

ORDINANCE NO. 19-___

AN ORDINANCE OF THE COUNTY OF PINELLAS RELATED TO PUBLIC HEALTH AND SAFETY; AMENDING CHAPTER 122 OF THE PINELLAS COUNTY CODE BY AMENDING SECTIONS 122-38 DEFINITIONS; 122-42 ESTABLISHMENT OF TOWING RATES; 122-45 PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County enacted a Towing Ordinance in 2000 in order to address public concerns and to protect the safety, health and welfare of Pinellas County citizens; and

WHEREAS, the towing rates provided for in that original enactment have not been changed; and

WHEREAS, the Consumer Protection Division of the Human Services Department obtained industry and law enforcement feedback and surveyed other jurisdictions to determine the consistency of Pinellas County towing rates charged as compared to other Florida counties; and

WHEREAS, as a result of the feedback and review of other jurisdiction fees, the Consumer Protection Division makes the following recommendations regarding towing rates and penalties; and

WHEREAS, the County desires to clarify terminology in the definitions of the Ordinance; and

WHEREAS, upon review the Board of County Commissioners agrees with the recommendations and approves the following update to the maximum rate schedule for towing.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS of Pinellas County, Florida that:

SECTION 1. Section 122-38 is amended to read as follows:

Sec. 122-38. - Definitions.

(a) As used in this section, the following words and terms shall have the meanings respectively as established below:

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.

Immobilization services shall include any person, company, corporation, or other entity, whether licensed or not, who engages in or owns or operates a business which engages, in whole or in part, in the immobilization or booting of vehicles for compensation.

Police Directed Nonconsensual towing shall mean the removal and storage of wrecked or disabled vehicles from an accident scene or the removal and storage of vehicles in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker services to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle, excepting, however, all incidents of trespass towing as herein defined below.

Property owner shall mean that person who exercises dominion and control over a parcel of real property, including but not limited to the legal title holder, lessee, a resident manager, a property manager, or other agent who has legal authority to bind the owner. A person providing a towing service may not be appointed as an agent for a property owner.

Tow shall mean to haul, carry, pull along, or otherwise transport or remove a vehicle by means of another vehicle.

Towing service shall include any person, company, corporation, or other entity, whether licensed or not, who engages in or owns or operates a business which engages, in whole or in part, in the towing or removal of vehicles for compensation.

Private Property Trespass towing shall mean towing or removal of a vehicle, without the consent of the vehicle's owner or operator, as such is authorized by F.S. § 715.07, when that vehicle is parked on private real property.

Vehicle shall mean any mobile item which normally uses wheels, whether motorized or not.

SECTION 2. Section 122-42(a) is amended to read as follows:

Sec. 122-42. - Establishment of towing rates.

(a) The initial maximum rates, applicable until the same are changed by resolution, for towing a vehicle, for the storage of a towed vehicle, or for the rendition of other services involving the use of a wrecker or other customary towing services when the point of origin of the tow or such services is within the territory of Pinellas County shall be as follows:

- (1) Class A vehicles (gross vehicle weight through 9,999 pounds or vehicle carrying a vessel 15 feet or less in length):
 - a. Trespass tow (flat rate) ... \$125.00
 - b. Nonconsensual tow (flat rate) ... \$130.00

- c. Mileage rate, in addition to flat rate, for trespass tow not to exceed ten miles from the point of removal, per mile ... \$4.00
 - d. Mileage rate, in addition to flat rate for nonconsensual tow, per mile ... \$4.00
 - e. Nonconsensual tow, time beyond initial 30 minutes at scene, per 15-minute block ...\$25.00
 - f. Trespass or nonconsensual tow, daily storage rate ... \$25.00
- (2) Class B vehicles (gross vehicle weight 10,000 pounds or more but less than 19,500 pounds or vehicle carrying a vessel more than 15 feet but less than 22 feet in length):
- a. Trespass tow (flat rate) ... \$225.00
 - b. Nonconsensual tow (flat rate) ...\$230.00
 - c. Mileage rate, in addition to flat rate for trespass tow not to exceed ten miles from the point of removal, per mile ... \$5.00
 - d. Mileage rate, in addition to flat rate for nonconsensual tow, per mile ... \$5.00
 - e. Nonconsensual tow, time beyond initial 30 minutes at scene, per 15-minute block ... \$50.00
 - f. Trespass or nonconsensual tow, daily storage rate ... \$35.00
- (3) Class C vehicles (gross vehicle weight 19,500 or more pounds but less than 25,000 pounds or vehicle carrying a vessel more than 22 feet in length):
- a. Trespass tow (flat rate) ... \$340.00
 - b. Nonconsensual tow (flat rate) ... \$350.00
 - c. Mileage rate, in addition to flat rate, for trespass tow not to exceed ten miles from the point of removal, per mile ... \$6.00
 - d. Mileage rate, in addition to flat rate, for nonconsensual tow, per mile ... \$6.00
 - e. Nonconsensual tow, time beyond initial 30 minutes at scene, per 15-minute block ... \$75.00
 - f. Trespass or nonconsensual tow, daily storage rate ... \$60.00
- (4) Class D vehicles (gross vehicle weight 25,000 pounds or more):
- a. Trespass tow (flat rate) ... \$440.00
 - b. Nonconsensual tow (flat rate) ... \$450.00

- c. Mileage rate, in addition to flat rate, for trespass tow not to exceed ten miles from the point of removal, per mile ... \$6.00
- d. Mileage rate, in addition to flat rate, for nonconsensual tow, per mile ... \$6.00
- e. Nonconsensual tow, time beyond initial 30 minutes at scene, per 15-minute block ... \$100.00
- f. Trespass or nonconsensual tow, daily storage rate ... \$60.00

SECTION 3. Section 122-42(c) is amended to read as follows:

- (a) Storage fees as set forth above may be assessed after the first six hours beginning from the time the vehicle is delivered to the storage facility and will accrue at a rate of a fee for each 24 hours thereafter. An administrative fee of \$40.00 may be charged after the first 24 hours of fee storage so long as the towing service has complied with the requirements of F.S. § 713.78. A filing of lien notice fee of \$35.00 may also be charged to cover the execution and mailing of the lien notice so long as the towing service has complied with the requirements of F.S. § 713.78. Further, a tarpaulin fee in the amount of \$20.00 may be assessed when the towing service reasonably finds it necessary to install and maintain tarpaulin coverage on any stored vehicle in order to protect the interior accessories or upholstery of such vehicle from damage by inclement weather.

SECTION 4. Section 122-45(b) is amended to read as follows:

Sec. 122-45. - Penalties.

- (b) Except for violations of Section 122-40(h)(4), any person who violates this section shall be liable to the owner or lessee of the vehicle for all costs of recovery plus attorney's fees and court costs, and in addition shall be liable to the owner or lessee of any towed vehicle for damages resulting directly or indirectly from the removal, transportation, or storage of the vehicle.

SECTION 5. Severability.

If any section, subsection, sentence, clause or phrase of this article, amendment or the particular application thereof, shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentence, clause or phrase and application shall not be affected thereby.

SECTION 6. Areas Embraced.

This article shall be in effect in the incorporated and unincorporated areas of Pinellas County.

SECTION 7. Codification.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

SECTION 8. Filing of Ordinance; Effective Date.

Pursuant to Section 125.66, Florida Statutes (2016), a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and shall become effective upon filing with the Department of State.

APPROVED AS TO FORM

By:



Office of the County Attorney