

**BOARD OF DIRECTORS OF
AQUAVISTA OF PANAMA CITY BEACH OWNERS ASSOCIATION, INC.**

TOWING POLICY RESOLUTION

WHEREAS, the Aquavista of Panama City Beach Owners Association, Inc. (hereinafter "Association") has or may from time to time adopt rules and regulations governing the parking of automobiles and other vehicles on the condominium property, and seeks to enforce vehicle and parking restrictions, as set forth in the Declaration of Condominium for Aquavista, a Condominium ("Declaration") and the Association's Rules and Regulations;

WHEREAS, the Association desires to adopt this Towing Policy as an additional enforcement mechanism to ensure compliance with such restrictions and regulations, and to allow for towing of improperly parked vehicles;

IT IS THEREFORE RESOLVED, in consideration of the premises, that the following policy is hereby adopted:

1. The Association may cause any vehicle parked in violation of the Declaration and the Association's Rules and Regulations to be towed in accordance with the requirements of the Bay County towing policy hereinafter described.

2. The Association will provide all Owners with notice of this Towing Policy. All Owners must advise their renters and guests that a towing policy is in effect for the Aquavista Condominium.

3. Vehicles that are (i) parked on the condominium property without displaying a valid parking permit, (ii) blocking ingress/egress of any properly parked vehicle, or (iii) in violation of any applicable law or requirement for access by emergency personnel, are subject to towing without prior notice. For other violations, vehicles may be towed after giving prior written notice hand delivered, mailed to the violator's residence, or placed on the vehicle or trailer prior to authorization of a tow. Notice need not be given for each violation prior to towing, if notice was previously given to the same violator for a violation of the same or similar type.

4. The Board will authorize such person(s) as it determines from time to time to contact the towing company and authorize a tow. No person who has not been previously approved by the Board is authorized to contact the Association's selected towing company or to authorize a tow on behalf of the Association.

**TOWING POLICY
(Bay County)**

Pursuant to Chapter 715.07, Florida Statutes, any authorized representative of the Association may cause any vehicle or vessel illegally parked on the Condominium Property to be removed by a person regularly engaged in the business of towing vehicles or vessels, **without**

liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, if the following rules are strictly adhered to:

1. **Towing Service.** Any towed or removed vehicle or vessel must be stored at a site within a 15 mile radius of the point of removal. If no towing business is located within 15 miles, then towed vehicles or vessels must be stored at a site within a 30 mile radius of the point of removal. The towing site must be open for the purpose of redemption of vehicles on any day that the towing service is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times.

The person or firm towing or removing the vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

A person in the process of towing or removing a vehicle or vessel from the premises or parking lot in which the vehicle or vessel is not lawfully parked must stop when a person seeks the return of the vehicle or vessel. The vehicle or vessel must be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal service. The vehicle or vessel may be towed or removed if, after a reasonable opportunity, the owner or legally authorized person in control of the vehicle or vessel is unable to pay the service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel.

A person may not pay or accept money or other valuable consideration for the privilege of towing or removing vehicles or vessels from a particular location.

2. **Notice.** Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, prior to towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, **must post a notice** meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not less than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.

d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not less than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of any vehicles or vessels.

e. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background.

f. A property owner towing or removing vessels from real property must post notice, consistent with the requirements in sub-subparagraphs a.-e., which apply to vehicles, that unauthorized vehicles or vessels will be towed away at the owner's expense.

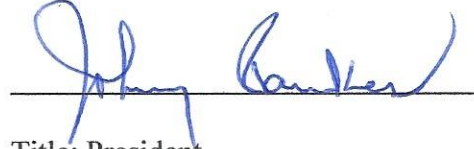
*A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle or vessel is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

3. **Rate.** Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control of a vehicle or vessel to pay the costs of towing and storage prior to redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

4. **Retrieving Vehicle.** When a vehicle or vessel has been towed or removed, it must be released to its owner or custodian within one hour after requested. Any vehicle or vessel owner or agent shall have the right to inspect the vehicle or vessel before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle or vessel from liability for damages noted by the owner or other legally authorized person at the time of the redemption may be required from any vehicle or vessel owner, custodian, or agent as a condition of release of the vehicle or vessel to its owner. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle or vessel must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

5. **Liability.** When a person improperly causes a vehicle or vessel to be removed, such person shall be liable to the owner or lessee of the vehicle or vessel for the cost of removal, transportation, and storage; any damages resulting from the removal, transportation, or storage of the vehicle or vessel; attorney's fees; and court costs.

THIS IS TO CERTIFY that the foregoing resolution was adopted by a majority of the Board of Directors of the Aquavista of Panama City Beach Owners Association, Inc. at a duly-noticed meeting held June 4, 2020, and made effective as of that same date until such date as it may be modified, rescinded or revoked.



Title: President

Print Name: Johnny Parker

Date: June 4, 2020