

PROPOSED

ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO NONCONSENT TOWING SERVICES; AMENDING ARTICLE VII, DIVISION 2 OF CHAPTER 20 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") PERTAINING TO TOWING AND IMMOBILIZATION REGULATION; 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. Chapter 20 of the Broward County Code of Ordinances is hereby amended to read as follows:

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

1 **Chapter 20. Licenses and Business Regulations**

2 . . .

3 **Sec. 20-176.13. Operating license required to tow or immobilize a vehicle in**
4 **Broward County; exemptions.**

5 (a) Except as provided in paragraph (b), below, no person shall immobilize or
6 tow a vehicle in Broward County, store a towed vehicle in Broward County, or advertise
7 such services, regardless of whether that person's primary place of business is inside or
8 outside Broward County, without first obtaining and maintaining a current and valid
9 operating license for the applicable service and providing a copy of a current, valid
10 operating license to each municipality in Broward County in which the licensee will
11 operate. All advertisement of such services shall include the operating license number.

12 . . .

13 **Sec. 20-176.20. Additional nonconsent towing requirements.**

14 . . .

15 (d) Persons who provide nonconsent towing services shall maintain a place
16 of business with a sign that clearly and conspicuously identifies the business to the
17 public. The place of business shall be open to the public, shall maintain a telephone
18 communication system to answer telephone calls twenty-four (24) hours per day, and
19 shall have office space with at least one (1) natural person on duty from 8:00 a.m.
20 through 6:00 p.m., Monday through Friday. The office may be closed only to observe
21 holidays observed by Broward County government. When closed, the office shall
22 prominently post a sign indicating a telephone number where the operator of the site
23 may be reached at all times. Upon receipt of a telephoned request to open the site to
24 retrieve a vehicle, the operator shall return to the site within one (1) hour to release the

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1 vehicle to the vehicle owner upon payment of the appropriate fee(s), unless the tow was
2 performed by or at the direction of police officers for accident or criminal investigation
3 purposes or resulted from an arrest of the vehicle owner or driver. An operator
4 performing a ~~government~~ nonconsent tow may charge an after-hours access fee if the
5 operator is called by a vehicle owner to retrieve a vehicle Monday through Friday
6 between 6:00 p.m. and 8:00 a.m. for a government tow, or between 10:00 p.m. and
7 7:00 a.m. for a private property tow, on a Saturday or Sunday, or on a holiday observed
8 by Broward County government, and the operator is required to open the site during
9 such time in order for the vehicle to be retrieved.

10 . . .

11
12 Section 2. Severability.

13 If any portion of this Ordinance is determined by any court to be invalid, the invalid
14 portion will be stricken, and such striking will not affect the validity of the remainder of this
15 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
16 legally applied to any individual, group, entity, property, or circumstance, such
17 determination will not affect the applicability of this Ordinance to any other individual,
18 group, entity, property, or circumstance.

19
20 Section 3. Inclusion in the Broward County Code of Ordinances.

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

3

4 Section 4. Effective Date.

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

6

7 ENACTED

PROPOSED

8 FILED WITH THE DEPARTMENT OF STATE

9 EFFECTIVE

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

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By /s/ Scott Andron 04/30/2021
Scott Andron (date)
Assistant County Attorney

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By /s/ René D. Harrod 04/30/2021
René D. Harrod (date)
Deputy County Attorney

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