

ORDINANCE NO. 16-49

AN ORDINANCE OF THE COUNTY OF PINELLAS RELATED TO PUBLIC HEALTH AND SAFETY; AMENDING CHAPTER 122 OF THE PINELLAS COUNTY CODE BY AMENDING SECTION 122-40 PREREQUISITES TO IMMOBILIZATION OR TRESPASS TOWING FROM PRIVATE PROPERTY; SECTION 122-41 CONSUMER ACCESS TO PERSONAL ITEMS; AND SECTION 122-42 OPTIONS FOR PAYING IMMOBILIZATION FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County has a significant governmental interest in protecting the health, safety, and welfare of the general public and preserving the public order; and

WHEREAS, the County Commission desires to minimize and control the harmful and adverse effects that occur during the non-consensual or trespass towing of motor vehicles; and

WHEREAS, from 2011 through 2016 Consumer Protection has received over 250 complaints relating to the towing industry requiring thorough investigations into towing complaints which require significant work load; and

WHEREAS, the County Commission desires to minimize and discourage citizens from driving under the influence by prohibiting the overnight towing of a vehicle from a property licensed to sell alcoholic beverages.

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

Section 1. Section 122-40(h)(4) is amended to read as follows:

- (4) The following disclosure in bold capitalized letters of at least 12-point type:

**IF YOU HAVE A QUESTION OR COMPLAINT, PLEASE CONTACT
PINELLAS COUNTY CONSUMER PROTECTION.**

TELEPHONE: (727) 464-6200

EMAIL: consumer@pinellascounty.org

WEBSITE: <http://www.pinellascounty.org/consumer/>

Section 2. Section 122-40(k) is amended to read as follows:

(k) All immobilization and towing services shall keep all such data sheets, written agreements, and authorizations providing authority to tow on file for a period of three years and shall make them available to any law or code enforcement officer or designee assigned to investigate the complaints and enforcement during normal business hours.

Section 3. Section 122-40 is amended to add the following:

(m) No towing service shall tow a vehicle from a property licensed to sell alcoholic beverages for consumption on the licensed premises from the hours of 9:00 p.m. until noon the following day, unless the driver of the towing vehicle is authorized by the property owner, lessee, or authorized employee or representative of the property. The driver of the towing vehicle shall obtain the signature of the property owner, lessee or authorized representative, authorizing the trespass tow. Such signature shall be obtained at the same location of the vehicle to be towed and at the time of the tow. The private property owner shall provide the towing service the name of authorized representatives with owner permission to request a trespass tow. In no instance shall an employee of any tow company be listed as an authorized representative of an owner requesting a trespass tow.

(1) The authorization providing authority to tow shall be retained by the towing service and include at least the name, telephone number, address of the signatory; whether the signatory is the property owner, lessee or authorized representative of the property from which the vehicle is being towed and shall be retained for at least three years following the date of the tow.

Section 4. Section 122-41 is amended to add the following:

(c) Consumer access to personal items. Immobilization or towing services operating within the territory of Pinellas County shall allow consumers immediate access to their impounded vehicle during operating hours for the purpose of retrieving unattached personal items. No fee shall be charged for this access, but a fee may be charged for granting access during non-operating hours. Hours of operation shall be posted and prominently displayed at the service's place of doing business and shall be reported to Pinellas County Consumer Protection. The cost of non-operating hours access shall be posted in close proximity to the hours of operation posting and shall be reported to Pinellas County Consumer Protection. The immobilization or towing service shall update Pinellas County Consumer Protection upon any changes in its operating hours or cost for non-operating hour access.

Section 5. Section 122-42 is amended to add the following:

(e) A person, operator, firm or corporation that provides nonconsensual or trespass towing and storage services pursuant to this article shall accept payment for charges from the vehicle owner or authorized representative in the following forms:

- (1) Cash;
- (2) Major credit card; and
- (3) Debit card.

Additional costs or fees in excess of three percent of the fee, or an amount adopted by resolution, for towing shall not be assessed by reason of payment being made by debit card or credit card.

Section 6. Section 122-44 is amended to read as follows:

Section 122-44. – Consumer complaints.

All consumer complaints directed to Pinellas County concerning excessive charges or charges or violations of this section shall be referred for investigation and resolution to Pinellas County Consumer Protection.

Section 7. 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 8. Areas Embraced.

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

Section 9. 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 10. 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 October 1, 2016.

APPROVED AS TO FORM

By:



Office of the County Attorney