

ORDINANCE 2024-25

1
2
3 AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA
4 COUNTY, FLORIDA, AMENDING THE CODE OF
5 ORDINANCES OF THE COUNTY OF VOLUSIA, BY
6 AMENDING CHAPTER 118, ARTICLE IV, WRECKERS, BY
7 AMENDING DIVISION 1, SECTION 118-95 – “EQUIPMENT
8 REQUIREMENTS”; BY AMENDING SECTION 118-98 –
9 “ESTABLISHMENT OF RATES, TRESPASS AND NON-
10 CONSENSUAL TOWS AND IMMOBILIZATION”; BY
11 AMENDING CHAPTER 118, ARTICLE IV, DIVISION 2,
12 SECTION 118-103 – “TRESPASS TOW, NOTIFICATION;”
13 BY AMENDING SECTION 118-105 – “PENALTIES;”
14 PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR
15 SEVERABILITY; PROVIDING FOR CONFLICTING
16 ORDINANCES; AND PROVIDING FOR AN EFFECTIVE
17 DATE.
18

19 WHEREAS, pursuant to Article VIII, Section 1(g) of the Florida Constitution and
20 Section 125.01, Florida Statutes, the Volusia County Council has broad home rule powers
21 to govern the County, including the power to adopt ordinances as may be necessary to
22 carry out both county and municipal powers and purposes; and

23 WHEREAS, numerous firms and persons in Volusia County engage in the
24 business of performing towing and recovery of motor vehicles; and

25 WHEREAS, towing companies have substantial interaction with the public and play
26 an important role in clearing the County’s roadways of wrecked vehicles and debris; and

27 WHEREAS, pursuant to section 125.0103(c) Florida Statutes, Volusia County
28 must establish the maximum rates which may be charged for the non-consensual towing
29 or immobilization of vehicles or vessels; and

30 WHEREAS, pursuant to section 125.0103(d), Florida Statutes, Volusia County
31 must establish a process for investigating and resolving complaints regarding fees
32 charged in excess of the maximum rates established; and

33 WHEREAS, the County Council of Volusia County, Florida now desires to update
34 and set forth the schedule of fees and regulations as set forth herein; and

35 WHEREAS, the County Council of Volusia County, Florida has determined that the
36 proposed amendment serves the public health, safety and welfare of the citizens of
37 Volusia County.

38 BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY,
39 FLORIDA, AS FOLLOWS:

40 (Words in ~~strike-through~~ type are deletions; words in underscore type are
41 additions.)

42 SECTION I: Incorporation of Recitals. The above recitals represent the legislative
43 findings of the Volusia County Council supporting the need for this ordinance.

44 SECTION II: That Chapter 118, Wreckers, of the Code of Ordinances, County of
45 Volusia, is amended as follows:

46 ...

47 **Sec. 118-95. Equipment required.**

48 Every wrecker towing a vehicle, when the tow originates within the county, shall be
49 equipped with the following:

50 ...

51 (5) Name, address, and telephone number of the company of concern on both
52 sides of the vehicles.

53 ...

54 **Sec. 118-98. Establishment of rates; trespass and nonconsensual tows and**
55 **immobilizations.**

56 (a) The maximum rates for towing a vehicle, for the storage of a towed vehicle or for
57 the rendition of other services involving the use of a wrecker or other customary
58 towing services when the point of origin of the tow or such services is within the
59 boundaries of Volusia County shall be as follows:

60 (1) Class A vehicles (gross vehicle weight rating at ~~9,999~~ 5,999 pounds or less or
61 a vehicle carrying a vessel 15 feet or less in length) as adopted by resolution.

