILASIDE)(1).

(2) Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of [Section 30-334](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-334SILASIDE)(2).

(3) Passenger cars and trucks less than eighty (80) inches in width, manufactured or assembled prior to January 1, 1972 need not be equipped with electric turn signal lamps.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-323. Certain lights prohibited; exceptions.

(1) No person shall drive or move or cause to be moved any vehicle or equipment upon any highway within this State with any lamp or device thereon showing or displaying a red or blue light visible from directly in front thereof except for certain vehicles hereinafter provided.

(2) It is expressly prohibited for any vehicle or equipment, except police vehicles, to show or display blue lights.

(3) Vehicles of the fire department, fire patrol, including vehicles of volunteer firemen as permitted under [Section 30-376](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-376DIUSRELIMOVEVOFI) and ambulances as authorized under this chapter are permitted to show or display red lights. Wreckers, mosquito control fog and spray vehicles, emergency vehicles of governmental departments or public service corporations may show or display amber lights when in actual operation or a hazard exists provided they are not used going to and from the scene of operation or hazard without specific authorization of a law enforcement officer or law enforcement agency. Further, escort vehicles will be permitted to show or display amber lights when in actual process of escorting over-dimensioned equipment, material, or buildings as authorized by law. School buses may show and display lights as provided in Chapter 234, F.S.

(4) Road or street maintenance equipment, road or street maintenance vehicles, road service vehicles and mail carrier vehicles may show or display amber lights when in operation or a hazard exists.

(5) All lighting equipment heretofore referred to shall meet all requirements as set forth in [Section 30-341](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-341SEUSLAEQ)

(6) Flashing lights are prohibited on vehicles except as a means of indicating a right or left turn, or to change lanes, or to indicate the vehicle is lawfully stopped or disabled upon the highway, or except that the lamps authorized in subsections (1), (2), (3) and (4) shall be permitted to flash.

(7) Subsection (1) shall not apply to police, fire, or authorized emergency vehicles while in performance of their necessary duties.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-324. Color of clearance lamps, identification lamps, side marker lamps, backup lamps, and reflectors.

(1) Front clearance lamps, identification lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(2) Rear clearance lamps, identification lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a backup lamp shall be white or amber.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-325. Mounting of reflectors, clearance lamps and side marker lamps.

(1) Reflectors when required by [Section 30-362](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-362ADEQRECEVE) shall be mounted at a height not less than twenty-four (24) inches and not more than sixty (60) inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four (24) inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

(a) The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

(b) Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(2) Clearance lamps shall, so far as is practicable, be mounted on the permanent structure of the vehicle in such a manner as to indicate the extreme height and width of the vehicle. Provided, that when rear identification lamps are required and are mounted as high as practicable, rear clearance lamps may be mounted at optional height and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as near as practicable, the extreme width of the trailer. Clearance lamps on truck tractors shall be located so as to indicate the extreme width of the truck tractor cab. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-326. Visibility requirements for reflectors, clearance lamps, identification lamps and marker lamps.

(1) Every reflector upon any vehicle referred to in [Section 30-362](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-362ADEQRECEVE) shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred (600) feet to one hundred (100) feet from the vehicle when directly in front of lawful lower beams of head lamps except that the visibility for reflectors on vehicles manufactured or assembled prior to January 1, 1972, shall be measured in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(2) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred (500) and fifty (50) feet from the front and rear, respectively, of the vehicle.

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred (500) and fifty (50) feet from the side of the vehicle on which mounted.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-327. Obstructed lights not required.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rear-most vehicle of any combination shall be lighted.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-328. Lamps or flags on projecting load.

Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in [Section 30-317](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-317WHLILAARRE), two (2) red lamps visible from a distance of at least five hundred (500) feet to the rear, two (2) red reflectors visible at night from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful lower beams of head lamps and located so as to indicate maximum width, and on each side one (1) red lamps visible from a distance of at least five hundred (500) feet to the side and located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four (4) feet beyond its rear, red flags, not less than twelve (12) inches square, marking the extremities of such load, at each point where a lamp would otherwise be required by this section.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-329. Lamps on parked vehicles.

(1) Every vehicle shall be equipped with one (1) or more lamps which, when lighted, shall display a white or amber light visible from a distance of one thousand (1,000) feet to the front of the vehicle, and a red light visible from a distance of one thousand (1,000) feet to the rear of the vehicle. The location of the lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

(2) Whenever a vehicle is lawfully parked upon a street or highway during or between sunset and sunrise and in the event there is sufficient light to reveal persons and vehicles within a distance of one thousand (1,000) feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(3) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto outside of a municipality, whether attended or unattended, during the hours between sunset and sunrise and there is insufficient light to reveal any person or object within a distance of one thousand (1,000) feet upon such highway, the vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (1).

(4) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-330. Display of warning lights and devices when vehicle is stopped or disabled.

(1) Whenever any truck, bus, truck tractor, trailer, semitrailer or pole trailer eighty (80) inches or more in overall width or thirty (30) feet or more in overall length is stopped upon a roadway or adjacent shoulder, the driver shall immediately actuate vehicular hazard warning signal lamps meeting the requirements of this chapter. Such lights need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic control device, or while the devices specified in subsections (2) through (8) are in place.

(2) Whenever any vehicle of a type referred to in subsection (1) is disabled, or stopped for more than ten (10) minutes, upon a roadway outside of an urban district at any time when lighted lamps are required, the driver of such vehicle shall display the following warning devices except as provided in subsection (3):

(a) A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon thereafter as possible but in any event within the burning period of the fusee (fifteen (15) minutes), the driver shall place three (3) liquid-burning flares (pot torches), or three (3) lighted red electric lanterns, or three (3) portable red emergency reflectors on the roadway in the following order:

1. One (1) approximately one hundred (100) feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

2. One (1) approximately one hundred (100) feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

3. One (1) at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (1) of this subsection, it may be used for this purpose.

(3) Whenever any vehicle referred to in this section is disabled, or stopped for more than ten (10) minutes within five hundred (500) feet of a curve, hillcrest or other obstruction to view, the warning device in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.

(4) Whenever any vehicle of a type referred to in this section is disabled, or stopped for more than ten (10) minutes, upon any roadway of a divided highway during the time lighted lamps are required, the appropriate warning devices prescribed in subsections (2) and (5) shall be placed as follows:

(a) One (1) at a distance of approximately two hundred (200) feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane.

(b) One (1) at a distance of approximately one hundred (100) feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane.

(c) One (1) at the traffic side of the vehicle and approximately ten (10) feet from the vehicle in the direction of the nearest approaching traffic.

(5) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled, or stopped for more than ten (10) minutes, at any time and place mentioned in subsections (2), (3) or (4), the driver of such vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified therein. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(6) The warning devices described in subsections (2) through (5) need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of one thousand (1,000) feet.

(7) Whenever any vehicle described in this section is disabled, or stopped for more than ten (10) minutes, upon a roadway outside of an urban district or upon the roadway of a divided highway at any time when lighted lamps are not required by [Section 30-317](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-317WHLILAARRE), the driver of the vehicle shall display two (2) red flags as follows:

(a) If traffic on the roadway moves in two (2) directions, one (1) flag shall be placed approximately one hundred (100) feet to the rear and one (1) flag approximately one hundred (100) feet in advance of the vehicle in the center of the lane occupied by such vehicle.

(b) Upon a one (1) way roadway, one (1) flag shall be placed approximately one hundred (100) feet and one (1) flag approximately two hundred (200) feet to the rear of the vehicle in the center of the lane occupied by such vehicle.

(8) When any vehicle described in this section is stopped entirely off the roadway and on an adjacent shoulder at any time and place hereinbefore mentioned, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.

(9) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in his section shall conform with the requirements of this act applicable thereto.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-331. Lamps on other vehicles and equipment.

Every vehicle, including animal-drawn vehicles and vehicles referred to in [Section 30-223](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-223SCEFRE)(3), not specifically required by the provisions of this section to be equipped with lamps or other lighting devices, shall at all times specified in [Section 30-317](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-317WHLILAARRE) be equipped with at least one (1) lamp displaying a white light visible from a distance of not less than one thousand (1,000) feet to the front of said vehicle, and shall also be equipped with two (2) lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of the vehicle, or as an alternative, one (1) lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two (2) red reflectors visible from all distances of six hundred (600) to one hundred (100) feet to the rear when illuminated by the lawful lower beams of head lamps.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-332. Lamps, reflectors and emblems on farm tractors, farm equipment and implements of husbandry.

(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1972 shall be equipped with vehicular hazard warning lights visible from a distance of not less than one thousand (1,000) feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(2) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1972, shall at all times, and every other such motor vehicle shall at all times mentioned in [Section 30-317](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-317WHLILAARRE) be equipped with lamps and reflectors as follows:

(a) At least two (2) head lamps meeting the requirements of Sections [30-337](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-337MUBEROLIEQ) and [30-339](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-339SIBEROLIEQ)

(b) At least one (1) red lamp visible when lighted from a distance of not less than one thousand (1,000) feet to the rear mounted as far to the left of the center of the vehicle as practicable.

(c) At least two (2) red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful lower beams of head lamps.

(3) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in [Section 30-317](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-317WHLILAARRE) be equipped with lamps and reflectors as follows:

(a) The farm tractor shall be equipped as required in subsections (1) and (2).

(b) If the towed unit or its load extends more than four (4) feet to the rear of the tractor or obscures any light thereon, the unit shall be equipped on the rear with at least two (2) red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful lower beams of head lamps.

(c) If the towed unit of such combination extends more than four (4) feet to the left of the center line of the tractor, the unit shall be equipped on the front with an amber reflector visible from all distances within six hundred (600) feet to one hundred (100) feet to the front when directly in front of lawful lower beams of head lamps. This reflector shall be so positioned to indicate, as practicable, the extreme left projection of the towed unit.

(4) The two (2) red reflectors required in the foregoing subsections shall be so positioned as to show from the rear, as nearly as practicable, the extreme width of the vehicle or combination carrying them. Provided that all other requirements are met, reflective tape or paint may be used in lieu of the reflectors required by subsection (3).

(5) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of twenty-five (25) miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (6).

(6) Every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of twenty-five (25) miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(a) Where the towed unit or any load thereon obscures the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem.

(b) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit or its load, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(c) The emblem required by subsections (5) and (6) shall comply with current standards and specifications of the American Society of Agricultural Engineers approved by the Department.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-333. Spot lamps and auxiliary lamps.

(1) *Spot lamps.* Any motor vehicle may be equipped with not to exceed two (2) spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high intensity portion of the beam will strike the windshield, or any window, mirror, or occupant of another vehicle in use.

(2) *Fog lamps.* Any motor vehicle may be equipped with not to exceed two (2) fog lamps mounted on the front at a height not less than twelve (12) inches nor more than thirty (30) inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of four (4) inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in [Section 30-337](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-337MUBEROLIEQ)(1)(b).

(3) *Auxiliary passing lamps.* Any motor vehicle may be equipped with not to exceed two (2) auxiliary passing lamps mounted on the front at a height not less than twenty-four (24) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The provisions of [Section 30-337](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-337MUBEROLIEQ) shall apply to any combination of head lamps and auxiliary passing lamps.

(4) *Auxiliary driving lamps.* Any motor vehicle may be equipped with not to exceed two (2) auxiliary driving lamps mounted on the front at a height not less than sixteen (16) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The provisions of [Section 30-337](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-337MUBEROLIEQ) shall apply to any combination of head lamps and auxiliary driving lamps.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-334. Signal lamps and signal devices.

(1) Any vehicle may be equipped and, when required under this act, shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, visible from a distance of not less than three hundred (300) feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one (1) or more other rear lamps.

(2) Any vehicle may be equipped and, when required under [Section 30-322](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-322STLATUSI)(2), shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber light. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light. Turn signal lamps on vehicles eighty (80) inches or more in overall width shall be visible from a distance of not less than five hundred (500) feet to the front and rear in normal sunlight. Turn signal lamps on vehicles less than eighty (80) inches wide shall be visible at a distance of not less than three hundred (300) feet to the front and rear in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-335. Additional lighting equipment.

(1) Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one (1) or more backup lamps either separately or in combination with other lamps, but any such backup lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle eighty (80) inches or more in overall width, if not otherwise required by [Section 30-362](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-362ADEQRECEVE), may be equipped with not more than three (3) identification lamps showing to the front which shall emit an amber light without glare and not more than three (3) identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in this chapter.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-336. Requirements for use of lower beam.

The lower or passing beam shall be used at all times during the twilight hours in the morning, the twilight hours in the evening and during fog, smoke and rain. Twilight shall mean the time between sunset and full night or between full night and sunrise.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-337. Multiple beam road lighting equipment.

(1) Except as hereinafter provided, the head lamps or other auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least four hundred fifty (450) feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred fifty (150) feet ahead; and on a straight level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of any approaching driver.

(2) Every new motor vehicle registered in this State shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-338. Use of multiple beam road lighting equipment.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in [Section 30-317](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-317WHLILAARRE) the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(1) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in Sections [30-337](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-337MUBEROLIEQ)(1)(b) and [30-348](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-348MUBEROLIEQ)(2)(b) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(2) Whenever the driver of a vehicle approaches another vehicle from the rear, within three hundred (300) feet, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in Sections [30-337](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-337MUBEROLIEQ)(1)(a) and [30-348](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-348MUBEROLIEQ)(2)(a).

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-339. Single beam road lighting equipment.

Head lamp systems which provide only a single distribution of light shall be permitted on all farm tractors regardless of date of manufacture, and on other motor vehicles manufactured and sold prior to the effective date of this act in lieu of multiple beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations.

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall, at a distance of twenty-five (25) feet ahead, project higher than a level of five (5) inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-340. Standards for lights on highway maintenance and service equipment.

(1) The Department of Transportation shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on highway maintenance and service equipment when operated on State roads and County road system of this State in lieu of the lamps otherwise require on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and as far as possible, conform with those approved by the American Association of State Highway Officials.

(2) It is unlawful to operate any highway maintenance and service equipment on any highway as described heretofore unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-341. Selling or using lamps or equipment.

(1) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer, or pole trailer or use upon any such vehicle any head lamp, auxiliary or fog lamp, rear lamp, signal lamp or reflector, which reflector is required hereunder, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the Department and approved. The foregoing provisions of this section shall not apply to equipment in actual use when this section is adopted or replacement parts therefor.

(2) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer or pole trailer any lamp or device mentioned in this section which has been approved by the Department unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(3) No person shall use upon any motor vehicle, trailer, semitrailer or pole trailer any lamps mentioned in this section unless said lamps are mounted, adjusted and aimed in accordance with instructions of the Department.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-342. Revocation of certificate of approval on lighting devices.

(1) When the Department has reason to believe that an approved lighting device as being sold commercially does not comply with the requirements of this chapter, it may, after giving thirty (30) days' previous notice to the person holding the certificate of approval for such device in this State, conduct a hearing upon the question of compliance of the approved device. After the hearing the Department shall determine whether the approved device meets the requirements of this chapter. If the device does not meet the requirements of this chapter it shall give notice to the person holding the certificate of approval for such device in this State.

(2) If at the expiration of ninety (90) days after such notice the person holding the certificate of approval for the device has failed to satisfy the Department that the approved device as thereafter to be sold meets the requirements of this chapter, the Department shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The Department may at the time of the retest purchase in the open market and submit to the testing agency one (1) or more sets of such approved devices, and if the device upon retest fails to meet the requirements of this chapter, the Department may refuse to renew the certificate of approval of such device.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-343. Head lamps.

(1) Every motorcycle and every motor-driven cycle shall be equipped with at least one (1) and not more than two (2) head lamps which shall comply with the requirements and limitations of this chapter.

(2) Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-four (24) inches to be measured as set forth in [Section 30-317](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-317WHLILAARRE)(c).

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-344. Tail lamps.

(1) Every motorcycle and motor-driven cycle shall have at least one (1) tail lamp which shall be located at a height of not more than seventy-two (72) nor less than twenty (20) inches.

(2) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-345. Reflectors.

Every motorcycle and motor-driven cycle shall carry on the rear, either as part of the tail lamp or separately, at least one (1) red reflector.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-346. Stop lamps.

Every motorcycle and motor-driven cycle shall be equipped with at least one (1) stop lamp meeting the requirements of [Section 30-334](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-334SILASIDE)(1).

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-347. Lamps on parked vehicles.

(1) Every motorcycle must comply with the provisions of [Section 30-329](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-329LAPAVE) regarding lamps on parked vehicles and the use thereof.

(2) Motor-driven cycles need not be equipped with parking lamps or otherwise comply with the provisions of [Section 30-329](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-329LAPAVE)

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-348. Multiple beam road lighting equipment.

(1) Every motorcycle other than a motor-driven cycle shall be equipped with multiple beam road lighting equipment.

(2) Such equipment shall:

(a) Reveal persons and vehicles at a distance of at least three hundred (300) feet ahead when the uppermost distribution of light is selected.

(b) Reveal persons and vehicles at a distance of at least one hundred fifty (150) feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-349. Lighting equipment for motor-driven cycles.

The head lamp or head lamps upon every motor-driven cycle may be of the single beam or multiple beam type but in either event shall comply with the requirements and limitations as follows:

(1) Every such head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal persons and vehicles at a distance of not less than one hundred (100) feet when the motor-driven cycle is operated at any speed less than twenty-five (25) miles per hour, and at a distance of not less than two hundred (200) feet when the motor-driven cycle is operated at a speed of twenty-five (25) or more miles per hour, and at a distance of not less than three hundred (300) feet when the motor-driven cycle is operated at a speed of thirty-five (35) miles per hour.

(2) In the event the motor-driven cycle is equipped with a multiple beam head lamp or head lamps, such equipment shall comply with the requirements of [Section 30-348](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-348MUBEROLIEQ)(2).

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-350. Reserved.

Sec. 30-351. Brake equipment required.

Every motor vehicle, trailer, semitrailer and pole trailer, and any combination of such vehicles operating upon a highway within this County shall be equipped with brakes in compliance with the requirements of this chapter.

(1) *Service brakes; adequacy.* Every such vehicle and combination of vehicles, except special mobile equipment not designed to carry persons, shall be equipped with service brakes adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(2) *Parking brakes; adequacy.* Every such vehicle and combination of vehicles shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free of loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one (1) part shall not leave the vehicle without operative brakes.

(3) *Brakes on all wheels.* Every vehicle shall be equipped with brakes acting on all wheels except:

(a) Trailers, semitrailers or pole trailers of a gross weight not exceeding three thousand (3,000) pounds, provided that:

1. The total weight on and including the wheels of the trailer or trailers shall not exceed forty (40) percent of the gross weight of the towing vehicle when connected to the trailer or trailers, and

2. The combination of vehicles, consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of [Section 30-352](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-352PEABBR)

3. Pole trailers with a gross weight in excess of three thousand (3,000) pounds manufactured prior to January 1, 1972, need not be equipped with brakes.

(b) Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of [Section 30-352](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-352PEABBR)

(c) Trucks and truck-tractors having three (3) or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two (2) steerable axles, the wheels of one (1) steerable axle need not have brakes. However, such trucks and truck-tractors must be capable of complying with the performance requirements of [Section 30-352](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-352PEABBR)

(d) Special mobile equipment not designed to carry persons.

(e) "Antique cars" as defined in Section 320.08, Florida Statutes, and "horseless carriages" as defined in Section 320.086, Florida Statutes.

(4) *Automatic trailer brake application upon breakaway.* Every trailer, semitrailer and pole trailer with air or vacuum actuated brakes and every trailer, and semitrailer with a gross weight in excess of three thousand (3,000) pounds, and every pole trailer with a gross weight in excess of three thousand (3,000) pounds manufactured or assembled after January 1, 1972, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen (15) minutes, upon breakaway from the towing vehicle.

(5) *Tractor brakes protected.* Every motor vehicle manufactured or assembled after January 1, 1972, and used to tow a trailer, semitrailer or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(6) *Trailer air reservoirs safeguarded.* Air brake systems installed on trailers manufactured or assembled after January 1, 1972, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(7) *Two means of emergency brake operation.*

(a) Every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, shall be equipped with two (2) means for emergency application of the trailer brakes. One (1) of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than twenty (20) pounds per square inch nor higher than forty-five (45) pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(b) Every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations shall have, in addition to the single control device required by subsection (8), a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system is so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(8) *Single control to operate all brakes.* Every motor vehicle, trailer, semitrailer and pole trailer, and every combination of such vehicles, equipped with brakes shall have the braking system so arranged that one (1) control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control on the towing vehicle.

(9) *Reservoir capacity and check valve.*

(a) *Air brakes.* Every bus, truck or truck-tractor with air operated brakes shall be equipped with at least one (1) reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the aircompressor governor cutout setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty (20) percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(b) *Vacuum brakes.* Every truck with three (3) or more axles equipped with vacuum assistor type brakes and every truck-tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty (40) percent.

(c) *Reservoir safeguarded.* All motor vehicles, trailers, semitrailers and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(10) *Warning devices.*

(a) *Air brakes.* Every bus, truck or truck-tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below fifty (50) percent of the air compressor governor cutout pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(b) *Vacuum brakes.* Every truck-tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three (3) or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity in less than eight (8) inches of mercury.

(c) *Combination of warning devices.* When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-352. Performance ability of brakes.

(1) Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(a) Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification;

(b) Decelerating to a stop not more than twenty (20) miles per hour at not less than the feet per second tabulated herein for its classification; and

(c) Stopping from a speed of twenty (20) miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

(2) Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one (1) percent grade), dry, smooth, hard surface that is free from loose material.

|  |  |  |  |
| --- | --- | --- | --- |
| *Classification of vehicles* | Braking force as a percentage of gross vehicle or combination weight | Deceleration in feet per second | Brake system application and braking distance in feet from an initial speed of *20 m.p.h.* |
| A Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross vehicle weight rating | 52.8% | 17 | 25 |
| B Single unit vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or less | 43.5% | 14 | 30 |
| C-1 Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds | 43.5% | 14 | 40 |
| C-2 Combination of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less | 43.5% | 14 | 40 |
| C-3 Buses, regardless of the number of axles, not having a manufacturer's gross weight rating | 43.5% | 14 | 40 |
| C-4 All combinations of vehicles in driveaway-towaway operations | 43.5% | 14 | 40 |
| D All other vehicles and combinations of vehicles | 43.5% | 14 | 50 |

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-353. Maintenance of brakes.

All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-354. Brake equipment required.

Every motor-driven cycle must comply with the provisions of [Section 30-351](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-351BREQRE) except that:

(1) Motorcycles and motor-driven cycles need not be equipped with parking brakes.

(2) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of this chapter.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-355. Performance ability of brakes.

Every motorcycle and motor-driven cycle, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(1) Developing a braking force that is not less than forty-three and five tenths (43.5) percent of its gross weight;

(2) Decelerating to a stop from not more than twenty (20) miles per hour at not less than fourteen (14) feet per second;

(3) Stopping from a speed of twenty (20) miles per hour in not more than thirty (30) feet, such distance to be measured from the point at which movement of the service brake pedal or control begins; and

(4) Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one (1) percent grade), dry, smooth, hard surface that is free from loose material.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-356. Brakes on motor-driven cycles.

(1) The Department is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in Section 316.265, Florida Statutes, or which in its opinion is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(2) The Department may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when it determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the Department has disapproved the braking system upon such vehicle.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-357. Horns and warning devices.

(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.

(3) It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(4) Every authorized emergency vehicle shall be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the Department, but such siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which event the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-358. Mufflers, prevention of noise.

(1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass or similar device upon a vehicle on a highway.

(2) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-359. Mirrors.

Every vehicle, operated singly or when towing any other vehicle, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred (200) feet to the rear of the motor vehicle.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-360. Certain vehicles to carry flares or other devices.

(1) No person shall operate any truck, bus or truck-tractor, or any motor vehicle towing a house trailer, upon any highway outside an urban district or upon any divided highway at any time between sunset and sunrise unless there is carried in such vehicles the following equipment except as provided in subsection (2).

(a) At least three (3) flares or three (3) red electric lanterns or three (3) portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred (600) feet under normal atmospheric conditions at nighttime. No flare, fusee, electric lantern or warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the Department and approved by it. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred (600) feet to one hundred (100) feet under normal atmospheric conditions at night when directly in front of lawful lower beams of head lamps, and unless it is of a type which has been submitted to the Department and approved by it.

(b) At least three (3) red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.

(2) No person shall operate at the time and under conditions stated in subsection (1) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there is carried in such vehicle three (3) red electric lanterns or three (3) portable red emergency reflectors meeting the requirements of subsection (1), and there shall not be carried in any such vehicle any flares, fusees or signal produced by flame.

(3) No person shall operate any vehicle described in subsections (1) or (2) upon any highway outside of an urban district or upon a divided highway at any time when lighted lamps are not required by [Section 30-317](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-317WHLILAARRE) unless there is carried in such vehicle at least two (2) red flags, not less than twelve (12) inches square, with standards to support such flags.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-361. Television receivers.

(1) No motor vehicle operated on the highways of this County shall be equipped with television-type receiving equipment so located that the view or screen is visible from the driver's seat.

(2) This section does not prohibit the use of television-type receiving equipment used exclusively for safety or law enforcement purposes, provided such use is approved by the Department.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-362. Additional equipment required on certain vehicles.

In addition to other equipment required in this chapter, the following vehicles shall be equipped as herein stated under the conditions in [Section 30-317](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-317WHLILAARRE).

(1) On every bus or truck, whatever its size, there shall be the following: On the rear, two (2) reflectors, one (1) at each side, and one (1) stop light.

(2) On every bus or truck eighty (80) inches or more in overall width, in addition to the requirements in subsection (1):

(a) On the front, two (2) clearance lamps, one (1) at each side.

(b) On the rear, two (2) clearance lamps, one (1) at each side.

(c) On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.

(d) On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

(3) On every truck tractor:

(a) On the front, two (2) clearance lamps, one (1) at each side.

(b) On the rear, one (1) stop light.

(4) On every trailer or semitrailer having a gross weight in excess of three thousand (3,000) pounds:

(a) On the front, two (2) clearance lamps, one (1) at each side.

(b) On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.

(c) On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

(d) On the rear, two (2) clearance lamps, one (1) at each side, also two (2) reflectors, one (1) at each side, and one (1) stop light.

(5) On every pole trailer in excess of three thousand (3,000) pounds gross weight:

(a) On each side, one (1) side marker lamp and one (1) clearance lamp which may be in combination to show to the front, side and rear.

(b) On the rear of the pole trailer or load, two (2) reflectors, one (1) at each side.

(6) On every trailer, semitrailer, and pole trailer weighing three thousand (3,000) pounds gross, or less: On the rear, two (2) reflectors, one (1) on each side. If any trailer or semitrailer is so loaded, or is of such dimensions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with one (1) stop light.

