

CITY OF MARGATE, FLORIDA

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA AMENDING CHAPTER 33 OF THE CITY CODE, "POLICE AND LAW ENFORCEMENT; OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE VI, "TRAFFIC CONTROL"; SECTION 33-69.50 - REGULATING TOWING OF VEHICLES FROM PRIVATE PROPERTY; PROVIDING FOR NOTICE; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at the January 23, 2019 meeting, the City Commission approved the Amendment of Chapter 33, Article VI, Section 33-69.50 of the Code of City of Margate, Florida entitled "Regulating Towing of Vehicles from Private Property";

WHEREAS, the City Commission sets the rates by ordinance for towing vehicles from private property;

WHEREAS, the City's ordinance prevails over the rates set by Broward County;

WHEREAS, the City Commission of the City of Margate has determined that the following amendments, revisions and additions to the City Code are in the best interest of the City;

WHEREAS, towing fees may be increased annually by Resolution of the City Commission;

WHEREAS, the City Commission of the City of Margate has determined that the following amendments, revisions and additions to the City Code promote and protect the general health, safety, and welfare of the residence of the City of Margate.

NOW, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

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2 SECTION 1: The Code of Ordinances of the City of
3 Margate, Florida, Chapter 33 - Police and Law Enforcement;
4 Offenses and Miscellaneous Provisions, Article VI - Traffic
5 Control; Section 33-69.50 shall be amended to read as follows:
6

7 **Sec. 33-69.50. - Regulating Towing of Vehicles from Private**
8 **Property.**
9

- 10 (a) This section shall operate and govern the towing or
11 removal of all vehicles from private property within
12 the municipal limits of the City of Margate without the
13 consent of the registered owner or without the consent
14 of any other legally authorized person in control of a
15 vehicle as contemplated in F.S. §715.07.

16 This section shall not govern any towing or removal authorized
17 by the City of Margate or any other law enforcement agency.

- 18 (b) As used in this section, the term "vehicle" means any
19 mobile item which normally uses wheels, whether
20 motorized or not.

- 21 (c) The owner of lessor of private real property within the
22 City of Margate, or any person authorized by the owner
23 or lessor, which person may be the designated
24 representative of a condominium association if the real
25 property is a condominium, may cause any vehicle parked
26 on such property without his permission to be removed
27 by a firm or person regularly engaged in the business
28 of towing vehicles, without liability for the costs of
29 removal, transportation, or storage or damages caused
30 by reasonable removal, transportation, or storage
31 subject to strict compliance with the following
32 conditions and restrictions:

- 33 (1) Restrictions provided for by F.S. §715.07, as
34 amended or renumbered, which are hereby made a
35 part of the code of the City of Margate.

36 ~~(2) No towing or removal charge shall exceed fifty~~
37 ~~dollars (\$50.00) for said removal regardless of the~~
38 ~~type of removal necessary or the destination of~~
39 ~~said vehicle towed.~~

40 ~~(3) No storage charge shall exceed twelve dollars~~
41 ~~(\$12.00) per day upon the storage of any vehicle~~
42 ~~towed where the tow terminates in the storage~~

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1 ~~facility of the towing company, irrespective of~~
2 ~~the location of the storage facility.~~

3 ~~(4) There may be one (1) administrative fee for~~
4 ~~storage of a vehicle not to exceed twenty-five~~
5 ~~dollars (\$25.00) per vehicle charged after three~~
6 ~~(3) storage days provided the towed vehicle has~~
7 ~~not been claimed from a storage facility.~~

8 (2) Maximum and allowable rates for nonconsent towing
9 and immobilization shall be as follows:

10 (a) Class A Vehicle Towed (as defined by the
11 Florida Department of Highway Safety and
12 Motor Vehicles):

13 (1) Towing Fee: \$126.72

14 (2) Storage Fee: \$25.35 per twenty-four (24)
15 hours.

