

CITY OF MARGATE, FLORIDA

ORDINANCE NO. 2019-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA AMENDING CHAPTER 33 OF THE CITY CODE, "POLICE AND LAW ENFORCEMENT; OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE VI, "TRAFFIC CONTROL"; SECTION 33-69.50 - REGULATING TOWING OF VEHICLES FROM PRIVATE PROPERTY; PROVIDING FOR NOTICE; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, at the January 23, 2019 meeting, the City Commission approved the Amendment of Chapter 33, Article VI, Section 33-69.50 of the Code of City of Margate, Florida entitled "Regulating Towing of Vehicles from Private Property";

**WHEREAS**, the City Commission sets the rates by ordinance for towing vehicles from private property;

**WHEREAS**, the City's ordinance prevails over the rates set by Broward County;

**WHEREAS**, the City Commission of the City of Margate has determined that the following amendments, revisions and additions to the City Code are in the best interest of the City;

**WHEREAS**, towing fees may be increased annually by Resolution of the City Commission;

**WHEREAS**, the City Commission of the City of Margate has determined that the following amendments, revisions and additions to the City Code promote and protect the general health, safety, and welfare of the residence of the City of Margate.

NOW, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

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1  
2           SECTION 1: The Code of Ordinances of the City of  
3 Margate, Florida, Chapter 33 - Police and Law Enforcement;  
4 Offenses and Miscellaneous Provisions, Article VI - Traffic  
5 Control; Section 33-69.50 shall be amended to read as follows:  
6

7       **Sec. 33-69.50. - Regulating Towing of Vehicles from Private**  
8 **Property.**  
9

- 10           (a) This section shall operate and govern the towing or  
11 removal of all vehicles from private property within  
12 the municipal limits of the City of Margate without the  
13 consent of the registered owner or without the consent  
14 of any other legally authorized person in control of a  
15 vehicle as contemplated in F.S. §715.07.

16 This section shall not govern any towing or removal authorized  
17 by the City of Margate or any other law enforcement agency.

- 18           (b) As used in this section, the term "vehicle" means any  
19 mobile item which normally uses wheels, whether  
20 motorized or not.

- 21           (c) The owner of lessor of private real property within the  
22 City of Margate, or any person authorized by the owner  
23 or lessor, which person may be the designated  
24 representative of a condominium association if the real  
25 property is a condominium, may cause any vehicle parked  
26 on such property without his permission to be removed  
27 by a firm or person regularly engaged in the business  
28 of towing vehicles, without liability for the costs of  
29 removal, transportation, or storage or damages caused  
30 by reasonable removal, transportation, or storage  
31 subject to strict compliance with the following  
32 conditions and restrictions:

- 33                   (1) Restrictions provided for by F.S. §715.07, as  
34 amended or renumbered, which are hereby made a  
35 part of the code of the City of Margate.

36                   ~~(2) No towing or removal charge shall exceed fifty~~  
37 ~~dollars (\$50.00) for said removal regardless of the~~  
38 ~~type of removal necessary or the destination of~~  
39 ~~said vehicle towed.~~

40                   ~~(3) No storage charge shall exceed twelve dollars~~  
41 ~~(\$12.00) per day upon the storage of any vehicle~~  
42 ~~towed where the tow terminates in the storage~~

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1 ~~facility of the towing company, irrespective of~~  
2 ~~the location of the storage facility.~~

3 ~~(4) There may be one (1) administrative fee for~~  
4 ~~storage of a vehicle not to exceed twenty-five~~  
5 ~~dollars (\$25.00) per vehicle charged after three~~  
6 ~~(3) storage days provided the towed vehicle has~~  
7 ~~not been claimed from a storage facility.~~

8 (2) Maximum and allowable rates for nonconsent towing  
9 and immobilization shall be as follows:

10 (a) Class A Vehicle Towed (as defined by the  
11 Florida Department of Highway Safety and  
12 Motor Vehicles):

13 (1) Towing Fee: \$126.72

14 (2) Storage Fee: \$25.35 per twenty-four (24)  
15 hours.

16 (3) Administrative Fee: \$31.68

17 (4) Research Fee: Actual costs incurred in  
18 obtaining vehicle ownership information  
19 and providing notice may be charged to  
20 the person retrieving the vehicle.

21 (b) Class B Vehicle Towed (as defined by the  
22 Florida Department of Highway Safety and  
23 Motor Vehicles):

24 (1) Towing Fee: \$184.79. If a flatbed is  
25 used, the fee is \$205.92.

26 (2) Storage Fee: \$45.41 per twenty-four (24)  
27 hours.

