



# Pinellas County

## Staff Report

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**File #:** 16-1437A, **Version:** 1

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### **Subject:**

Ordinance amending County Code sections 122-40, 122-41, 122-42, and 122-44 relating to the County towing ordinance.

### **Recommended Action:**

Following a public hearing, adopt the proposed amendments to the County Towing Ordinance revising County Code sections 122-40, 122-41, 122-42, and 122-44 to provide for additional consumer protections.

### **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.

These changes will be made pursuant to Section 2.04(i) of the County Charter and as such, its terms shall control over any conflicting municipal ordinance.

The proposed ordinance will become effective upon filing with the Department of State.

### **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, under cash only scenarios, vehicle owners face potential hardship and safety concerns when seeking sufficient cash to retrieve their vehicle. The proposed changes require tow operators to accept credit or debit cards for payment to remove this critical barrier when retrieving a towed vehicle. Additionally, proposed changes prohibit a fee for accessing unattached items within the vehicle during operating hours and require the fee to be posted for non-operating hours.

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.

The public hearing was authorized by the Board of County Commissioners at its August 9, 2016 regular meeting.

**Fiscal Impact:**

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

**Staff Member Responsible:**

Lourdes Benedict, Director, Human Services

**Partners:**

Municipalities  
Local Law Enforcement Agencies  
Local Towing Operators

**Attachments:**

Proposed Ordinance Revisions  
Proposed Ordinance Redlined Version  
Notice of Public Hearing Ad Proof