16 (3) Administrative Fee: \$31.68

17 (4) Research Fee: Actual costs incurred in
18 obtaining vehicle ownership information
19 and providing notice may be charged to
20 the person retrieving the vehicle.

21 (b) Class B Vehicle Towed (as defined by the
22 Florida Department of Highway Safety and
23 Motor Vehicles):

24 (1) Towing Fee: \$184.79. If a flatbed is
25 used, the fee is \$205.92.

26 (2) Storage Fee: \$45.41 per twenty-four (24)
27 hours.

28 (3) Administrative Fee: \$31.68

29 (4) Research Fee: Actual costs incurred in
30 obtaining vehicle ownership information
31 and providing notice may be charged to
32 the person retrieving the vehicle.

33 (5) Labor Fee: \$184.79 per hour (starting
34 when the person arrives at the scene of
35 the vehicle and ending when such person
36 leaves the scene), per person.

37 (c) Class C Vehicle Towed (as defined by the
38 Florida Department of Highway Safety and
39 Motor Vehicles):

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1 (1) Towing Fee: \$316.79. If a flatbed is
2 used, the fee is \$340.02.

3 (2) Storage Fee: \$52.80 per twenty-four (24)
4 hours.

5 (3) Administrative Fee: \$31.68

6 (4) Research Fee: Actual costs incurred in
7 obtaining vehicle ownership information
8 and providing notice may be charged to
9 the person retrieving the vehicle.

10 (5) Labor Fee: 316.79 per hour (starting
11 when the person arrives at the scene of
12 the vehicle and ending when such person
13 leaves the scene), per person.

14 (d) Class D Vehicle Towed (defined as any vehicle
15 with a gross vehicle weight which exceeds a
16 Class C vehicle)

17 (1) Towing Fee: \$422.40. If a flatbed or
18 lowboy is used, the fee is \$340.02.

19 (2) Storage Fee: \$52.80 per twenty-four (24)
20 hours.

21 (3) Administrative Fee: \$31.68.

22 (4) Research Fee: actual costs incurred in
23 obtaining vehicle ownership information
24 and providing notice may be charged to
25 the person retrieving the vehicle.

26 (5) Labor Fee: \$105.59 per ¼ hour (starting
27 when the person arrives at the scene of
28 the vehicle and ending when such person
29 leaves the scene), per person.

30 (e) Immobilization: \$68.64 per vehicle

31 (f) Road Service:

32 (1) Class A: \$42.24

33 (2) Class B: \$59.13

34 (3) Class C: \$76.56

35 (g) Winch Recovery:

1 (1) Class A: \$105.59 for the first thirty
2 (30) minutes and \$52.80 for each
3 additional thirty (30) minutes.

4 (2) Class B: \$184.79 for the first thirty
5 (30) minutes and \$92.40 for each
6 additional thirty (30) minutes.

7 (3) Class C: \$316.79 for the first thirty
8 (30) minutes and \$158.40 for each
9 additional thirty (30) minutes.

10 (h) Miscellaneous Fee Provisions:

11 (1) If the towed vehicle is retrieved within
12 the first six (6) hours of arriving at
13 the storage facility, the person
14 retrieving the vehicle may not be
15 charged a Storage Fee.

16 (2) An Administrative fee may not be charged
17 if the vehicle owner is identified
18 within twenty-four (24) hours of the
19 vehicle arriving at the storage
20 facility.

21 (3) The person retrieving the vehicle may
22 pay a \$5.18 voluntary fee to expedite
23 vehicle ownership verification.

24 (4) The rates for other tows do not apply to
25 tows conducted on behalf of a government
26 agency pursuant to a contract between
27 the government agency and a licensed tow
28 company if such contract provides a
29 different rate structure.