28 (3) Administrative Fee: \$31.68

29 (4) Research Fee: Actual costs incurred in  
30 obtaining vehicle ownership information  
31 and providing notice may be charged to  
32 the person retrieving the vehicle.

33 (5) Labor Fee: \$184.79 per hour (starting  
34 when the person arrives at the scene of  
35 the vehicle and ending when such person  
36 leaves the scene), per person.

37 (c) Class C Vehicle Towed (as defined by the  
38 Florida Department of Highway Safety and  
39 Motor Vehicles):

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- 1                   (1) Towing Fee: \$316.79. If a flatbed is  
2                   used, the fee is \$340.02.
- 3                   (2) Storage Fee: \$52.80 per twenty-four (24)  
4                   hours.
- 5                   (3) Administrative Fee: \$31.68
- 6                   (4) Research Fee: Actual costs incurred in  
7                   obtaining vehicle ownership information  
8                   and providing notice may be charged to  
9                   the person retrieving the vehicle.
- 10                  (5) Labor Fee: 316.79 per hour (starting  
11                  when the person arrives at the scene of  
12                  the vehicle and ending when such person  
13                  leaves the scene), per person.
- 14                  (d) Class D Vehicle Towed (defined as any vehicle  
15                  with a gross vehicle weight which exceeds a  
16                  Class C vehicle)
- 17                   (1) Towing Fee: \$422.40. If a flatbed or  
18                   lowboy is used, the fee is \$340.02.
- 19                   (2) Storage Fee: \$52.80 per twenty-four (24)  
20                   hours.
- 21                   (3) Administrative Fee: \$31.68.
- 22                   (4) Research Fee: actual costs incurred in  
23                   obtaining vehicle ownership information  
24                   and providing notice may be charged to  
25                   the person retrieving the vehicle.
- 26                   (5) Labor Fee: \$105.59 per ¼ hour (starting  
27                   when the person arrives at the scene of  
28                   the vehicle and ending when such person  
29                   leaves the scene), per person.
- 30                  (e) Immobilization: \$68.64 per vehicle
- 31                  (f) Road Service:
- 32                   (1) Class A: \$42.24
- 33                   (2) Class B: \$59.13
- 34                   (3) Class C: \$76.56
- 35                  (g) Winch Recovery:

- 1                   (1) Class A: \$105.59 for the first thirty  
2                                   (30) minutes and \$52.80 for each  
3                                   additional thirty (30) minutes.
- 4                   (2) Class B: \$184.79 for the first thirty  
5                                   (30) minutes and \$92.40 for each  
6                                   additional thirty (30) minutes.
- 7                   (3) Class C: \$316.79 for the first thirty  
8                                   (30) minutes and \$158.40 for each  
9                                   additional thirty (30) minutes.

10                   (h) Miscellaneous Fee Provisions:

- 11                   (1) If the towed vehicle is retrieved within  
12                                   the first six (6) hours of arriving at  
13                                   the storage facility, the person  
14                                   retrieving the vehicle may not be  
15                                   charged a Storage Fee.
- 16                   (2) An Administrative fee may not be charged  
17                                   if the vehicle owner is identified  
18                                   within twenty-four (24) hours of the  
19                                   vehicle arriving at the storage  
20                                   facility.
- 21                   (3) The person retrieving the vehicle may  
22                                   pay a \$5.18 voluntary fee to expedite  
23                                   vehicle ownership verification.
- 24                   (4) The rates for other tows do not apply to  
25                                   tows conducted on behalf of a government  
26                                   agency pursuant to a contract between  
27                                   the government agency and a licensed tow  
28                                   company if such contract provides a  
29                                   different rate structure.
- 30                   (5) Research fees may be charged only when  
31                                   the tow company providing the service  
32                                   must actually perform research to  
33                                   determine ownership of a vehicle to  
34                                   notify the vehicle owner, lien-holders,  
35                                   and insurance companies. Written  
36                                   documentation of the efforts undertaken  
37                                   to ascertain ownership of the vehicle  
38                                   must be made available for inspection by  
39                                   the County upon request. Costs shall  
40                                   mean actual fees charged by the State of  
41                                   Florida for obtaining ownership

1 information and shall include the cost  
2 of actual postage fees, advertising fees  
3 (if more than a single vehicle is  
4 advertised in the same advertisement,  
5 then the cost of the advertisement shall  
6 be prorated per vehicle), and title  
7 search for out-of-state vehicles. Proof  
8 of all costs incurred by the tow company  
9 must be made available for inspection by  
10 the City upon request.

