

ORDINANCE NO. 2015-16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO REGULATION OF VEHICLE TOWING AND IMMOBILIZATION; AMENDING SECTION 8½-16(b) OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); ENACTING OR UPDATING CIVIL PENALTIES FOR VIOLATIONS OF THE TOWING AND IMMOBILIZATION REGULATIONS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, on October 14, 2014, the Board of County Commissioners repealed Sections 20-176.12 through 20-176.35 of the Broward County Code of Ordinances ("Code") and enacted new towing and immobilization regulations that will go into effect on April 1, 2015; and

WHEREAS, as a result of the new towing and immobilization regulations, Section 8½-16(b) of the Code needs to be amended so that civil penalties may be imposed for violations of the new regulations, NOW, THEREFORE,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 8½-16(b) of the Code is hereby deleted in its entirety and replaced with the following:

[Underlining omitted]

(b) *Violations of Towing and Immobilization Regulations:*

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

			<i>Fine</i>
	<i>Violation</i>	<i>First Violation</i>	<i>Repeat Violation</i>
1			
2	(1)		
3	Immobilizing or towing a vehicle, storing a towed		
4	vehicle, or advertising such services without first		
5	obtaining and maintaining a current and valid		
6	operating license for the applicable service		
7	(sec. 20-176.13(a))	\$250.00	\$500.00
8	(2)		
9	Immobilizing, towing, or storing a towed vehicle		
10	without first filing with the Division proof of, and		
11	maintaining in effect, workers' compensation		
12	insurance as required by state law and the required		
13	commercial liability insurance coverage		
14	(sec. 20-176.16)	\$250.00	\$500.00
15	(3)		
16	Operating a tow truck without displaying a current,		
17	valid tow truck decal in the lower left corner of the		
18	driver's side window (sec. 20-176.18)	\$250.00	\$500.00
19	(4)		
20	Towing or immobilizing a vehicle without the prior		
21	written consent of the vehicle owner, except in		
22	accordance with Chapter 715, Florida Statutes, and		
23	Section 20-176.19(a), Broward County Code of		
24	Ordinances (sec. 20-176.19(a))	\$250.00	\$500.00
25	(5)		
26	Towing, immobilizing, or storing a vehicle without the		
27	prior written consent of the vehicle owner and paying		
28	or rebating money, or soliciting or offering the rebate		
29	of money or other valuable consideration, to obtain		
30	the privilege of rendering such services		
31	(sec. 20-176.19(b)(1))	\$250.00	\$500.00
32	(6)		
33	Towing, immobilizing, or storing a vehicle without the		
34	prior written consent of the vehicle owner and failing		
35	to accept, at a minimum, cash, credit card, and debit		
36	card payments from the vehicle owner		
37	(sec. 20-176.19(b)(2))	\$250.00	\$500.00

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1	(7)	Towing, immobilizing, or storing a vehicle without the prior written consent of the vehicle owner and failing to file and keep on record with local law enforcement a complete copy of all current rates charged for the towing or immobilization of vehicles (sec. 20-176.19(b)(4))	\$250.00	\$500.00
2				
3				
4				
5	(8)	Towing, immobilizing, or storing a vehicle without the prior written consent of the vehicle owner and failing to maintain a towing or immobilization invoice or manifest approved by the Division, or tow sheet issued by a police agency, for each tow and immobilization undertaken (sec. 20-176.19(b)(5))	\$250.00	\$500.00
6				
7				
8				
9	(9)	Towing, immobilizing, or storing a vehicle without the prior written consent of the vehicle owner and failing to (1) act in a professional manner when performing such services, (2) be knowledgeable of the rights of the individual who has had or is about to have a vehicle towed or immobilized, or (3) answer any and all questions to the best of his or her ability (sec. 20-176.19(b)(6))	\$250.00	\$500.00
10				
11				
12				
13				
14	(10)	Towing or immobilizing a vehicle without wearing an identification tag stating the full name of the company and the natural person performing the service (sec. 20-176.19(c))	\$250.00	\$500.00
15				
16				
17	(11)	Towing a vehicle when there is a living natural person occupying the vehicle (sec. 20-176.20(a))	\$250.00	\$500.00
18				
19	(12)	Failing to tow the vehicle directly to the storage site of the person providing the service unless otherwise directed by the vehicle owner or a police officer (sec. 20-176.20(b))	\$250.00	\$500.00
20				
21				
22	(13)	When providing nonconsent towing services at the request of a property owner, failing to, within thirty (30) minutes after the completion of the service, notify the Broward County Sheriff's Office or the police		
23				
24				

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1		department with jurisdiction over the property from		
2		which the vehicle was towed, of (1) the storage site to		
3		which the vehicle was transported, (2) the time the		
4		service was rendered, and (3) the make, model,		
		color, vehicle identification number, and license plate		
		number of the vehicle (sec. 20-176.20(c))	\$250.00	\$500.00
5	(14)	When providing nonconsent towing services, failing to		
6		maintain a place of business with a sign that clearly		
7		and conspicuously identifies the business to the		
		public (sec. 20-176.20(d))	\$250.00	\$500.00
8	(15)	When providing nonconsent towing services, failing to		
9		keep the place of business open to the public with a		
10		telephone communication system to answer		
11		telephone calls twenty-four (24) hours per day, with at		
		least one (1) natural person on duty from 8:00 a.m.		
		through 6:00 p.m., Monday through Friday		
		(sec. 20-176.20(d))	\$250.00	\$500.00
12				
13	(16)	When providing nonconsent towing services, failing to		
14		prominently post a sign indicating a telephone		
15		number where the operator of the site may be		
		reached at all times even when the office is closed		
		(sec. 20-176.20(d))	\$250.00	\$500.00
16				
17	(17)	When providing nonconsent towing services, failing to		
18		return to the site within one (1) hour from a telephone		
19		request to release the vehicle to the vehicle owner		
20		upon payment of the appropriate fee(s), unless the		
		tow was performed by or at the direction of police		
		officers for accident or criminal investigation purposes		
		or resulted from an arrest of the vehicle owner or		
		driver (sec. 20-176.20(d))	\$250.00	\$500.00

