

The City of Daytona Beach  
**AGENDA SUMMARY**

December 17, 2025 - City Commission



**TITLE:** Police Department- City Ordinance, Chapter 110-98 Rates and Vehicle Classifications to align with Volusia County.  
**DEPARTMENT:** Police Department  
**STAFF CONTACT:** Angel Ndichu, Executive Assistant  
**ACTION:** Ordinance - Introduction on first reading

**Business Impact Statement Required:** No

**Second Meeting Date:** January 7, 2026

**REQUEST:**

**Introduction of Ordinance on first reading** - authorizing to increase the fees of the Daytona Beach Municipal Ordinances Code Section 110-38 "Rates" to update maximum rates for trespass and nonconsensual tows and storage to align with Volusia County rates and vehicle classifications.

Action: Commission comments and questions only

Note: Public Hearing and final action on January 7, 2026.

**CONSIDERATION/BACKGROUND:**

Section 125.0103, Florida Statutes, authorizes municipalities to establish maximum rates for nonconsensual towing and storage. Because the City of Daytona Beach has historically adopted its own rate schedule and vehicle classifications, the City's maximum rates have differed from those established by Volusia County under Section 118-98 of the County Code. Although the City is permitted to maintain separate rates, the dual schedules have created confusion for towing companies, property owners, law enforcement, and the public regarding which maximum rates apply within City limits.

To increase clarity and regional consistency, the proposed ordinance amends City Code §110-38 to align the City's towing rates and vehicle classifications with those adopted by Volusia County through Ordinance 2024-25. Updating the classifications is also necessary because modern vehicle production has resulted in lighter-weight vehicles that no longer align with the City's older weight categories. Aligning with the County's classifications ensures that similar vehicles are treated consistently across jurisdictions. The amendment also ensures compliance with Section 125.0103(1)(d), Florida Statutes, which requires publication and public availability of maximum towing rates. The update affects only rate amounts and classifications and does not alter the City's existing towing procedures or regulatory structure.

**RECOMMENDATION:**

Chief of Police Recommends Approval

## STRATEGIC PRIORITIES:

Quality of Life: Balance in the feeling of safety and crime prevention.

## ATTACHMENTS:

[Ord Amending Tow Rates Sec. 110-38 - \(11.04.25\)](#)

[Sec. 118\\_98. Establishment of rates trespass and nonconsensual tows and immobilization](#)

[s.](#)  
[Volusia County tow rates](#)

Angel Ndichu, Executive Assistant

Approved - Dec 04 2025

Anthony Jackson, Deputy City Attorney

Approved - Dec 05 2025

Benjamin Gross, City Attorney

Approved - Dec 10 2025

Jennifer Marquart, Deputy City Clerk

Approved - Dec 08 2025

Deric C. Feacher, City Manager

Approved - Dec 10 2025

ORDINANCE NO. 2025-

AN ORDINANCE AMENDING CITY CODE OF ORDINANCES SECTION 110-38, "RATES", TO UPDATE MAXIMUM RATES FOR TRESPASS AND NONCONSENSUAL TOWS AND STORAGE TO ALIGN WITH VOLUSIA COUNTY RATES AND VEHICLE CLASSIFICATIONS; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2(b) of the Florida Constitution and Chapter 166, Florida Statutes, the City of Daytona Beach ("City") possesses broad home-rule powers to protect the public health, safety, and welfare of its residents; and

WHEREAS, the City Commission recognizes that there are numerous businesses within the City that perform towing and recovery of motor vehicles and vessels and play an important role in clearing roadways and private property; and

WHEREAS, Section 125.0103(1)(b), Florida Statutes, authorizes the City to establish maximum rates for nonconsensual towing or immobilization of vehicles or vessels; and

WHEREAS, Section 125.0103(1)(c), Florida Statutes, provides that where a municipality establishes such maximum rates, any maximum rates established by the county do not apply within that municipality; and the City Commission finds that having differing maximum rates within Volusia County can create public confusion regarding the applicable rate ceiling; therefore, to promote clarity and consistency for the public and industry, the City aligns its maximum rates with the County's; and