(7) On every slow-moving vehicle or equipment, any animal-drawn vehicle, or any other machinery, designed for use and speeds less than twenty-five (25) miles per hour, including all road construction and maintenance machinery except when engaged in actual construction or maintenance work either guarded by a flagman or a clearly visible warning sign, which normally travels or is normally used at a speed of less than twenty-five (25) miles per hour and which is operated on a public highway:

(a) A triangular slow-moving vehicle emblem SMV as described in, and displayed as provided in paragraph (b). The requirement of the emblem shall be in addition to any other equipment required by law. The emblem shall not be displayed on objects which are customarily stationary in use except while being transported on the roadway of any public highway of this State.

(b) The Department of Highway Safety and Motor Vehicles shall adopt such rules and regulations as are required to carry out the purpose of this section. The requirements of such rules and regulations shall incorporate the current specifications for SMV emblems of the American Society of Agricultural Engineers.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-363. Other equipment.

Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations of [Section 30-357](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-357HOWADE) on horns and warning devices, [Section 30-358](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-358MUPRNO) on mufflers and prevention of noise, and [Section 30-359](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-359MI) on mirrors.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-364. Footrests and handlebars.

(1) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

(2) No person shall operate any motorcycle with handlebars more than fifteen (15) inches in height above that portion of the seat occupied by the operator.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-365. Health and sanitation hazards.

No motor vehicle, trailer or semitrailer shall be equipped with an open toilet or other device that may be a hazard from a health and sanitation standpoint.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-366. Requirements for vehicles hauling load.

It is the duty of every owner, licensee and driver, severally, of any truck, trailer, semitrailer and pole trailer to use such stanchions, standards, stays, supports or other equipment, appliances or contrivances, together with one (1) or more lock chains, so as to fasten the load securely to the vehicle.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-367. Licensing of vehicles.

Every vehicle, at all times while driven, stopped or parked upon any highways, roads or streets of this County shall be licensed in the name of the owner thereof in accordance with the laws of Florida, unless such vehicle is not required by the laws of Florida to be licensed in this State, and shall, unless otherwise provided by statute, display the license plate or both of the license plates assigned to it by the State, one (1) on the rear and if two (2), the other on the front of the vehicle, each to be securely fastened to the vehicle outside the main body of the vehicle, in such manner as to prevent the plates from swinging, with all letters, numerals, printing, writing, and other identification marks upon the plates clear and distinct and free from defacement, mutilation, grease and other obscuring matter, so that they shall be plainly visible and legible at all times one hundred (100) feet from the rear or front. No license plates other than those furnished by the State shall be used; provided, however, if the vehicle is not required to be licensed in this State, the license plates on such vehicle issued by another state, or by a territory, possession or district of the United States, or a foreign country, substantially complying with the provisions hereof, shall be considered as complying with this chapter.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-368. Safety of vehicle; inspection.

It is a violation of this chapter for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts, or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden, or fail to perform any act required, under this chapter.

(1) Any police officer may at any time, upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of the vehicle to stop and submit the vehicle to an inspection and such test with reference thereto as may be appropriate.

(2) In the event the vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer may give written notice to the driver. Said notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment within a period of forty-eight (48) hours.

(3) It is unlawful to operate any vehicle on any of the streets or highways which is required under the laws of this State or any political subdivision thereof to be inspected, unless the vehicle has been inspected and has attached thereto, in proper position, a valid and unexpired certificate of inspection as required.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-369. Transportation of explosives, flammables, radioactive materials, etc., generally.

(1) Any vehicle used for transporting any explosives as a cargo or part of a cargo upon the highways, roads or streets of this County shall be marked or placarded on the front, both sides and the rear, with the word "EXPLOSIVES" in letters not less than six (6) inches high or in lieu thereof shall conspicuously display upon an erect pole a red flag, not less than five hundred forty (540) square inches in area with the word "EXPLOSIVES" thereon in white letters not less than six (6) inches high. Any vehicle used for transporting any flammable liquids as a cargo or part of a cargo upon the highways, roads or streets of this County shall be marked or placarded on each side and the rear with the word "GASOLINE," other name of fuel or flammable liquid carried or other applicable wording in letters of such height as required by rules and regulations made and promulgated by the Department of Insurance. Every such vehicle shall be equipped with not less than two (2) fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used. Any vehicle used for transporting any radioactive material as a cargo or part of a cargo upon the highways, roads or streets of this County but not regulated as to such transportation by federal authority shall be marked or placarded with such words and symbols of identification as may be prescribed by the regulations of the Department of Insurance. The Department of Insurance is authorized in accordance with Chapter 633, F.S., to make and promulgate such additional rules and regulations governing the transportation of explosives, flammable liquids, and other dangerous articles, including radioactive materials, by vehicles upon the highways, roads and streets as it shall deem advisable for the protection of the public, and all such rules and regulations shall have the full force and effect of law, provided that, as to radioactive materials, it shall promulgate rules and regulations no less restrictive than those imposed by federal authority for similar interstate transportation.

(2) The provisions of subsection (1) shall not be applicable to the transporting of liquefied petroleum gas. The rules and regulations applicable to the transporting of liquefied petroleum gas on the highways, roads or streets of this County shall be only those made and promulgated by the Department of Insurance under Chapter 527, F.S.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-369.1. Storage, transportation of flammable liquids in motor vehicles prohibited; exceptions.

It is a violation of this chapter for flammable liquid to be stored within or transported by motor vehicle except:

(1) Pursuant to [Section 30-369](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-369TREXFLRAMAETGE) of the Code of Miami-Dade County, Florida; or

(2) In the fuel tank of a motor vehicle; or

(3) In a container which meets or exceeds the standards delineated in Section 16.63(5) of the Miami-Dade County, Florida, Fire Prevention and Safety Code.

(Ord. No. 73-105, § 2, 12-18-73)

Sec. 30-370. Equipment for motorcycle riders.

(1) No person shall operate or ride upon a motorcycle unless he is properly wearing protective headgear securely fastened upon his head which complies with standards established by the Department.

(2) No person shall operate a motorcycle unless he is wearing an eye-protective device over his eyes of a type approved by the Department.

(3) This section shall not apply to persons riding within an enclosed cab.

(4) The Department is authorized to approve or disapprove protective headgear and eye-protective devices required herein, and to issue and enforce regulations establishing standards and specifications for the approval thereof. The Department shall publish lists of all protective headgear and eye-protective devices by name and type which have been approved by it.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-370.1. Child safety alarm devices for vehicles transporting children for licensed day care centers.

(a) *Definition.* For purposes of this section, "Day Care Center" means any licensed building or shelter in which custodial care is rendered to six (6) or more children age five (5) or younger in Miami-Dade County.

(b) *Child Safety Alarm.* On or after December 1, 2012, all vehicles used by or on behalf of a licensed Day Care Center for the transportation of children must be equipped with a child safety alarm device that prompts the driver to inspect the vehicle for children and passengers upon vehicle shut-off. The device must be properly maintained in working order at all times.

(c) *Designated Department.* The Miami-Dade Sustainability, Planning and Economic Enhancement Department ("Department") shall develop and adopt standards for the installation and performance of such devices.

(d) *Violation.*

A. On or after December 1, 2012, it shall be unlawful for any Day Care Center to transport a child in a vehicle that is not equipped with a child safety alarm device properly maintained in working order that prompts the driver to inspect the vehicle for children and passengers upon vehicle shut-off. Violations shall be enforced through and in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Miami-Dade County Code.

B. The Director of the Sustainability, Planning and Economic Enhancement Department is authorized to file any action in a court of competent jurisdiction to enforce the provisions of this ordinance and to seek appropriate remedies. In any such action the Department shall be entitled to recover its reasonable costs in the enforcement of this ordinance including reasonable attorney fees.

(Ord. No. 12-03, § 1, 1-24-12)

Sec. 30-371. School bus regulations.

(A) *Definitions.* The following words and phrases when used in this section shall have the meanings ascribed to them in this section.

(a) "Person" shall mean natural persons, associations of persons, firms, partnerships and corporations.

(b) "Public school bus" shall include those motor vehicles owned, operated, rented or leased by any County board pursuant to and in compliance with Chapter 234, Florida Statutes.

(c) "Private school bus" shall mean all motor vehicles not included in the definition of "public school bus" and which are being used for the transportation of children to and from schools, kindergartens, nursery schools and day care centers, both public and private. "Private school bus" shall also include those vehicles which are being used for the transportation of children to and from activities connected with the regular operation of any clubs, associations, institutions or corporations, whether organized for profit or not for profit. Provided, however, that this section specifically excludes from its provisions any school bus whether public or private complying with the requirements of Chapter 234, Florida Statutes; and further excludes motor vehicles subject to and meeting the requirements of the Florida Public Utilities Commission and operated by carriers operating under the jurisdiction of such commission; and further excludes any vehicles operated by or under the purview of the State or any political subdivision thereof or under a franchise issued by a municipality or the Public Service Commission; and further excludes motor vehicles of the type commonly called pleasure cars when such vehicles are used by individuals and not operated in the "for hire" transportation of children.

(d) "Operated" shall include the words owned, under the control of, under the supervision of, or operated by contractual agreement with other persons, firms, corporations or partnerships.

(e) "Driver" shall be deemed to include any person driving or in actual physical control of a private school bus, while transporting children whether or not compensated, paid, or reimbursed in any way for such services.

(f) "Children" shall mean any person under the age of twenty-one (21) years.

(g) "For hire" shall mean transportation of children for compensation on the public highways.

(h) "CSD" means the Miami-Dade County Consumer Services Department.

(B) *Inspection certificate.* Upon and after the effective date of this section, it shall be unlawful for any person to drive, operate, stop or park, or for the owner to cause or knowingly permit to be driven, operated, stopped or parked on any public street, road, highway, or on any facilities owned or operated by any governmental unit within this County in the transportation of children, any private school bus, as defined in this section, unless such private school bus displays on the vehicle a valid and unexpired school bus certificate of inspection issued by the CSD.

(C) *Issuance of inspection certificates.* All private school buses shall be inspected by the CSD and inspection certificates shall be issued upon compliance with the standards set out below.

(D) *School bus seating capacity.* A private school bus shall transport no more children than can be seated therein so that each child has sufficient space for his shoulders and buttocks to come into full contract with the seat and seat back and sufficient knee space so that no child's knees must touch the back of the seat or other obstruction when the child is seated with his back in full contact with the back of the seat.

(E) *Inspection certificate application forms.* To obtain the County inspection certificate required under this section, the following procedures shall be followed:

(a) The owner shall obtain from the CSD an application for a County private school bus inspection.

(b) The owner shall then present said application to the officer or person in charge of the designated inspection station together with the private school bus designated in the application for inspection.

(F) *Inspection certificate.* When the inspection of a private school bus by the CSD and the application for the inspection comply with the provisions herein provided, the owner or his agent, upon payment of the inspection fee, established by administrative order, shall receive a County private school bus inspection certificate to be then and there attached to the windshield of said vehicle. The certificate shall state that the private school bus was determined to be safe at the time of the inspection, the expiration date of the certificate of inspection, and such other information as may be required by this section.

(G) *Prerequisites to issuance of certificate.* No County private school bus inspection certificate may be issued to any motor vehicle unless:

(a) The vehicle nowhere bears either the word "school bus" or the word "stop" upon its exterior. Provided, however, that every private school bus, while being operated as a private school bus, must bear the identifying name of the school or organization for which it is operated or the name of the owner thereof on the sides of said vehicle and further provided that it must bear a sign on the rear of the vehicle stating—"Caution—Transporting Children". The lettering shall be readily visible and readable at a distance of fifty (50) feet with lettering substantially three (3) inches in height of a two-eighths inch stroke of a contrasting color to the vehicle. These letters shall be of a material visible at night.

(b) Safety equipment shall meet the standards prescribed for a private school bus by the laws and regulations of the State of Florida and shall include the following equipment:

(1) Nonleaking exhaust system;

(2) First-aid kit;

(3) At least one (1) dry-chemical type fire extinguisher of at least two and one-half (2½) pound capacity, readily accessible to driver. Such fire extinguisher shall bear label of Underwriters' Laboratories, Inc. showing rating of not less than 10-B:C. Such extinguisher must carry evidence of current inspection;

(4) Windows shall be unbroken tempered or laminated safety glass and windshields shall be unbroken laminated safety glass to conform to United States of America Standards Institute "American Standard Safety Code for Safety Glazing Material for Glazing Motor Vehicles Operating on Land Highways" ASA Standard Z-26.1-1966, July 15, 1966;

(5) Inside rear view mirror capable of giving the driver clear view of motor vehicles approaching from the rear and outside left and right rear view mirror; and

(6) Seats securely anchored conforming to Federal Motor Vehicle Safety Standards contained in 49 Code of Federal Regulations, Part 371, or, original equipment seats or, custom seats substantially conforming to original equipment seats in respect to anchorage, backrest and padding. There shall be no auxiliary seating accommodations such as temporary or folding jump seats in such vehicles.

(c) The owner presents the CSD a certificate of automobile insurance applicable to the private school bus and written in a company authorized to do business in Florida. The amount of insurance shall be carried in the sum of not less than ten thousand dollars ($10,000.00) for bodily injury, or death resulting therefrom, to any one (1) pupil and shall, for any one (1) accident be not less than five thousand dollars ($5,000.00) multiplied by the rated seating capacity of the vehicle. Such certificate of insurance shall indicate that no material change or cancellation of the policy will be effective without first giving thirty (30) days' written notice to the CSD.

(d) It shall be the duty of the CSD to enforce compliance with the foregoing requirements by refusing to authorize inspection or issue an inspection certificate until full compliance has been made.

(H) *Right of inspection unaffected.*

(a) The issuance of a private school bus inspection certificate shall not affect the right of CSD employees and police officers to inspect said vehicle at all times to determine if said vehicle or its operation meets the standards prescribed by the CSD.

(b) Any police officer authorized to administer or enforce the motor vehicle laws of this State and County may require the driver of a private school bus to stop and submit such vehicle and its equipment to an inspection, and such test with reference hereto as may be appropriate, to determine that such private school bus is in a safe operating condition, and that it complies with the provisions of this section.

(I) *Time for inspection.* Private school buses seating twenty-four (24) or more passengers shall be inspected by CSD annually. Any private school bus seating less than twenty-four (24) passengers shall be inspected semi-annually for each half year such private school bus is operated.

(J) *Notice of rejection for noncompliance.* When any private school bus shall be presented for inspection in compliance with this section and is found not to comply with the provisions herein or possesses equipment which does not comply with the requirements as herein provided, the officer or person in charge of the inspection of the same shall affix a "Notice of Rejection" to the windshield of the private school bus presented for inspection. Such notice shall state the reason for rejection and shall inform the owner or operator thereof that he will be permitted seventy-two (72) hours (which shall be exclusive of Sundays and holidays) in which to make the required adjustment and in which to present such private school bus at the same inspection station for re-inspection. It shall be unlawful to transport any children in a school bus which bears a "Notice of Rejection" on its windshield.

(K) *Fee required.* The fee for the issuance of a County private school bus certificate shall be established by the Board of County Commissioners and implemented by administrative order.

(L) *Requirement and issuance of County private school bus chauffeur registration.* It shall be unlawful for any person to drive a private school bus over any street in Miami-Dade County without first having obtained a chauffeur's registration from the CSD pursuant to [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article V of this Code.

(M) *Driver compliance.* It shall be unlawful for any person to operate or cause to be operated a private school bus upon the streets of this County unless all of the provisions of this section have been complied with.

(N) *Obedience to section.* It is unlawful for any person to do any act forbidden by, or fail to perform any act required by this section. It is unlawful for the owner or any person employing or otherwise directing the driver of the vehicle to require or knowingly permit the operation of a private school bus in any manner contrary to this section.

(O) *Applicability of section.* It is provided that this section shall pertain to all violations hereof within the County, and supersedes and nullifies any and all municipal sections or codes relative to the regulation of private school buses as defined herein. This section is applicable in the incorporated and unincorporated areas of the County.

(P) *Jurisdiction of the County Court.* Except for chauffeur's civil violations, the violation of any provision of this section shall be within the jurisdiction of the County Court.

(Q) *Penalty for violation.* All violations of this section, except civil violations by chauffeurs, shall be punishable by a fine not to exceed five hundred dollars ($500.00) or imprisonment not to exceed thirty (30) days in the County Jail, or both, at the discretion of the County Court Judge. Civil violations by chauffeurs shall be processed under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 72-39, § 1, 7-6-72; Ord. No. 72-60, § 2, 9-19-72; Ord. No. 75-96, § 1, 11-4-75; Ord. No. 81-107, § 1, 9-17-81; Ord. No. 87-13, §§ 1, 2, 3-17-87; Ord. No. 92-66, § 2, 7-7-92; Ord. No. 92-88, § 1, 8-14-92; Ord. No. 94-15, § 2, 1-20-94)

Annotation—AO of 11-1-83.

Sec. 30-372. Inspection of school buses; physical requirements of drivers.

(1) (a)  
All motor vehicles, other than private passenger automobiles and school buses with a seating capacity of less than twenty-four (24) pupils, which are used primarily for the transportation of pupils to school, but which are not operated by or under the purview of the State or a political subdivision thereof or under a franchise issued by a municipality or the Public Service Commission, shall comply with the requirements for school buses of Chapter 234, F.S.

(b) For the purposes of this section the term "school" includes all public and private nursery, pre-elementary, elementary, secondary, and college level schools.

(2) (a)  
Every bus with a seating capacity of less than twenty-four (24) pupils shall be equipped with the following:

1. Nonleaking exhaust system;

2. First aid kit;

3. Fire extinguisher;

4. Unbroken safety glass on all windows;

5. Inside rear view mirror capable of giving the driver clear view of motor vehicles approaching from the rear; and

6. Seats securely anchored.

(b) Such vehicles shall be covered by liability insurance to protect pupils being transported.

(c) Such vehicles shall transport no more passengers than they are equipped to seat.

(3) It shall be unlawful for any person to drive a private school bus over any street in Miami-Dade County without first having obtained a chauffeur's registration from the CSD pursuant to [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article V of this Code.

(4) All school buses and all motor vehicles covered by subsection (1) shall be inspected annually by the Department, and when found satisfactory for safe operation shall display on the vehicle a current certificate of inspection.

(5) The Department shall promulgate such rules and regulations as are necessary to effect the purposes of this section.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 94-15, § 2, 1-20-94)

Annotations—AO of 11-1-83; CAO 79-24.

Sec. 30-372.1. Private school bus inspection fees.

The County Manager is authorized by administrative order, effective upon approval by resolution of this Board, to set and impose fees for County inspection of private school buses. The fee payable hereunder shall be deposited in a separate County fund and shall be used exclusively to cover the County's cost of inspections. No part of said fund shall be used for purposes other than the aforesaid. The criterion for vehicle certification and inspection pursuant to this section is compliance with Sections [30-371](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-371SCBURE) and [30-372](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-372INSCBUPHREDR) of the Miami-Dade County Code, Chapter 234, Florida Statutes, and Section 316.615, Florida Statutes, and the State regulations which implement the foregoing provisions of Florida law.

(Ord. No. 83-103, § 1, 11-1-83)

**Editor's note—**

Ord. No. 83-103, § 3, adopted Nov. 1, 1983, provided for amendment of the Code but did not specify manner of inclusion; therefore, designation of § 1 as Code [§ 30-372.1](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-372.1PRSCBUINFE) has been at the editor's discretion.

Sec. 30-373. Transportation of migrant farm workers.

Every carrier of migrant farm workers shall systematically inspect and maintain or cause to be systematically maintained, all motor vehicles and their accessories subject to its control, to insure that such motor vehicles and accessories are in safe and proper operating condition in accordance with the provisions of this act.

(1) COMPLIANCE. Every carrier of migrant farm workers, and its officers, agents, drivers, representatives and employees directly concerned with the installation and maintenance of equipment and accessories, shall comply and be conversant with the requirements and specifications of this section, and no carrier of migrant farm workers shall operate any motor vehicle over the public highways of this County, or cause or permit it to be operated, unless it is equipped in accordance with said requirements and specifications.

(2) COUPLING DEVICES; FIFTH WHEEL MOUNTING AND LOCKING. The lower half of every fifth wheel mounted on any truck-tractor or dolly shall be securely affixed to the frame thereof by U-bolts of adequate size, securely tightened, or by other means providing at least equivalent security. Such U-bolts shall not be of welded construction. The installation shall be such as not to cause cracking, warping, or deformation of the frames. Adequate means shall be provided positively to prevent the shifting of the lower half of a fifth wheel on the frame to which it is attached. The upper half of every fifth wheel shall be fastened to the motor vehicle with at least the security required for the securing of the lower half to a truck-tractor or dolly. Locking means shall be provided in every fifth wheel mechanism including adapters when used, so that the upper and lower halves may not be separated without the operation of a positive manual release. A release mechanism operated by the driver from the cab shall be deemed to meet this requirement. On fifth wheels designed and constructed as to be readily separable, the fifth wheel locking devices shall apply automatically on coupling for any motor vehicle the date of manufacture of which is subsequent to December 31, 1952.

(3) TIRES. Every motor vehicle shall be equipped with tires of adequate capacity to support its gross weight. No motor vehicle shall be operated on tires which have been worn so smooth as to expose any tread fabric or which have any other defect likely to cause failure. No vehicle shall be operated while transporting passengers while using any tire which does not have tread configurations on that part of the tire which is in contact with the road surface. No vehicle transporting passengers shall be operated with regrooved, recapped, or retreaded tires on front wheels.

(4) PASSENGER COMPARTMENT. Every motor vehicle transporting passengers, other than a bus, shall have a passenger compartment meeting the following requirements:

(a) *Floors.* There shall be a substantially smooth floor, without protruding obstructions more than two (2) inches high, except as are necessary for securing seats or other devices to the floor, and without cracks or holes.

(b) *Sides.* Side walls and ends shall be above the floor at least sixty (60) inches high, by attachment of sideboards to the permanent body construction if necessary. Stake body construction shall be construed to comply with this requirement only if all six (6) inch or larger spaces between stakes are suitably closed to prevent passengers from falling off the vehicle.

(c) *Nails, screws, splinters.* The floor and the interior of the sides and ends of the passenger-carrying space shall be free of inwardly protruding nails, screws, splinters, or other projecting objects, likely to be injurious to passengers or their apparel.

(d) *Seats.* A seat shall be provided for each worker transported. The seats shall be securely attached to the vehicle during the course of transportation; not less than sixteen (16) inches nor more than nineteen (19) inches above the floor; at least thirteen (13) inches deep; equipped with back rests extending to a height of at least thirty-six (36) inches above the floor, with at least twenty-four (24) inches of space between the back rests or between the edges of the opposite seats when face-to-face; designed to provide at least eighteen (18) inches of seat for each passenger; without cracks more than one-fourth (¼) inch wide, and the back rest, if slatted, without cracks more than two (2) inches wide; and the exposed surfaces, if made of wood, planed or sanded smooth and free of splinters.

(e) *Protection from the weather.* Whenever necessary to protect the passengers from incumbent weather conditions, the passenger compartment shall be equipped with a top at least eighty (90) inches high above the floor and facilities for closing the sides and ends of the passenger-carrying compartment. Tarpaulins or other such removable devices for protection from the weather shall be secured in place.

(f) *Exit.* Adequate means of ingress and egress to and from the passenger space shall be provided on the rear or at the right side. Such means of ingress and egress shall be at least eighteen (18) inches wide. The top and the clear opening shall be at least sixty (60) inches high, or as high as the side wall of the passenger space if less than sixty (60) inches. The bottom shall be at the floor of the passenger space.

(g) *Gates and doors.* Gates or doors shall be provided to close the means of ingress and egress and each such gate or door shall be equipped with at least one (1) latch or other fastening device of such construction as to keep the gate or door securely closed during the course of transportation; and readily operative without the use of tools.

(h) *Ladders or steps.* Ladders or steps for the purpose of ingress or egress shall be used when necessary. The maximum vertical spacing of footholes shall not exceed twelve (12) inches, except that the lowest step may be not more than eighteen (18) inches above the ground when the vehicle is empty.

(i) *Handholds.* Handholds or devices for similar purpose shall be provided to permit ingress and egress without hazard to passengers.

(j) *Emergency exit.* Vehicles with permanently affixed roofs shall be equipped with at least one (1) emergency exit having a gate or door, latch and handhold as prescribed in paragraphs (g) and (i) and located on a side or rear not equipped with the exit prescribed in paragraph (f).

(k) *Communication with driver.* Means shall be provided to enable the passengers to communicate with the driver. Such means may include telephone, speaker tubes, buzzers, pull cords, or other mechanical or electrical means.

(5) PROTECTION FROM COLD. Every motor vehicle shall be provided with a safe means of protecting passengers from cold or undue exposure, but in no event shall heaters of the following types be used:

(a) *Exhaust heaters.* Any type of exhaust heater in which the engine exhaust gases are conducted into or through any space occupied by persons or any heater which conducts engine compartment air into such space.

(b) *Unenclosed flame heaters.* Any type of heater employing a flame which is not fully enclosed.

(c) *Heaters permitting fuel leakage.* Any type of heater from the burner of which there could be spillage or leakage of fuel from the tilting or overturning of the vehicle in which it is mounted.

(d) *Heaters permitting air contamination.* Any heater taking air, heated or to be heated, from the engine compartment or from direct contact with any portion of the exhaust system; or any heater taking air in ducts from the outside atmosphere to be conveyed through the engine compartment, unless said ducts are so constructed and installed as to prevent contamination of the air so conveyed by exhaust or engine compartment gases.

(e) Any heater not securely fastened to the vehicle.

(6) NOT APPLICABLE TO COMMON CARRIERS. This section shall not apply to common carriers of passengers.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-374. All-terrain vehicle (ATV) regulations.

(1) An all-terrain vehicle shall not be operated on lands not owned by the operator or owner of the all-terrain vehicle without written permission signed by the owner(s) of such lands, and such permission shall be on the operator's person while operating the vehicle.

(2) No all-terrain vehicle shall be operated on lands not owned by the operator or owner of the all-terrain vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership.

(3) No all-terrain vehicle shall be operated in such a way as to recklessly create a substantial risk of serious bodily injury to another person.

(4) Every all-terrain vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

(5) An all-terrain vehicle rider who is under sixteen (16) years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap, and that meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the Department.

(Ord. No. 01-45, § 2, 3-20-01)

Sec. 30-374.1. Penalty.

Every person found guilty of a violation of any of the provisions of [Section 30-374](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-374ARRVEATRE) shall be punished by a fine not to exceed two hundred dollars ($200.00) or by impounding of such person's all-terrain vehicle for a period not to exceed ninety (90) days, or both unless otherwise provided herein.

