ORDINANCE NO. 11-004

(fka Ordinance No. 10-030 and Ordinance No. 07-012)

AN ORDINANCE AMENDING ARTICLE II (STOPPING, STANDING AND PARKING) OF CHAPTER 1-20 (TRAFFIC) OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA, BY ALLOWING VEHICLES LEFT ON THE PUBLIC RIGHT-OF-WAY OF ANY PUBLIC ROAD IN THE UNINCORPORATED AREAS OF THE COUNTY FOR FORTY-EIGHT (48) HOURS TO BE TOWED; BY ADDING STORAGE FEES FOR TRESPASS TOWING OF VEHICLES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; ADOPTION; AND CODIFICATION

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida (the "Board), has made the following determinations:

1. Section 125.01(1)(m) and Section 316.008, Florida Statutes, authorizes the Board to regulate and prohibit parking.

2. Section 715.07 Florida Statutes permits the Board to enact additional regulations, including the right to regulate rates when vehicles or vessels are towed from private property.

3. It is in the best interest of the health, safety, and public welfare of the citizens of St. Lucie County to consider any vehicles left over forty-eight (48) hours to be abandoned and towed.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A. AMENDMENT OF SECTION 1-20-16 OF CHAPTER 1-20 (TRAFFIC) OF THE CODE OF ORDINANCES AND COMPILED LAWS OF ST. LUCIE COUNTY.

Section 1-20-16 of Chapter 1-20 of the St. Lucie County Code of Ordinances and Compiled Laws is hereby amended to read as follows:

Section 1-20-16. ~~Parking for longer than twenty-four hours restricted, removal of vehicles.~~ Removal of Vehicles

~~(a) No person, as defined in F.S. § 1,91, shall park, leave or place any motor vehicle on the right-of-way of any public road in the unincorporated areas of the county for a period of more than twenty-four (24) hours unless.~~

~~(1) It is in operating condition, and~~

~~(2) It bears current license places.~~

~~(b)~~(a) Any motor vehicle ~~not meeting the conditions of subparagraphs (a)(1) and (2) of this section~~ that is discarded, left or abandoned on any public road right-of-way under the jurisdiction of the County in the unincorporated area of the C~~c~~ounty may be removed or caused to be removed by the ~~sheriff's department of the county~~ Saint Lucie County Sheriff's Office after posting a notice on such vehicle advising that if such vehicle is not removed by the owner within forty-eight (48) hours, it will be removed or caused to be removed by the sheriff's ~~department~~ office; provided, however, that, this paragraph shall in no way limit the sheriff or any other law enforcement agency's authority to remove vehicles from the paved or main traveled part of any highway under the provisions of F.S. §316.194.

(b) A law enforcement officer, or code enforcement officer, may issue a citation and cause to be immediately removed at the owner's expense, any motor vehicle found in violation of Section 316.1951 F.S. (Parking for Certain Purposes Prohibited) except as provided in Section 316.1951 F.S. as may be amended. The owner shall be assessed a penalty as provided in Section 318.18(21) F.S. as may be amended by the government agency or authority that orders removal of the motor vehicle. A motor vehicle removed under this section shall not be released from an impound or towing and storage facility before a release form prescribed by the Department of Highway, Safety and Motor Vehicles has been completed verifying that the fine has been paid to the government agency or authority that ordered immediate removal of the motor vehicle. However, the owner may pay towing and storage charges to the towing and storage facility pursuant to Section 713.78 F.S. before payment of the fine or before the release form has been completed.

Section 1-20-16.3(b)10. Fees

(10) The maximum fee which may be charged on trespass towing of the vehicle/vessel as follows:

	CLASS A	CLASS B	CLASS C
REGULAR WRECKER SERVICE	$125.00	$165.00	$300.00

Administrative Fee	$ 35.00
Gate Fee (per day)	$ 35.00 8:00 pm to 8:00 am
Outside Storage	25.00 per day
Inside Storage	30.00 per day

Note* The Fee Schedule shown in this table is subject to annual revision based upon the provisions in 1-20-16.4.

PART B. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, and adopted prior to January 1, 1969, County ordinances and resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY AND APPLICABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART E. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Department of State.

PART F. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

Chairman Chris Craft	AYE
Vice Chairman Chris Dzadvosky	AYE
Commissioner Tod Mowery	AYE
Commissioner Frannie Hutchinson	AYE
Commissioner Paula A. Lewis	AYE

PART G. CODIFICATION.

Provisions of this ordinance shall be incorporated in the Code of Ordinances of St. Lucie County, Florida, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or

relettered to accomplish such intention; provided, however, that Parts B through G shall not be codified.

PASSED AND DULY ADOPTED this 1ST day of February, 2011.

BOARD OF COUNTY COMMISSIONERS

ATTEST: ST. LUCIE COUNTY, FLORIDA

_____ BY: _____

Deputy Clerk Chairman

APPROVED AS TO FORM AND

CORRECTNESS:

BY: _____

County Attorney