WHEREAS, pursuant to Section 125.0103(1)(d), Florida Statutes, the City must publish the schedule of maximum rates established and make those rates readily available to the public; and

WHEREAS, the Volusia County Council recently adopted County Ordinance No. 2024-25 amending to update maximum towing rates applicable throughout unincorporated Volusia County; and

WHEREAS, to promote rate consistency and public understanding throughout Volusia County, the City Commission intends that this ordinance shall repeal and replace the text of City Code Section 110-38, "Rates," in its entirety, and adopt by reference the provisions of Volusia County Code Section 118-98, including its vehicle class definitions and rate schedule, as amended from time to time.

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

SECTION 1. Section 110-38(a) of the City Code is hereby amended to read as follows [~~strikeout~~ indicates deleted text, underline indicates added text]:

**Sec. 110-38. Rates.**

(a) ~~The maximum rates for a trespass/nonconsensual tow of a vehicle or for the storage of a towed vehicle when the point of origin of the tow is within the city limits shall be as follows:~~

(1) ~~Class A vehicles (gross vehicle weight rating at 9,999 pounds or less or a vehicle carrying a vessel 15 feet or less in length):~~

a. ~~Trespass tow (flat rate) .....\$125.00~~

b. ~~Nonconsensual tow .....125.00~~

c. ~~Nonconsensual tow, per mile over initial ten miles, per full extra mile .....3.00~~

d. ~~Nonconsensual tow, time beyond initial 30 minutes at scene, 15-minute block .....25.00~~

e. ~~Trespass or nonconsensual tow daily storage per day, inside storage .....30.00~~

f. ~~Outside storage, per day .....25.00~~

(2) ~~Class B vehicles (gross vehicle weight rating at 10,000 pounds or more, but less than 19,500 pounds or vehicle carrying a vessel more than 15 feet, but less than 22 feet in length):~~

a. ~~Trespass tow (flat rate) .....\$250.00~~

b. ~~Nonconsensual tow .....250.00~~

c. ~~Nonconsensual tow, per mile over initial ten miles, per full extra mile .....4.00~~

- d. ~~Nonconsensual tow, time beyond initial 30 minutes at scene, per 15-minute block~~  
~~.....50.00~~
  - e. ~~Trespass or nonconsensual tow daily storage per day, inside storage~~ .....35.00
  - f. ~~Outside storage, per day~~ .....30.00
- (3) ~~Class C vehicles (gross vehicle weight rating at 19,500 or more pounds, but less than 25,000 pounds or vehicle carrying a vessel more than 22 feet in length):~~
  - a. ~~Trespass tow (flat rate)~~ .....\$375.00
  - b. ~~Nonconsensual tow~~ .....375.00
  - c. ~~Nonconsensual tow, per mile over initial ten miles, per full extra mile~~ .....5.00
  - d. ~~Nonconsensual tow, time beyond initial 30 minutes at scene, per 15-minute block~~  
~~.....75.00~~
  - e. ~~Trespass or nonconsensual tow daily storage per day, inside storage~~ .....60.00
  - f. ~~Outside storage, per day~~ .....55.00
- (4) ~~Class D vehicles (gross vehicle weight rating at more than 25,000 pounds):~~
  - a. ~~Trespass tow (flat rate)~~ .....\$500.00
  - b. ~~Nonconsensual tow~~ .....500.00
  - c. ~~Nonconsensual tow, per mile over initial ten miles, per full extra mile~~ .....6.00
  - d. ~~Nonconsensual tow, time beyond initial 30 minutes at scene, per 15-minute block~~  
~~.....100.00~~
  - e. ~~Trespass or nonconsensual tow daily storage per day, inside storage~~ .....60.00
  - f. ~~Outside storage, per day~~ .....55.00
- (b) ~~Every maximum rate established in subsection (a) of this section shall be a flat fee which shall be all-inclusive, and, by way of illustration, no additional charges shall be made for the following:~~
  - (1) ~~Any fees for special equipment or services such as double hookup, vehicle entry when locked, dropping transmission linkage, axle or drive shaft removal, dollies, trailer or flat bed, lifts, slim jims, go jacks, removing bumpers, airing up brakes, and mileage.~~
  - (2) ~~Time spent at the scene of the tow.~~
  - (3) ~~Release fees during normal business hours (Monday through Friday, 8:00 a.m. to 6:00 p.m.)~~
  - (4) ~~Storage for the first 12 hours.~~
- (c) ~~No other fees of whatever kind may be charged for services rendered during the first 12 hours that the vehicle is in the possession of the wrecker, beginning from the time the vehicle is delivered to the storage facility, except as specifically provided in this section. Storage fees as set forth in this section may be assessed after the initial 12-hour period based on 24-hour increments and not on calendar days. An administrative fee not to exceed \$35.00 may be charged after the first 48 hours so long as the wrecker has actually complied with the requirements of F.S. § 713.78, including execution and mailing of the lien notice.~~
- (d) ~~Prior to commencement of a tow, if a wrecker is hooked to a vehicle when the owner arrives, a hookup fee not to exceed \$25.00 may be charged. For purposes of this section, a tow commences when a vehicle has been removed from the tow site and is en route to a storage site.~~