(Ord. No. 01-45, § 3, 3-20-01)

Sec. 30-375. Rough surfaced wheels prohibited.

No person shall drive, propel, operate or cause to be driven, propelled or operated over any paved or graded public road of this County any tractor engine, tractor or other vehicle or contrivance having wheels provided with sharpened or roughened surfaces, other than roughened pneumatic rubber tires having studs designed to improve traction without materially injuring the surface of the highway, unless the rims or tires of the wheels of such tractor engines, tractors or other vehicles or contrivances are provided with suitable filler blocks between the cleats so as to form a smooth surface. This requirement shall not apply to tractor engines, tractors or other vehicles or contrivances if the rims or tires of their wheels are constructed in such manner as to prevent injury to such roads; provided, this restriction shall not apply to tractor engines, tractors and other vehicles or implements used by any County or the Department of Transportation in the construction or maintenance of roads or to farm implements weighing less than one thousand (1,000) pounds when provided with wheel surfaces of more than one-half (½) inch in width.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-376. Display or use of red lights; motor vehicles of volunteer firefighters.

(1) Privately owned vehicles belonging to the active firefighter members of regularly organized volunteer fire-fighting companies or associations, while en route to scenes of fires or other emergencies, in the line of duty as active firefighter members of regularly organized fire-fighting companies or associations may display or use red lights visible from the front and from the rear of such vehicles, subject to the following restrictions and conditions:

(a) The light may not have a light source greater than fifty (50) candlepower for each light displayed.

(b) Two (2) such red lights may be displayed on each end of the vehicle and such lights shall be of the flasher or revolving type.

(c) The red lights shall consist of a lamp with a red lens and shall not consist of an uncolored lens with a red bulb.

(d) The red lights shall not be a part of the regular head lamps or tail lights or turn signal lights displayed on such vehicles.

(e) No inscription of any kind shall appear across the face of the lenses of the red lights.

(f) The lenses of the red lights shall not be less than three (3) inches nor more than eight (8) inches in diameter.

(g) In order for an active volunteer firefighter to display such red light on his vehicle, he must first secure a written permit from the chief executive officers of the fire-fighting organization to use the red lights, and this permit shall be carried by him at all times while the red lights are displayed.

(2) It is unlawful for any person who is not an active firefighter member of a regularly organized volunteer fire-fighting company or association to display on any motor vehicle owned by him at any time, red lights as described above.

(3) It is unlawful for any active volunteer firefighter to use or display red lights as provided for herein except while en route to scenes of fires or other emergencies in the line of duty.

(4) Any active volunteer firefighter, or any other person who violates any of the provisions of this section, is guilty of a violation and, upon conviction, shall be fined in any sum not less than five dollars ($5.00) and no more than twenty-five dollars ($25.00), and shall be dismissed from membership of the fire-fighting organization by the chief executive officers thereof.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-377. Parking meters; determining zones; installation.

(a) *Authority of Traffic Director.* The Traffic Director is hereby authorized to determine and designate metered parking zones, and to install and maintain upon any of the streets or parts of streets as many parking meters as necessary in said metered parking zones, where it is determined that the installation of parking meters shall be necessary to aid in the regulation, control and inspection of the parking of vehicles. The parking meters may be of whatever type as determined by the County Commission.

(b) *Length of spaces.* Parking meter spaces shall be approximately twenty-two (22) feet in length.

(c) *Installation of meters.* The Traffic Director shall cause to be fastened to the curb or sidewalk bordering upon each of said parking metered spaces, at or near the front or forward end of each such space, a parking meter.

(d) *Condition of meter; indicator.* Each such parking meter shall be maintained in good working order and shall be equipped with an indicator showing the length of time which will elapse before the indicator shall show a violation, and the meter shall operate the time shown by such indicator before showing a violation.

(e) *Deposit of coin.* Permission to park in the adjoining parking metered space shall be granted for the length of time indicated upon the deposit of a sum as required and indicated on the meter for such space.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-378. Parking when meter indicates violation; maximum period; days effective; parking within spaces.

(a) No person shall park any vehicle or permit any vehicle to remain parked in any parking metered space when the parking meter for the space occupied by such vehicle shows a violation.

(b) No person shall park any vehicle or permit any vehicle to remain parked in any parking metered space for a continuous period of time greater than the maximum provided for on the meter.

(c) When parking meters are erected giving notice thereof, no person shall stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by said parking meters upon the deposit of a coin of United States currency of the designated denomination on any day except Sundays and full legal holidays unless otherwise posted, upon any of the streets so marked by designation of the Traffic Director.

(d) Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted, and with the front end of such vehicle immediately opposite the parking meter for such space.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-379. Meter to be visible.

Every vehicle parked in a parking metered space shall be parked with the front end or front part of such vehicle immediately opposite the parking meter for such space, and in such manner that the meter shall be visible from the street side of the vehicle.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-380. Collection of money.

The Traffic Director shall make or cause to be made regular collections of moneys deposited in meters located in the unincorporated areas, the receipts thereof to be turned over to the Finance Department.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-381. Use of slugs, etc.; damaging meters.

It is unlawful to deposit in any parking meter anything other than a lawful coin of the United States, or any coin that is bent, cut, torn, battered or otherwise misshapen. It is unlawful for any unauthorized person to remove, deface, tamper with, open, break, destroy or damage any parking meter. It is unlawful for any person wilfully to manipulate any parking meter in such a manner that the indicator will not operate and continue to show the correct amount of unexpired time before a violation.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-382. Use of unexpired time; maximum parking time.

The driver of a vehicle entering a parking space at a time when the meter for such space shows unexpired time may permit such vehicle to remain parked in such space for the amount of unexpired time shown on such meter, or may by depositing the proper coin remain parked in such space for the maximum amount of time allowed by the deposit of said coin as indicated on said meter.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-383. Authority of cities to install and maintain meters, retain proceeds.

Municipalities or other governmental authorities now existing in this County shall retain the power to establish parking meter zones and install parking meters therein after first obtaining the approval of the Traffic Director as to the installation and location thereof.

No provision of this section shall affect in any wise the maintenance and operation of parking meters now located within the municipalities or installed by other governmental authorities.

The municipalities or other governmental authorities, shall be under a duty properly to operate and maintain parking meters within their jurisdiction and shall be entitled to the proceeds therefrom.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-384. Impounding vehicles.

(a) Police officers or such other employees as may be designated by the County Manager are authorized to remove a vehicle to the nearest garage or other place of safety, or to a garage designated or maintained by the County or by a municipality under the circumstances hereinafter enumerated.

(1) When any vehicle is left unattended upon any bridge, causeway, or viaduct, or where such vehicle constituted an obstruction to traffic.

(2) When a vehicle upon a street 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.

(3) When a vehicle is found upon the streets or the public right-of-way and is not in proper condition to be driven.

(4) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(5) Where such vehicle has been parked or stored on the public right-of-way for a period exceeding forty-eight (48) hours, in other than designated parking areas, and is within thirty (30) feet of the pavement edge.

(6) When the driver of such vehicle is taken into custody by a law enforcement officer and such vehicle would thereby be left unattended upon a street; provided, however, that the officer shall, prior to impounding a vehicle, afford the owner or the driver at his or her option, a reasonable opportunity in light of the circumstances in which to provide for the removal of the vehicle within a reasonable length of time. In lieu of impounding the vehicle in cases where neither the driver nor the owner elects to provide for the removal of the vehicle or in cases where neither the driver nor the owner can provide for the removal of the vehicle within a reasonable length of time, the owner or the driver may elect in writing to allow the vehicle to remain in place, if lawful. Neither the individual officer nor the officer's employer shall be held liable for any damage whatsoever to a vehicle when the owner of said vehicle or the driver has elected to allow the vehicle not to be removed.

Prior to impounding such vehicle pursuant to this subsection, the police officer shall reasonably attempt to inform the owner or the driver of said vehicle of the various alternatives to impounding, and, the officer, upon request, shall provide the owner or the driver with the requisite form upon which he or she may elect to allow the vehicle to remain in place.

For purposes of this subsection, the driver of the vehicle shall be conclusively presumed to be the authorized agent of the owner.

(7) When removal is necessary in the interest of public safety because the vehicle is parked on the sidewalk or a bicycle path, or because of fire, flood, storm, or other emergency reason.

(8) When a vehicle is left unattended in violation of [Section 30-447](../level3/PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE.docx#PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE_S30-447PEMISPMAPASP) of this Code or Sections 316.1955(5)(a) or 316.1956(3), Florida Statutes.

(9) When any vehicle is subject to impoundment pursuant to [Section 30-389.4](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-389.4PAENPR) of this Code in the manner prescribed therein.

(10) When a vehicle is left unattended in an area in which Miami-Dade County has posted a sign indicating that parking is prohibited and stating "TOW-AWAY ZONE."

(11) When a vehicle is used by an individual for temporary living quarters on the public right-of-way or other public property not designated and authorized as a campsite. Prior to impounding such vehicle pursuant to this subsection, the police officer shall reasonably attempt to afford the driver or owner of such vehicle the opportunity to remove such vehicle from the public property so as to avoid impoundment of the vehicle. This subsection shall not apply to vehicles occupied or possessed by persons awaiting entrance to sporting events as spectators.

(12) When a vehicle is used by a person engaging in the commission of a violation of subsections (1) or (2) of [Section 21-30.01](../level3/PTIIICOOR_CH21OFMIPR_ARTIVMI.docx#PTIIICOOR_CH21OFMIPR_ARTIVMI_S21-30.01GR) of the Miami-Dade County Code relating to graffiti.

(13) When a vehicle is determined to have been stolen.

(14) When a vehicle is displayed on a private street, vacant lot, parking lot or private property for the prinicipal purpose of displaying such vehicle or other personal property thereon for sale or rental in violation of [Section 30-388.31.1](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.31.1PAPRDISA)

(15) When a vehicle is parked upon any street or within the right-of-way for the principal purpose of displaying such vehicle for sale.

(16) When a vehicle is parked upon any street or public right-of-way in a residential zone in violation of [Section 30-388.31](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.31TRPAPRREZO) of this Code.

(17) When a vehicle is left unattended in violation of [Section 30-450](../level3/PTIIICOOR_CH30TRMOVE_ARTIIAPASPPETRYOCHST.docx#PTIIICOOR_CH30TRMOVE_ARTIIAPASPPETRYOCHST_S30-450PEMISPMAPASP) of this Code.

(b) Any violator taken into custody pursuant to this section may at the discretion of the County Judges be released without posting bond, if the violator agrees to the impounding in a facility authorized by this chapter of the vehicle owned and driven by the violator or to surrender of his or her driver's license to insure the violator's appearance in the County Court to answer the charges against same, and pay such fine as may be assessed against the violator.

(c) No vehicle impounded in a facility as herein provided shall be released therefrom until the charges for towing such vehicle into the facility and storage charges have been paid. Charges for towing and removal shall be fixed by and posted for public inspection in the office of the Miami-Dade Police and in the facilities affected.

(d) Whenever an officer removes a vehicle from a street as authorized in this section, and the officer knows or is able to ascertain the name and address of the owner thereof, such officer 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 facility, a copy of such notice shall be given to the proprietor of such facility.

(e) Whenever an officer removes a vehicle from a street under this section, and 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 in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent written report of such removal by mail to the Motor Vehicle Commissioner of the Miami-Dade Police Department and shall file a copy of such notice with the proprietor of any facility in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and name of the garage or place where the vehicle is stored.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 74-56, §§ 1, 2, 7-2-74; Ord. No. 83-22, § 2, 5-3-83; Ord. No. 86-7, § 1, 2-4-86; Ord. No. 88-35, § 1, 5-3-88; Ord. No. 90-146, § 1, 12-18-90; Ord. No. 91-40, § 3, 4-2-91; Ord. No. 91-84, § 1, 7-23-91; Ord. No. 93-77, § 3, 7-29-93; Ord. No. 94-108, § 1, 6-9-94; Ord. No. 95-81, § 2, 5-2-95; Ord. No. 95-211, § 1, 11-21-95; Ord. No. 98-108, § 1, 7-21-98; Ord. No. 01-86, § 2, 5-8-01; Ord. No. 04-24, § 1, 2-3-04)

**Cross reference—** Abandoned motor vehicle, § 30-389; immobilization of certain motor vehicles, § 30-389.4.

Sec. 30-385. Option of arrested person, or person issued a citation or summons, to plead guilty or appear in court.

Any person charged with an offense for which payment of a fine may be made shall have the option of:

(1) Paying such fine within the time specified in the traffic citation or summons thereby entering a plea of guilty and waiving appearance in court; or

(2) Requesting a court hearing within the time and in the manner specified in the traffic or parking citation or summons, and appearing in court and answering to the charge.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 81-62, § 1, 6-2-81; Ord. No. 01-64, § 1, 3-20-01)

Sec. 30-386. Acceptance of fines; receipts of bail; notice to witnesses, etc.

The following duties are hereby imposed upon the Office of the Clerk in reference to traffic offenses:

(a) It shall accept designated fines and issue receipts therefor.

(b) It shall receive, and issue receipts for, bail from the person who must or wish to be heard in court, and notify the arresting officer and witnesses, if any, to be present.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-387. Procedure.

The Clerk's Office shall follow such procedure as may be prescribed by this chapter, or as may be required by any laws of this State.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388. Creation of emergency vehicle zones.

(a) On application of the owner or lessor of real property and payment of the fee established in accordance with subsection (e) of this section, the County Manager or authorized designee(s) shall inspect the grounds of any shopping center, shopping mall, parking lot or parking garage and determine whether there are areas within such shopping center, shopping mall, parking lot or parking garage which should be kept free of parked motor vehicles in order to facilitate access to buildings by authorized emergency vehicles as defined in Section 316.003, Florida Statutes. When making this determination, the Manager or authorized designees shall consider the following factors:

(1) The number of people who frequent the property;

(2) The accessibility of the property by authorized emergency vehicles;

(3) The frequency of calls for emergency services at the property;

(4) The need for accessibility to buildings by tenants, vendors and persons making deliveries to the property; and

(5) Official acts of County and municipal zoning and planning boards and agencies which relate to the property.

(b) The County Manager, or authorized designee(s), upon determining that there are areas within a shopping, center, shopping mall, parking lot or parking garage, which should be kept free of parked vehicles in order to facilitate access to building by authorized emergency vehicles, shall discuss the matter with the owner or lessee of the property, and if there is no objection, order that the owner or lessee of the property erect emergency vehicle zone signs in accordance with subsection (d) of this section.

(c) The owner or lessee of a shopping center, shopping mall, parking lot or parking garage who has made application to the County Manager or authorized designee(s) pursuant to subsection (a) of this section may withdraw the application at any time by notifying the County Manager or authorized designee in writing of the withdrawal of the application.

(d) Areas in which parking is to be prohibited pursuant to this section shall be conspicuously posted with signs advising motorists that parking is prohibited. The County Manager or authorized representative may designate the form of the sign to be used; provided, however, that nothing herein shall prohibit the County Manager or designee from authorizing the continued use of nonconforming signs which were in place when the property was inspected pursuant to subsection (b) of this section.

(e) All signs erected or allowed by subsection (d) of this section shall be installed and maintained by the property owner or lessee of the property.

(f) The County Manager may, by administrative order, establish a fee for inspection of property and establishment of emergency vehicle zones pursuant to this section.

(Ord. No. 83-23, § 1, 5-3-83)

**Editor's note—**

Ord. No. 83-23, § 1, adopted May 3, 1983, added [§ 30-388](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388CREMVEZO)(A) to the Code. However, to preserve Code format and pursuant to § 5 of said ordinance permitting renumbering or relettering to accomplish codification, the editor has added these provisions as [§ 30-388](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388CREMVEZO)

**Annotation—**AO of 3-20-84.

Sec. 30-388.1. Application of provisions.

The provisions of this division [Sections [30-388](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388CREMVEZO) through [30-389.4](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-389.4PAENPR)] prohibiting the stopping, standing or parking of a vehicle shall apply at all times or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.2. Free public parking for the physically disabled.

Any motor vehicle which is qualified to park in a specially marked parking space designated for the physically disabled pursuant to Article II of this chapter shall be permitted to park in any public parking space in Miami-Dade County without incurring a fee for parking. For purposes of this section, the term "public parking space" shall mean a parking space provided by Miami-Dade County and each municipality within Miami-Dade County, and each agency, instrumentality and authority thereof.

(Ord. No. 87-42, § 1, 6-16-87)

Sec. 30-388.3. Parking prohibited at all times at certain places.

No person shall park a vehicle at any time on any of the following parts of streets, sidewalks or sidewalk areas, where signs are erected giving notice thereof:

(1) In front of a theater entrance.

(2) In front of the entrance or exit of a hotel.

(3) In front of the entrance of any public building.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.4. Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets so marked by designation of the Traffic Director.

(Ord. No. 71-94, § 1, 12-21-71)

**Annotation—**AO of 9-1-81.

Sec. 30-388.5. Parking prohibited during certain hours within municipalities.

With the written approval of the Traffic Engineering Branch of the Public Works Department of Miami-Dade County, municipalities may erect traffic signs prohibiting parking on any streets or locations within such municipality during certain hours. When such signs are erected giving notice of the prohibition against parking, no person shall stop, stand or park a vehicle within the area or place during the hours specified by such municipal signs.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.6. Parking time limited on certain streets within municipalities.

With the written approval of the Traffic Engineering Branch of the Public Works Department of Miami-Dade County, municipalities may erect traffic signs limiting the time for parking vehicles on certain streets or locations within such municipality. When such signs are erected giving notice of the limitation of time for parking, no person shall stop, stand or park a vehicle for longer than the time specified by such municipal traffic signs.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.7. Parallel parking required.

(a) Except where expressly designated, every vehicle stopped or parked upon a two-way roadway, shall be parallel parked and so stopped or parked in the direction of authorized traffic movement. When so parked or stopped, a vehicle's right-hand wheels shall be parallel to and within twelve (12) inches of the right-hand curb where parking is permitted.

(b) Except where expressly designated, every vehicle stopped or parked upon a one-way roadway shall be parallel parked and so stopped or parked in the direction of authorized traffic movement with its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the roadway, or its left wheels within twelve (12) inches of the left-hand curb where parking is permitted.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.8. Moving another's vehicle into prohibited parking place.

No person shall move a vehicle not owned by or in charge of such person, into any prohibited area or away from a curb such distance as is unlawful.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.9. Unattended vehicles; stopping engine, setting brakes, parking on hill.

(a) No person driving or in charge of any motor vehicle, except a licensed delivery truck or other delivery vehicle, shall permit it to stand unattended without first stopping the engine, locking the ignition, and removing the key. No person driving or in charge of a licensed delivery truck or other delivery vehicle shall permit it to stand unattended for a period of time longer than five (5) minutes.

(b) Notwithstanding the provisions of subsection (a), no vehicle shall be permitted to stand unattended upon any perceptible grade, without stopping the engine and effectively setting the brake thereon, and turning the front wheels to the curb or side of the street.

(Ord. No. 71-94, § 1, 12-21-71)

Annotation—AO of 9-1-81.

Sec. 30-388.10. Obstruction of traffic by parking.

(a) No person shall park any vehicle upon a street, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

(b) Where streets are not completely paved or curbs provided, the parking of a car shall be in such a manner as not to obstruct the free movement of traffic.

(Ord. No. 71-94, § 1, 12-21-71)

Annotation—AO of 9-1-81.

Sec. 30-388.11. Stopping, standing or parking outside of municipalities.

(1) Upon any street or highway outside of a municipality, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway or street when it is practical to stop, park, or so leave such vehicle off such part of said highway or street; but in every event an unobstructed width of the highway or street opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon such highway or street.

(2) This section shall not apply to the driver or owner of any vehicle which is disabled, while on the paved or main traveled portion of a highway or street in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, or to passenger-carrying buses temporarily parked while loading or discharging passengers, where road conditions render such parking off the paved portion of the highway or street hazardous or impractical.

(3) (a)  
Whenever any officer finds a vehicle standing upon a highway or street in violation of any of the foregoing provisions of this section such officer is hereby authorized to move such vehicle, or require the driver or other persons in charge of the vehicle to move the same, to a position off the paved or main traveled part of such highway.

(b) Whenever any officer finds a vehicle unattended upon any bridge or causeway or in any tunnel, or on any public highway or street, where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.12. Obstruction of public streets, highways, etc.

It is unlawful for any person or persons to wilfully obstruct the free, convenient and normal use of any public street, highway or road, by impeding, hindering, stifling, retarding or restraining traffic or passage thereon, or by endangering the safe movement of vehicles or pedestrians traveling thereon.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.13. Alleys, parking in; obstructing.

(a) No person shall stop, stand or park a vehicle within an alley in a business district except for the expeditious loading or unloading of materials, and in no event for a period of more than twenty (20) minutes, and no person shall stop, stand or park a vehicle in any other alley in such a manner as to obstruct the free movement of vehicular traffic.

(b) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.

(Ord. No. 71-94, § 1, 12-21-71)

Annotation—AO of 9-1-81.

Sec. 30-388.14. All night parking.

No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.15. Parking prohibited for certain purposes.

(a) No person shall park a vehicle upon any road, street or public right-of-way, including the sidewalk and swale, located within unincorporated Miami-Dade County, except outside the urban development boundary, for the purpose of:

(1) Displaying such vehicle for sale.

(2) Greasing, or repairing such vehicle, except repairs necessary in an emergency.

(3) Displaying advertising.

(4) Selling merchandise from such vehicle except in a duly established market place, or when so authorized or licensed under the ordinances of this County.

(5) Storage, or as junkage or dead storage for more than twenty-four (24) hours.

(b) All violations of this section shall be punishable by a fine of one hundred dollars ($100.00) for the first vehicle on a first offense and five hundred dollars ($500.00) per vehicle for each additional vehicle and any repeat violation of this section. Any vehicle in violation of this section shall be towed if not removed immediately by the owner. Any vehicle that the Director of the Miami-Dade Police Department or his/her designee deems to pose a serious threat to the public health, safety, or welfare and is in violation of this section shall be towed if not removed within twenty-four (24) hours by the owner. (Vehicle owners will be responsible for all fines, towing fees, storage fees, and any administrative and enforcement fees that result from the enforcement of this section.) The County may lien the vehicle and any real property owned by the violator in Miami-Dade County until all fines, enforcement costs, and administrative costs are paid by the violator.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 95-211, § 2, 11-21-95; Ord. No. 01-86, § 3, 5-8-01; Ord. No. 03-70, § 1, 4-8-03)

Annotation—AO of 9-1-81.

Sec. 30-388.16. Schools, parking adjacent to.

When signs are erected giving notice thereof, no person shall park upon either or both sides of any street adjacent to any school.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.17. Narrow streets, parking on.

When official signs are erected prohibiting parking upon narrow streets, no person shall park a vehicle upon any such street in violation of any such sign.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.18. One-way streets, parking on left side.

When official signs are erected giving notice thereof, no person shall stand or park a vehicle upon the left-hand side of any one-way street in violation of any such sign.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.19. One-way roadways, parking on left side.

In the event a street includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.20. Hazardous or congested places, parking near.

(a) When official no-parking signs are erected at hazardous or congested places, no person shall stop, stand, or park any vehicle other than an authorized emergency vehicle in any such designated place.

(b) When signs are erected or allowed pursuant to [Section 30-388](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388CREMVEZO), no person shall stop, stand or park a vehicle other than an authorized emergency vehicle in any such designated place.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 83-23, § 2, 5-3-83)

Annotation—AO of 9-1-81.

Sec. 30-388.21. Penalty for violation of Sections 30-388.9 to 30-388.10.

All violations of Sections [30-388.9](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.9UNVESTENSEBRPAHI) to and including [30-388.10](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.10OBTRPA) [sic] shall be punishable by a fine not to exceed two hundred fifty dollars ($250.00) or imprisonment not to exceed thirty (30) days in the County Jail, or both, in the discretion of the County Judge.

(Ord. No. 71-94, § 1, 12-21-71)

**Cross reference—** Fines for violation of article, § 30-388.32.

Sec. 30-388.22. Curb loading zones; designating.

The Traffic Director is hereby authorized to determine the location of passenger and freight curb loading zones and restricted parking zones and locations for the appropriate signs indicating the same and stating the hours during which the provisions of this division are applicable.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.23. Passenger curb loading zones; time limit.

No person shall stop, stand or park a vehicle for any purpose or period of time except for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zone are effective, and then only for a period not to exceed five (5) minutes.

(Ord. No. 71-94, § 1, 12-21-71)

Annotation—AO of 9-1-81.

Sec. 30-388.24. Freight curb loading zones; time limit; passenger use.

(a) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during the hours when the provisions applicable to such zones are in effect. The stop for loading and unloading materials shall not exceed twenty (20) minutes except in specially marked "parcel truck" loading zones where the stop shall not exceed one (1) hour.

(b) The driver of a vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 96-63, § 2, 5-7-96)

Annotation—AO of 9-1-81.

Sec. 30-388.25. Restricted parking zones, use.

(a) No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted.

(b) When official signs are erected designating a parking space, area or lot for restricted parking for authorized vehicles only, no person shall park an unauthorized vehicle in violation of such sign. By the word "authorized", it is meant that the vehicle bears an official decal provided by the Public Works Director or that the vehicle is one (1) of a class of vehicles given said authorization by the Public Works Director to park in the space, area, or lot so designated.

(Ord. No. 71-94, § 1, 12-21-71)

Annotation—AO of 9-1-81.

Sec. 30-388.26. Taxicab and bus operators; parking in other than stands and stops.

The operator of a bus or taxicab shall not stop, stand or park upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while engaged in the expeditious unloading or loading of passengers.

(Ord. No. 71-94, § 1, 12-21-71)

Annotation—AO of 9-1-81.

Sec. 30-388.27. Taxicab stands and bus stops; use by other than taxicabs and buses.

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and marked, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

(Ord. No. 71-94, § 1, 12-21-71)

Annotation—AO of 9-1-81.

Sec. 30-388.28. Authority of bus operators to stop on roadway at designated bus stops.

Any operator of a bus as defined in [Section 30-202](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-202DE)(3) operating over a regular route providing scheduled local transit service, may stop his vehicle on the travelled or paved portion of the roadway for the expeditious loading and unloading of passengers at any regularly designated bus stop unless a paved pullout bay or parking area has been provided and is unoccupied by other vehicles at the time such passengers are discharged. This section shall not prohibit the operator of such bus from pulling off the roadway berm or to the unpaved portion at specified designated layover stops.

(Ord. No. 72-36, § 1, 6-20-72)

Sec. 30-388.29. Angle parking, obedience to signs.

Upon the streets which have been signed or marked by the Traffic Director for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.30. Loading at angle to curb, permit required.