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1	(18)	When providing nonconsent towing services, failing to		
2		prominently display at each vehicle storage site a		
3		schedule of all rates for the recovery of vehicles and		
4		the other requirements of Section 20-176.20(e),		
5		Broward County Code of Ordinances		
6		(sec. 20-176.20(e))	\$250.00	\$500.00
7	(19)	When providing nonconsent towing services, failing to		
8		advise any vehicle owner who calls by telephone prior		
9		to arriving at the storage site of (1) each and every		
10		document or other item that must be produced to		
11		retrieve the vehicle; (2) the exact charges as of the		
12		time of the telephone call and the rate at which		
13		charges accumulate after the call; (3) the acceptable		
14		methods of payment; and (4) the hours and days the		
15		storage area is open for regular business		
16		(sec. 20-176.20(f))	\$250.00	\$500.00
17	(20)	When providing nonconsent towing services, unless		
18		otherwise directed by a police officer, failing to permit		
19		every vehicle owner to inspect the towed vehicle		
20		immediately upon such person's arrival at the storage		
21		site and before payment of any charges, and allowing		
22		the vehicle owner to remove from the vehicle any and		
23		all personal possessions inside, but not affixed to, the		
24		vehicle (sec. 20-176.20(g))	\$250.00	\$500.00
25	(21)	Requiring a release or waiver of any kind, which		
26		would release the person providing the nonconsent		
27		towing services of liability of any kind		
28		(sec. 20-176.20(h))	\$250.00	\$500.00
29	(22)	When providing nonconsent towing services, upon		
30		payment for recovery of a towed vehicle, failing to		
31		provide the vehicle owner a consumer bill of rights,		
32		approved by the Division, which delineates all of the		
33		vehicle owner's rights (sec. 20-176.20(i))	\$250.00	\$500.00

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1	(23)	Utilizing a vehicle to provide immobilization services		
2		that does not display the company's name on the		
3		exterior of both sides of the vehicle in permanently		
4		affixed letters in contrasting colors at least three (3)		
5		inches in size and in compliance with		
		Section 20-176.21(a), Broward County Code of		
		Ordinances (sec. 20-176.21(a))	\$250.00	\$500.00
6	(24)	When immobilizing a vehicle, failing to immediately		
7		affix to the immobilized vehicle (at the rearmost		
8		portion of the window adjacent to the driver's seat) a		
9		sticker with a completely removable adhesive,		
10		measuring at least four (4) inches by seven (7)		
11		inches, containing a warning that any attempt to		
12		move such vehicle may result in damage to the		
13		vehicle, and stating the date and time such vehicle		
14		was immobilized; the make, model, and color of such		
15		vehicle; the license plate number of such vehicle; the		
		reason such vehicle was immobilized; the cost to		
		remove such immobilization device; the name and		
		business address of the person who immobilized		
		such vehicle; and a business telephone number that		
		will facilitate the dispatch of personnel to remove the		
		immobilization device (sec. 20-176.21(b))	\$250.00	\$500.00
16	(25)	When immobilizing a vehicle at the request of a		
17		property owner, failing to respond to the location of		
18		the immobilized vehicle within one (1) hour after		
19		being contacted by the vehicle owner and remove the		
20		immobilization device within thirty (30) minutes after		
		the removal fee has been paid (sec. 20-176.21(c))	\$250.00	\$500.00
21	(26)	When immobilizing a vehicle at the request of a		
22		property owner, failing to accept payment, including,		
23		but not limited to, cash, credit card, or debit card, at		
		the location of the immobilized vehicle		
		(sec. 20-176.21(c))	\$250.00	\$500.00

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

(27)	When immobilizing a vehicle at the request of a property owner, failing to maintain a telephone communication system to answer telephone calls from the public twenty-four (24) hours per day (sec. 20-176.21(c))	\$250.00	\$500.00
(28)	When towing, immobilizing, or storing a vehicle without the prior written consent, charging rates in excess of the maximum rates allowed by the Broward County Administrative Code (sec. 20-176.22)	\$250.00	\$500.00
(29)	Failing to maintain accurate and complete records of all operating information as the Division may require, including, but not limited to, immobilization and towing invoices, records of payment, and signed copies of the consumer bill of rights, for at least three (3) years after creation (sec. 20-176.23)	\$250.00	\$500.00
(30)	Engaging in any unfair method of competition, unconscionable acts or practices, or unfair or deceptive acts or practices, in the conduct of towing, immobilizing, or storing a vehicle (sec. 20-176.24)	\$250.00	\$500.00

## Section 2. SEVERABILITY.

If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscoring type are additions.

Section 3. INCLUSION IN CODE.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Broward County 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 4. EFFECTIVE DATE.

This Ordinance shall become effective on the 1st day of April, 2015.

ENACTED MARCH 10, 2015

FILED WITH THE DEPARTMENT OF STATE March 11, 2015

EFFECTIVE APRIL 1, 2015

Approved as to form and legal sufficiency:

Joni Armstrong Coffey, County Attorney

By: /s/ Carlos Rodriguez-Cabarrocas 03/11/15

Carlos Rodriguez-Cabarrocas (Date)  
Assistant County Attorney

CRC/tlr  
03/11/15  
Chapter 8.5  
14-427.00

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.