

PROPOSED

ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO NONCONSENT TOWING SERVICES; AMENDING SECTION 20-176.20 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); PERMITTING AN AFTER-HOURS ACCESS FEE FOR NONCONSENT PRIVATE TOWS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, towing companies are currently permitted to charge a fee for after-hours pickups for nonconsent tows directed by a government entity but not for other nonconsent tows;

WHEREAS, this prohibition creates an undue financial burden on towing companies providing these services for nongovernmental entities; and

WHEREAS, the Board of County Commissioners of Broward County has determined that these fees are fair and will improve the ability of towing companies to provide towing services,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 20.176-20 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 20-176.20. Additional nonconsent towing requirements.

...

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 (d) Persons who provide nonconsent towing services shall maintain a place
2 of business with a sign that clearly and conspicuously identifies the business to the
3 public. The place of business shall be open to the public, shall maintain a telephone
4 communication system to answer telephone calls twenty-four (24) hours per day, and
5 shall have office space with at least one (1) natural person on duty from 8:00 a.m.
6 through 6:00 p.m., Monday through Friday. The office may be closed only to observe
7 holidays observed by Broward County government. When closed, the office shall
8 prominently post a sign indicating a telephone number where the operator of the site
9 may be reached at all times. Upon receipt of a telephoned request to open the site to
10 retrieve a vehicle, the operator shall return to the site within one (1) hour to release the
11 vehicle to the vehicle owner upon payment of the appropriate fee(s), unless the tow was
12 performed by or at the direction of police officers for accident or criminal investigation
13 purposes or resulted from an arrest of the vehicle owner or driver. An operator
14 performing a ~~government~~ nonconsent tow may charge an after-hours access fee if the
15 operator is called by a vehicle owner to retrieve a vehicle Monday through Friday
16 between 6:00 p.m. and 8:00 a.m. for a government tow, or between 10:00 p.m. and
17 7:00 a.m. for a private property tow, on a Saturday or Sunday, or on a holiday observed
18 by Broward County government, and the operator is required to open the site during
19 such time in order for the vehicle to be retrieved.

20 . . .

21 Section 2. Severability.

22 If any portion of this Ordinance is determined by any court to be invalid, the invalid
23 portion will be stricken, and such striking will not affect the validity of the remainder of this
24 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be

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1 legally applied to any individual, group, entity, property, or circumstance, such
2 determination will not affect the applicability of this Ordinance to any other individual,
3 group, entity, property, or circumstance.

4 Section 3. Inclusion in the Broward County Code of Ordinances.

5 It is the intention of the Board of County Commissioners that the provisions of this
6 Ordinance become part of the Broward County Code of Ordinances as of the effective
7 date. The sections of this Ordinance may be renumbered or relettered and the word
8 "ordinance" may be changed to "section," "article," or such other appropriate word or
9 phrase to the extent necessary in order to accomplish such intention.

10 Section 4. Effective Date.

11 This Ordinance is effective as of the date provided by law.

12

13 ENACTED

PROPOSED

14 FILED WITH THE DEPARTMENT OF STATE

15 EFFECTIVE

16

17 Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

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19 By /s/ Scott Andron 03/19/2021
Scott Andron (date)
Assistant County Attorney

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21 By /s/ René D. Harrod 03/19/2021
René D. Harrod (date)
Deputy County Attorney

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03/19/2021
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