No person shall stop, stand or park any vehicle at right angles to the curb for the purpose of loading or unloading of merchandise without a permit issued by the Sheriff or his authorized representative, or a permit issued by the Chief of Police in the municipality where the stopping, standing or parking is taking place.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.31. Trucks; parking prohibited in residential zones.

In areas zoned residential districts, it shall be unlawful for a truck of one-ton capacity or over to be parked for more than one (1) hour, unless engaged in the loading or unloading of materials.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-388.31.1. Parking prohibited for display for sale.

(a) No person shall park a vehicle upon a public or private street, public right-of-way, parking lot, vacant lot, or private property for the principal purpose of displaying such vehicle or other personal property thereon for sale or rental in violation of the zoning provisions of [Chapter 33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO) of this Code or the applicable licensing provisions of Florida Law, unless said property is properly zoned for that type of business at that location and the vendor is duly licensed to transact such business at that location.

(b) Police officers, Code Enforcement Officers, or such other persons designated by the County Manager, shall be authorized to have the vehicle towed to a garage designated or maintained by the County or a County contracted towing company.

(c) All violations of this section shall be punishable by a fine of one hundred dollars ($100.00) for the first vehicle on a first offense and five hundred dollars ($500.00) per vehicle for each additional vehicle and any repeat violation of this section. Any vehicle in violation of this section shall be towed if not removed immediately by the owner. (Vehicle owners will be responsible for all fines, towing fees, storage fees, and any administrative and enforcement fees that result from the enforcement of this section.) The County may lien the vehicle and any real property owned by the violator in Miami-Dade County until all fines, enforcement costs, and administrative costs are paid by the violator.

(Ord. No. 95-81, § 3, 5-2-95; Ord. No. 01-86, § 4, 5-8-01)

**Editor's note—**

Provisions enacted by Ord. No. 95-81, § 3, adopted May 2, 1995, as [§ 30-388.32](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.32PEVIAR) have been redesignated at the discretion of the editor as [§ 30-388.31.1](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.31.1PAPRDISA)

Sec. 30-388.32. Penalty for violation of article.

(a) Violations of this article shall be punishable by the fine indicated below:

Schedule of Parking Fines and Costs

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Section No.* | Initial Fine | Fine After 30 Days | Costs After 30 Days | Offense Charged |
| [30-367](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-367LIVE) | $33.00 | $43.00 | $14.00 | Parking without valid license plate |
| [30-378](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-378PAWHMEINVIMAPEDAEFPAWISP) | 18.00 | 31.00 | 14.00 | Parking after violation shows on meter |
| [30-378](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-378PAWHMEINVIMAPEDAEFPAWISP) | 18.00 | 31.00 | 14.00 | Parking continuously in excess of maximum time permitted on meter |
| [30-378](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-378PAWHMEINVIMAPEDAEFPAWISP) | 18.00 | 31.00 | 14.00 | Parking for a period longer than designated on meter giving notice thereof |
| [30-378](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-378PAWHMEINVIMAPEDAEFPAWISP) | 18.00 | 31.00 | 14.00 | Parking improperly by not parking wholly within meter parking space |
| [30-379](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-379MEBEVI) | 23.00 | 28.00 | 14.00 | Parking improperly by not having front of vehicle next to meter or by making meter not visible from street |
| [30-388.3](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.3PAPRALTICEPL) | 28.00 | 33.00 | 14.00 | Prohibited at all times in certain places |
| [30-388.4](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.4PAPRALTICEST) | 28.00 | 33.00 | 14.00 | Prohibited at all times on certain streets |
| [30-388.5](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.5PAPRDUCEHOWIMU) | 28.00 | 33.00 | 14.00 | Prohibited during certain hours on certain streets |
| [30-388.6](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.6PATILICESTWIMU) | 23.00 | 28.00 | 14.00 | Parking longer than time designated on signs on certain streets |
| [30-388.7](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.7PAPARE) | 23.00 | 28.00 | 14.00 | Parking in other than parallel position on two-way roadway |
| [30-388.7](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.7PAPARE) | 23.00 | 28.00 | 14.00 | Parking vehicle more than 12 inches from curb or edge of roadway |
| [30-388.7](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.7PAPARE) | 23.00 | 28.00 | 14.00 | Parking vehicle in direction opposite to authorized traffic movement |
| [30-388.8](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.8MOANVEINPRPAPL) | 23.00 | 28.00 | 14.00 | Moving other person's parked vehicle without authority |
| [30-388.9](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.9UNVESTENSEBRPAHI) | 28.00 | 33.00 | 14.00 | Leaving vehicle, except delivery vehicle, for 5 minutes unattended without stopping engine and removing ignition key |
| [30-388.9](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.9UNVESTENSEBRPAHI) | 28.00 | 33.00 | 14.00 | Leaving unattended vehicle improperly on grade |
| [30-388.10](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.10OBTRPA) | 28.00 | 33.00 | 14.00 | Parking so as to obstruct traffic on street |
| [30-388.11](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.11STSTPAOUMU) | 28.00 | 33.00 | 14.00 | Hazardous parking on street or highway outside municipality |
| [30-388.12](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.12OBPUSTHIET) | 33.00 | 43.00 | 14.00 | Wilfully obstructing street by impeding traffic or endangering movement of vehicles or pedestrians |
| [30-388.13](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.13ALPAOB) | 28.00 | 33.00 | 14.00 | Unlawful parking or obstructing traffic in alley |
| [30-388.14](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.14ALNIPA) | 28.00 | 33.00 | 14.00 | Parking more than half-hour during night hours prohibited by sign |
| [30-388.16](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.16SCPAADTO) | 28.00 | 33.00 | 14.00 | Parking adjacent to school when prohibited by sign |
| [30-388.17](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.17NASTPAON) | 28.00 | 33.00 | 14.00 | Parking on narrow street when prohibited by sign |
| [30-388.18](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.18OYSTPALESI) | 28.00 | 33.00 | 14.00 | Parking on lefthand side of one-way street when prohibited by sign |
| [30-388.19](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.19OYROPALESI) | 28.00 | 33.00 | 14.00 | Parking on lefthand side of one-way roadway of street with 2 or more roadways |
| [30-388.20](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.20HACOPLPANE) | 28.00 | 33.00 | 14.00 | Parking near hazardous or congested places |
| [30-388.23](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.23PACULOZOTILI) | 23.00 | 28.00 | 14.00 | Parking in passenger curb loading zone |
| [30-388.23](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.23PACULOZOTILI) | 23.00 | 28.00 | 14.00 | Using passenger curb loading zone for more than 5 minutes to load or unload passengers |
| [30-388.24](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.24FRCULOZOTILIPAUS) | 23.00 | 28.00 | 14.00 | Parking in freight curb loading zone |
| [30-388.24](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.24FRCULOZOTILIPAUS) | 23.00 | 28.00 | 14.00 | Using freight curb loading zone for more than 30 minutes |
| [30-388.25](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.25REPAZOUS) | 23.00 | 28.00 | 14.00 | Parking in restricted parking zone |
| [30-388.26](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.26TABUOPPAOTSTST) | 23.00 | 28.00 | 14.00 | Bus or taxicab parked in business district other than at bus stop or taxicab stand, respectively |
| [30-388.27](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.27TASTBUSTUSOTTABU) | 23.00 | 28.00 | 14.00 | Parking in bus stop or taxicab stand |
| [30-388.29](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.29ANPAOBSI) | 23.00 | 28.00 | 14.00 | Improper angle parking |
| [30-388.30](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.30LOANCUPERE) | 23.00 | 28.00 | 14.00 | Loading or unloading at angle to curb without required permit |
| [30-388.31](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.31TRPAPRREZO) | 23.00 | 28.00 | 14.00 | Parking truck of 1 ton or more in residential area for more than 1 hour |

(b) Reduced fine schedule for persons pleading guilty by mail: Upon a finding that it will further the interests of justice and promote judicial economy, the Chief Judge may, by administrative order, reduce the fines prescribed in subsection (a) of this section.

(c) Except as set forth in subsection (a), above, [Section 30-447](../level3/PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE.docx#PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE_S30-447PEMISPMAPASP), and [Section 30-292](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-292STSTPAPRSPPL), all violations of ordinances and statutes regulating, prohibiting or otherwise controlling the parking of motor vehicles shall be punished by a fine not to exceed thirty dollars ($30.00), plus the surcharge provided in subsection (g) and, after thirty (30) days, the imposition of late penalties in the amount of twenty-three dollars ($23.00) to be distributed in accordance with this chapter, unless otherwise provided by ordinance, statute, or administrative order of the Chief Judge.

(d) In addition to the fines and costs referred to in subsection (a), upon a finding of guilty after trial, the Court shall assess court costs against the guilty party.

(e) The Chief Judge may, by administrative, order, designate and specially set aside five dollars ($5.00) for each assessment of costs referred to in subsection (a) for the establishment of a Parking System Trust Fund and a Court Facility Trust Fund. Three dollars ($3.00) shall be placed in the Parking System Trust Fund and the remaining two dollars ($2.00) shall be placed in the Court Facility Trust Fund. The Chief Judge and the Clerk of the Court may authorize expenditure to these funds for maintenance and enhancement of the Parking Violations Bureau and court facilities.

(f) The Clerk of the Courts may designate and specially set aside four dollars ($4.00) for each assessment of costs referred to in subsection (a) for the establishment of the Clerk's Service Enhancement Trust Fund which shall be used for the maintenance and enhancement of the functions of the Clerk.

(g) A surcharge of four dollars ($4.00) is imposed on parking fines and monies collected shall be placed in the School Crossing Guard Trust Fund as authorized by Section 316.660(4)(c), Florida Statutes.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 81-62, § 2, 6-2-81; Ord. No. 86-7, § 2, 2-4-86; Ord. No. 90-72, § 1, 7-24-90; Ord. No. 94-183, § 9, 9-21-94; Ord. No. 01-64, § 2, 3-20-01; Ord. No. 03-70, § 1, 4-8-03; Ord. No. 07-137, § 2, 10-2-07)

Sec. 30-389. Unlawful to wilfully abandon motor vehicles on the streets of the County; notice; presumptions.

(a) It is unlawful for any person to wilfully abandon a motor vehicle upon the public streets and highways including shoulders of the road, within this County.

(b) In any prosecution under this section, proof that the defendant named in the complaint was at the time of such abandonment the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who abandoned such vehicle where and at the time when such violation occurred.

(c) The provisions of Sections [30-389.1](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-389.1UNNOILPAVE), [30-389.2](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-389.2FACOSUATILPAVE) and [30-389.3](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-389.3ISARWA) shall apply to violations of this section.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-389.1. Uniform notice on illegally parked vehicle.

(a) The Chief Judge may, by administrative order, prescribe a uniform parking ticket to be used by all municipal and County law enforcement agencies within the County; prescribe the method of distributing the uniform parking tickets; and promulgate rules an regulations to ensure that completed uniform parking tickets are not wrongfully withheld from the Court or destroyed.

(b) Whenever any motor vehicle is found parked, stopped or standing in violation of any of the restrictions imposed by ordinance of this County, the traffic enforcement officer or parking enforcement specialist finding such vehicle shall issue the uniform parking ticket. If the vehicle is unattended, the traffic enforcement officer or parking enforcement specialist shall attach such ticket to the vehicle in a conspicuous place, except that the uniform traffic citation prepared by the Department of Highway Safety and Motor Vehicles pursuant to Section 316.650, Florida Statutes shall not be issued by being attached to an unattended vehicle. The owner of said motor vehicle must answer to the charge placed against him within thirty (30) days as provided in [Section 30-389.2](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-389.2FACOSUATILPAVE) of the Code of Miami-Dade County.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 81-62, § 3, 6-2-81)

**Annotation—**CAO 83-20.

Sec. 30-389.1A. Owner of car presumed to be violator.

In the prosecution charging a violation of any ordinance or provision of this Code governing the stopping, standing, parking or operating a vehicle, proof that the particular vehicle described in the complaint was parked or operated in violation of any such ordinance or regulation, together with proof that the defendant named in the complaint was at the time of such parking or operating the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who stopped, parked or operated such vehicle at the point where, and for the time during which, such violation occurred.

The foregoing stated presumption shall apply only where the procedure as prescribed in Sections [30-389.1](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-389.1UNNOILPAVE) and [30-389.2](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-389.2FACOSUATILPAVE) has been followed.

(Ord. No. 72-58, § 1, 9-19-72)

Sec. 30-389.2. Failure to comply with summons attached to illegally parked vehicle.

All violators with past due unpaid parking complaints shall be noticed to appear at the Clerk's Parking Violations Bureau for the purpose of administrative disposition to ascertain whether the alleged violator desires to waive a Court hearing and pay the prescribed fine. All persons requesting a court hearing will execute a written request at the Parking Violations Bureau and the Clerk will schedule a hearing date before the Court. Any person requesting dismissal of a parking complaint without a court hearing may execute a notarized petition for dismissal, which the Clerk shall submit to the Court for review.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 81-62, § 4, 6-2-81; Ord. No. 86-7, § 3, 2-4-86)

Sec. 30-389.3. Issuance of arrest warrants.

In the event any person fails to comply with a notice given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the County Court within the time permitted by the Court, the Court may issue a warrant commanding the arrest of such person.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 81-62, § 5, 6-2-81)

Sec. 30-389.4. Parking enforcement procedures.

(a) When it appears to the Clerk of Court that five (5) or more summonses or citations (or one (1) or more summons or citation involving a violation of [Section 30-447](../level3/PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE.docx#PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE_S30-447PEMISPMAPASP)) have been issued to the same motor vehicle owner without regard to whether the summonses or citations bear a date prior to or subsequent to the effective date of this section, and said motor vehicle owner has failed to respond or to appear in Court as required by [Section 30-389.3](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-389.3ISARWA) and [Section 30-385](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-385OPARPEPEISCISUPLGUAPCO), the Clerk shall send to the motor vehicle owner notification that an order authorizing either impoundment or immobilization will be issued because of the five (5) outstanding summonses or citations (or one (1) or more summons or citation involving a violation of [Section 30-447](../level3/PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE.docx#PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE_S30-447PEMISPMAPASP)) issued to the same motor vehicle owner. This notification shall be sent by certified mail to the address which appears on the records of the Department of Motor Vehicles. If, after contacting the Department of Motor Vehicles, the Parking Violations Bureau is unable to determine the motor vehicle owner's address, it shall not be necessary for the Clerk to mail notice before the motor vehicle may be immobilized in accordance with subsection (f) of this section. If the motor vehicle owner fails to account for his parking violations pursuant to this Code within ten (10) days of the sending of the letter of notification, or if the Clerk is advised that the address of the registered owner of the motor vehicle is unknown, the Clerk shall notify the Chief Judge or his designee.

(b) The Chief Judge or his designee, upon receipt of notice from the Clerk of Court, pursuant to subsection (a), may issue an order to all law enforcement officers and parking enforcement specialists in the Eleventh Judicial Circuit for the State of Florida, commanding such law enforcement officers and parking enforcement specialists to impound or immobilize any motor vehicle registered to the person to whom the notice was directed. The order to impound or immobilize shall specify the registration or tag number(s) of said vehicle(s), the make(s) or trade name(s) of the vehicle(s), and if known, to the Court, the serial number(s) of the vehicle(s). Any vehicle having a tag that has been reported by the registered owner of the tag, in a sworn affidavit, as stolen or unauthorized for use prior to the issuance of a parking citation shall be immobilized, without notice, in accordance with this subsection and in the manner prescribed in subsection (f).

(c) At intervals to be determined by the Chief Judge, the Clerk of Court shall publish and transmit to all police and parking enforcement departments within Miami-Dade County a list of motor vehicles which have been ordered impounded or immobilized pursuant to the preceding subsection.

(d) Any law enforcement officer or parking enforcement specialist who comes into contact with an unoccupied parked motor vehicle which he reasonably believes to be a vehicle for which there is outstanding an impoundment or immobilization order, shall impound the vehicle in the manner prescribed in subsection (e), or immobilize the vehicle in the manner prescribed in subsection (f).

(e) Impoundment of vehicles pursuant to subsection (b) shall be accomplished by means of removal of the vehicle to the nearest facility or other place of safety, or to a facility designated or maintained by the County or by a municipality.

(f) Immobilization of vehicles pursuant to subsection (b) shall be accomplished by means of a Denver boot or other nondestructive device which prevents the vehicle from moving under its own power or by the removal of the license tag. The police officer or parking enforcement specialist who causes the motor vehicle to be immobilized shall attach a notice to the motor vehicle, on the form prescribed by the County Court, advising the owner of the motor vehicle of the information necessary to enable the owner to have the immobilization device removed or license tag returned. The notice shall be signed by the police officer or parking enforcement specialist and indicate his/her badge number. For a period of forty-eight (48) hours from the removal of the license tag, the owner of the vehicle shall not be liable for failure to comply with [Section 30-367](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-367LIVE) of the Code of Miami-Dade County.

(g) A prompt and adequate post impoundment or post-immobilization hearing will be provided to the owner of an immobilized motor vehicle, enabling him/her to contest the impoundment or immobilization as being unjustified. In the course of this hearing, the burden will be on the County to prove the parking violations and the legality of the impoundment or immobilization in the usual way.

(h) During the course of this hearing, the owner of the vehicle can obtain the release of the vehicle or the license tag by posting bond as required by the County Court.

(i) A motor vehicle which has been impounded or immobilized shall be released by the police or parking enforcement agency involved when the owner or operator has complied with the terms of the impoundment or immobilization order and presented proof of such compliance to the agency which impounded or immobilized the vehicle.

(Ord. No. 81-62, § 6, 6-2-81; Ord. No. 86-7, § 4, 2-4-86; Ord. No. 87-15, § 1, 4-7-87; Ord. No. 01-64, § 3, 3-20-01)

Sec. 30-389.5. Withholding of license tag or revalidation sticker.

(a) The Clerk of the Court or the Parking Violations Bureau shall supply the Department of Highway Safety and Motor Vehicles monthly with a magnetically encoded computer tape reel or cartridge, which is machine readable by the installed computer system at the Department, listing tags of persons who have three (3) or more outstanding parking violations or any outstanding violations of Sections 316.1955 or 316.1956, Florida Statutes, or Section 30-447 of the Code of Miami-Dade County, Florida, regulating parking in spaces designated for use by disabled persons.

(b) If the name of an applicant for vehicle registration appears on the list referred to in subsection (a), no license plate or revalidation sticker shall be issued until such person's name no longer appears on said list or until he/she presents a receipt from the Clerk showing that such parking fines have been paid.

(c) The Tax Collector and the Clerk of the Court shall be entitled to receive monthly, as costs for implementing and administering this section, ten (10) percent of the civil penalties and fines recovered from said persons. If the Tax Collector has private tag agents, such tag agents shall be entitled to receive a pro rata share of the amount paid to the Tax Collector, based upon the percentage of license plates and revalidation stickers issued by such tag agent compared to the total issued within the County.

(d) The authority to issue license plates of any private agent who issues any license plate or revalidation sticker contrary to the provisions of this subsection may be revoked after notice and hearing as provided in Chapter 120, Florida Statutes and existing County ordinances.

(Ord. No. 86-7, § 5, 2-4-86; Ord. No. 89-124, § 1, 12-5-89; Ord. No. 90-72, § 2, 7-24-90)

Sec. 30-390. Inspection of vehicles; required; exceptions.

(a) Every motor vehicle registered or required to be registered within the State of Florida when operated within this County or stopped upon any street or highway within this County shall at all times display a current approved certificate which shall be placed on the vehicle indicating that it has been inspected in accordance with the provisions of Chapter 325, Florida Statutes, and Chapter 30, Code of Miami-Dade County, Florida, and has been found to comply with the standards and requirements of these laws for safety equipment.

(b) Notwithstanding the provisions of subsection (a) of this section, every law enforcement officer of this County shall recognize any current official inspection sticker affixed to any motor vehicle from another state, and vehicles operating under a Certificate of the Interstate Commerce Commission or Florida Public Service Commission subject to United States Department of Transportation safety regulations are exempt from displaying a Florida official inspection sticker; provided they have attached or displayed a valid certificate number issued by the Interstate Commerce Commission or Florida Public Service Commission.

(c) It is unlawful for any person to drive, operate, stop or park, or for the owner to cause or knowingly permit to be driven, operated, stopped or parked on any public street, road, highway, or on any parking lot or facilities owned or operated by any governmental unit within this County, any motor vehicle which is required under the laws of the State or as required by this article to be inspected, unless such motor vehicle has been inspected and has attached thereto, in proper position, a valid and unexpired certificate of inspection.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-391. Certificate of inspection—When issued.

When a motor vehicle is inspected by the County and is found to be in compliance with the provisions of Chapter 325, Florida Statutes, the owner or his agent, upon payment of the inspection fee as hereinafter prescribed, shall receive an inspection certificate to be attached to the windshield of the vehicle.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-392. Same—Right of police to inspect unaffected.

(a) The issuance of an inspection certificate shall not affect the right of police officers to inspect said vehicle at all times to determine if said vehicle meets the standards prescribed by Chapter 325 and Chapter 317, Florida Statutes.

(b) Any police officer authorized to administer or enforce the motor vehicle laws of this State and County may require the driver of a vehicle to stop and submit such vehicle and its equipment to an inspection, and such test with reference hereto as may be appropriate, to determine that such vehicle is in a safe operating condition, and that it complies with the provisions of Chapter 325 and Chapter 317, Florida Statutes.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-393. Same—Illegal sale; issuance, transfer, etc.

(a) It shall be unlawful for any person to sell, purchase, barter, exchange, deal or traffic in motor vehicle inspection certificates, or to issue a motor vehicle inspection certificate except for immediate attachment to a windshield of a motor vehicle which has been tested, inspected and approved for the issuance of a motor vehicle inspection certificate as provided in this article.

(b) It shall be unlawful to transfer any motor vehicle inspection certificate from the vehicle for which it was issued to any other motor vehicle.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-394. Rejection at inspection; reinspection.

When any motor vehicle shall be presented for inspection in compliance with this article and shall be found to possess equipment which does not comply with the requirements as herein provided the officer or person inspecting the vehicle shall affix a "Notice of rejection" sticker to the windshield of the vehicle presented for inspection. The notice of rejection sticker shall inform the owner or operator thereof that he will be permitted ten (10) days in which to make the required adjustment and in which to present such vehicle at an inspection station for reinspection. In addition, the officer or person inspecting the vehicle shall issue an authorized receipt and statement for such vehicle indicating that it has been inspected and shall enumerate the defects found. The owner or operator shall have such defects corrected or repaired at any place that he may choose within ten (10) days of the finding of such defects. The vehicle may be reinspected for such defects within ten (10) days at the safety equipment inspection station first making the inspection, without additional charge; however, upon payment of the inspection fee, the vehicle may be reinspected at another safety equipment inspection station.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-395. Items of inspection.

To entitle the owner of any motor vehicle to a State vehicle inspection certificate, the brakes, horn or signaling device, lights, rear view mirror, muffler, steering mechanism, tires, windshield wiper, windshield, bumper, fenders, doors, runningboards, and other safety equipment of such vehicle shall meet the standards prescribed by the laws of the State of Florida including those provisions of Chapters 317 and 325, Florida Statutes, where applicable.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-396. Fees for inspection and reinspection.

A fee of three dollars ($3.00) shall be charged at the time of inspection of all vehicles. When any vehicle is inspected subsequent to the time required by Chapter 325, Florida Statutes, an additional delinquent fee of one dollar ($1.00) shall be charged. Of the amounts collected, one dollar and fifty cents ($1.50) shall be retained by the inspecting agency for the inspection of each passenger motor vehicle, and each motorcycle or similar vehicle; and two dollars ($2.00) shall be retained by the inspecting agency for the inspection of each vehicle for hire, motor bus, truck and truck trailer. Proper counts of the type of vehicles inspected shall be kept and made available to the County at all times. The balance of the funds collected, including all of the delinquent fees above-described, shall be remitted by the fifteenth of the month following to the County and held by it in trust for those purposes for which this fund may be lawfully expended, such expenditures to be disbursed in accordance with the County Manager's reports of May 6 and May 9, 1968, and as may be otherwise provided by the County Commission from time to time through ordinance after public hearing. The County Manager shall forward to the State Department of Public Safety all said delinquent fees in accordance with the provisions of Section 325.24, Florida Statutes.

All fees shall be paid by the owner of the vehicle, or his agent, at the time of inspection.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-397. Inspection time limit for certain vehicles brought into State.

The owner of any motor vehicle brought into this State for the first time and which is required to be registered under the provisions of State law and required to be inspected shall have such vehicle inspected within ten (10) days from the date on which it was first brought into the State and shall have the certificate of inspection affixed thereto within such ten (10) day time limit.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-398. Selling, renting, leasing or loaning motor vehicles without inspection certificates.

It shall be unlawful for any person to sell, rent, lease or loan any motor vehicle that has not been inspected and does not bear a valid current certificate of inspection issued in accordance with the provisions of this article; provided that licensed registered motor vehicle dealers may sell and deliver possession of new motor vehicles without inspection and certificates of inspection. The purchasers of such new motor vehicles shall be required to obtain a certificate of inspection therefor within ten (10) days after the date of purchase. If a motor vehicle dealer shall deliver possession of a new motor vehicle without inspection and certificate of inspection, such dealer shall affix thereto at or prior to the time of delivery a sticker in form approved by the County certifying that the motor vehicle is new and setting forth the date of purchase by the original purchaser thereof.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-399. Issuance of identification cards to licensed secondhand dealers; authorized use on uninspected used motor vehicles; revocation, penalties; legislative intent.

(a) The County is hereby authorized to issue plasticized identification cards to secondhand dealers holding valid current unrevoked secondhand dealers' licenses issued by the State Motor Vehicle Commission in accordance with the provisions of Section 320.27, Florida Statutes. The cards shall be in the form prescribed by the County, and shall be issued to the dealers upon presentation to the County of the said secondhand dealers' licenses. The cards shall be issued in the name of the dealer as stated on said license and shall be nontransferable.

(b) The identification cards shall expire on December thirty-first of each year; however, each card shall automatically and without notice expire at the time the dealer's license expires or is revoked or suspended.

(c) Each licensed dealer is entitled to have additional cards issued to him, but in no event shall the dealer possess at any one (1) time more than five (5) valid unexpired cards for each license he holds under Section 320.27, Florida Statutes. The fee for the issuance of each card is one dollar and fifty cents ($1.50). Any card that has been defaced, mutilated, or is illegible, is invalid, and upon presentation of such card to the County, the dealer may be issued a new card in substitution therefor upon payment of the fee.