62 a. ~~Trespass tow (flat rate) \$125.00~~

63 b. ~~Nonconsensual tow \$150~~

64 c. ~~Nonconsensual tow, per mile over initial ten miles, per full extra mile \$6.00~~

- 65 ~~d. Nonconsensual tow, time beyond initial 30 minutes at scene, 15-minute~~
66 ~~block \$25.00~~
- 67 ~~e. Trespass or nonconsensual tow daily storage per day, inside storage~~
68 ~~\$45.00~~
- 69 ~~f. Immobilization \$75.00~~
- 70 ~~g. Outside storage, per day \$20.00~~
- 71 (2) Class B vehicles (gross vehicle weight rating at ~~40,000~~ 6,000 pounds or more,
72 but less than ~~49,500~~ 15,000 pounds or vehicle carrying a vessel more than 15
73 feet, but less than 22 feet in length) as adopted by resolution.
- 74 ~~a. Trespass tow (flat rate) \$250.00~~
- 75 ~~b. Nonconsensual tow \$250.00~~
- 76 ~~c. Nonconsensual tow, per mile over initial ten miles, per full extra mile \$4.00~~
- 77 ~~d. Nonconsensual tow, time beyond initial 30 minutes at scene, per 15-~~
78 ~~minute block \$50.00~~
- 79 ~~e. Trespass or nonconsensual tow daily storage per day, inside storage~~
80 ~~\$30.00~~
- 81 ~~f. Immobilization \$75.00~~
- 82 ~~g. Outside storage, per day \$25.00~~
- 83 (3) Class C vehicles (gross vehicle weight rating at ~~49,500~~ 15,001 or more
84 pounds, but less than ~~25,000~~ 25,999 pounds or vehicle carrying a vessel more
85 than 22 feet in length) as adopted by resolution.
- 86 ~~a. Trespass tow (flat rate) \$375.00~~
- 87 ~~b. Nonconsensual tow \$375.00~~
- 88 ~~c. Nonconsensual tow, per mile over initial ten miles, per full extra mile \$5.00~~
- 89 ~~d. Nonconsensual tow, time beyond initial 30 minutes at scene, per 15-~~
90 ~~minute block \$75.00~~

- 91 e.—~~Trespass or nonconsensual tow daily storage per day, inside storage~~
92 ~~\$60.00~~
- 93 f.—~~Outside storage, per day \$55.00~~
- 94 (4) Class D vehicles (gross vehicle weight rating at more than ~~25,000~~ 26,000
95 pounds) as adopted by resolution.
- 96 a.—~~Trespass tow (flat rate) \$500.00~~
- 97 b.—~~Nonconsensual tow \$500.00~~
- 98 c.—~~Nonconsensual tow, per mile over initial ten miles, per full extra mile \$6.00~~
- 99 d.—~~Nonconsensual tow, time beyond initial 30 minutes at scene, per 15-~~
100 ~~minute block \$100.00~~
- 101 e.—~~Trespass or nonconsensual tow daily storage per day, inside storage~~
102 ~~\$60.00~~
- 103 f.—~~Outside storage, per day \$55.00~~
- 104 (b) An additional daily storage fee, as set forth above by resolution, may be charged
105 for any vessel, trailer or other mobile item, whether motorized or not, which is
106 mounted on wheels and attached to a towed vehicle.
- 107 (c) The maximum rate for a subsequent class may be charged if the recovery activity
108 performed involves a vehicle that is loaded or modified, therefore altering the
109 vehicle's original weight, dimensions, or ground clearance such that the vehicle is
110 determined to be within that subsequent class or involves additional equipment not
111 contemplated for the class indicated in the initial tow request, upon the written
112 authorization and approval of the investigating law enforcement agency or officer on
113 the scene.
- 114 (d) The maximum rates established by resolution ~~in subsection (a) above~~ shall be a flat
115 fee which shall be all-inclusive, and, by way of illustration, no additional charges
116 shall be made for:
- 117 ...

118 (d) (e) No other fees of whatever kind may be charged for services rendered during the
119 first 12 hours that the vehicle is in the possession of the wrecker, beginning from the
120 time the vehicle is delivered to the storage facility, except as specifically provided
121 herein. Storage fees as set forth above may be assessed after the initial six-hour
122 period based on calendar day increments. An administrative fee for compliance with
123 statutory notice requirements may be charged after the first 48 hours so long as the
124 wrecker service has actually complied with the requirements of F.S. § 713.78,
125 including execution and mailing of the lien notice. ~~The fee must be based on actual~~
126 ~~costs for such compliance.~~ Further, a "tarpaulin fee" in the amount of \$15.00 may be
127 assessed when the towing service reasonably finds it necessary to install and
128 maintain tarpaulin coverage on any class A stored vehicle in order to protect the
129 interior accessories or upholstery of such vehicle from damage by inclement weather.
130 Tarpaulin fees for coverage of any other class vehicle must be reasonable and based
131 on actual costs.