- ~~(e) No fee shall be charged by a wrecker to an owner who arrives at such owner's vehicle prior to hookup of the vehicle.~~
- ~~(f) An after hours (Monday through Friday, 6:00 p.m. to 8:00 a.m. and Saturday and Sunday) release fee not to exceed \$25.00 may be charged.~~
- ~~(g) The maximum fees set forth in this section may be changed from time to time by a resolution adopted by the city commission.~~
- (a) *Adoption by Reference.* The City hereby adopts by reference the provisions of Volusia County Code Section 118-98, as amended by County Ordinance No. 2024-25 and any future amendments thereto, establishing the maximum allowable rates and vehicle classifications for trespass and nonconsensual towing and associated storage fees. Such provisions are incorporated as though fully set forth herein.
- (b) *Effect of Adoption.* Upon adoption of this section, the rates, definitions, and classifications contained in Volusia County Code § 118-98 shall constitute the City's maximum towing and storage rates within the City limits. Any subsequent amendment by the Volusia County Council to § 118-98 shall automatically apply within the City unless the City Commission adopts a superseding ordinance establishing different rates.
- (c) Should the Volusia County Council amend or repeal § 118-98 of the Volusia County Code in a manner that eliminates or otherwise renders inoperative the towing and storage rates, definitions, or classifications referenced herein, the most recent version of those provisions in effect prior to such amendment or repeal shall remain in full force and effect within the City of Daytona Beach until or unless the City Commission adopts a resolution or ordinance to the contrary.

SECTION 2. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect immediately upon its adoption.

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**Sec. 118-98. Establishment of rates; trespass and nonconsensual tows and immobilizations.**