(d) When the dealer has in his possession a used motor vehicle which has not been inspected, or which does not bear a valid and unexpired certificate of inspection, said dealer or his agent may, by prominently and visibly displaying a valid unexpired identification card in the rear window of said vehicle, drive the vehicle on the public streets of Miami-Dade County; (1) from the point within this County where the dealer first takes possession of the vehicle to the dealer's place of business or to a garage or shop for repairs or to an authorized motor vehicle inspection station, (2) from the dealer's place of business to a garage or shop for repairs or to said inspection station, and (3) from a garage or shop for repairs to the dealer's place of business or to said inspection station. Any other use of said identification card is unauthorized.

(e) Upon determination by the County that a dealer or his agent has been using an identification card in an unauthorized manner, the County may revoke said card and all other cards issued to said dealer by giving notice of revocation to the dealer by certified mail, and all cards issued to said dealer must be surrendered to the County forthwith.

(f) It shall be unlawful and a violation of this section to display an invalid or expired or revoked card, or to use a card in an unauthorized manner, or to do any act forbidden by this section, or to fail to perform any act required by this section. All violations are punishable as provided for in [Section 30-403](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-403PEVI)

(g) Nothing in this section shall be construed to relieve the dealer and his agent from the duty of complying with the provisions of Section 30-33. The provisions and penalties of this section are not intended to and shall not be construed as changing, modifying, amending, repealing, superseding or conflicting with any provisions or sections of the Florida Statutes, but shall be construed as supplemental and additional thereto and not as a substitute therefor.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-400. Motor vehicles exempt from inspections.

The provisions of this article shall not be applicable to the following motor vehicles:

(1) New motor vehicles, while in the possession of licensed registered motor vehicle dealers for original sale to the public, and which are exempt from the registration and license laws of this State. It shall be the duty and responsibility of the purchaser of a new motor vehicle to cause it to be inspected and obtain a current certificate of inspection within ten (10) days after date of purchase. This exemption shall not be applicable to new motor vehicles utilized by any dealer as demonstrators.

(2) Used motor vehicles in the possession of licensed secondhand dealers when such dealers have complied with all the requirements of Section 30-128.1 and when such vehicles are being driven as authorized therein.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-401. Motor vehicles involved in accident and otherwise damaged.

Any motor vehicle involved in an accident and otherwise damaged so that the equipment required to be inspected has been damaged shall not be operated, except to an official inspection station or repair shop, upon the streets and highways of this County until it has been reinspected in accordance with the provisions of this law.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-402. Contracts with cities for use of inspection equipment.

The County Manager is authorized to enter into contracts with the various municipalities for the use of all motor vehicle inspection equipment. The Director of the Miami-Dade Police Department and the police departments of the various municipalities of this County, under its direction, shall carry out and render inspections of motor vehicles as set forth in this article.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-403. Penalty for violations.

All violations of this article shall be punishable by a fine not to exceed one hundred dollars ($100.00) or imprisonment not to exceed thirty (30) days in the County Jail, or both, in the discretion of the County Judge.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-404. Railroads and locomotives-regulations pertaining to the blocking of crossings; penalty for violation of section.

(a) *Definitions.*

(1) "Carrier," "railroad," "railroad company" shall mean a common carrier by railroad, or partly by railroad and partly by water, and any receiver or any other individual or body, judicial or otherwise, when in possession of the business of railroad carriers covered by this section excluding street, suburban or interurban electrical railways.

(2) "Train," "cars," "equipment" shall mean engines and any type of equipment or rolling stock capable of blocking any crossing of the railroad tracks and public highways, streets, and roads; and also shall mean any such carried by said railroad whether owned by it or not; and shall likewise mean any equipment of any contractor or other person using said rails with the knowledge, permission or consent of said railroad for which the responsibility of the railroad is hereby established fully as though said equipment was owned and operated by said railroad and its employees.

(b) *Blocking of crossings.* It shall be unlawful for any railroad company except in emergency, to order, allow, permit, or to so operate its system so that its trains or equipment or any cars and equipment carried by it blocks the crossings of railroad tracks and public streets, roads, and highways of this County for more than a reasonable time; and such railroads shall so operate its system in such manner and with such trains and sufficient crews and facilities so as to avoid unnecessary blocking of such crossings.

(c) *Responsibility.* Excepting in cases of an emergency, the personnel of such trains or equipment operating or in charge of the same shall be liable for such unreasonable or prohibited blocking of such crossings only when it is due to the sole fault of such personnel. At all other times the railroad company shall be held responsible for all unreasonable or prohibited blockings.

(d) *Approach of emergency vehicles.* Trains or equipment shall be so cut, separated or so moved, as to clear any crossing of any public road, street or highway in this County upon the approach of any emergency vehicle, which for the purpose of this law shall be: An ambulance operated by public authority or by private persons; a fire engine; or an emergency vehicle operated by power or electric companies; or any other vehicle when operated as an emergency vehicle, defined as one (1) which is engaged in the saving of life, property, or responding to any other public peril; or emergency vehicles used as such by the government of the United States; when upon the approach of such emergency vehicle, such vehicle gives due warning of its approach to such crossing by the sounding of sirens, flashing of lights, waving of flag, or any other warning sufficient to attract attention to such emergency vehicle; and thereupon the said train or equipment shall be cut and said crossing shall be cleared with all possible dispatch to permit the crossing and passing through of said emergency vehicle.

(e) *Company responsible for acts of its agents.* The railroad company shall be responsible for the acts of its agents and employees, for the violation of this section regulating the period of time when such streets, roads, or highways may be so blocked by such equipment, unless said agents and employees are acting beyond the scope of their authority.

(f) *Penalty for violation of this section.* It is provided, further, that for each violation of this section a fine of not more than one hundred dollars ($100.00) may be assessed, upon conviction thereof against said company.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-405. Dangerous grade crossings—Procedure for determination.

(a) The County Manager shall cause a continuing study and review to be made of all railroad grade crossings located in the territorial areas of Miami-Dade County, and the County Manager shall solicit the advice and recommendations of the Citizens Safety Council of Miami-Dade County and other organizations qualified in the field of traffic safety. The County Manager shall prepare periodic reports concerning the safety conditions at railroad grade crossings and submit recommendations in respect to feasible means for providing adequate safety protection measures.

(b) The Board of County Commissioners, from time to time, may determine whether a particular railroad grade crossing, or any number of grade crossings, are dangerous and constitute a hazard to the public safety. Those grade crossings so determined shall be designated and described by resolution adopted by the board and certified copies thereof mailed to the railroad affected thereby. Such determination shall be made after consideration of the recommendations of the County Manager, and upon public hearing after due notice, and upon written notice to the affected railroad. Representatives of the affected railroad shall be afforded the opportunity to be heard at a public hearing.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-406. Same—Regulations.

It shall be unlawful for any person in control as operator, engineer or driver of any locomotive, motor driven equipment, train, car or other equipment, including "high railers", using, traveling or moving on the tracks or rails of any railroad company within or passing through the territorial areas of Miami-Dade County, Florida, to cause the same to cross any street or highway intersection that has been designated as dangerous by the Board of County Commissioners under the procedures prescribed by [Section 30-405](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-405DAGRCRRODE) hereof, without causing the locomotive, motor driven equipment, train, car or other equipment, including "high railers", in his control to come to a full stop before crossing said street or highway, or be preceded by flagmen or other qualified personnel who shall station themselves on opposite sides of the railroad tracks in the street or highway to warn, caution and protect by appropriate flags, lights or other appropriate warning devices all persons and motor vehicles approaching the grade crossing.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-407. Railroad officials; duties.

It shall be the duty and responsibility of the officers, directors and operating officials of each railroad operating locomotives, trains and other moving equipment on railroad tracks or rails within Miami-Dade County, Florida, to cause all operating personnel of such railroad to comply with the provisions of [Section 30-406](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-406SAEG) hereof. Any railroad company violating the provisions of this article, or any officer, director or operating official authorizing or permitting the violation of [Section 30-406](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-406SAEG) hereof or neglecting to comply with the provisions of this section, shall be punished as provided in [Section 30-409](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-409VIPE) hereof.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-408. Enforcement.

The provisions of this article shall be applicable in both the incorporated and unincorporated areas of Miami-Dade County, Florida. It shall be the duty of all County and municipal officials and employees to enforce the provisions of this article. In addition to any other remedies provided by this article, the provisions of [Section 30-406](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-406SAEG) hereof may be enforced by injunction, or other appropriate civil action, to enjoin and restrain any person or railroad company from violating or continuing to violate said provisions, in order to prevent irreparable damage and injury to the public safety and welfare.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-409. Violations; penalty.

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed sixty (60) days, or both such fine and imprisonment, in the discretion of the court of appropriate jurisdiction.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-410. Traffic administration; enforcement of chapter.

(a) It shall be the duty of Police Officers of Miami-Dade County and municipal police officers within their boundaries to enforce the provisions of this chapter, to make arrests for traffic violations, to assist in the prosecution of persons charged with such violations, to investigate accidents, to cooperate with the traffic engineer and other officials of the County in the administration of the traffic ordinance and in developing ways and means to improve traffic conditions and to carry out the duties specifically imposed by this chapter and the traffic regulations of this County.

(b) Arrests shall be made for violations thereof, and shall be prosecuted only in the court of appropriate jurisdiction.

(c) Members of the Fire Division and municipal fire department personnel when en route to or at the scene of a fire, may direct or assist the police in directing traffic there or in the immediate vicinity.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-411. Annual report of Sheriff of Miami-Dade County.

The Sheriff of Miami-Dade County shall annually prepare a traffic report which shall be filed with the Manager. Such report shall contain information on traffic matters in this County as follows:

(1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

(2) The number of traffic accidents investigated and other pertinent data on the safety activities of the Department;

(3) Plans and recommendations for future traffic safety activities.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-412. Records of traffic violations; traffic tickets; public records.

(a) The Clerk of the Court of appropriate jurisdiction shall keep a record of all alleged violations of the traffic ordinances of this County of which any person has been charged, together with a record of the final disposition of all such alleged offenses.

(b) All traffic complaints and notices of violations issued by police officers, shall be serially numbered. The records and reports of the clerk are public records.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-413. Accident studies.

Whenever the accidents at any particular location become numerous, the Miami-Dade County Sheriff's Department shall cooperate with the Traffic Engineer in conducting studies of such accidents and determining remedial measures.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-414. Accident reports; filing; admissibility in court.

The Sheriff's Department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them, shall be filed alphabetically and by location. Such reports shall be available for the use and information of the Traffic Engineer.

All accident reports made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the Sheriff's Department or other County and State agencies having use of the records for accident prevention purposes, except that the Sheriff's Department or municipal police departments may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Sheriff's Department shall furnish upon demand of any person who has or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Sheriff's Department solely to prove a compliance or a failure to comply with the requirements that such a report be made to the Sheriff's Department.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-415. Drivers' files to be maintained.

The Public Safety Department shall maintain a suitable record of all traffic accidents, warnings, and arrests, which shall be filed alphabetically.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-416. General duties of Traffic Director.

It is the general duty of the Traffic Director to plan and determine the installation and proper timing of traffic-control devices; to plan and direct the operation of traffic on the streets of this County; including parking areas; to conduct investigations of traffic conditions; to cooperate with other County, municipal and State officials and make recommendations for the improvement of traffic movement and conditions, including improvements in streets, and to carry out the additional powers and duties imposed by ordinances of this County or as directed by the County Commission.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-417. Specific duties of Traffic Director.

The Traffic Director is hereby authorized to:

(1) *Through streets.* Designate streets or parts of said streets, as through streets.

(2) *Stop streets and stop signs.* Determine and designate intersections where a particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection, and shall cause to be erected a stop sign at every place where he shall find a stop required, except at those intersections which are controlled by automatic signals or other traffic-control devices. Every stop sign erected pursuant to this chapter shall be a standard sign adopted by the State Department of Transportation.

(3) *Crosswalks.* Designate by appropriate devices, marks or lines upon the surface of the roadway, within the jurisdiction of this County, crosswalks at those places where he shall find that there is particular danger to pedestrians crossing the roadway, and when he shall further find that the existence of a crosswalk will reduce that danger.

(4) *Safety zones.* To establish safety zones of such kind and character and at such places where he shall find that there is particular danger to pedestrians, and which are consistent with State law, and where he shall find that the existence of a safety zone will reduce that danger.

(5) *One-way streets, roadways and alleys; signs.* To designate one-way streets, roadways and alleys, and whenever the Traffic Engineer designates any one-way street, roadway, or alley, he shall cause to be placed signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(6) *Marking traffic lanes.* Require the marking of lanes upon the roadway of any street where he shall find that a regular alignment of traffic is necessary in the interest of safety and efficiency, or at such places as he may find to be advisable, consistent with the traffic regulations of this County and State law.

(7) *All-night parking.* Prohibit all-night parking, and to cause to be erected signs giving notice thereof, upon any street or portion thereof, whenever in his opinion such prohibition is necessary or advisable in the interest of public safety.

(8) *Play streets.* Declare and to establish, whenever he shall find that the public safety and convenience are best served thereby, any street or part thereof a play street, and to have placed appropriate signs and barricades enclosing the roadway indicating and helping to protect the same. Whenever authorized signs and barricades are erected enclosing any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof.

(9) *Signs, signals and devices; specifications.* Designate traffic-control signs, signals, lane markings and other devices and shall determine the hours and days during which any traffic-control device shall be in operation or be in effect. In all respects all traffic-control signs, signals and devices shall conform to the manual and specifications as approved by the State Department of Transportation. All signs and signals required hereunder for a particular purpose shall be uniform as to type and location throughout the County. All traffic-control devices so erected and not inconsistent with the provisions of State law or this chapter shall be official traffic-control devices.

(10) *Emergency and experimental regulations; testing.* Make all regulations necessary to make effective the provisions of the traffic ordinance of this County and to make and enforce temporary or experimental regulations, consistent with this chapter, to cover emergencies or special conditions. No such regulations shall be effective and in force until and unless adequate signs, signals or other notices are erected, clearly indicating said regulation. No such temporary experimental regulation shall remain in effect for more than ninety (90) days. The Traffic Director may test traffic-control devices under actual conditions of traffic.

(11) *Angle parking.* Shall determine the location of angle parking zones.

(12) *Prohibit parking on left side of one-way street.* Prohibit the standing or parking of vehicles upon the left-hand side of any one-way street and to erect signs giving notice thereof.

(13) *Permit parking on one-way streets.* Determine when standing or parking may be permitted upon the left-hand side which include two (2) or more separate roadways and to cause to be erected signs giving notice thereof.

(14) *Restrict parking in hazardous places.* Designate by proper signs, places in which the stopping or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(15) *Curb loading zones.* Determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

(16) *Truck routes, designating.* Designate certain streets as truck routes to be used for the expeditious and convenient movement of farm tractors, trailers, semi-trailers, trucks and other commercial vehicular traffic and shall give notice thereof by means of appropriate signs placed along such streets.

(17) *Bus stops, taxi stands, etc.* Establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles on the public streets, in such places and in such numbers as he shall determine to be of the greatest benefit and convenience to the public. Every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs.

(18) *Prohibited parking.* Designate certain streets where parking shall be prohibited at all times, may designate certain places where parking shall be prohibited at all times and shall cause to be erected signs giving notice thereof.

(19) *Limited parking.* Cause to be erected signs in each block limiting the parking time on certain streets and giving notice thereof.

(20) *Bicycles on sidewalks.* Cause to be erected signs on any sidewalk or street prohibiting the riding of bicycles thereon by any person, and when such signs are in place no person shall disobey the same.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-418. Permit to back-load merchandise.

The Miami-Dade Police Director is authorized to issue special permits to permit the back-loading of merchandise or material subject to the terms and conditions of such permits.

(Ord. No. 71-94, § 1, 12-21-71)

Sec. 30-419. Penalties.

A violation of any provision of the "Miami-Dade County Traffic Code" shall be punishable by whatever fines are provided by general law or ordinance and if the amount due is not a whole dollar amount, the fine shall be increased to the next highest whole dollar. Such increment will remit to the County.

(Ord. No. 91-140, § 1, 11-19-91)

Sec. 30-420. Violations of the Florida Uniform Traffic Control Law.

(a) It shall be unlawful and a violation of this section for any person to commit within Miami-Dade County, Florida, any act which is recognized by the laws of the State of Florida as a violation of the "Florida Uniform Traffic Control Law," Chapter 316, Florida Statutes or with the provisions of Chapters 318, 320 or 322, Florida Statutes.

(b) It is hereby provided that this section shall be applicable in both the incorporated and unincorporated areas of Miami-Dade County, Florida.

(c) This section does not supersede any municipal or County ordinances, but is in supplement to and in addition to all municipal and County ordinances.

(d) A violation of any provision of this section shall be punishable by whatever fines are provided by general law or ordinance and an amount equal to the difference between the fine levied pursuant to said general law or ordinance and the next highest whole dollar.

(Ord. No. 91-140, § 1, 11-19-91)

Sec. 30-421. Use of cellular telephones while driving.

(1) *Scope of regulation; preemption of municipal regulation.* The provisions of this section shall apply in both the incorporated and unincorporated areas of Miami-Dade County, with the enforcement of this section in the unincorporated area being the responsibility of Miami-Dade County and in the incorporated area being the responsibility of the corresponding municipality. Municipal ordinances regulating the area covered by this section shall be preempted.

(2) *Definitions.* For purposes of this section, the following definitions for terms used herein shall apply:

(a) *Cellular telephone* means any device capable of sending or receiving voice telephone communications without an access line for service, including but not limited to analog, digital and wireless telephones.

(b) *Use* means sending or receiving or attempting to send or receive a communication, listening, dialing, researching or talking on a cellular telephone.

(c) *Hands-free device* means an internal device, attachment, add-on or addition to a cellular telephone or motor vehicle, whether or not permanently installed in the motor vehicle, that when used:

(i) Allows the operator of a motor vehicle to maintain both hands (or prosthetic device or aid in the case of a physically disabled person) on the applicable steering device; and

(ii) Allows for surrounding sound to be heard by one or both ears.

(3) *Use of cellular telephones while driving without hands-free device prohibited; exception.*

(a) No person shall use a cellular telephone while operating a motor vehicle on any public street or highway within Miami-Dade County while the motor vehicle is in motion, unless such cellular telephone is used with a hands-free device.

(b) Notwithstanding, this section shall not prohibit use of a cellular telephone by:

(i) Any law enforcement, public safety or police officers, emergency services officials, first aid, emergency medical technicians and personnel, or any fire safety officials in the performance of duties arising out of and in the course of their employment as such;

(ii) A person who has reason to fear for his or her life or safety; or

(iii) A person to report a fire, traffic accident where injuries are apparent, a serious road hazard, or to report a person who is driving in a reckless manner or who appears to be under the influence of alcohol or drugs.

(4) *Sale or rental of cellular telephones without written instructions on use while driving prohibited.* Any person who owns, conducts, operates or manages a retail establishment selling or renting cellular telephones shall provide written instructions to each purchaser or lessee of a cellular telephone about the safe use of a cellular telephone while driving, hands-free options that are available, and the applicability of this section.

(5) *Vehicle rental without written instructions on use of cellular telephones while driving prohibited.* Any person who owns, conducts, operates or manages a retail establishment renting a vehicle shall provide written instructions to each lessee about the safe use of cellular telephones while driving, hands-free options that are available, and the applicability of this section.

(6) *Penalty.* A violation of [section 30-421](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-421USCETEWHDR) is a noncriminal traffic ordinance violation, punishable by a fine of two hundred and fifty dollars ($250.00) or successful completion of a driver improvement course. Notwithstanding, within the first thirty (30) days of the effective date of this section, only a verbal warning shall be given.

(7) *Trust Fund.* There is hereby created the Miami-Dade County Cellular Telephone Trust Fund. Penalties received from violators of this section shall be placed in the trust fund. The Board of County Commissioners shall direct the expenditures of monies in the fund. Such expenditures shall be limited to expenses related to awareness of the dangers of cellular telephone use while driving.

(Ord. No. 01-148, § 1, 9-25-01)

Sec. 30-422. Traffic intersection safety and traffic infraction detectors.

(1) *Purpose and intent.* The purpose of this ordinance is to implement the Mark Wandall Traffic Safety Act, Chapters 2010-80 and 2010-163, Laws of Florida (HB 325 and HB 5501), as such may be amended from time to time (hereinafter the "Mark Wandall Traffic Safety Act" or the "Act"), in order to promote, protect and improve the health, safety and welfare of individuals and protect property in Miami-Dade County.

(2) *Scope of regulation and applicability.* The provisions of this section shall apply to and be enforced in only the unincorporated areas of Miami-Dade County.

(3) *Use of Traffic Infraction Detectors.* Miami-Dade County hereby exercises its authority pursuant to the Mark Wandall Traffic Safety Act to use traffic infraction detectors within the unincorporated areas of Miami-Dade County to enforce the Uniform Traffic Code of the State of Florida. The Mayor or designee is authorized to implement the provisions and requirements of the Act consistent with the specifications established by the Florida Department of Transportation, as such may be amended from time to time. The County is expressly authorized to use traffic infraction detectors to enforce red light signal violations pursuant to sections 316.074(1) and 316.075(1)(c)1., Florida Statutes, when a driver fails to stop at a traffic signal on streets and highways within the unincorporated areas of Miami-Dade County. The provisions of this ordinance shall not otherwise prohibit a law enforcement officer from issuing a traffic citation to a driver for a red light signal violation in accordance with Chapters 316 and 318, Florida Statutes.

(4) *Right turn on red enforcement by traffic infraction detectors prohibited.* Traffic infraction detectors shall not be used to enforce red light signal violations when a driver is making a right turn where such turns are permissible. This subsection shall not otherwise prohibit a law enforcement officer from issuing a traffic citation to a driver for a right turn violation in accordance with Chapters 316 and 318, Florida Statutes.

(5) *Traffic infraction enforcement officers.* The Mayor or designee is authorized to designate traffic infraction enforcement officers to administer the County's red light camera program pursuant to the Mark Wandall Traffic Safety Act, as such may be amended from time to time.

(6) *Notice and appeals.* Notification of a violation of the Mark Wandall Traffic Safety Act and appeals shall be provided as set forth in the Act, as such may be amended from time to time. The notice expressly shall advise the registered owner of the vehicle that he or she has a right to review the photographic or electronic images or streaming video evidence.

(7) *Penalties.* A violation of the Mark Wandall Traffic Safety Act and [section 30-422](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-422TRINSATRINDE) shall be punishable as set forth in the Act, as such may be amended from time to time. The Act currently sets the fine at one hundred fifty-eight dollars ($158.00) per violation.

(8) *Signage and public awareness campaign.* The Mayor or designee is directed to:

i. Prior to installation of a traffic infraction detector at an intersection, install signage at the intersection indicating that traffic infraction detectors may be in use; and

ii. No less than 30 days before traffic infraction detectors are installed, conduct a public awareness campaign related to traffic infraction detectors and red light safety.

(9) *Permits for installation of traffic infraction detectors by municipalities on county roads and infrastructure.* The Mayor or designee shall develop a policy for approval by this Board consistent with the Act setting the requirements for municipalities to acquire permits from the County to install traffic infraction detectors, including any applicable fees:

i. On County roads within or adjacent to cities; and

ii. On County traffic signal mast arms and other county infrastructure.

(10) *Revenue.* Revenue realized by the County pursuant to the Act, once all associated costs have been paid and distributions made as required by the Act, shall supplement the unincorporated municipal service area (UMSA) budget. This provision shall be subject to annual appropriation by the Board.

(11) *Reporting.* The Mayor or designee shall submit a report by October 1, 2012, and annually thereafter, to both the Florida Department of Highway Safety and Motor Vehicles or its successor state department (DHSMV) and this Board detailing the results of using traffic infraction detectors and the procedures for enforcement for the preceding state fiscal year. The information submitted must include statistical data and information required by the DHSMV to complete the report required by the Mark Wandall Traffic Safety Act.

(Ord. No. 11-01, § 1, 1-20-11)

Secs. 30-423—30-441. Reserved.

### ARTICLE II. PARKING SPACES FOR DISABLED PERSONS [[2]](#BK_31B043CF369153963D8C35AAB75314F9)

[Sec. 30-442. Parking spaces provided by governmental agencies for certain disabled persons.](#BK_54B513CDC652980DE2AC72B8286B29A2)

[Sec. 30-443. Parking spaces provided by nongovernmental entities for certain disabled persons.](#BK_7CF72DD908552B701A903E0BC8C0199B)

[Secs. 30-444—30-446. Reserved.](#BK_0CB2B820E445595A7DFB28EBBFB27CFD)

[Sec. 30-447. Penalty for misuse of specially marked parking spaces.](#BK_CF184D09EF575C10E0C2E0B0D26E653E)

[Sec. 30-448. Out-of-state vehicles bearing handicapped identification.](#BK_076FE878D67B50A936AA943CBDAF20D2)

Sec. 30-442. Parking spaces provided by governmental agencies for certain disabled persons.

(a) Miami-Dade County and each municipality within Miami-Dade County, and each agency, instrumentality and authority thereof, having jurisdiction over street parking or publicly owned and operated parking facilities shall provide a minimum number of specially designated and marked motor vehicle parking spaces for the exclusive use of those severely physically disabled individuals who have permanent mobility problems that substantially impair their ability to ambulate and who have been issued an exemption entitlement parking permit pursuant to Section 316.1958, Florida Statutes, or Section 320.0848, Florida Statutes.

(b) The following minimum number of such parking spaces shall be provided:

(1) One (1) space in the immediate vicinity of a building which houses a governmental entity or a political subdivision, including, but not limited to, State office buildings and courthouses, if no parking for the public is provided on the premises of such building;

(2) One (1) space for each one hundred fifty (150) metered on-street parking spaces; and

(3) For publicly maintained and operated parking facilities intended for public use and not subject to paragraph (1), the number of parking spaces for disabled persons as set forth in the following table:

|  |  |
| --- | --- |
| *Total Parking in Lot* | Required Number of Accessible *Spaces* |
| Up to 25 | 1 |
| [26](../level2/PTIIICOOR_CH26PAREDERURE.docx#PTIIICOOR_CH26PAREDERURE) to   50 | 2 |
| 51 to   75 | 3 |
| 76 to  100 | 4 |
| 101 to  150 | 5 |
| 151 to  200 | 6 |
| 201 to  300 | 7 |
| 301 to  400 | 8 |
| 401 to  500 | 9 |
| 501 to 1000 | 2% of total |
| Over 1000 | 20 |
| plus 1 for each 100 over 1000 |  |

However, when parking spaces are leased at such publicly maintained and operated parking facilities, the number of parking spaces for disabled persons shall be increased or decreased on demonstrated and documented need. A minimum of four (4) parking spaces for disabled persons shall be provided at a physical restoration rehabilitation center or a hospital.