132 (e)(f) An after-hours (Monday—Friday, 6:00 p.m.—8:00 a.m., Saturday and Sunday
133 and national holidays) release fee not to exceed \$35.00 may be charged.

134 (f)(g) ~~The maximum fees set forth herein may be changed from time to time by a resolution~~
135 ~~adopted by the county council.~~ Rate adjustment review. Effective January 1, 2029,
136 and on January 1 of each subsequent 5 year period thereafter, the maximum rates
137 established herein shall be reviewed for adjusted based on the actual percentage
138 change in the Consumer Price Index as measured in accordance with section
139 193.155(1)(b), Florida Statutes, based on the average of the index from the previous
140 five (5) years (December to December) or 3%, whichever is lower.

141 ...

142 **Sec. 118-101. Miscellaneous provisions.**

143 ...

144 (c) All consumer complaints directed to Volusia County concerning excessive charges
145 or alleged bad practices committed contrary to the provisions of this article shall be
146 referred for investigation and resolution to ~~the Volusia County Sheriff's Office~~
147 Volusia County Code Enforcement.

148 (d) Each towing service shall staff or monitor its telephone at all times and immediately
149 advise any vehicle owner or authorized representative who calls by telephone prior
150 to arriving at the storage site of the following:

151 ...

152 **DIVISION 2. - TRESPASS TOWING...**

153 **Sec. 118-103. Notification.**

154 (a) Any towing service initiating a trespass tow within the boundaries of Volusia County
155 shall notify the Volusia County Sheriff's Office within 30 minutes of the completion of
156 any such trespass tow. Such notification to the Volusia County Sheriff's Office shall
157 relate, at a minimum, the following information concerning the subject trespass tow:;
158 the storage site; the time the vehicle was towed or removed; and the make, model,
159 year, color, vehicle identification number (VIN), and license plate number of the
160 vehicle.

161 ...

162 **Sec. 118-105. Penalties.**

163 Volusia County Code Enforcement shall have jurisdiction to enforce this article as
164 provided by law and ordinance. For that purpose, violation of division I and division II of
165 this article is deemed to be an irreparable or irreversible violation punishable by the civil
166 penalties herein and is subject to immediate citation. Each violation of this section shall
167 constitute a separate offense punishable as provided in section 1-7 and chapter 2, article
168 VII of this Code.

169 (a) Volusia County Code Enforcement is hereby authorized to issue citations with a civil
170 penalty of \$450 to a person or firm when, based upon an investigation, Volusia County
171 Code Enforcement has reasonable cause to believe that a person or firm has committed
172 a civil infraction in violation of a county code or ordinance, including but not limited to,
173 charging more than the maximum rates for towing services established by Volusia
174 County.

175 ...

176 **SECTION III:** Authorizing Inclusion in Code. The provisions of this ordinance shall
177 be included and incorporated into the Code of Ordinances of the County of Volusia, as
178 additions or amendments thereto, and shall be appropriately renumbered to conform to
179 the uniform numbering system of the code.

180 **SECTION IV:** Severability. Should any word, phrase, sentence, subsection, or
181 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or
182 unconstitutional, then that word, phrase, sentence, subsection, or section so held shall
183 be severed from this ordinance and all other words, phrases, sentences, subsections, or
184 sections shall remain in full force and effect.

185 **SECTION V:** Conflicting Ordinances. All ordinances, or part thereof, in conflict
186 herewith are, to the extent of such conflict, repealed.

187 **SECTION VI:** Effective Date. This ordinance shall take effect upon filing of a certified
188 copy by e-mail with the Department of State.

189 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN
190 OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE
191 THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,
192 DELAND, FLORIDA, THIS 1ST DAY OF OCTOBER 2024 A.D.

193

194

195 ATTEST:

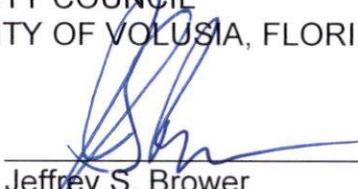
COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

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197

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199 
George Recktenwald
200 County Manager


Jeffrey S. Brower
County Chair