- (a) The maximum rates for towing a vehicle, for the storage of a towed vehicle or for the rendition of other services involving the use of a wrecker or other customary towing services when the point of origin of the tow or such services is within the boundaries of Volusia County shall be as follows:
  - (1) Class A vehicles (gross vehicle weight rating at 5,999 pounds or less or a vehicle carrying a vessel 15 feet or less in length) as adopted by resolution.
  - (2) Class B vehicles (gross vehicle weight rating at 6,000 pounds or more, but less than 15,000 pounds or vehicle carrying a vessel more than 15 feet, but less than 22 feet in length) as adopted by resolution.
  - (3) Class C vehicles (gross vehicle weight rating at 15,001 or more pounds, but less than 25,999 pounds or vehicle carrying a vessel more than 22 feet in length) as adopted by resolution.
  - (4) Class D vehicles (gross vehicle weight rating at more than 26,000 pounds) as adopted by resolution.
- (b) An additional daily storage fee, as set forth by resolution, may be charged for any vessel, trailer or other mobile item, whether motorized or not, which is mounted on wheels and attached to a towed vehicle.
- (c) The maximum rate for a subsequent class may be charged if the recovery activity performed involves a vehicle that is loaded or modified, therefore altering the vehicle's original weight, dimensions, or ground clearance such that the vehicle is determined to be within that subsequent class or involves additional equipment not contemplated for the class indicated in the initial tow request, upon the written authorization and approval of the investigating law enforcement agency or officer on the scene.
- (d) The maximum rates established by resolution shall be a flat fee which shall be all-inclusive, and, by way of illustration, no additional charges shall be made for:
  - (1) Any fees for special equipment or services such as double hook-up, vehicle entry when locked, dropping transmission linkage, axle or drive shaft removal, dollies, trailer or flat bed, lifts, slim jims, go jacks, removing bumpers, airing up brakes, and mileage, other than those specified in the rate schedule;
  - (2) Time spent at the scene of the tow, other than those specified in the rate schedule;
  - (3) Release fees during normal business hours (Monday—Friday, 8:00 a.m.—6:00 p.m.);
  - (4) Access fees to allow the owner or the owner's representative to remove personal property or examine the vehicle;
  - (5) Yard fees, set-out fees, or gate fees for allowing the owner or any tow company designated by the owner or his insurance company to take custody of and remove the vehicle from the impound area;
  - (6) Fuel surcharge fees;
  - (7) Storage for the first six hours.
- (e) No other fees of whatever kind may be charged for services rendered during the first 12 hours that the vehicle is in the possession of the wrecker, beginning from the time the vehicle is delivered to the storage facility, except as specifically provided herein. Storage fees as set forth above may be assessed after the initial six-hour period based on calendar day increments. An administrative fee for compliance with statutory notice requirements may be charged after the first 48 hours so long as the wrecker service has actually complied with the requirements of F.S. § 713.78, including execution and mailing of the lien notice. Further, a "tarpaulin fee" in the amount of \$15.00 may be assessed when the towing service reasonably finds it necessary to install and maintain tarpaulin coverage on any class A stored vehicle in order to protect the interior accessories or upholstery of such vehicle from damage by inclement weather. Tarpaulin fees for coverage of any other class vehicle must be reasonable and based on actual costs.

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- (f) An after-hours (Monday—Friday, 6:00 p.m.—8:00 a.m., Saturday and Sunday and national holidays) release fee not to exceed \$35.00 may be charged.
  - (g) *Rate adjustment review.* Effective January 1, 2029, and on January 1 of each subsequent five-year period thereafter, the maximum rates established herein shall be reviewed for adjusted based on the actual percentage change in the Consumer Price Index as measured in accordance with section 193.155(1)(b), Florida Statutes, based on the average of the index from the previous five years (December to December) or three percent, whichever is lower.

(Ord. No. 2002-20, § I, 10-17-02; Ord. No. 2009-06, § I, 3-5-09; Ord. No. 2024-25, § II, 10-1-24)





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## Trespass Towing

Trespass towing is the towing or removal of a vehicle, without operator consent, when the vehicle is parked on private real property. The following information does not apply to vehicles which are towed under the direction of law enforcement (referred to as *Nonconsensual Towing* in the County's Code of Ordinances). Please see [Section 118.91 of the County's Code of Ordinances](#) for complete information on Volusia County's Towing Ordinance.

### Things You Should Know

- Tow operators are required to notify the Volusia County Sheriff's Office within 30 minutes of the completion of a trespass tow.
- If the registered owner or other legally authorized person in control of the vehicle arrives at the scene prior to the vehicle being connected to the towing apparatus, the towing service may not tow the vehicle, or charge for its services.
- If the registered owner or other legally authorized person in control of the vehicle after the vehicle has been connected to the towing apparatus, the vehicle can be recovered upon paying the tow operator a drop fee before the vehicle has left the property.
  - The maximum allowable rate for a drop fee is half the rate of the tow fee. (Section 118.104(2))

### If Your Vehicle Has Been Towed

- Look for towing signage in the immediate vicinity. Contact the towing service to determine if your vehicle has been towed.
  - A tow-away notice must be posted which includes the name and current telephone number of the person or firm towing or removing the vehicle.
  - Towing services are required to monitor phones at all times.
- If a sign is not posted, contact local law enforcement's non-emergency line to determine if your vehicle has been towed.
- Retrieve your vehicle as soon as possible to avoid additional charges.
- The owner or the owner's representative may remove personal property or examine the vehicle without incurring a fee.

