



Broward County

Legislation Text

File #: 21-577, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

A. MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, April 20, 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:

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)

(Transferred to the Consent Agenda.)

ACTION: (T-11:13 AM) Approved.

VOTE: 9-0.

ACTION: (T-11:14 AM) The Board reconsidered the Consent Agenda to remove Item 80 from the Consent Agenda, as read previously by County Attorney Andrew J. Meyers. (Refer to minutes for full discussion.)

VOTE: 9-0.

ACTION: (T-12:09 PM) Following discussion, the Board deferred this item until the April 20, 2021 meeting *to allow staff to provide additional information and the County Attorney's Office to draft amendments.* (Refer to minutes for full discussion.)

VOTE: 9-0.

B. MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, April 20, 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:

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 PERMIT AN AFTER-HOURS ACCESS FEE FOR NONCONSENT PRIVATE TOWS 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.

(Transferred to the Consent Agenda.)

ACTION: (T-11:13 AM) Approved.

VOTE: 9-0.

ACTION: (T-11:14 AM) The Board reconsidered the Consent Agenda to remove Item 80 from the Consent Agenda, as read previously by County Attorney Andrew J. Meyers. (Refer to minutes for full discussion.)

VOTE: 9-0.

ACTION: (T-12:09 PM) Following discussion, the Board deferred this item until the April 20, 2021 meeting to allow staff to provide additional information and the County Attorney's Office to draft amendments. (Refer to minutes for full discussion.)

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.

Source of Additional Information

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

Fiscal Impact

Fiscal Impact/Cost Summary

The Fiscal Impact Statement for the proposed Ordinance will be provided by the Office of Budget and Management at the time of the public hearing, in compliance with Section 18.5(e)(7) of the Broward County Administrative Code.