(c) Such parking spaces shall be designed and located as follows:

(1) All spaces shall have accessible thereto a curb-ramp or curb-cut, when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

(2) Diagonal or perpendicular parking spaces shall be a minimum of twelve (12) feet wide.

(3) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

(d) Each such parking space shall be prominently outlined with paint and posted with a permanent above-grade sign of a color and design approved by the Department of Transportation, bearing the international symbol of accessibility and the caption "PARKING BY DISABLED PERMIT ONLY." In addition, each such parking space shall be provided with a sign stating "TOW-AWAY ZONE AND FINE UP TO $250.00."

(Ord. No. 87-39, § 1, 6-16-87)

Sec. 30-443. Parking spaces provided by nongovernmental entities for certain disabled persons.

(a) Any business, firm, or other person licensed to do business with the public may provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued parking permits pursuant to Section 316.1958, Florida Statutes or Section 320.0848, Florida Statutes.

(b) Each such parking space shall conform to the requirements of [Section 30-442](../level3/PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE.docx#PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE_S30-442PASPPRGOAGCEDIPE)(c) and (d) of this Code.

(Ord. No. 87-39, § 1, 6-16-87)

Secs. 30-444—30-446. Reserved.

Sec. 30-447. Penalty for misuse of specially marked parking spaces.

It is unlawful for any person to stop, stand, or park a vehicle within any parking space designated with an above-grade sign bearing the international symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or with both such symbol and caption, unless such vehicle displays a parking permit issued pursuant to Section 316.1958, Florida Statutes, or Section 320.0848, Florida Statutes, and such vehicle is transporting a person eligible for the parking permit. However, any person who is chauffeuring a person eligible for a disabled parking permit shall be allowed, without need for an identification parking permit, momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking. Whenever a law enforcement officer or a parking enforcement specialist finds a vehicle in violation of this section, that officer shall:

(1) Have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever any vehicle is removed by a law enforcement officer, parking enforcement specialist, or agency to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle.

(2) Charge the motor vehicle owner in violation with a noncriminal traffic infraction.

(a) Whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle was found to be parked in a properly designated handicapped parking space in violation of this section, it shall be prima facie evidence that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the Division of Motor Vehicles.

(b) Violators of this article shall be punished by a mandatory fine of one hundred fifty dollars ($150.00). A motor vehicle owner who is guilty of repeat violations of this article may be punished by a fine not to exceed two hundred fifty dollars ($250.00).

(c) All fines collected in excess of twenty-five dollars ($25.00) for each violation shall be deposited in a separate account to be used in the following manner:

(i) One-third to be used to defray expenses for the administration of this article.

(ii) Two-thirds to be used to provide funds to improve accessibility and equal opportunity to qualified physically disabled persons and to provide funds to conduct public awareness programs concerning physically disabled persons.

The two-thirds shall be distributed in the following manner:

Thirty (30) percent to be retained by the County for county-wide purposes in accordance with state law, and seventy (70) percent to be allocated to the governmental entity having jurisdiction over the violation.

(iii) To be eligible to receive funds each participating city would be required to submit an affidavit sworn by the chief administrative official which would assure that these funds would be used in accordance with state law. Monies not distributed to a city because of the failure of such city to submit an affidavit shall be placed in a fund for disbursement to other cities which have submitted affidavits in proportion to the percentage of citations issued by the complying city.

All fines collected in excess of twenty-five dollars ($25.00) for each violation of [Section 30-292](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-292STSTPAPRSPPL)(1)(a)12., shall be eligible for inclusion in the fund described in [Section 30-447](../level3/PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE.docx#PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE_S30-447PEMISPMAPASP)(2)(c).

(Ord. No. 87-39, § 1, 6-16-87; Ord. No. 92-75, § 1, 7-21-92; Ord. No. 08-18, §§ 1, 2, 2-7-08)

Sec. 30-448. Out-of-state vehicles bearing handicapped identification.

Motor vehicles displaying a special license plate or parking permit issued to a physically disabled person by any other state or district subject to the laws of the United States shall be recognized as a valid license plate or permit, allowing such vehicle the special parking privileges allowed pursuant to the provisions of this article.

(Ord. No. 87-39, § 1, 6-16-87)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 87-39, § 1, adopted June 16, 1987, repealed former Art. II, §§ 30-441—30-447, relative to parking spaces for disabled persons and enacted in lieu thereof a new Art. II to read as herein set out. The provisions of former Art. II derived from Ord. No. 74-102, §§ 1—7, adopted Dec. 17, 1974; Ord. No. 83-22, § 1, enacted May 3, 1983; and Ord. No. 87-7, § 1, adopted March 3, 1987. [(Back)](#BK_D313BD51F3ADC100B1F6B1CD8D945D10)

### ARTICLE IIA. PARKING SPACES FOR PERSONS TRANSPORTING YOUNG CHILDREN AND STROLLERS [[3]](#BK_323D9A22058E7ADFDF6261EFBFB9E054)

[Sec. 30-449. Parking spaces for persons transporting young children and strollers.](#BK_427EB57944940198B6B1C3A4C7B7B259)

[Sec. 30-450. Penalty for misuse of specially marked parking spaces.](#BK_DBF6EE0688BF32CE6998E07C9D1E3EA0)

[Secs. 30-451—30-460. Reserved.](#BK_8E9EFDCEC6AFE31E100F620F7C26DCCF)

Sec. 30-449. Parking spaces for persons transporting young children and strollers.

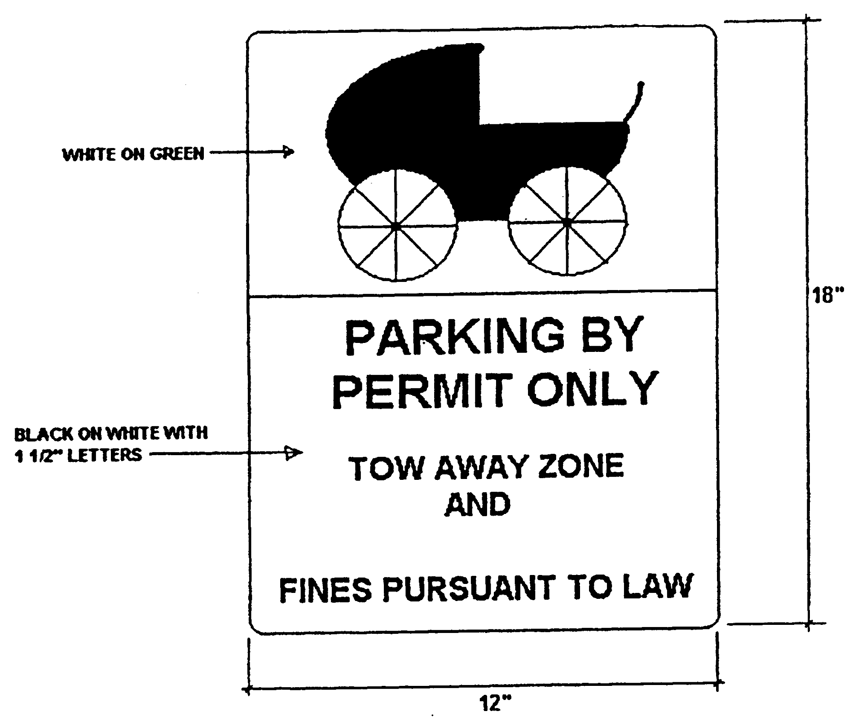
Parking spaces specifically designed for persons transporting young children under the age of three (3) and strollers, shall be required for all uses other than single-family, duplex, townhouse or multifamily; provided, however, industrial zoned properties shall not be required to comply with this section. Such baby stroller parking spaces shall be provided as follows:

(a) *Quality of specially designated parking spaces:*

|  |  |
| --- | --- |
| Total Parking Spaces in Lot | Required Number of Spaces |
| Up to 100 | 0 |
| 101 to 500 | 2 |
| 501 to 1,000 | 3 |
| Over 1,000 | One (1) additional space for each 500 parking spaces over 1,000 |

(b) *Location of parking spaces.* Such spaces shall be located as closely as possible to parking spaces designated for the physically handicapped and/or disabled persons; provided however, parking spaces designated for the physically handicapped and/or disabled persons shall take precedence. Where no parking spaces designated for the physically handicapped and/or disabled persons have been provided, parking spaces for persons transporting young children and strollers shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

(c) *Signage and markings.* All parking spaces reserved for persons transporting young children and strollers shall be prominently outlined with green paint and posted with an approved permanent above-ground sign which shall conform to the figure entitled "Baby Stroller Parking Sign" hereby incorporated in this section. The bottom of the sign must be at least five (5) feet above grade when attached to a building, or seven (7) feet above grade for a detached sign.



(d) *Parking permit required.* Such parking spaces shall only be utilized by parking permit holders as specified in [Section 30-450](../level3/PTIIICOOR_CH30TRMOVE_ARTIIAPASPPETRYOCHST.docx#PTIIICOOR_CH30TRMOVE_ARTIIAPASPPETRYOCHST_S30-450PEMISPMAPASP) of this Code and only when the permit holder is transporting a young child and a stroller; provided, however, physically handicapped and/or disabled persons displaying a valid handicapped parking permit shall be permitted to utilize parking spaces designated for persons transporting young children and strollers.

(Ord. No. 94-104, § 2, 6-7-94; Ord. No. 96-161, § 3, 11-12-96; Ord. No. 98-108, § 1, 7-21-98)

Sec. 30-450. Penalty for misuse of specially marked parking spaces.

It is unlawful for any person to stop, stand, or park a vehicle within any parking space designated for persons transporting young children and strollers, unless such vehicle displays a parking permit decal issued pursuant to administrative order, and such vehicle is transporting a child aged two (2) years or less; provided, however, physically handicapped and/or disabled persons displaying a valid handicapped parking permit shall be permitted to utilize parking spaces designated for persons transporting young children and strollers. Whenever a law enforcement officer or a parking enforcement specialist finds a vehicle in violation of this section, that officer or enforcement specialist shall:

(1) Have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever any vehicle is removed by a law enforcement officer, parking enforcement specialist, or agency to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle, or

(2) Charge the motor vehicle owner in violation with a noncriminal traffic infraction.

(a) Whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle was found to be parked in a specially designated parking space in violation of this section, it shall be prima facie evidence that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the Division of Motor Vehicles.

(b) Violators of this article shall be punished by the maximum fine for a non-moving violation pursuant to Chapter 318, Florida Statutes.

(Ord. No. 94-104, § 2, 6-7-94; Ord. No. 98-108, § 2, 7-21-98)

Secs. 30-451—30-460. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 94-104, § 2, adopted June 7, 1994, amended the Code by the addition of Art. IIA, §§ 3-449 and 30-450. Section 3 of said ordinance provided that within 90 days after the effective date of this ordinance, the County Manager shall develop an administrative order providing standards for producing and issuing parking permits for persons transporting young children and strollers. The administrative order shall also provide a fee for such permit, one-third () of which shall be distributed to private not-for-profit non-denominational agencies providing services for severely abused or neglected children. The administrative order shall provide procedures for application and distribution of such funds. The administrative order shall become effective upon approval by the Board of County Commissioners. [(Back)](#BK_750EAAEA3CA45F1E98D0FA7DCDFADA2C)

### ARTICLE III. TOWING OF MOTOR VEHICLES [[4]](#BK_83C975A6C6BEEB18244F4EA8094E2934)

[Sec. 30-461. Definitions.](#BK_A5CEBF82E7B31BBB0C66C270B8C98C63)

[Sec. 30-462. Towing license required.](#BK_5DB8A700DD6413CCC34D1004635B0838)

[Sec. 30-463. Application for towing license; fees.](#BK_DE52F4EE8BBC1A9EA210F2645927BCCD)

[Sec. 30-464. Issuance of license; renewal.](#BK_7083EEE8060EE95FDF27E21917EABFDC)

[Sec. 30-465. Insurance requirements.](#BK_697378A608DFCF0251736CB30418B922)

[Sec. 30-466. Reserved.](#BK_F52BBDCC4C1C7A2F9CD46DEA72F1D6CD)

[Sec. 30-467. Decals; vehicle standards.](#BK_D649F6AE97C0DCDBAE54D6DC9E0C54A4)

[Sec. 30-468. Manifest or trip records.](#BK_213D4EA2547899F07ECF94BB7680534B)

[Sec. 30-469. Towing safety standards.](#BK_471867EECDD89A11BDFF6E6D5FE44C05)

[Sec. 30-470. Records required.](#BK_AF9E29BE58111A1A36AB09C5115BF272)

[Sec. 30-470.1. Prohibition on publication of advertising without towing license number.](#BK_17F336A2B6E4F64123A7105BBDDA4A59)

[Sec. 30-471. Anti-discrimination.](#BK_859A3E1D114BA443CA8B998036D2A65D)

[Sec. 30-472. Reserved.](#BK_68A3E626745707AD36210CD1B5D4D815)

[Sec. 30-473. Nonconsent towing without prior consent of vehicle owner or duly authorized driver of vehicle.](#BK_6460D5B457123FEA56EE26DE523D3FA1)

[Sec. 30-474. Requirements for providing nonconsent tow services at request of property owners.](#BK_7D1A04C39F5792EAF56B62D9A530119A)

[Sec. 30-475. Requirements for licensees and property owners pertaining to nonconsent tows from private property.](#BK_80F30D3D157D0747D1FBF5229992E606)

[Sec. 30-476. Maximum immobilization, nonconsent towing and storage rates for providing immobilization or tow services at the request of property owners or police agencies.](#BK_303AFC2A2410A01BF702AB124D06871E)

[Sec. 30-476.1. Denial, revocation and suspension of licenses.](#BK_9CAC665BCC724977B264F736B2580167)

[Sec. 30-477. Enforcement procedure; remedies; attorney's fees; costs; and penalties.](#BK_702BAC66E9D422B5602E7AB1475DB2B2)

[Sec. 30-478. Scope of article.](#BK_49F57E45A44DD2B9D8F18EC7E3B10391)

[Sec. 30-479. Requirements for immobilizing vehicles without prior consent of vehicle owner or duly authorized driver of vehicle.](#BK_C6F4B5B371C202F7B6F9F1024FB1CA56)

[Sec. 30-480. Director's duties, functions and powers.](#BK_A3D7C240F0AE94D5C3AC8C95385DDAFE)

[Sec. 30-481. Appeals from actions, decisions or determinations of the director; judicial review.](#BK_951053246950A382993DFFC06EB022BB)

[Secs. 30-482—30-500. Reserved.](#BK_51F9E8BC7B4CDB30785663B03568764D)

Sec. 30-461. Definitions.

For the purposes of this article, the following definitions shall apply:

(1) *Commission* shall mean the Board of County Commissioners of Miami-Dade County, Florida.

(1.5) *Consent Tower* shall mean a person who tows a motor vehicle with the consent of the vehicle owner.

(2) *County Manager* shall mean the chief executive officer and head of the administrative branch of County government as provided in [Article 3](../level2/PTICOAMCH_ART3EL.docx#PTICOAMCH_ART3EL) of the Home Rule Charter of Miami-Dade County.

(3) *CSD* shall mean the Miami-Dade County Consumer Services Department.

(4) *Decal* shall mean an identifying sticker issued by the Director and appropriate for display in the lower left corner of the front window of a towing vehicle or equipment or car carrier used by a person licensed under this article.

(5) *Director* shall mean the CSD Director or the Director's designee.

(6) *Express instruction* shall mean a clear, definite and explicit request:

(a) Made in writing by a police officer to immobilize, recover, tow, remove or store a specific and individual vehicle which is disabled or abandoned or parked without authorization, or whose operator is unable or unwilling to remove the vehicle;

(b) Made in writing by a property owner or duly authorized agent of the property owner to immobilize, recover, tow, remove or store a specific and individual vehicle parked without permission of the property owner; however, such property owner or agent shall not be the person requested to immobilize, recover, tow, remove or store the vehicle or an employee or agent thereof; or

(c) Made by telephone, in person or in writing by a vehicle owner or the authorized driver to recover, tow, remove or store a specific and individual vehicle which is in the lawful control of the vehicle owner or authorized driver requesting the towing service. The foregoing notwithstanding, where the property owner is a government entity, the property owner or an employee or agent thereof, may be the same person requested to recover, tow, remove or store the vehicle.

Every request made in writing or in person must indicate the date and time of the instruction and must be signed by the police officer, the property owner or agent, or the vehicle owner or authorized driver in the presence of the person providing the requested service. Every request made by telephone must also be documented with the date and time of the call.

(6.5) *Immobilization, immobilize or immobilizing,* also known as boot or booting, shall mean the act of placing, on a parked vehicle, a mechanical device that is designed to be attached to the wheel or tire so as to prohibit its usual manner of movement.

(7) *Industry* shall mean the business of recovering, towing or removing vehicles and providing such vehicle storage services as may be associated therewith.

(8) *License* shall mean the certificate or document which allows a person to engage in Miami-Dade County in the activity of recovering, towing, removing and storing of vehicles for compensation. As used in this article, "license" shall not mean a municipal occupational license or a County occupational license.

(8.5) *Nonconsent Tower* shall mean persons who perform "Police Directed Tows" or "Private Property Impounds" as defined herein.

(9) *Operate* shall mean to provide for compensation the services of recovering, towing or removing vehicles and any vehicle storage services associated therewith.

(10) *Operator* shall mean any person who provides for compensation the services of recovering, towing, or removing vehicles and any vehicle storage services associated therewith.

(11) *Person* shall mean any natural person, firm, partnership, association, corporation or other entity of any kind whatsoever.

(12) *Personnel authorized by the CSD* shall mean enforcement personnel authorized by the Director and presenting valid identification.

(12.5) *Police Directed Tow* shall mean the removal and storage of wrecked or disabled vehicles at the direction of police/law enforcement from an accident scene or the removal and storage of vehicles in the event the owner or operator is incapacitated, unavailable, or otherwise does not consent to the removal of the vehicle, excepting, however, all incidents of Private Property Impounds as herein defined.

(12.6) *Private Property Impound* shall mean towing or removal of a vehicle, without the consent of the vehicle's owner or operator, as such is authorized by Section 715.07, Florida Statutes, as may be amended, when that vehicle is parked on private real property.

(13) *Property owner* shall mean that person who exercises dominion and control over real property, including but not limited to the legal titleholder, lessee, designated representative of a condominium association or any person authorized to exercise a share dominion and control over real property; however, "property owner" shall not mean or include a person providing towing services within the purview of this article. The foregoing notwithstanding, all government entities providing their own towing services may be property owners for purposes of this article.

(14) *Recover* shall mean to take possession of a vehicle and its contents and to exercise control, supervision and responsibility over it.

(15) *Regulation* shall mean a rule set forth in this article, the violation of which is sufficient grounds for fines; suspension or revocation of a towing license; civil damages, court costs and attorneys fees; and specified criminal penalties.

(16) *Remove* shall mean to change the location of a vehicle by towing it.

(17) *Revoke* shall mean to annul and make void the license of a person engaged in the business of providing towing services.

(18) *Store* shall mean to place and leave a towed vehicle at a location where the person providing the towing service exercises control, supervision and responsibility over the vehicle. The storage facility must be securely fenced or locked for the protection of vehicles and property.

(19) *Tow* shall mean to haul, draw or pull along a vehicle by means of another vehicle equipped with booms, car carriers, winches or similar equipment.

(20) *Trade name* shall mean any name under which a person, corporation, partnership, association, firm or any other entity operates its business.

(21) *Vehicle* shall mean an automobile, truck, bus, trailer, semitrailer, truck tractor semitrailer combination, recreational unit primarily designed as temporary living quarters which either has its own motive power or is mounted on or drawn by another vehicle, or any other mobile item using wheels and being operated on the roads of Miami-Dade County, which is used to transport persons or property and is propelled by power other than muscular power; provided, however, that the term does not include bicycles, mopeds, traction engines, road rollers or vehicles which run only upon a track.

(22) *Wrecker class* shall mean the type of towing vehicle, equipment or apparatus used to recover, tow or remove vehicles. The wrecker classes shall be distinguished as follows:

*Part I*

*Tow Truck Class Specifications*

|  |  |  |
| --- | --- | --- |
| *Class A Tow Truck or Car Carrier—Minimum Ratings:* | | |
|  | 1. | Gross vehicle weight ratings ..... | 10,000 LBS. |
|  | 2. | Boom capacity ..... | 8,000 LBS. |
|  | 3. | Winching capacity ..... | 8,000 LBS. |
|  | 4. | Cable size and length ..... | 3/8″×100′ |
|  | 5. | Wheel lift retracted rating ..... | 3,500 LBS. |
|  | 6. | Wheel lift extended ratings ..... | 2,000 LBS. |
|  | 7. | Tow sling safe lift rating ..... | 3,500 LBS. |
|  | 8. | Safety chains (2 EACH) ..... | 3/8″ high test |
|  | 9. | Cab to axle dimension ..... | 56″ |
| *Class B Tow Truck—Minimum Ratings:* | | |  |
|  | 1. | Gross vehicle weight ratings ..... | 18,000 LBS. |
|  | 2. | Boom capacity ..... | 24,000 LBS. |
|  | 3. | Winching capacity ..... | 24,000 LBS. |
|  | 4. | Cable size and length ..... | ½″×200′ |
|  | 5. | Under-reach retracted rating ..... | 10,500 LBS. |
|  | 6. | Under-reach extended ratings ..... | 8,500 LBS. |
|  | 7. | Tow sling safe lift rating ..... | 8,500 LBS. |
|  | 8. | Safety chains (2 EACH) ..... | 5/16″ ALLOY |
|  | 9. | Cab to axle dimension ..... | 84″ |
| *Class C Tow Truck—Minimum Ratings:* | | |  |
|  | 1. | Gross vehicle weight ratings ..... | 30,000 LBS. |
|  | 2. | Boom capacity ..... | 50,000 LBS. |
|  | 3. | Winching capacity ..... | 50,000 LBS. |
|  | 4. | Cable size and length ..... | 5/8″×200′ |
|  | 5. | Under-reach retracted rating ..... | 25,000 LBS. |
|  | 6. | Under-reach extended ratings ..... | 12,000 LBS. |
|  | 7. | Tow sling safe lift rating ..... | 12,000 LBS. |
|  | 8. | Safety chains (2 EACH) ..... | ½″ ALLOY |
|  | 9. | Cab to axle dimension ..... | 144″ |
| *Class D Tow Truck—Minimum Ratings:* | | |  |
|  | 1. | Gross vehicle weight ratings ..... | 52,000 LBS. |
|  | 2. | Boom capacity ..... | 70,000 LBS. |
|  | 3. | Winching capacity ..... | 70,000 LBS. |
|  | 4. | Cable size and length ..... | ¾″×200′ |
|  | 5. | Under-reach retracted rating ..... | 45,000 LBS. |
|  | 6. | Under-reach extended ratings ..... | 15,000 LBS. |
|  | 7. | Tow sling safe lift rating ..... | 12,000 LBS. |
|  | 8. | Safety chains (2 EACH) ..... | ½″ALLOY |
|  | 9. | Cab to axle dimension ..... | 180″ |

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 90-29, § 1, 4-3-90; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 99-70, § 1, 6-22-99; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-462. Towing license required.

(a) It shall be unlawful for any person to recover, tow or remove a vehicle or provide storage in connection therewith or to cause or permit any other person for compensation to recover, tow or remove a vehicle or provide storage in connection therewith, or to advertise or offer to recover, tow or remove a vehicle or provide storage in connection therewith, without first obtaining and maintaining a current and valid license pursuant to the provisions of this article; provided, however, that a property owner without a license may cause or permit the removal of a vehicle from his or her property in accordance with the provisions of this article. The provisions of this ordinance do not apply to persons who use a towing vehicle to transport their vehicles purely for personal, family, household or recreational use.

(b) Nothing in this article shall be construed to prohibit the discharge or storage of a vehicle lawfully recovered, towed or removed in another County and lawfully transported into Miami-Dade County; nor shall anything in this article be construed to prohibit a vehicle owner or his authorized agent from requesting the services of a towing business not regularly doing towing business in Miami-Dade County, to remove the owner's vehicle to a location outside Miami-Dade County.

(c) Nothing in this article shall be construed to prevent a natural person from working in an employment relationship for another person holding a valid license under this article; however, any person who is an independent contractor and not an employee of a licensed person is also subject to all the requirements and provisions of this article.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 90-29, § 1, 4-3-90; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 95-184, § 1, 10-17-95)

Sec. 30-463. Application for towing license; fees.

(a) Every application for a towing license shall be in writing, signed and verified by the applicant, and filed with the CSD together with an investigative, processing fee, or late fee as applicable, established by administrative order of the County Manager approved by the Commission. That application fee shall be deposited in a separate Miami-Dade County fund and shall be used exclusively to accomplish the purposes of this article. The amount of the application fee shall be reasonably related to the cost of the services and regulation provided. The statements contained in the application shall become a part of the towing license and may be modified only in accordance with the provisions of this article.

(b) Every application for a towing license shall be on a form prescribed by the CSD and shall contain all the information required by that form, including but not limited to:

(1) Sufficient information to identify the applicant, including but not limited to, full legal name, date of birth or of formation of legal entity, telephone numbers, and all business and residence addresses. If the applicant is a corporation, the foregoing information shall also be provided for each corporate officer, director, resident agent and shareholder. If the applicant is a partnership, the foregoing information shall also be provided for each general and each limited partner. Post office box addresses shall not be accepted.

(2) Documentation demonstrating that all corporate or partnership applicants are qualified to do business under the laws of Florida.

(3) Photocopy of the occupational license of the applicant.

(4) Photocopy of the certificate of use and occupancy of the applicant, indicating authorization for the business use of the applicant, for each business address located in unincorporated Miami-Dade County and identified in the application.

(5) A list of all persons with any ownership interest in the applicant who have previously been denied a license.

(6 Any trade name under which the applicant operates, intends to operate, or has previously operated, and a description of proposed, existing and previous towing vehicles' colors and markings.

(7) A description of the applicant's management plan, which shall include but not be limited to the following: location and description of all places of business, a description of all existing towing vehicles and equipment, a description of the plan and facilities for maintaining towing vehicles and equipment, a system for handling complaints and accidents, insurance coverage, and a description of any communication system.

(8) A description of nonconsent tower services proposed to be provided, including but not limited to days and hours of operation and types of towing and storage services to be provided.

(9) A record of all outstanding warrants of arrest; all misdemeanors committed within the preceding thirty-six (36) month period; and felonies of which the applicant has been convicted within the last five (5) years preceding the date of the application involving: criminal homicide; kidnapping; a sexual offense; an assaultive offense; robbery; burglary; arson; fraud; theft if the offense was committed against a person with whom the applicant came in contact with while engaged in the services regulated by this section; public indecency; possession of a weapon; and a violation of any laws regarding controlled substances.