30 (5) Research fees may be charged only when
31 the tow company providing the service
32 must actually perform research to
33 determine ownership of a vehicle to
34 notify the vehicle owner, lien-holders,
35 and insurance companies. Written
36 documentation of the efforts undertaken
37 to ascertain ownership of the vehicle
38 must be made available for inspection by
39 the County upon request. Costs shall
40 mean actual fees charged by the State of
41 Florida for obtaining ownership

1 information and shall include the cost
2 of actual postage fees, advertising fees
3 (if more than a single vehicle is
4 advertised in the same advertisement,
5 then the cost of the advertisement shall
6 be prorated per vehicle), and title
7 search for out-of-state vehicles. Proof
8 of all costs incurred by the tow company
9 must be made available for inspection by
10 the City upon request.

11 (5) That any person or firm regularly engaged in the
12 business of towing vehicles pursuant to Section
13 715.07 of the Florida Statutes and this section
14 shall register with the City of Margate Police
15 Department the current name and phone number of an
16 agent who is authorized to release any vehicle
17 towed from private property within the City of
18 Margate and the hours which the storage facility
19 for same is open for claims of vehicles.

20 (6) The adoption of reasonable guidelines which allow
21 for acceptance of checks and credit cards as
22 payment for services provided by any person or
23 firm which tows pursuant to state statute and this
24 section.

25 a. The above guidelines shall be prominently
26 posted at such location(s) where towed
27 vehicles are held for claim;

28 b. Such guidelines shall be provided to the City
29 of Margate Police Department and an individual
30 responsible for a vehicle shall be advised of
31 the guidelines when said individual is notified
32 that his/her vehicle is held by the company.

33 (7) The posting of the following at a location where
34 towed vehicles are held for claim by any person or
35 firm which tows pursuant to state statute and this
36 section:

37
38 a. This section.

39 b. F.S. §715.07, titled: Vehicles Parked on
40 Private Property; Towing.

c. The Towing Company Licensing and Regulating Ordinance of Broward County.

(8) Should any item which is required to be posted be removed or become unreadable, then it shall be the responsibility of the owner or principal of the premises or lessee to replace same as expeditiously as possible.

(d) Towing rates may be increased annually in an amount equal to the annual percentage increase in the Consumer Price Index as determined by the Environmental and Consumer Protection Division after review of the Bureau of Labor Statistics, Southeastern Regional Office Consumer Price Index or 3%, whichever is greater. The increase in fees shall be published every year on the City's website; and

(e) This section shall be deemed supplemental to Section 715.07 of the Florida Statutes entitled: Vehicles Parked on Private Property; Towing, as amended or renumbered ~~an~~ in Article XII, Sections 20-242 through 20-250 of the Broward County Code entitled Towing Company Licensing and Regulating Ordinance of Broward County. However, this section shall supersede and prevail over the above referred to state statute and county ordinance where same conflict when the towing of a vehicle emanates from private property within the municipal limits of the city.

(f) Any individual or corporation violating any provision of this section shall be deemed guilty of a municipal violation and shall be punished as provided in section 1-8 of the Code of the city.

(g) Should any individual or entity violate any provision of this code acting as an employee, agent or officer of any other individual, corporation or business entity, then the action of said individual or corporation shall be deemed as an additional separate violation against the individual, corporation, or business entity which is the principal or employer.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are and the same is hereby repealed to the extent of such conflict.

SECTION 3: If any section, sentence, clause, or

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phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4: It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Margate Code, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5: This ordinance shall become effective immediately upon adoption.

[THIS SECTION INTENTIONALLY LEFT BLANK]

PASSED ON FIRST READING THIS ____ day of FEBRUARY, 2019.

PASSED ON SECOND READING THIS ____ day of _____ 2019.

ATTEST:

JOSEPH J. KAVANAGH
CITY CLERK

MAYOR ANTHONY N. CAGGIANO

RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

Simone	_____	Simone	_____
Arserio	_____	Arserio	_____
Schwartz	_____	Schwartz	_____
Ruzzano	_____	Ruzzano	_____
Caggiano	_____	Caggiano	_____