### Complaints

All consumer complaints concerning excessive charges or alleged bad practices shall be referred for investigation and resolution to the Volusia County Code Enforcement office.

### Fees

Class	Service	Rate
Class A vehicles (gross vehicle weight rating at 5,999 pounds or less or a vehicle carrying a vessel 15 feet or less in length):		
	Trespass tow (flat rate)	\$135.00
	Nonconsensual tow (flat rate)	\$150.00
	Trespass or nonconsensual tow, per mile over initial 10 miles, per full extra mile	\$5.00
	Trespass or nonconsensual tow, time spent beyond 15 min initial (15-minute block)	\$35.00

	Trespass or nonconsensual tow storage, inside storage per day	\$40.00
	Immobilization	\$75.00
	Trespass outside storage, per day	\$30.00
	Nonconsensual outside storage, per day	\$35.00
Class B vehicles (gross vehicle weight rating at 6,000 pounds or more, but less than 15,000 pounds or vehicle carrying a vessel more than 15 feet, but less than 22 feet in length):		
	Trespass tow (flat rate)	\$300.00
	Nonconsensual tow	\$350.00
	Trespass or Nonconsensual tow, per mile over initial 10 miles, per full extra mile	\$6.00
	Trespass or Nonconsensual tow, time spent beyond 15 min initial (15-minute block)	\$70.00
	Trespass or Nonconsensual tow storage, inside storage per day	\$50.00
	Immobilization	\$75.00
	Outside storage, per day	\$50.00
Class C vehicles (gross vehicle weight rating at 15,001 or more pounds, but less than 25,999 pounds or vehicle carrying a vessel more than 22 feet in length):		
	Trespass tow (flat rate)	\$450.00
	Nonconsensual tow	\$500.00
	Nonconsensual tow, per mile over initial 10 miles, per full extra mile	\$7.00
	Trespass or nonconsensual tow, time spent beyond 15 min initial (15-minute block)	\$110.00
	Trespass or nonconsensual tow storage, inside storage per day	\$75.00
	Outside storage per day	\$75.00
Class D vehicles (gross vehicle weight rating at more than 26,000 pounds):		
	Trespass tow (flat rate)	\$600.00
	Nonconsensual tow	\$650.00
	Nonconsensual tow, per mile over initial 10 miles, per full extra mile	\$8.00
	Trespass or nonconsensual tow, time spent beyond 15 min initial (15-minute block)	\$145.00
	Trespass or nonconsensual tow storage, inside storage per day	\$80.00
	Outside storage per day	\$80.00
Separate Charges		
	Air Bags (at cost, not to exceed)	\$4,000.00
	Bobcat, skidsteer, forklift (per hour time on scene)	\$300.00
	Maintenance of traffic (MOT) setup - Rate (per hour)	\$135.00
	Hazardous spill kits per bag	\$60.00
	Rotator (All Classes A-D, 50-ton hourly rate, minimum 2 hours)	\$1,300.00
	Notice of Lein Administrative Charge	\$150.00

See [Sec. 118-98. - Establishment of rates; trespass and nonconsensual tows and immobilizations](#) for complete information on Trespass and nonconsensual tow fees.

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### County Administration

Thomas C. Kelly Administration Center  
123 W. Indiana Ave.  
DeLand, FL 32720

### DeLand

386-736-2700

Daytona Beach

386-257-6000

New Smyrna Beach

386-423-3300

Osteen

386-574-0598

Citizens Hotline

866-345-0345



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