Individual applicants shall obtain their fingerprints and photographs from the Miami-Dade Police Department and provide them with the application and, where civil rights have been restored or periods of incarceration or probation have been completed, as is further described in subsections [30-477](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-477ENPRREATFECOPE)(e)(1) and (2) below, provide such information with the application. In the case of a corporate or partnership applicant, all such information shall be provided by all corporate officers and directors, or partners, as the case may be, and by all stockholders who own, hold or control five (5) percent or more of issued and outstanding stock in the corporation or beneficial interest therein, and by all officers and directors of any corporate general partners of a partnership and by stockholders who own, hold or control five (5) percent or more of issued and outstanding stock in a corporate general partner, or beneficial interest therein.

(10) Proof of insurance as required in [Section 30-465](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-465INRE) of this article.

(11) The signature of each individual applicant, the signature of the president or vice-president of a corporate applicant, and the signature of all the general partners of a partnership applicant.

(12) An agreement on the part of the applicant to abide by the provisions of this article, ordinances of municipalities having jurisdiction and Miami-Dade County, and the laws of the State of Florida.

(13) It shall be a violation of this section to fail to report to CSD any material change pertaining to the information supplied by the applicant or licensee for his or her license, including, but not limited to, changing the location of any of the applicant's place(s) of business.

(14) Each nonconsent tower who applies for a license shall provide with his or her application for a license a listing of all of his or her existing or proposed rates and charges in a format approved by the CSD.

(15) Such additional information about the nonconsent tower applicant as the Director may deem appropriate.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 90-29, § 1, 4-3-90; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 95-184, § 1, 10-17-95; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-464. Issuance of license; renewal.

(a) The Director is empowered to issue licenses to applicants which have met the standards and requirements for a towing license, and to promulgate rules, regulations and procedures for the application, issuance and revocation of such licenses.

(b) The Director shall review and investigate each application for a towing license and shall reject any application that is not properly filed or is incomplete or untrue in whole or in part, or which fails in any way to meet the requirements of subsection (c) of this section. An incomplete application shall be considered to be abandoned if an applicant fails to complete his or her application within sixty days from the date that the application was filed with the Director. An application submitted subsequent to the abandonment of a former application shall be treated as a new application.

(c) No towing license shall be issued to an applicant or renewed unless the applicant has completed the following:

(1) Filed with the Director a true, correct and complete application on the form prescribed by the CSD, including all proofs of required insurance.

(2) Paid the initial, renewal or late application fee, as applicable.

(3) Submitted to a background investigation resulting in a determination by the Director that:

a. Neither the applicant, nor any officer, director or partner of the applicant, nor any stockholder owning, holding, controlling or having a beneficial interest in five (5) percent or more of the issued and outstanding stock of a corporate applicant or of a corporate general partner of a partnership applicant, has a currently suspended license, has had its license revoked by action of the Director within two (2) years of the date of application, or has outstanding and unsatisfied civil penalties imposed on account of violations of this article.

b. Neither the applicant, nor any officer, director or partner of the applicant, nor any stockholder owning, holding, controlling or having a beneficial interest in five (5) percent or more of the issued and outstanding stock of a corporate general partner of a partnership applicant, has been convicted of one (1) or more of the felonies listed in [Section 30-463](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-463APTOLIFE)(b)(9) within the preceding five (5) years; or that three (3) misdemeanors have been committed within the thirty-six (36) month period preceding the date of application as described in subsection [30-463](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-463APTOLIFE)(b)(9), unless the civil rights of such individual or applicant have been restored or that such person has successfully completed all sentences of incarceration, probationary periods, required rehabilitation activities and payment of all fines and penalties imposed. For applicants requesting renewal, the Director may only consider crimes committed after the date the applicant obtained his or her license, unless such crimes were not previously disclosed in the original application.

c. Each corporate or partnership applicant is qualified under the laws of Florida to do business under the trade name or names under which it has applied for a license.

d. No fraud or willful or knowing misrepresentation or false statement was made in the application.

e. No judgment against the applicant arising out of the activity of recovery, towing or removing a vehicle or providing storage in connection therewith remains unsatisfied, unless a stay or reversal of the judgment is procured through the courts.

f. That there be no outstanding warrants of arrest against the applicant nor any officer, director or partner of the applicant nor any stockholder owning, holding, controlling or having a beneficial interest in five (5) percent or more of the issued and outstanding stock of a corporate general partner of a partnership applicant.

(3) There are no (i) unpaid civil penalties; (ii) unpaid administrative costs of hearing; (iii) unpaid County investigative, enforcement, testing, or monitoring costs; or (iv) unpaid liens, any or all of which are owed to Miami-Dade County pursuant to the provisions of the Code of Miami-Dade County, Florida.

(d) Each towing license shall be on a form prescribed by the CSD and shall be signed by the Director. Each towing license shall contain, at a minimum, the name and address of the applicant, the dates the license remains in effect unless suspended or revoked, and a statement of such additional terms and conditions, restrictions and limitations as were authorized in the application and approval process. Violation of such a condition, limitation, or restriction of a license shall be a violation of this article.

(e) All initial towing licenses shall be effective from their date of issuance to the date of birth of the applicant, if the applicant is a sole proprietor, and in the case of a corporation or partnership, from the date of formation of the legal entity. The fee for the initial application shall be established by administrative order of the County Manager and approved by the Commission. The CSD shall, for each initial application, prorate the fee from the date of its issuance to the date of birth or date of formation of the applicant, whichever is the case.

(f) Prior to the expiration of the initial towing license or expiration of the annual license, whichever is the case, an applicant may apply for an annual towing license. As a part of the renewal process, the original application shall be updated and verified by the applicant on forms prescribed by CSD. Renewal applications shall also include such financial information as CSD shall deem necessary to consider the continued appropriateness of maximum fees established pursuant to [Section 30-476](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-476MAIMNOTOSTRAPRIMTOSEREPROWPOAG). Each updated renewal application shall be submitted at least sixty (60) days prior to expiration of the current initial or annual license and shall be accompanied by a fee which shall be established by administrative order of the County Manager approved by the Commission. All renewal application fees shall be deposited with original application fees and other charges and fees under this article in a separate Miami-Dade County fund and shall be used exclusively to accomplish the purposes of this article. The amount of the renewal fee shall be reasonably related to the cost of the services and regulation provided, and shall be in addition to any other fees or charges required by this article. All annual towing licenses which are not renewed shall automatically expire upon the one (1) year anniversary of the date of issuance and all recovery, towing, removing and storage services permitted thereunder shall cease immediately. The Director shall deny each renewal application that is not timely, is not properly filed, is incomplete, is untrue in whole or in part, is unaccompanied by the required fee, or results in a determination by the Director that the applicant has failed to satisfy the requirements of subsection (c)(3) of this section.

(g) A license issued or renewed pursuant to the provisions of this article shall not be transferable, nor shall the ownership structure of the licensee be so modified as to constitute a change in the control or ownership of the license, without the prior written approval of the Director.

(h) There shall be no numerical limit on licenses issued pursuant to the provisions of this article.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 89-105, § 1, 11-7-89; Ord. No. 89-128, § 1, 12-19-89; Ord. No. 90-29, § 1, 4-3-90; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 03-176, § 1, 7-22-03)

**Annotation—**AO of 5-3-88.

Sec. 30-465. Insurance requirements.

(a) It shall be unlawful for any person for compensation or as part of a regularly conducted business activity to recover, tow, or remove a vehicle or to provide vehicle storage services in connection therewith until that person has filed with the Director and maintains in effect, for each towing vehicle operated by that person, an insurance policy or policies or certificates of insurance which shall indemnify or insure such person for its liability at a minimum:

(1) For vehicles with a gross vehicle weight of less than eighteen thousand (18,000) pounds: automobile liability insurance covering each vehicle in an amount not less than fifty thousand dollars ($50,000.00) per person, one hundred thousand dollars ($100,000.00) per occurrence for bodily injury, and twenty-five thousand dollars ($25,000.00) per occurrence for property damage or one hundred thousand dollars ($100,000.00) combined single limit.

(2) For vehicles with a gross vehicle weight of eighteen thousand (18,000) pounds or more, but less than thirty thousand (30,000) pounds: automobile liability insurance covering each vehicle in an amount not less than one hundred thousand dollars ($100,000.00) per person, three hundred thousand dollars ($300,000.00) per occurrence for bodily injury, and one hundred thousand dollars ($100,000.00) per occurrence for property damage or three hundred thousand dollars ($300,000.00) combined single limit.

(3) For vehicles with a gross vehicle weight of thirty thousand (30,000) pounds or more: automobile liability insurance coverage covering each vehicle in an amount not less than three hundred thousand dollars ($300,000.00) per person, five hundred thousand dollars ($500,000.00) per occurrence for bodily injury, and one hundred thousand dollars ($100,000.00) per occurrence for property damage or five hundred thousand dollars ($500,000.00) combined single limit.

(b) All insurance policies required shall be issued by insurance companies authorized and qualified to do business in the State of Florida. No policy shall be accepted which is of less than six (6) months' duration. Each policy shall contain a provision that the CSD must be notified in writing by mail by the insurance agent/company of any policy changes at least forty-five (45) days prior to the endorsement taking effect or at least ten (10) days prior to cancellation thereof for non-payment of premium, as applicable.

(c) Failure to provide current certificates of insurance or policies or failure to maintain the required coverage for each vehicle shall result in automatic suspension of the towing license, which shall remain in effect until proof of compliance with this section is submitted to the Director and approved.

(d) The insurance requirements of this article shall not apply to governmental entities which are self-insured.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 90-29, § 1, 4-3-90; Ord. No. 93-130, § 1, 11-16-93)

Sec. 30-466. Reserved.

**Editor's note—**

Ord. No. 03-176, § 1, adopted July 22, 2003, repealed [section 30-466](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-466RE) in its entirety. Former [section 30-466](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-466RE) pertained to denial of permits, appeal and review, and derived from Ord. No. 89-67, § 1, adopted July 11, 1989; Ord. No. 90-29, § 1, adopted April 3, 1990.

Sec. 30-467. Decals; vehicle standards.

(a) It shall be unlawful to recover, tow or remove a vehicle or to store it in connection therewith unless the towing vehicle or equipment or car carrier used to provide such service displays in the lower left corner of the front window a current decal issued by the CSD.

(b) The Director is authorized to issue current licensee decals for each separate towing vehicle or equipment or car carrier, upon application by the licensee and completion of the following:

(1) Inspection of vehicle records by personnel authorized by the CSD to determine ownership, or first-party lease held by the licensee, of the towing vehicle or equipment or car carrier.

(2) Inspection by personnel authorized by CSD to assure that the non-governmentally owned towing vehicle or equipment or car carrier clearly displays on the front of the tow truck or car carrier body, the towing license number in letters at least three (3) inches high; and on the driver and passenger sides of the vehicle and/or doors, the licensee's name in letters at least three (3) inches high; and in letters at least one (1) inch high, the licensee's principal address and telephone number.

(3) Inspection by personnel authorized by CSD to ascertain that the towing vehicle has the equipment required by rules to be promulgated by CSD and that such equipment is operable. If an inspection of the towing vehicle does not reveal that it meets the minimum ratings for the vehicle's class specifications, as contained in [Section 30-461](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-461DE)(22), the licensee must furnish the CSD a sworn statement that the towing vehicle meets the applicable minimum ratings.

(4) An application form completed by the licensee and approved by the Director which correctly indicates the year, make, model and vehicle identification number of the towing vehicle or equipment or car carrier.

(5) Payment of a CSD decal fee set at an amount reasonably related to the costs of providing the services under this section. Such costs shall be set by administrative order of the County Manager approved by the Commission, and deposited and used in the same manner as other fees and charges under this article.

(c) Decals shall be issued in numerical order, and each decal issued shall display its assigned number. Decals shall be issued with the initial license and shall be renewable annually in the same manner as original application is made.

(d) The decal for each towing vehicle or equipment or car carrier shall be affixed by personnel authorized by the CSD, shall remain the property of the County, and shall at all times by displayed and available for inspection by any police officer or by personnel authorized by the CSD to perform enforcement duties.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 89-105, § 2, 11-7-89; Ord. No. 89-128, § 2, 12-19-89; Ord. No. 90-29, § 1, 4-3-90; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-468. Manifest or trip records.

(a) It shall be unlawful for any person to recover, tow or remove a vehicle or provide storage in connection therewith unless the person providing such service shall maintain in his or her possession a manifest or trip sheet which shall include but not be limited to the following information:

(1) Name of the licensee and of the natural person physically providing the service.

(2) Decal number of the towing vehicle or equipment or car carrier used to provide the service.

(3) Date and time that the service was requested.

(4) Name, address and telephone number of the person requesting the service.

(5) Date and time that the service was initiated.

(6) Location at which the service originated.

(7) Destination to which the vehicle being provided the service is taken.

(8) Description of the vehicle being provided the service, including make, model, year, color, vehicle identification number and State license plate number, if any.

(9) Description of services provided.

(10) Cost(s) for the service(s) provided.

(11) Any and all "load and offload" charges, including the name, badge number, and agency of the officer on the scene who approved these additional charges.

(12) Date and time that the vehicle was delivered to the storage facility.

(b) Each manifest or trip record shall be immediately available for inspection by police officers or by personnel authorized by the CSD to perform enforcement duties, at any time during the period of recovery, towing or removal of a vehicle.

(c) Each licensee shall maintain for no less than three (3) years the original of each manifest or trip record. No person providing the service shall destroy, mutilate, alter or deface any manifest or trip record prior to the expiration of three (3) years without written approval of the CSD. All manifests and trip records shall be available for inspection by personnel authorized by the CSD or any police agency during regular business hours.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 90-29, § 1, 4-3-90; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-469. Towing safety standards.

It shall be unlawful for any person to recover, tow or remove a vehicle by use of a towing vehicle, equipment or car carrier in a manner which violates the standards for use of such towing vehicle, equipment or car carrier as set by the manufacturer thereof. It shall be unlawful to tow without the use of safety chains.

It shall be unlawful to operate a tow truck if the vehicle has failed to pass the critical items of any vehicle inspection performed by personnel authorized by the CSD, or if the owner thereof has failed to correct other inspection deficiencies within the time period specified by the CSD, or is operating without the proper insurance coverage. When a vehicle has failed to pass inspection, inspection deficiencies have not been corrected or when the vehicle is operating without the proper insurance coverage, personnel authorized by the CSD may affix to the upper left corner of the vehicle windshield a notice stating the date of the inspection or action and the reasons for the inspection rejection or action. It shall be unlawful for the licensee or any other person other than personnel authorized by the CSD to remove this notice from the windshield of the vehicle.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 90-29, § 1, 4-3-90; Ord. No. 93-130, § 1, 11-16-93)

Sec. 30-470. Records required.

Each person regulated under this article who performs nonconsent tows shall maintain accurate and complete records of all financial and operating information as the CSD may require, including but not limited to manifests or trip records, invoices and statements for services rendered, and records of payments for services rendered. Such records shall be maintained in Miami-Dade County for at least three (3) years. The CSD shall be granted access to these records for inspection or copying, during regular business hours. All records and information inspected and not copied shall be confidential, except that records may be copied or made public for the purpose of license suspension or revocation proceedings.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 99-70, § 1, 6-22-99; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-470.1. Prohibition on publication of advertising without towing license number.

(a) No person, firm, corporation or other legal entity may knowingly publish an advertisement which is primarily circulated, displayed, distributed or marketed within Miami-Dade County, which advertisement offers services regulated by [Chapter 30](../level2/PTIIICOOR_CH30TRMOVE.docx#PTIIICOOR_CH30TRMOVE), Article III "Towing of Motor Vehicles," Code of Miami-Dade County, Florida, as it may be amended from time to time, unless the advertisement includes the license number issued by Miami-Dade County to that entity, with the words "M-D.C. Tow. Lic. No. \_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_."

(b) Advertisement shall include, but not be limited to, announcements, listings, displays, entries or other written statements containing the name of the licensee or identifying the services offered by the licensee or by a person regulated by this chapter, and which are placed in a magazine or periodical, newspaper or inserts, audio broadcasting or telephone directory, or on towing vehicles or equipment, when such written statement describes or encompasses services regulated by [Chapter 30](../level2/PTIIICOOR_CH30TRMOVE.docx#PTIIICOOR_CH30TRMOVE), Article III "Towing of Motor Vehicles," Code of Miami-Dade County, Florida.

(Ord. No. 93-130, § 1, 11-16-93; Ord. No. 95-184, § 1, 10-17-95; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-471. Anti-discrimination.

No licensee shall refuse or neglect to provide vehicle recovery, towing or removal services or storage services in connection therewith to any orderly person requesting such service and able and willing to pay for such services, on account of that person's race, sex, religion, national origin, age, marital status or handicap.

(Ord. No. 89-67, § 1, 7-11-89)

Sec. 30-472. Reserved.

**Editor's note—**

Ord. No. 03-176, § 1, adopted July 22, 2003, repealed [section 30-472](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-472RE) in its entirety. Former [section 30-472](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-472RE) pertained to the towing license requirement and derived from Ord. No. 89-67, § 1, adopted July 11, 1989.

Sec. 30-473. Nonconsent towing without prior consent of vehicle owner or duly authorized driver of vehicle.

In addition to the other requirements of this article, no nonconsent tower shall recover, tow or remove a vehicle or provide storage in connection therewith without the prior express instruction of the vehicle owner or authorized driver, except in accordance with the following:

(a) Only persons duly licensed under this article shall recover, tow or remove a vehicle or provide storage in connection therewith without the prior express instruction of the vehicle owner or authorized driver.

(b) Persons duly licensed under this article may recover, tow or remove a vehicle without the prior express instruction of the vehicle owner or authorized driver upon the express instruction of a police officer and in accordance with the terms of any contracts or agreements between the licensee and the governmental entity in whose jurisdiction the police officer serves. Such contracts or agreements may provide terms and requirements in excess of the requirements provided by this article.

(c) Persons duly licensed under this article may recover, tow or remove a vehicle without the prior express instruction of the vehicle owner or authorized driver, upon the express instruction of a property owner, or his authorized agent, on whose property the vehicle is disabled, abandoned or parked without authorization or whose operator is unwilling or unable to remove the vehicle, provided that the requirements of Sections [30-474](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-474REPRNOTOSEREPROW), [30-475](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-475RELIPROWPENOTOPRPR) and [30-476](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-476MAIMNOTOSTRAPRIMTOSEREPROWPOAG) are satisfied.

(d) Persons who provide services pursuant to this section shall not pay or rebate money, or solicit or offer the rebate of money, or other valuable consideration, to obtain the privilege of rendering such services.

(e) Persons who provide services pursuant to this section shall not do so when there is a living natural person occupying the vehicle.

(f) Persons who provide services pursuant to this section shall transport the vehicle directly to the storage site of the person providing the service, or to such other location as a police officer authorizing the tow may expressly direct, and shall not keep the vehicle in any temporary holding area.

(g) Persons who provide services pursuant to this section shall maintain a place of business. The place of business shall have a sign that clearly and conspicuously identifies the business to the public; and office space that has at least one (1) person on duty from 8:00 a.m. until 6:00 p.m., Monday through Friday, to answer telephone calls and to be open to serve the public. However, the office may be closed to observe all holidays observed by Miami-Dade County government. The place of business shall maintain a telephone communication system to answer telephone calls from the public twenty-four (24) hours a day.

(h) Persons who provide services pursuant to this section shall file and keep on record with the CSD a complete copy of all current rates charged for the recovery, towing or removal of vehicles and storage provided in connection therewith. Such persons shall also display prominently at each vehicle storage site a schedule of all charges and rates for removal of vehicles at the request of property owners. That rate schedule shall be posted prominently in the area designated for the vehicle owner or his agent to transact business. Such area shall provide shelter, safety and lighting adequate for the vehicle owner or his or her authorized representative to read the posted rate schedule. Further, notice shall be posted advising the vehicle owner or his or her authorized representative of the right to request and review a complete schedule of charges and rates for towing services provided at police request for the jurisdiction in which the police order to tow was made.

(i) Persons who provide services pursuant to this section shall advise any vehicle owner or authorized representative who calls by telephone prior to arriving at the storage site of the following:

(1) Each and every document or other thing which must be produced to retrieve the vehicle;

(2) The exact charges as of the times of the telephone call, and the rate at which charges accumulate after the call;

(3) The acceptable methods of payment; and

(4) The hours and days the storage site is open for regular business.

(j) Persons who provide services pursuant to this section shall permit every vehicle owner or his or her authorized representative to inspect the towed vehicle immediately upon his or her arrival at the storage site and before payment of any charges. The vehicle owner or his or her authorized representative shall be permitted to remove from the vehicle any and all personal possessions inside but not affixed to the vehicle, including but not limited to radios and telephones, and the operator of the storage site shall assist any vehicle owner or authorized representative in doing so. No release or waiver of any kind which would release the authorized representative at the time of retrieval may be required as a condition of release of the vehicle.

(k) Persons who provide services pursuant to this section shall accept payment for charges from the vehicle owner or authorized representative in any of at least two (2) of the following listed categories:

(1) Cash, money order or valid traveler's check;

(2) Valid bank credit card; or

(3) Valid personal check showing on its face the name and address of the vehicle owner or authorized representative.

A vehicle owner or authorized representative shall not be required to furnish more than one (1) form of picture identification when payment is made by valid bank credit card or personal check, and said presentation shall constitute sufficient identity verification.

(l) Persons who provide services pursuant to this section shall display on the same sign as the rate schedule required by subsection (h) of this section the following statement:

*To The Vehicle Owner*

If you believe that you have been overcharged for the services rendered, you do not have to pay your bill to get your car. Instead, you have the right to post a bond in the Circuit Court, payable to (name of person providing service), in the amount of the final bill for services rendered, and file a complaint within five (5) days of the time you have knowledge of the location of the vehicle, and the Court will decide later who is right. If you show us a valid Clerk's certificate showing that you have posted a bond, we must release your vehicle to you immediately. This remedy is in addition to other legal remedies you may have. F.S. §§ 713.76, 713.78.

If you have a complaint about the way services were provided, you may call the Miami-Dade County Consumer Services Department.

(m) Persons who provide services pursuant to this section shall not use physical force or violence or threats of physical force or violence in dealing with the individuals responsible for administering this article or individuals who have had or are about to have their vehicles recovered, towed or removed or stored in connection therewith.

(n) Nothing in this section shall prevent the County or any jurisdiction in it from providing additional or more restrictive requirements in contracts or arrangements under which police officers direct and authorize the recovery, towing or removal of vehicles or storage provided in connection therewith.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 90-29, § 1, 4-3-90; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-474. Requirements for providing nonconsent tow services at request of property owners.

Nonconsent towers duly licensed under this article may recover, tow or remove a vehicle or provide storage in connection therewith upon the instruction of a property owner, or his authorized agent, on whose property the vehicle is abandoned or parked without authorization, provided that the following requirements are satisfied:

(a) Notice shall be prominently posted on the property from which the vehicle is proposed to be removed and shall fulfill the following requirements:

(1) Notice, in the form of a sign structure, shall be prominently placed at each driveway access or curb cut allowing vehicle access to the property, within five (5) feet from the public right-of-way line. If there are no curbs or access barriers, signs shall be posted not less than one (1) sign each twenty-five (25) feet of lot frontage. The sign structure shall be permanently installed with the bottom of the sign not less than four (4) feet above ground level and the top of the sign not more than ten (10) feet above ground level, and shall be continuously maintained on the property for not fewer than twenty-four (24) hours before the towing or removal of vehicles.

(2) The notice shall clearly display:

a. In not less than two (2) inches high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense; and

b. In not less than four (4) inches high, light-reflective letters on a contrasting background the words "tow-away zone"; and

c. In not less than two (2) inches high, light-reflective letters on a contrasting background, the days of the week and hours of the day during which vehicles will be towed away at the owner's expense where the property owner selectively causes the towing of vehicles, depending on the day of the week and hour of the day the vehicle is parked; and

d. In not less than two (2) inches high, light-reflective letters on a contrasting background, the name and telephone number of the person performing the towing service, if there exists a written contract between the property owner and that person for the towing of vehicles; and

e. In not less than one (1) inch high, light-reflective letters on a contrasting background, the address of the storage site.

(3) The posting of notice requirements of this section shall not be required where:

a. The property on which a vehicle is parked is property appurtenant to and obviously a part of a single-family type residence; or

b. Notice is personally given to the owner or operator of the vehicle that the property on which the vehicle is or will be parked is reserved or otherwise not available for unauthorized vehicles and is subject to being removed at the owner's expense; or

c. The property on which a vehicle is parked is owned by a governmental entity and the towing is performed by a towing vehicle owned by the governmental entity in compliance with laws authorizing removal of the vehicle.

(b) The property owner or his authorized agent shall provide express instruction to recover, tow or remove the vehicle and shall date and sign such instruction in the presence of the natural person recovering, towing or removing the vehicle. Neither the property owner nor his authorized agent shall be an officer, employee or agent of the person requested to recover, tow or remove the vehicle. No such instruction shall be considered to have been given by the mere posting of the notice as required by the preceding parts of this section. No such instruction shall be considered to have been given by virtue of the mere terms of any contract or agreement between a person providing towing services and a property owner. No such instruction shall be considered to have been given where the instruction occurs in advance of the actual unauthorized parking of the vehicle. No such instruction shall be considered to have been given where the instruction is general in nature and unrelated to specific, individual and identifiable vehicles which are already parked without authorization.

(c) The person recovering, towing or removing a vehicle at the request of a property owner or his authorized agent shall, within thirty (30) minutes of the completion of the vehicle recovery, tow or removal, notify the Miami-Dade Police Department of the nature of the service rendered, the storage site of the vehicle, the time the service was rendered, and the make, model, color, vehicle identification number and license plate number of the vehicle.

(d) Persons who provide services pursuant to this section shall not recover, tow or remove a vehicle or provide storage in connection therewith if the vehicle owner or other person legally authorized to control the vehicle arrives at the scene prior to recovery, towing or removal, except where:

(1) The registered owner or other legally authorized person in control of the vehicle refuses or is unable to remove the vehicle; or

(2) A complete mechanical connection exists between the vehicle and the towing or removal apparatus and the registered owner or other person in control of the vehicle refuses to pay a reasonable service fee of not more than half of the posted rate for such towing services as required by this article.

(e) Except as otherwise provided for in Section 715.07 Florida Statutes, as amended from time to time, persons who provide services pursuant to this section shall not store or impound a towed vehicle at a distance which exceeds a ten-mile radius of the location from which the vehicle was recovered, towed or removed unless no towing business providing services under this section is located within a ten-mile radius, in which case a towed or removed vehicle must be stored at a site within twenty (20) miles of the point of removal.

