

ORDINANCE NO. 2533

AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA PERTAINING TO THE SUBJECT OF WRECKERS; AMENDING ARTICLE III OF CHAPTER 12 OF THE CODE OF ORDINANCES RELATING TO WRECKER SERVICE FOR TOWING VEHICLES; PROVIDING THAT THE FEES AND CHARGES FOR SUCH SERVICES AS ADOPTED AND AMENDED BY BROWARD COUNTY SHALL BE EFFECTIVE WITHIN PLANTATION SUBJECT TO CERTAIN EXCEPTIONS; PROVIDING THAT THE CITY MAY HAVE ONE (1) OR MORE WRECKER FRANCHISEES; PROVIDING THAT THE CITY MAY APPROVE MULTIPLE FIVE (5) YEAR EXTENSIONS TO A FRANCHISE AGREEMENT; PROVIDING OTHER MISCELLANEOUS AMENDMENTS AND CLARIFICATIONS TO THE CITY'S WRECKER AND TOWING REGULATIONS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANTATION, THAT:

**SECTION 1:** Subsection 12-44(a) of the Code of Ordinances of the City of Plantation is hereby amended to read as follows:

**“Sec. 12-44. Wreckers defined.**

(a) A towing contractor's fleet of trucks must consist of Class A and Class C wreckers as defined and described in "Florida Highway Patrol Rules and Regulations for Wreckers on FHP Rotation List," as promulgated by the department of highway safety and motor vehicles, and such other classes of wreckers as may be required by the provisions of this Chapter or defined herein.”

. . .

**SECTION 2:** Section 12-73 of the Code of Ordinances is hereby amended to read as follows:

**“Sec. 12-73. Schedule of charges.**

(a) The City adopts the schedule of towing charges as set forth in the Code of Broward County from time to time or as set forth in the Broward County Administrative Code (i.e. wherever such fees and charges are codified).

(b) *Storage of vehicles held by Plantation Police Department.* Notwithstanding the provisions of subsection (a), vehicles placed on hold by the city police department shall be subject

to the regular storage rates, as set forth above, for the first five (5) business days of the hold. If the police department requests in writing that a vehicle be held beyond five (5) business days in accordance with F.S. § 323.001(5), for a vehicle which meets the requirements of F.S. § 323.001(4) then the storage rate shall be zero dollars (\$0.00) per day from the sixth business day of storage until the vehicle is authorized to be released.

(c) *City owned or leased vehicles.* Notwithstanding the provisions of subsection (a), there shall be no charge for the towing or storage of a vehicle owned or leased by the City of Plantation that are not held by the police department. If the police department requires that a vehicle owned or leased by the city be held pursuant to F.S. § 323.001, the rates set forth in subsection (a) above shall apply.

(d) *City fire operations.* Notwithstanding the provisions of subsection (a), there shall be no charge for providing wrecked vehicles and removing wrecked vehicles to the fire department for its use in training operations. Similarly upon a request by the fire chief or a battalion chief for assistance at non vehicle accident scenes, and under the direction of the commanding fire officer at the scene, the franchisee shall use reasonable efforts to move heavy objects, pull building walls down, stabilize collapsed structures, and perform such other services as may be reasonably desired.

(e) The terms of the franchise agreements concerning rates shall control in the event of conflict.”

**SECTION 3.** Subsections 12-76(c) and (e) of the Code of Ordinances of the City of Plantation are hereby amended to read as follows:

**Sec. 12-76. Franchise contract.**

(c) The city may have one or more franchisees. In the event two (2) or more franchisees are selected, they shall be dispatched on a rotation basis and which shall service the entire city. Each franchisee shall be required to provide cross coverage.

(e) The city's initial franchise term shall not exceed five (5) years. The city may at any time extend the initial franchise term up to three (3) times, provided that each extension shall be limited to five (5) years.

**SECTION 4.** Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

**SECTION 5.** This Ordinance shall take effect immediately upon passage on second reading by the City Council and signature by the Mayor.

PASSED ON FIRST READING by the City Council this 10 day of June, 2015.

PASSED AND ADOPTED ON SECOND READING by the City Council this 8<sup>th</sup> day of July, 2015.

SIGNED by the Mayor this 9<sup>th</sup> day of July, 2015.

Diane Veltri Bendekovic  
MAYOR

ATTEST

Susan K Slattery  
CITY CLERK

	APPROVED	DATE
REQUESTED BY: _____		
DEPT. OK: _____		
ADMIN. OK: _____		
ATTY. OK: _____		
AS TO FORM ONLY		

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Ordinance was received by the Office of the City Clerk and entered into the Public Record this 16 day of July, 201 5.

Susan K Slattery  
Susan Slattery, City Clerk

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