



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

ORDINANCE NUMBER 2456-2020

AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CODE OF ORDINANCES, CHAPTER 12 – BUSINESS, ARTICLE VI. WRECKERS AND VEHICLE TOWING, TO BE IN ACCORDINACE WITH FLORIDA STATE STATUTE; FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the Stuart Police Department is recommending an amendment to the City of Stuart Code of Ordinances, Chapter 12 – Business, Article VI. Wreckers and Vehicle/Vessel Towing in order to remove inconsistencies therein and be consistent with revised Florida Statutes; and

WHEREAS, the revised Ordinance will now include “vessels” in accordance with Florida Statute §327.02; and

WHEREAS, the revised Ordinance amends the towing storage site location from six (6) miles to ten (10) miles which broadens the amount of towing companies the City of Stuart may utilize; and

WHEREAS, the revised Ordinance will add language requiring a property owner to post notice with specific requirements, which apply to vehicles, that unauthorized vehicles or vessels will be towed away at the owner’s expense; and

WHEREAS, the City Commission of the City finds that it is in the best interest of the public health, safety and welfare of the citizens of the City of Stuart to amend the Code of Ordinances of the City of Stuart to be consistent with Florida Statute 715.07.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF STUART, FLORIDA:

SECTION 1: Pursuant to the amendments to Florida Statute 715.07, City of Stuart Code of Ordinances, Chapter 12 – Business, Article VI. Wreckers and Vehicle/Vessel Towing is hereby amended as set forth in Attachment “A”, attached hereto.

SECTION 2: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 3: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 4: The provisions of this Ordinance shall be codified.

SECTION 5: This Ordinance shall take effect upon adoption.

Passed on First Reading the 23rd day of November, 2020.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

MICHAEL J. MEIER, MAYOR
EULA R. CLARKE, VICE MAYOR
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on Second and Final Reading this ____ day of December, 2020.

ATTEST:

MARY R. KINDEL
CITY CLERK

MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY