



Pinellas County

Staff Report

File #: 16-826A, **Version:** 1

Subject:

Authority to advertise a public hearing to be held on August 23, 2016, regarding a proposed ordinance amending County Code sections 122-40, 122-41, 122-42, and 122-44 relating to the County towing ordinance.

Recommended Action:

Authorize a public hearing to be held on August 23, 2016, regarding a proposed ordinance amending the County towing ordinance to provide additional consumer protections and public safety enhancements.

Strategic Plan:

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community.

Summary:

The proposed ordinance enhances public safety by prohibiting the towing of vehicles from a property that is licensed to sell alcoholic beverages for on-premises consumption between the hours of 9:00 p.m. and 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 in writing. The driver of the towing vehicle shall obtain the required signature at the same location of the vehicle to be towed and at the time of the tow. Additionally, proposed changes provide for access to towed vehicles to retrieve personal items at no charge, require tow operators to accept credit/debit cards in addition to cash, and update Pinellas County Consumer Protection's contact information.

Background Information:

Florida law (Section 715.07 Fla. Stat.) requires certain conditions be met before and after a vehicle is towed from private property, including: proper signage posted prior to the tow, limiting the distance a tow operator can take a vehicle to an impound lot, and promptly notifying law enforcement of the tow.

From October 2014 through May 2016, Consumer Protection received 137 towing complaints for investigation and enforcement. The following applies:

FY2014 - 77 complaints

FY2015 - 28 complaints

FY2016 (through May 2016) - 32 complaints

The Pinellas County Towing ordinance furthers Consumer Protection during the course of non-consensual tows originating within Pinellas County. The local ordinance places certain limitations on the amount and types of fees a tow operator can charge and establishes an avenue to for reporting and investigation of complaints through Consumer Protection. Several concerns remain that will be addressed through the proposed ordinance changes.

Currently, towing operators can demand payment in cash, thus requiring vehicles owners to seek sufficient cash before retrieving vehicle at any hour. The proposed changes require tow operators

must also accept credit or debit cards for payment to remove this critical barrier when retrieving a towed vehicle. Additionally, tow operators are able to charge any fee for consumers wanting to retrieve personal items such as phones or medications while a vehicle is impounded. Proposed changes prohibit a fee for accessing unattached items within the vehicle.

Further, concern over being towed may act to discourage intoxicated consumers from seeking alternative transportation, and places consumers in position to make a difficult choice. In order to further public safety, it remains important to encourage alternative transportation to reduce incidence of intoxicated drivers. The proposed changes prohibit the towing of a vehicle from defined alcohol serving locations without official authorization in writing at the time of the towing by the property owner or documented representative. This change helps to protect consumers and our streets while still affording an avenue for necessary tows.

As additional background, two jurisdictions recently passed similar measures. In 2015, the City of St. Petersburg adopted an ordinance (Section 20-84, St. Petersburg City Ordinance) that required any tow operators to accept credit card, debit card payments in addition to cash to pay for towing fees when the tow of parked cars originated within their city. In 2008, the City of Tampa adopted an ordinance (Section 14-48, Tampa City Ordinance) that prohibits a car from being towed from a location licensed to sell alcoholic beverages for consumption on the licensed premises, from 9:00 p.m. until noon, unless said property owner, lessee, or authorized employee has signed an order authorizing the removal of a particular vehicle.

Fiscal Impact:

Human Services anticipates that this proposed ordinance will require no additional staff time.

Staff Member Responsible:

Lourdes Benedict, Director, Human Services

Partners:

N/A

Attachments:

Towing Ordinance Changes Accepted
Towing Ordinance Redline Revised
Notice of Public Hearing