(f) Persons who provide services pursuant to this section shall maintain one (1) or more storage sites, each of which shall be open for the purpose of retrieval of vehicles by owners or owners' authorized agents on any day that the person providing the service is open for towing purposes, from at least 8:00 a.m. to 6:00 p.m., Monday through Friday, and, when closed, shall have posted prominently on the exterior of the place of business a notice indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open a site to retrieve a vehicle, the operator of the site shall return to the site within one (1) hour. Persons who provide services pursuant to this section shall release the vehicle to the owner or authorized agent within one-half (½) hour after request is made in person.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 90-29, § 1, 4-3-90; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-475. Requirements for licensees and property owners pertaining to nonconsent tows from private property.

(a) Each nonconsent tower must enter into a written contract with every owner of private property that authorizes the licensee to tow vehicles from its property. The licensee must keep on file each contract that is in effect with each property owner, or that was terminated within the previous twelve (12) months. The CSD, law enforcement officers, and the owner of the vehicle towed by the licensee may inspect and copy any such contract during business hours.

(b) A property owner or his or her authorized representative may cause a vehicle parked without authorization upon the property owner's property to be recovered, towed or removed from such property by a person licensed pursuant to this article, and shall not incur liability for the costs of recovery, towing or removal or storage associated therewith, under the following circumstances:

(1) When the property is appurtenant to and obviously a part of a single family residence property; or

(2) When notice is personally given to the vehicle owner or other authorized person in control of the vehicle that the are in which that vehicle is parked is reserved or otherwise unavailable for unauthorized vehicles and subject to being removed as the expense of the vehicle owner or authorized person in control of the vehicle; or

(3) When the vehicle has been parked without authorization on the property for more than forty-eight (48) hours; or

(4) In the case of any other unauthorized parking when notice is prominently posted on the property as provided in [Section 30-474](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-474REPRNOTOSEREPROW)(a) of this article; or

(5) When the vehicle has been parked on the property for the principal purpose of displaying such vehicle for sale.

(c) When any property owner or his or her authorized representative causes a vehicle to be recovered, towed, removed from his or her property and stored, he shall immediately upon request and without demanding compensation inform the vehicle owner or other authorized person in control of the vehicle of the name and address of the person that has recovered, towed or removed the vehicle.

(d) No property owner or authorized representative shall request the recovery, tow, removal or storage of a vehicle pursuant to this section until he or she has first ascertained from the person providing the service the current towing license number of that person.

(e) Nothing in this section shall permit any property owner or authorized representative to request the recovery, tow or the removal of law enforcement, fire fighting, rescue squad, ambulance or other emergency vehicles marked as such.

(f) Any person who improperly causes a vehicle to be recovered, towed, removed or stored shall be liable to the vehicle owner or his authorized representative for the costs of the services provided, any damages resulting from the recovery, towing, removal or storage and attorney's fees.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 94-108, § 2, 6-9-94; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-476. Maximum immobilization, nonconsent towing and storage rates for providing immobilization or tow services at the request of property owners or police agencies.

(a) The Commission shall by resolution, establish maximum rates for providing immobilization, recovery, nonconsent towing, removal and storage services at the request of a police agency, or a property owner or authorized representative, without the prior consent of the vehicle owner or other authorized person in control of the vehicle. The rates established shall be uniform throughout Miami-Dade County, both in incorporated and unincorporated areas, except where municipalities pursuant to Sections 125.0103 and 166.043, Florida Statutes, have established differing maximum rates for their jurisdictions. From time to time, the maximum rates established by the Commission may be altered, revised, increased or decreased.

(b) Persons who provide nonconsent towing services shall not charge in excess of the maximum allowable rates established by the Commission. No person providing services pursuant to this section shall charge any type of fee other than the fees for which the Commission has established specific rates.

(c) In addition to the maximum rates that may be charged by persons providing services pursuant to this section, the County shall charge an administrative fee of $15 for each vehicle that is recovered, towed, removed, or stored at the request of the Miami-Dade County Police Department. Any administrative fee charged and collected on behalf of the County by a person providing services at the County's request is hereby ratified and confirmed. All administrative fees, as described above, imposed before the effective date of this ordinance are ratified, validated, and confirmed in all respects, from the date any such fee was charged, billed, or collected.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 99-70, § 1, 6-22-99; Ord. No. 03-165, § 1, 7-22-03; Ord. No. 03-176, § 1, 7-22-03)

**Annotation—**AO of 5-3-88.

Sec. 30-476.1. Denial, revocation and suspension of licenses.

The Director may deny, revoke, or suspend a license issued pursuant to the provisions of this article if the Director determines that the applicant or licensee has:

(a) Violated any provision of this article, or

(b) Misrepresented or concealed a fact on the application, renewal application or replacement application for a license, or

(c) Aided or abetted a person who has not obtained a license to evade or avoid the provisions of this article, or

(d) Engaged in any conduct as part of the performance of a contract for service which constitutes fraud, or

(e) Violated any condition, limitation, or restriction of a license imposed by the Director, or

(f) Was enjoined by a court of competent jurisdiction from engaging in the trade or business of towing or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this article, or

(g) Failed to comply with the terms of a cease and desist order, notice to correct a violation, written assurance of compliance, or any other lawful order of the Director, or

(h) Was convicted of a violation of this article.

(i) In addition to the foregoing, a license issued pursuant to this article shall be automatically suspended without a hearing when the CSD shall receive written notification that the licensee's officer, director or partner, or any other stockholder owning, holding, controlling or having beneficial interest in five (5) percent or more of the issued and outstanding stock of the licensee or of the issued and outstanding stock of a corporate partner of a partnership licensee, has been convicted of a felony as listed in [Section 30-463](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-463APTOLIFE)(b)(9) or of three (3) misdemeanors after receiving a license. In addition to such suspension, the CSD shall forthwith initiate a hearing as hereinafter specified to consider revocation of such license. A licensee whose license has been suspended under this provision shall be entitled to reinstatement of his or her license upon proof that:

(1) After a felony conviction, the licensee's civil rights have been restored or that the licensee otherwise qualifies for restoration of rights under Section 940.05, Florida Statutes; or

(2) After a conviction of any other criminal offense, that the person convicted has successfully completed all sentences of incarceration, probationary periods, required rehabilitation activities, and payment of all fines and penalties imposed in connection with such criminal offense.

Notwithstanding the foregoing, no revocation or suspension of a license by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to this section, or until the time period for filing such appeal has expired, whichever is later.

(Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-477. Enforcement procedure; remedies; attorney's fees; costs; and penalties.

(a) It shall be unlawful for any person to violate any of the provisions of this article. In addition to any other judicial or administrative remedies provided by law, rule, regulation, ordinance, or this article, the Director shall have the following judicial remedies available to enforce the provisions of this article:

(1) The Director may institute a civil action in a court of competent jurisdiction to seek temporary or permanent, prohibitory or mandatory injunctive relief to enforce compliance with or prohibit the violation of any of the provisions of this article.

(2) The Director may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty in an amount of not more than ten thousand dollars ($10,000.00) for each violation of any of the provisions of this article. Each day during any portion of which such violation occurs or continues to occur constitutes a separate violation. The right of trial by jury shall be available in any court to determine both liability for and the amount of the civil penalties to be imposed and recovered hereunder.

(3) The Director may institute a civil action in a court of competent jurisdiction to seek restitution and other equitable relief:

(i) To recover any sums and costs expended by the Director for tracing, investigating, preventing, controlling, abating or remedying any violation of any of the provisions of this article.

(ii) To provide restitution to any customers or consumers injured by any violation of any of the provisions of this article.

(b) Upon the rendition of a judgment or decree by any of the courts of this state against any person and in favor of the Director under any of the provisions of this article, the trial court, or, in the event of an appeal in which the Director prevails, the appellate court, shall adjudge or decree against said person and in favor of the Director a reasonable sum as fees or compensation for the Director's attorney prosecuting the suit in which the recovery is had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions, legal or equitable, filed after the effective date of this article by the Director, Cessation of any violation of any of the provisions of this article whatsoever, prior to rendition of a judgment or entry of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Director under any of the provisions of this article, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the Director, for which attorney's fees shall be awarded by the trial court as set forth hereinabove.

(c) All the judicial and administrative remedies in this article are independent and cumulative.

(d) In lieu of instituting judicial action the Director may enter into written assurances of compliance pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code of Miami-Dade County, Florida, with respect to the matters regulated under this article. Each violation of any of the terms and conditions of a verified, written assurance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code with respect to the matters regulated under this article shall constitute a separate offense under this article by the persons who executed the assurance, their respective officers, directors, agents, servants, and employees; and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the assurance of compliance. Decisions, actions, and determinations of the Director, pursuant to this section shall not be subject to review pursuant to [Section 30-481](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-481APACDEDEDIJURE) of this Code.

(e) This article shall be enforced by personnel authorized by the CSD, the police forces of the various municipalities in Miami-Dade County and by the Miami-Dade Police Department. When specifically authorized by the Director, this article may be enforced by other Miami-Dade County personnel.

(f) The CSD is authorized to enforce the provisions of this article by administrative fines in accordance with the provisions of [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) or the Code of Miami-Dade County, for each violation. Each day of a continuing violation shall be deemed a separate violation.

(g) *Criminal penalties:* If any person fails or refuses to obey or comply with or violates any of the provisions of this article, such person, upon conviction of such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed sixty (60) days in the County Jail, or both in the discretion of the Court. Each day of continued violation shall be considered as a separate offense.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 90-29, § 1, 4-3-90; Ord. No. 93-130, § 1, 11-16-93; Ord. No. 95-184, § 1, 10-17-95; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-478. Scope of article.

The provisions of this article shall be the exclusive regulations applicable to the immobilization, recovery, towing and removal of vehicles in Miami-Dade County and all storage provided therewith; except that [Section 30-473](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-473NOTOWIPRCOVEOWDUAUDRVE), " Nonconsent Towing Without the Prior Consent of the Vehicle Owner or Duly Authorized Driver of Vehicle," Section [30-474](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-474REPRNOTOSEREPROW) "Requirements for Providing Nonconsent Tow Services at Request of Property Owners," Section [30-475](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-475RELIPROWPENOTOPRPR) "Requirements for Property Owners Requesting Nonconsent Tows From Property," and [Section 30-479](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-479REIMVEWIPRCOVEOWDUAUDRVE) "Requirements for immobilizing vehicles without prior consent of vehicle owner or duly authorized driver of vehicle," shall not apply in any municipality that has adopted and maintains in effect ordinances or regulations governing the same matters. Except as provided by this section, the regulations established by this article shall be applicable throughout Miami-Dade County both in the incorporated and unincorporated areas without regard to municipal boundaries, and shall not be subject to modification by any municipality. The provisions of this article shall not apply to the immobilization of a motor vehicle by a governmental agency, or person acting at the direction of a governmental agency, when such immobilization is authorized by a court order. Except as provided by this section, all municipal ordinances or resolutions contrary to this article are hereby superseded and rescinded.

(Ord. No. 89-67, § 1, 7-11-89; Ord. No. 99-70, § 1, 6-22-99; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-479. Requirements for immobilizing vehicles without prior consent of vehicle owner or duly authorized driver of vehicle.

It is unlawful for a person providing immobilization services to immobilize a vehicle owned by another person which is parked on private property without permission or authority of the owner or duly authorized driver of that vehicle, unless the following requirements are satisfied:

(1) The vehicle is unlawfully parked and notice shall be prominently posted on the property on which the vehicle is immobilized in accordance with the requirements set forth in Section [30-474](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-474REPRNOTOSEREPROW) (a)(1) of the Code of Miami-Dade County, Florida. The text of the notice shall clearly display, in light reflective letters on a contrasting background, the following information:

a. In letters at least two (2) inches high that unauthorized vehicles will be immobilized or towed away and the owners expense;

b. In not less than four (4) inches high the words immobilization/tow away zone;

c. In letters at least two (2) inches high the days of the week and hours of the day during which vehicles will be booted;

d. In letters at least one (1) inch high the fee to unboot the vehicle;

e. In letters at least one (1) inch high the name and address of the person performing the booting service;

f. In letters at least two (2) inches high the telephone number to call and the on-site location (if applicable) where a person can go to request the unbooting of the vehicle; and

g. In letters at least three-fourths of an inch high, CONSUMER SERVICES DEPARTMENT COMPLAINT NUMBER: (insert current telephone number).

(2) The vehicle is not occupied by a living natural person or animal.

(3) The vehicle may not be a police, fire fighting, rescue squad, ambulance or other emergency vehicle marked as such.

(4) The persons providing the immobilization service shall comply with [Section 30-468](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-468MATRRE) and Section [30-474](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-474REPRNOTOSEREPROW)(b) of this article.

(5) Immobilization shall be accomplished by placing a steel boot on the front wheel of the drivers side of the motor vehicle. The steel boot may be placed on any other wheel if placement on the front wheel on the driver side is not feasible.

(6) Immediately after a vehicle is booted, the person booting such vehicle, the owner of the property where such vehicle was booted, or an employee or agent of such person or owner, shall affix at the rearmost portion of the window adjacent to the driver's seat of such vehicle, a sticker with a completely removable adhesive, measuring eight and one-half by eleven inches containing a warning that any attempt to move the vehicle may result in damage to the vehicle, and stating the name and business address of the person who booted such vehicle as well as a business telephone number which will facilitate the dispatch of personnel responsible for removing the boot.

(7) No release or waiver of any kind purporting to limit or avoid liability for damages to a vehicle that has been booted shall be valid. In addition, any person who booted a vehicle, or other person authorized to accept payment of any charges for such booting, shall provide a signed receipt to the individual paying the booting charges at the time such charges are paid. Such receipt shall state the name, business address, and business telephone number of the person who has booted such vehicle, and such receipt shall include a telephone number of the office within the Consumer Services Department responsible for receiving complaints with respect to booting.

(8) No charge shall be imposed for the booting of a vehicle unless and until the requirements of this section have been met, and any such unlawful charge shall be reimbursed by any person found to have violated this section.

(9) Any person who had booted a vehicle shall release such vehicle as soon as practical, but not to exceed thirty (30) minutes of receiving a request for such vehicle's release; provided however, that payment of any charge for booting is made at or prior to the time of such vehicle's release. The owner or person in control of a vehicle which has been booted shall be permitted to pay any charge for booting at the location where such vehicle was booted and the person receiving payment for booting services shall accept payment for charges from the owner or duly authorized representative in accordance with the provisions of [Section 30-473](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-473NOTOWIPRCOVEOWDUAUDRVE)(k) of the Code of Miami-Dade County, Florida.

(10) A person may not charge more than the maximum fee established pursuant to [Section 30-476](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-476MAIMNOTOSTRAPRIMTOSEREPROWPOAG)

(11) The rebate or repayment of money or any other valuable consideration directly or indirectly from the individual or firm booting vehicles to the owners or operators of the premises from which the vehicles are immobilized, for the privilege of immobilizing those vehicles, is prohibited.

(12) The employees or agents of the booting business shall wear identification tags stating the full name of the booting business and the name of the employee or agent; no identification worn by the booting business' employees or agents shall use the words: "Enforcement," "Department," or "Police." Said identification tags shall be prominently displayed on the front left side of the employee or agent's shirt. All booting business vehicles shall display the company name (or name of joint venture, or individual owner or other entity ownership) on the driver and passenger side of the vehicle in letters at least three (3) inches high. The company's address (or address of joint venture, or individual owner or other entity ownership) and telephone number shall be displayed on the driver and passenger side of the vehicle in letters at least one (1) inch high. No booting business shall use the words "Enforcement," "Department," or "Police," in its advertising, signs, stickers or identifications.

(13) Each person who performs immobilization must enter into a written contract with every owner of private property that authorizes the person to immobilize vehicles on their property. Each contract that is in effect or that was terminated within the previous twelve (12) months must be kept on file. The CSD, law enforcement officers, and the owner of the vehicle that was immobilized may inspect and copy such contract during business hours.

(14) Any person who improperly causes a vehicle to be immobilized shall be liable to the vehicle owner or his authorized representative for the cost of the services provided, any damages results from the immobilization, and the immobilization and attorney's fees.

(15) The business providing the booting service shall first obtain and maintain a current and valid license issued by the Director in accordance with [Section 30-463](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-463APTOLIFE)(a), (b)1—9 and 11—15 and subject to the provisions in Sections [30-464](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-464ISLIRE), [30-476.1](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-476.1DERESULI) and [30-477](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-477ENPRREATFECOPE) (any reference in these sections to towing shall mean "immobilization" or "booting").

(16) The individual person who is employed to perform the booting service has first obtained and maintains a permit issued by the Director in accordance with [Section 30-463](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-463APTOLIFE)(a), (b)(1), (9), (11), (12), (13) and (15), and subject to the provisions in [Section 30-464](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-464ISLIRE) and [30-466](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-466RE) (any reference to towing license shall mean "immobilization permit").

(17) The business providing the booting service carries at least twenty-five thousand ($25,000.00) in liability insurance which will cover any damage to the vehicle.

(18) The business providing the booting service must comply with [Section 30-462](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-462TOLIRE)(a) and 30-470-1 of this article (any reference in these sections to towing shall mean "immobilization" or "booting").

(19) Persons who provide services pursuant to this section shall not use profane language, physical force or violence or threats of physical force or violence in dealing with the individuals responsible for administering this article or individuals who have had or are about to have their vehicles booted or immobilized.

(20) Persons who provide services pursuant to this section shall maintain a place of business. The place of business shall have a sign that clearly and conspicuously identifies the business to the public; and office space that has at least one person on duty from 8:00 a.m. until 6:00 p.m., Monday through Friday, to answer telephone calls and to be open to serve the public and records requests made pursuant to [Section 30-470](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-470RERE). However, the office may be closed to observe all holidays observed by Miami-Dade County government. The place of business shall maintain a telephone communication system to answer telephone calls from the public twenty-four (24) hours a day. The license issued by the Director shall be prominently displayed to the public at said business location.

(Ord. No. 99-70, § 1, 6-22-99; Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-480. Director's duties, functions and powers.

The duties, functions, powers and responsibilities of the Director shall include the following:

(a) Enforce all of the provisions of this article.

(b) Upon receipt of complaints or upon the Director's initiative, investigate and inspect matters regulated hereunder.

(c) Institute civil actions or proceedings to enforce all the provisions of this article and subpoena issued by the Director, including seeking mandatory and prohibitory injunctions, the imposition and recovery of civil penalties and such other remedies and attorney's fees as set forth in [Section 30-477](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-477ENPRREATFECOPE) of this Code. Such civil actions or proceedings may be instituted by the Director regardless of whether a cease and desist order or notice to correct the violation or other lawful order of the Director has been issued or other administrative proceeding is pending.

(d) Prosecute through the State Attorney in the criminal courts for violations of this article.

(e) Deny, revoke, suspend and issue registration certificates and impose conditions, limitations, and restrictions upon same in accordance with Sections [30-464](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-464ISLIRE) of this Code. Notwithstanding the foregoing, no revocation or suspension of a registration certificate by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to Section 8A-481 of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, whichever is later.

(f) Issue a subpoena to compel the presence of any person or document or thing at any hearing, conference or proceeding authorized herein upon information or belief by the Director that a violation of any provision of this article has occurred or may occur.

(g) Inquire into the practices, functions and policies of towers and make such recommendations to the Commission as the Director may deem necessary.

(h) Administer oaths and certify official acts of the Director.

(i) Investigate, upon the Director's initiative, the practices of any tower.

(j) Apply to any judge of the circuit or county court, criminal or civil division, for the issuance of an administrative search warrant.

(k) Conduct a program for monitoring consumer satisfaction levels in the field of towing and make such monitoring information available to the Commission and the public.

(l) Render, in the Director's discretion, assistance and technical advice to towers.

(m) Institute informal conferences for discussing and resolving any matter covered by this article.

(n) Publish and disseminate information to the public concerning towers.

(o) Issue cease and desist orders, notices to correct violations, and any other lawful orders of the Director which shall briefly set forth the general nature of the violation of this article and specify the time within which the violation shall be rectified or stopped. If an order to cease and desist or notice to correct violations or any other lawful order of the Director is not obeyed, the Director shall have the power and authority to revoke or suspend the license, if any has been issued, or deny the issuance of a license and take such other action authorized by this article. Notwithstanding the foregoing, no revocation or suspension of a license by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to Section 8A-481 of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, whichever is later. Orders to cease and desist, notices to correct violations, and any other lawful orders of the Director hereunder may be enforced by the institution by the Director of civil actions for mandatory and prohibitory injunctions, civil penalties and other remedies and attorney's fees as set forth in [Section 30-477](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-477ENPRREATFECOPE) of the Code of Miami-Dade County in a court of competent jurisdiction.

(p) Enter into written assurances of compliance pursuant to Sections [8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) and [30-477](../level3/PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE.docx#PTIIICOOR_CH30TRMOVE_ARTIIITOMOVE_S30-477ENPRREATFECOPE) (d) of the Code of Miami-Dade County, Florida, with respect to the matters regulated under this article.

(q) The powers of the Director enumerated in this article shall be in addition to and not a limitation of any other powers of the Director pursuant to any other provisions of this article or any other provisions of law or ordinance.

(Ord. No. 03-176, § 1, 7-22-03)

Sec. 30-481. Appeals from actions, decisions or determinations of the director; judicial review.

(a) Any person regulated by this article who is aggrieved by any action, decision or determination of the Director pursuant to this article may request an administrative hearing before a hearing officer to appeal the action, decision or determination of the Director which resulted in the grievance. Appeal by administrative hearing of the action, decision or determination complained of shall be accomplished by filing a written request with the Director within fifteen (15) days after the date of the action, decision or determination complained of, a written notice of appeal which shall set forth the nature of the action, decision or determination to be reviewed and the basis for the administrative hearing. A timely request for administrative hearing shall be scheduled and heard by a Hearing Officer pursuant to [Section 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County, Florida. Customers shall not be deemed to be persons regulated by this article for the purposes of this section. The Hearing Officer shall set the matter for hearing on the earliest practicable regularly scheduled hearing date or as soon as possible, but no sooner than ten (10) days after the request has been filed and shall cause notice of the hearing to be served upon the aggrieved party by first class mail. The notice may include, but not be limited to, the applicable Sections of [8CC-6](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-6SCCOHE)(b)(2) through (9) of the Code of Miami-Dade County, Florida. The Hearing Officer shall hear and consider all relevant facts in accordance with the procedures set forth in Sections [8CC-6](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-6SCCOHE)(e), (f), (g), (i), (j), (k), (l), (m)(2), and (n) of the Code of Miami-Dade County (any reference in these sections to Inspector shall mean "Director" and to violator shall mean "the person filing the appeal", and may affirm, modify or reverse the action, decision or determination appealed from. The decision of the Hearing Officer shall constitute final administrative review and no rehearing shall be permitted. Nothing herein shall be construed to prevent or prohibit the Director from instituting any civil or criminal action or proceeding authorized by this article at any time.

(b) The Director, the Miami-Dade County Consumer Advocate, or any person regulated by this article who is aggrieved by any decision of the Hearing Officer may appeal a final order of the Hearing Officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with procedures and within the time provided by the Florida Rules of Appellate Procedure for review of administrative action. The words "action," "decision" and "determination" as used herein shall not include the filing or institution of any action, conference or proceeding by the Director in any court or otherwise. Customers shall not be deemed to be persons regulated by this article for the purposes of this section.

(Ord. No. 03-176, § 1, 7-22-03)

Secs. 30-482—30-500. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 88-7, § 1, adopted Feb. 16, 1988, repealed the provisions of former Art. III, §§ 30-461—30-463, relative to towing of motor vehicles, and enacted a new Art. III to read as herein set out in §§ 30-461—30-471. The provisions of former Art. III derived from Ord. No. 75-13, §§ 1—3, adopted Feb. 4, 1975. Subsequently, Ord. No. 89-67, adopted July 11, 1989, enacted a new article, §§ 30-461—30-478. [(Back)](#BK_2E43BA37F79637F37ED45448937D58F7)

Annotation—AO of 5-3-88. [(Back)](#BK_2E43BA37F79637F37ED45448937D58F7)

### ARTICLE IV. COMBAT AUTOMOBILE THEFT PROGRAM [[5]](#BK_ADF11E5B01143E60021CFD10F286A3CB)

[Sec. 30-501. Established.](#BK_FC2C5D001E9E65C12E81278527AB99CA)

[Sec. 30-502. Authorization to stop vehicle during certain hours.](#BK_A9EA1861E339412EE2529A459262C3F5)

[Sec. 30-503. Removal of decal when terminating participation in program.](#BK_F2EB4C76BEBF191EEE16299523EE17D0)

[Sec. 30-504. Civil liability.](#BK_FCBA9198598A37A1B7DCDD57D5C77208)

[Sec. 30-505. Implementation.](#BK_A22B0909BBBC9E0D88F4B3C7B96A6A22)

[Sec. 30-506. Validity.](#BK_DF3DD37C4F7CD87168510F6DAB54E7DE)

Sec. 30-501. Established.

There is hereby established a "Combat Automobile Theft" program in Miami-Dade County which shall be administered by the Miami-Dade Police Department; in accordance with Florida Statutes, Section 316.008(6). Owners of motor vehicles wishing to participate shall enroll their vehicles with the Department and sign consent forms prescribed by the Department. The Department shall issue bright yellow decals to be displayed on the vehicle indicating its enrollment in the program.

(Ord. No. 91-118, § 2, 10-1-91)

Sec. 30-502. Authorization to stop vehicle during certain hours.

A consent form signed by a motor vehicle owner shall constitute 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 the yellow decal is conspicuously affixed to the bottom left of the back window of the vehicle to provide notice of its enrollment in the program and of the owner's execution of the consent form.

(Ord. No. 91-118, § 3, 10-1-91)

Sec. 30-503. Removal of decal when terminating participation in program.

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.

(Ord. No. 91-118, § 4, 10-1-91)

Sec. 30-504. Civil liability.

No civil liability shall arise from the actions of a law enforcement officer when stopping a vehicle with a yellow decal evidencing enrollment in the program provided that the stop is made in accordance with the requirements of the "Combat Automobile Theft" program.

(Ord. No. 91-118, § 5, 10-1-91)

Sec. 30-505. Implementation.

This program shall be implemented upon issuance of written program materials and procedures by the Director of the Miami-Dade Police Department.

(Ord. No. 91-118, § 6, 10-1-91)

Sec. 30-506. Validity.

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

(Ord. No. 91-118, § 7, 10-1-91)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 91-118, adopted Sept. 1, 1991, amended the Code by the addition of provisions which have been designated at the discretion of the editor as Art. IV, §§ 30-501—30-506. [(Back)](#BK_39A0F91E51E199DFB1F967F2BEDF60F1)