

ORDINANCE NO. 17-42

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ARTICLE V OF CHAPTER 2-19 OF THE MANATEE COUNTY CODE RELATING TO TOWING OF VEHICLES; PROVIDING FOR WRITTEN APPROVAL FOR NONCONSENSUAL TOWING DURING CERTAIN TIMES ON CERTAIN PROPERTY TO DISCOURAGE DRIVING UNDER THE INFLUENCE OF ALCOHOL; AMENDING ENFORCEMENT PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 715.07(2), Florida Statutes, authorizes the owner or lessee of real property, or any person authorized by the owner or lessee, to cause any vehicle parked on such property to be removed without the property owner's permission by a person regularly engaged in the business of towing vehicles, without liability for the costs of removal, transportation or storage or damages caused by such removal, transportation or storage; and

**WHEREAS**, Section 316.193, Florida Statutes, makes it is unlawful to drive or to be in actual physical control of a vehicle within the State of Florida while under the influence of alcohol; and

**WHEREAS**, in order to further discourage driving a vehicle under the influence of alcohol, Manatee County wishes to permit vehicles parked outside businesses that are licensed to sell alcohol on the licensed premises to remain overnight without the risk that the vehicle may be towed without written approval by the property owner; and

**WHEREAS**, as a matter of legislative determination and public policy, the Board of County Commissioners finds that it is in the public interest to enact the provisions hereinafter contained; and

**WHEREAS**, it is further declared that these provisions are in pursuance of and for the purpose of securing and promoting the public health, comfort, safety, and welfare of the inhabitants of Manatee County; and

**WHEREAS**, this ordinance is enacted under the Home Rule Power of Manatee County, specifically Section 125.01(1), Florida Statutes; and

**WHEREAS**, the Board of County Commissioners of Manatee County finds and determines that it is in the best interest of the County and the residents of the County to revise the Nonconsensual Towing Ordinance designated in Article V of Chapter 2-19 of the Manatee County Code to provide for written approval for nonconsensual towing during certain times on certain property to discourage driving under the influence of alcohol.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:**

**Section 1.** Section 2-19-74 of the Manatee County Code is hereby amended as follows:

Sec. 2-19-74. – ~~Violations:~~ Written approval.

- (1) ~~The owner or operator of a towed vehicle may report alleged violations of this article to the Code Enforcement Division of the Manatee County Public Safety Department. The Code Enforcement Division will investigate and refer appropriate complaints to the Manatee County Code Enforcement Board for imposition of fines.~~

No property owner or lessee of a property licensed to sell alcoholic beverages for consumption on the licensed premises, or an authorized employee thereof, may cause any vehicle parked on such property to be removed by a towing service between 9:00 p.m. and 12:00 noon the following day, unless the property owner, lessee, or authorized employee thereof has signed an order authorizing the removal of a particular vehicle.

- (2) ~~Each violation of this article is punishable by a civil penalty of up to five hundred dollars (\$500.00).~~

No towing service or driver may tow such vehicle between 9:00 p.m. and 12:00 noon the following day, unless in receipt of a signed order referenced herein containing all the information identified below.

- (3) ~~Nothing in this article prevents criminal prosecution for violations of the vehicle towing and storage provisions of the Florida Statutes.~~

The order required to remove a vehicle by this section must be signed prior to vehicle removal and must include the following information:

- (a) Vehicle make, model, color, and license plate number;
- (b) Address of vehicle location;
- (c) Date and time of order;
- (d) Date and time of removal;
- (e) Name of person issuing order and his/her employer;
- (f) Name of towing service to which order is issued;
- (g) Name of driver; and
- (h) Address of storage site.

- (4) Copies of orders shall be maintained for a minimum of three (3) years by both the property owner or lessee, and the towing service. Copies of orders shall be available for inspection by the vehicle owner, county, municipalities, or any law enforcement agency.

**Section 2.** Section 2-19-75 of the Manatee County Code is hereby created as follows:

Sec. 2-19-75. – Enforcement.

- (1) Any violation of this article may be enforced as provided by code enforcement provisions contained in the Manatee County Code and Chapter 162, Florida Statutes. In addition, the County may bring suit for damages for any violation of this article, and to restrain, enjoin, or otherwise prevent a violation of or mandate compliance with this article.
- (2) Each violation of this article is punishable by a civil penalty of up to five hundred dollars (\$500.00).
- (3) Nothing in this article prevents criminal prosecution for violations of the vehicle towing and storage provisions of the Florida Statutes.

**Section 3.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 4.** Pursuant to Section 125.68(1), Florida Statutes, the Codifier shall codify the substantive amendments to the Manatee County Code contained in Section 1 and Section 2 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification.

**Section 5.** This Ordinance shall take effect immediately upon filing with the Department of State.

**DULY ADOPTED** with a quorum present and voting this 20<sup>th</sup> day of June, 2017.



**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By: [Signature]  
Chairperson

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: [Signature]  
Deputy Clerk