11 (5) That any person or firm regularly engaged in the  
12 business of towing vehicles pursuant to Section  
13 715.07 of the Florida Statutes and this section  
14 shall register with the City of Margate Police  
15 Department the current name and phone number of an  
16 agent who is authorized to release any vehicle  
17 towed from private property within the City of  
18 Margate and the hours which the storage facility  
19 for same is open for claims of vehicles.

20 (6) The adoption of reasonable guidelines which allow  
21 for acceptance of checks and credit cards as  
22 payment for services provided by any person or  
23 firm which tows pursuant to state statute and this  
24 section.

25 a. The above guidelines shall be prominently  
26 posted at such location(s) where towed  
27 vehicles are held for claim;

28 b. Such guidelines shall be provided to the City  
29 of Margate Police Department and an individual  
30 responsible for a vehicle shall be advised of  
31 the guidelines when said individual is notified  
32 that his/her vehicle is held by the company.

33 (7) The posting of the following at a location where  
34 towed vehicles are held for claim by any person or  
35 firm which tows pursuant to state statute and this  
36 section:

37  
38 a. This section.

39 b. F.S. §715.07, titled: Vehicles Parked on  
40 Private Property; Towing.

1 c. The Towing Company Licensing and Regulating  
2 Ordinance of Broward County.

3 (8) Should any item which is required to be posted be  
4 removed or become unreadable, then it shall be the  
5 responsibility of the owner or principal of the  
6 premises or lessee to replace same as  
7 expeditiously as possible.

8 (d) Towing rates may be increased annually in an amount  
9 equal to the annual percentage increase in the  
10 Consumer Price Index as determined by the Environmental  
11 and Consumer Protection Division after review of the  
12 Bureau of Labor Statistics, Southeastern Regional  
13 Office Consumer Price Index or 3%, whichever is  
14 greater. The increase in fees shall be published every  
15 year on the City's website; and

16 (e) This section shall be deemed supplemental to Section  
17 715.07 of the Florida Statutes entitled: Vehicles  
18 Parked on Private Property; Towing, as amended or  
19 renumbered ~~an~~ in Article XII, Sections 20-242 through  
20 20-250 of the Broward County Code entitled Towing  
21 Company Licensing and Regulating Ordinance of Broward  
22 County. However, this section shall supersede and  
23 prevail over the above referred to state statute and  
24 county ordinance where same conflict when the towing of  
25 a vehicle emanates from private property within the  
26 municipal limits of the city.

27 (f) Any individual or corporation violating any provision  
28 of this section shall be deemed guilty of a municipal  
29 violation and shall be punished as provided in section  
30 1-8 of the Code of the city.

31 (g) Should any individual or entity violate any provision  
32 of this code acting as an employee, agent or officer of  
33 any other individual, corporation or business entity,  
34 then the action of said individual or corporation shall  
35 be deemed as an additional separate violation against  
36 the individual, corporation, or business entity which  
37 is the principal or employer.

38 SECTION 2: All ordinances or parts of ordinances in  
39 conflict herewith are and the same is hereby repealed to the  
40 extent of such conflict.

41 SECTION 3: If any section, sentence, clause, or  
42

1 phrase of this ordinance is held to be invalid or  
2 unconstitutional by a court of competent jurisdiction, then  
3 said holding shall in no way affect the validity of the  
4 remaining portions of this ordinance.  
5

6 SECTION 4: It is the intention of the City Commission  
7 that the provisions of this ordinance shall become and be made  
8 a part of the City of Margate Code, and that the sections of  
9 this ordinance may be renumbered or relettered and the word  
10 "ordinance" may be changed to "section", "article" or such  
11 other appropriate word or phrase in order to accomplish such  
12 intentions.  
13

14 SECTION 5: This ordinance shall become effective  
15 immediately upon adoption.  
16  
17

18 [THIS SECTION INTENTIONALLY LEFT BLANK]  
19

20 PASSED ON FIRST READING THIS \_\_\_\_ day of \_\_\_\_\_ 2019.

21 PASSED ON SECOND READING THIS \_\_\_\_ day of \_\_\_\_\_ 2019.

22 ATTEST:

23  
24  
25 \_\_\_\_\_  
26 JOSEPH KAVANAGH  
27 CITY CLERK

25 \_\_\_\_\_  
26 MAYOR ANTHONY N. CAGGIANO

28  
29  
30  
31 RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

32					
33	Arcerio	_____		Arcerio	_____
34	Schwartz	_____		Schwartz	_____
35	Simone	_____		Simone	_____
36	Ruzzano	_____		Ruzzano	_____
37	Caggiano	_____		Caggiano	_____
38					

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