

ORDINANCE NO. 18-010

AN ORDINANCE AMENDING DIVISION 2 – 46-77; BY AMENDING SECTION 46-78 FEES THAT MAY BE CHARGED FOR REMOVAL AND STORAGE OF WRECKED OR DISABLED VEHICLES FROM AN ACCIDENT SCENE OR FOR THE REMOVAL AND STORAGE OF VEHICLES, IN THE EVENT THE OWNER OR OPERATOR IS INCAPACITATED, UNAVAILABLE, LEAVES THE PROCUREMENT OF WRECKER SERVICE TO THE LAW ENFORCEMENT OFFICER AT THE SCENE, OR OTHERWISE DOES NOT CONSENT TO THE REMOVAL OF THE VEHICLE PER SECTION 125.0103(1XC), FLORIDA STATUTES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR RATIFICATION OF FEES CHARGED; PROVIDING SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ADOPTION; AND PROVIDING FOR CODIFICATION

WHEREAS, Sections 125.0103(1)(c), Florida Statutes requires the Board of County Commissioners for St. Lucie County (the "Board") to establish the maximum fees which may be charged for the towing, removal and storage of vehicles without the owner's consent for all of the areas of St. Lucie County.

WHEREAS, it is in the best interest of the health, safety and public welfare of the citizens of St. Lucie County to have the roads rights-of-way cleared as quickly as possible after an automobile accident; and,

WHEREAS, St. Lucie County has been requested to adjust fees to be consistent with surrounding counties; and,

WHEREAS, St. Lucie County Sheriff's Office supports this adjustment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA:

PART A. AMENDMENT OF DIVISION 2 – VEHICLE TOWING OF THE CODE OF ORDINANCES AND COMPILED LAWS OF ST. LUCIE COUNTY.

Section 46-76 of the St. Lucie County Code of Ordinances and compiled Laws is hereby added to read as follows:

Section 46-78 Fees

In addition to the other requirements of this article, no tow truck company shall, for compensation, recover, tow, or remove a vehicle/vessel or provide storage in connection therewith without the prior express instruction of the vehicle/vessel owner or authorized driver, except in accordance with the following:

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(a) Non-consensual tow: Tow truck companies may for compensation recover, tow or remove a vehicle/vessel based upon a police directed tow without the prior express instruction of the vehicle/vessel owner or authorized driver upon the prior express instruction of a law enforcement agency and in accordance with the terms of any contracts or agreements between the tow truck company and a governmental entity and/or law enforcement agency.

(b) The maximum fee is established which may be charged on the removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles, in the event the owner or operator is incapacitated, unavailable. leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle as follows:

| REGULAR SERVICE | WRECKER | CLASS A/D | CLASS B | CLASS C | FLATBED "LANDOLL" | ROTATOR BOOM |
|--|--|--|--|--|--|--|
| Day or Night Service | | \$122.00 <u>\$155.00</u> | \$161.00 <u>\$225.00</u> | \$270.00 <u>\$350.00</u> | \$175.00 <u>\$530.00</u> | \$514.00 |
| Mileage Charge | | \$3.00 <u>\$4.50</u> | \$4.00 <u>\$5.50</u> | \$6.00 <u>\$7.50</u> | \$6.00 <u>\$8.50</u> | <u>\$8.50</u> |
| Time Charge per ½ hour. ** | | \$60.00 | \$60.00 | \$122.00 | \$60.00 <u>\$258.00</u> | \$258.00 <u>\$400.00</u> |
| ** After 30 minutes on the scene, will be charged in increments of 30 minutes. | | | | | | |
| Underwater Recovery | \$242.00 Flat rate for a certified scuba diver with full gear. Not Sheriff's Office diver. | | | | | |
| Airbag Recovery | \$720.00 | | | | | |
| Gate Fee (per day) | \$43.00 8:00 pm – 8:00 am | | | | | |
| Outside Storage | \$29.00 | | | | | |
| Inside Storage | \$38.00 | | | | | |
| Administrative Fee | \$43.00 – <u>One time charge per tow</u> | | | | | |
| Additional Manpower per ½ hour | \$60.00 | | | | | |
| The fee schedule shown in this table is subject to annual revision based upon the provisions in section 46-79. | | | | | | |

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SCHEDULE FOR STORAGE
MAXIMUM RATES
2018 - 2019

| <u>CLASS OR ACTIVITY</u> | <u>APPROVED RATES</u> |
|---|------------------------------|
| <u>INSIDE STORAGE – Any vehicle, boat, or trailer under twenty (20) feet in length</u> | <u>\$45.00</u> |
| <u>INSIDE STORAGE - Any vehicle, boat, or trailer over twenty (20) feet in length</u> | <u>\$50.00</u> |
| <u>OUTSIDE STORAGE - Any vehicle, boat, or trailer under twenty (20) feet in length (Class A)</u> | <u>\$35.00</u> |
| <u>OUTSIDE STORAGE – Any vehicle, boat, or trailer under twenty (20) feet in length (Class B)</u> | <u>\$40.00</u> |
| <u>OUTSIDE STORAGE - Any vehicle, boat, or trailer over twenty (20) feet in length (Class C)</u> | <u>\$80.00</u> |
| <u>OUTSIDE STORAGE – Any vehicle, boat, or trailer over twenty (20) feet in length (Class D)</u> | <u>\$80.00</u> |
| <u>AFTER HOURS GATE FEE – (shall only be charged if the firm is closed after normal business hours. This charge will not be charged at the time of the after hour's call, but will be included in the final invoice to be paid at time the vehicle is retrieved)</u> | <u>\$42.00</u> |
| <u>TARPS AND / OR CRASH WRAP – per vehicle</u> | <u>\$25.00</u> |

The following schedule of storage rates shall be set forth for the storage of vehicles. However, pursuant to section 713.78(2), Florida State Statutes, no storage fee shall be charged if the vehicle is stored for less than six (6) hours from the time the vehicle arrives at the storage facility. The schedule of storage fee shall be based upon twenty-four (24) hour increments, NOT calendar days.

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PART B. CONFLICTING PROVISIONS.

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

PART C. RATIFICATION OF FEES.

The St. Lucie County Board of County Commissioners hereby ratifies the fees charged for non-consensual tows as set out in the St. Lucie County Sheriff's Office Wrecker Rotation Manual, which was approved by the Board of County Commissioners on October 14, 2003.

PART D. 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 E. 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 F. EFFECTIVE DATE.

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

PART G. ADOPTION.

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

| | |
|--|-----|
| Commissioner Frannie Hutchinson, Chair | AYE |
| Commissioner Linda Bartz, Vice Chair | AYE |
| Commissioner Anthony Bonna | AYE |
| Commissioner Chris Dzadovsky | AYE |
| Commissioner Cathy Townsend | AYE |

PART H. 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 H shall not be codified.

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PASSED AND DULY ADOPTED this 7th day of August, 2018.

ATTEST:

Betty J.
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS

ST. LUCIE COUNTY, FLORIDA

BY: Shannie Hutchinson
Chair



APPROVED AS TO FORM AND
CORRECTNESS:

BY: [Signature]
County Attorney