

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AMENDING CHAPTER 9 "TRAFFIC"; SECTION 9-104 OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK PERTAINING TO IMPOUNDMENT AND TOWING OF VEHICLES, AMENDING THE ALLOWABLE RATES TO BE CHARGED FOR ADMINISTRATIVE FEES; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA:

SECTION ONE: That Chapter 9 "Traffic", Section 9-104 of the Code of Ordinances of the City of Pinellas Park, Florida, is hereby amended as follows:

(B)(2)(a)(2). Each towing service on the Pinellas Park Police Department Class "A" and "B" Wrecker Service Rotation List must own or possess at least one (1) operable Class A or one (1) operable Class B wrecker. Each towing service on the Pinellas Park Police Department Class "C" Wrecker Service Rotation List must own or possess at least one (1) operable Class "C" wrecker.

~~In addition, the towing service must have access to a trailer for towing motorcycles and fiberglass specialty cars.~~

(B)(2)(a)(4). All wrecker operators shall be familiar and comply with the Florida Regulatory Traffic Laws and have appropriate licenses issued by the Department of Highway Safety and Motor Vehicles ~~and have a chauffeur's license.~~

(B)(2)(b)(1). Wreckers shall be inspected by designated personnel of the Pinellas Park Police Department before being placed on the rotation list, and thereafter, shall be inspected at such time as may be determined by the Pinellas Park Police Department; however, all wreckers and wrecker facilities shall undergo an annual inspection. If the wrecker company is on a rotation wrecker list of Pinellas County or another municipal police department within Pinellas County, or on a rotation wrecker list for the Florida Highway Patrol, proof of inspection by one of these agencies will suffice for the annual inspection requirement.

(B)(2)(b)(6). There shall be a ~~rotor beam-type~~ light mounted on top of the wrecker in such a manner that it can be seen from the front, rear, and both sides. This light shall be amber in color. It shall only be used at the scene and when having vehicle under tow. It shall not be used when proceeding to a call.

(B)(2)(b)(8). All wreckers will be equipped ~~with two-way radios~~ with means of communicating with ~~capable of contacting~~ their base office.

(B)(2)(d)(5). Each wrecker company shall be listed one (1) time on the rotation list, regardless of the number of wrecker units owned and operated by a company. When a request for a wrecker is made, the wrecker service will be notified of the number of vehicles which require removal. If the wrecker service has the requisite number of wrecker units to remove all vehicles, that wrecker service will handle the entire scene. If the wrecker service on top of the list does not have the means of removing all vehicles, that wrecker service will respond to remove the vehicles of which they are capable and then additional wrecker services will be contacted from the list. Each individual wrecker company on each rotation list shall be required to own or possess all equipment and facilities required hereunder; no such equipment or facilities shall be used by more than one (1) wrecker company for rotation list services.

(B)(2)(f) Rates.

(1) The maximum rates for all motor vehicles including motorcycles, shall be in accordance with the rates established by Resolution of the City Council, as may be amended from time to time. ~~not exceeding ten thousand (10,000) pounds gross vehicle weight are as follows:-~~

- a. ~~The basic hook-up charges shall be One Hundred Dollars (\$100.00).-~~
- b. ~~In addition to the basic hook-up charge, there shall be a basic tow charge of Three Dollars (\$3.00) per mile. Such charge shall be calculated from the point of hook-up to the storage area by the most direct allowable route.-~~
- c. ~~In addition to the basic hook-up charge and basic tow charge, when dolly services are required, there shall be a charge of Twenty Dollars (\$20.00).-~~

- ~~c. d. — In addition to the basic hook-up charges and basic tow charges, and dolly charges, there shall be a storage fee of Twenty Dollars (\$20.00) per day, whether such storage be inside or outside. Whenever possible, such storage shall be inside.~~
- ~~d. e. — In addition to the basic hook-up charges, basic tow charges, dolly charges, and storage charges, a Thirty Dollar (\$30.00) processing fee may be charged after the first twenty-four (24) hours of storage so long as the towing service has actually complied with the requirements of F.S. § 713.78. A filing of lien notice fee of Thirty Dollars (\$30.00) may also be charged to cover the execution and mailing of the lien notice so long as the towing service has actually complied with the requirements of F.S. § 713.78. Further, a tarpaulin fee in the amount of Fifteen Dollars (\$15.00) may be assessed when the towing service reasonably finds it necessary to install and maintain tarpaulin coverage on any stored vehicle in order to protect the interior accessories or upholstery of such vehicle from damage by inclement weather. The wrecker/towing service shall provide documentation of said costs to the Pinellas Park Police Department by the tenth day of the month following the month in which said costs were imposed.~~
- ~~e. f. — In addition to the basic hook-up charges, basic tow charges, dolly charges, storage charges, and processing fee, there shall be a ten (10) percent fuel adjustment fee, which shall be calculated at 10% of the sum of the basic hook-up charge and the total calculated basic tow charge.~~
- ~~f. g. — The rate scheduled herein is for the use of wreckers under normal towing situations. It does not include special recovery situations for which the rates charged shall be the usual and customary charge for such situations.~~
- ~~g. h. — Since the City of Pinellas Park Police Department will not call out a wrecker until one is actually needed, there will be no charges for "waiting time" or other similar charges made by the wrecker company.~~
- ~~h. i. — The basic hook-up charges, basic tow charges, dolly charges, storage charges, processing fees, and ten (10) percent fuel adjustment fee provided for herein shall apply seven (7) days per week, are the maximum charges allowable by the wrecker company,~~

~~and are the only permissible charges by a wrecker company, for services rendered in connection with the City of Pinellas Park Police Department rotation wrecker calls. However, nothing herein contained shall be construed to prevent wrecker companies rendering such services in connection with the City of Pinellas Park Police Department rotation wrecker calls from charging less than the maximum charges.~~

~~(2) Towing rates of each wrecker company shall be on file with inspection and application forms, and any changes will necessitate a re-application on all affected wrecker units.~~

~~(3) A complete schedule of rates from each wrecker company will be filed with the Pinellas Park Police Department and will be updated annually.~~

~~(2)(4)~~ Rates shall be posted in each wrecker establishment and a written copy of said posted rates shall be given to the towed vehicle owners or drivers by the wrecker operator.

SECTION TWO: In all other respects, the provisions of Section 9-104 shall remain in full force and effect.

SECTION THREE: That this amended Ordinance shall be included in the Code of Ordinances of the City of Pinellas Park, Florida.

SECTION FOUR: The provisions of this Ordinance shall be deemed severable, and should any court of competent jurisdiction declare any part of this Ordinance unconstitutional or invalid, the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

SECTION FIVE: That this Ordinance shall be in full force and effect immediately after its passage and approval in the manner provided by law.

FIRST READING THE _____ DAY OF _____, 2024.

PUBLISHED THE _____ DAY OF _____, 2024.

PUBLIC HEARING THE _____ DAY OF _____, 2024.

PASSED THIS _____ DAY OF _____, 2024.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2024.

Sandra L. Bradbury
MAYOR

ATTEST:

Jennifer R. Carfagno, MMC
CITY CLERK