



Broward County

Legislation Details (With Text)

File #:	21-666	Version:	1
		Status:	Agenda Ready
		In control:	REQUEST TO SET FOR PUBLIC HEARING
On agenda:	5/18/2021	Final action:	5/18/2021
Title:	A. MOTION TO ADOPT Resolution No. 2021-287 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, June 15, 2021, at 10:00 a.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows (deferred from April 6, 2021 - Item No. 80): 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) ACTION: (T-2:08 PM) Approved as amended with direction to staff to draft an Agreement removing after hour access fees. (Refer to minutes for full discussion.) VOTE: 8-0. Vice-Mayor Udine was out of the room during the vote. ACTION: (T-3:12 PM) Vice-Mayor Udine requested being shown voting in the affirmative. VOTE: 9-0. B. MOTION TO ADOPT Resolution No. 2021-288 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, June 15, 2021, at 10:00 a.m., in Room 422 of the Governmental Center to consider adoption of a proposed Resolution Amending the Broward County Administrative Code, the title of which is as follows (deferred from April 6, 2021 - Item No. 80): A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MAXIMUM NONCONSENT RATES FOR TOWING; AMENDING SECTION 40.50 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE") TO MODIFY THE MAXIMUM NONCONSENT RATES FOR PRIVATE TOWS, INCLUDING TO PERMIT AN AFTER-HOURS ACCESS FEE AND AN ADDITIONAL FEE FOR CLASS A TOWS THAT REQUIRE SPECIAL EQUIPMENT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE. ACTION: (T-2:08 PM) Approved as amended with direction to staff to draft an Agreement removing after hour access fees. (Refer to minutes for full discussion.) VOTE: 8-0. Vice-Mayor Udine was out of the room during the vote. ACTION: (T-3:12 PM) Vice-Mayor Udine requested being shown voting in the affirmative. VOTE: 9-0.		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Copy of Resolution to Publish Notice of Public Hearing of the Proposed Ordinance, 2. Exhibit 2 - Copy of Proposed Ordinance, 3. Exhibit 3 - Copy of Resolution to Publish Notice of Public Hearing of the Proposed Resolution Amending the Broward County Administrative Code, 4. Exhibit 4 - Copy of Proposed Resolution Amending the Broward County Administrative Code, 5. Exhibit 5 - Copy of Proposed Ordinance Amendment Proposed by Industry, 6. Exhibit 6 - Copy of Proposed Resolution Amendment Proposed by Industry, 7. Exhibit 7 - Copy of April 21, 2021, Memorandum from ECPD

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

A. MOTION TO ADOPT Resolution No. 2021-287 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, June 15, 2021, at 10:00 a.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows **(deferred from April 6, 2021 - Item No. 80)**:

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)

ACTION: (T-2:08 PM) Approved as amended *with direction to staff to draft an Agreement removing after hour access fees.* (Refer to minutes for full discussion.)

VOTE: 8-0. Vice-Mayor Udine was out of the room during the vote.

ACTION: (T-3:12 PM) Vice-Mayor Udine requested being shown voting in the affirmative.

VOTE: 9-0.

B. MOTION TO ADOPT Resolution No. 2021-288 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, June 15, 2021, at 10:00 a.m., in Room 422 of the Governmental Center to consider adoption of a proposed Resolution Amending the Broward County Administrative Code, the title of which is as follows **(deferred from April 6, 2021 - Item No. 80)**:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MAXIMUM NONCONSENT RATES FOR TOWING; AMENDING SECTION 40.50 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE") TO MODIFY THE MAXIMUM NONCONSENT RATES FOR PRIVATE TOWS, INCLUDING TO PERMIT AN AFTER-HOURS ACCESS FEE AND AN ADDITIONAL FEE FOR CLASS A TOWS

THAT REQUIRE SPECIAL EQUIPMENT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

ACTION: (T-2:08 PM) Approved as amended with direction to staff to draft an Agreement removing after hour access fees. (Refer to minutes for full discussion.)

VOTE: 8-0. Vice-Mayor Udine was out of the room during the vote.

ACTION: (T-3:12 PM) Vice-Mayor Udine requested being shown voting in the affirmative.

VOTE: 9-0.

Why Action is Necessary

The proposed Ordinance and Resolution were prepared by the Office of the County Attorney based on action taken by the Board of County Commissioners at its meeting of August 25, 2020.

What Action Accomplishes

Enables the setting of a public hearing during which the Board may consider enacting the proposed Ordinance and adopting the proposed Resolution.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

MOTION A: The proposed Ordinance, if enacted, would permit an after-hours access fee for nonconsent private tows if the towing company is called to retrieve the vehicle between 10 p.m. and 7 a.m. on weekdays or anytime on a weekend or holiday and the towing company must open the site during such time in order for the vehicle to be retrieved. Currently, an after-hours access fee is permitted for nonconsent government tows if the towing company is called to retrieve the vehicle between 6 p.m. and 8 a.m. on weekdays or anytime on a weekend or holiday and the towing company must open the site during such time in order for the vehicle to be retrieved.

MOTION B: The proposed Resolution, if adopted, would modify the maximum fee schedule for nonconsent tows to permit towing companies to charge \$50 for after-hours access to retrieve the vehicle for nonconsent private tows. A fee of \$100 is currently permitted for after-hours access to retrieve a vehicle for nonconsent government tows. The Resolution would also modify the fee schedule to allow towing companies to charge a new \$30 labor fee for certain private nonconsent tows (Class A tows) that require the use of certain special equipment (such as additional equipment required to tow an all wheel drive vehicle).

The Environmental and Consumer Protection Division ("ECPD"), the applicable regulatory client agency, has reviewed the proposed code changes and has not requested any further amendment to the affected provisions.

During public comment on this item on April 6, 2021, certain additional amendments were requested orally by a representative of the industry. Those amendments proposed by the industry are included

as Exhibit 5 and Exhibit 6.

An April 21, 2021, memorandum prepared by ECPD showing the applicable fees, the proposed amendments, and the fees currently charged by Miami-Dade and Palm Beach counties is included as Exhibit 7.

Source of Additional Information

René D. Harrod, Deputy County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

Per the Office of Management and Budget, the estimated impact of the proposed Ordinance on the budget does not exceed the threshold required for a Fiscal Impact Statement.