

**Charlotte County Board Of County Commissioners
Agenda Item Summary**

Item Number: E- 2

1 DEPARTMENT MAKING REQUEST

County Attorney

2 MEETING DATE

10/28/2014 9:00:00 AM

3 REQUESTED MOTION/ACTION

Adopt a resolution amending Charlotte County's towing fee schedule to include rates for extraordinary services, underwater recovery, and hazardous material clean-up in the maximum fee schedule for tow truck operators providing nonconsensual towing services.

4 AGENDA

Consent

5 IS THIS ITEM BUDGETED (IF APPLICABLE) -

Budget Action

No budget action.

Financial Impact Summary Statement

No additional financial impact to County budget.

Detailed Analysis Attached -

Budget Officer-

6 BACKGROUND (Why is this Action Necessary, and What Action will be accomplished)

The regulating and setting of maximum towing service fees is necessary for the protection of the public and in the best interest of Charlotte County, its citizens and visitors, and helps to assure that the providers of towing services deliver such services for a reasonable amount of compensation. Certain extraordinary towing services are not currently included in the existing fee schedule and this addition allows tow truck operators to recover a reasonable fee for those services. There is no fee increase proposed for services currently included in the existing fee schedule. Attached for the Board's consideration is a Resolution authorizing the amended services, and a Maximum Fee Schedule, attached as Exhibit A.

ATTACHMENTS:

Name:

Description:

Type:

[Towing Resolution - Final \(LR14-2922\).pdf](#)

Resolution

Resolution
Letter

RESOLUTION

NUMBER 14-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, INCLUDING RATES FOR EXTRAORDINARY SERVICES, UNDERWATER RECOVERY, AND HAZARDOUS MATERIAL CLEAN-UP TO THE MAXIMUM RATES TOW TRUCK OPERATORS CAN CHARGE FOR NONCONSENSUAL TOWING SERVICES.

RECITALS

WHEREAS, the Board of County Commissioners of Charlotte County finds that the regulating and setting of maximum towing service fees is necessary for the protection of the public and in the best interest of Charlotte County, its citizens and visitors, and helps to assure that the providers of towing services deliver such services for a reasonable amount of compensation; and

WHEREAS, Florida Statutes, Section 125.0103, permits counties to establish maximum rates which may be charged for towing of vehicles from or immobilization of vehicles on private property, rates for removal and storage of wrecked or disabled vehicles from an accident scene or the removal and storage of vehicles in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle; and

WHEREAS, in accordance with Florida Statutes, Section 125.0103, the Board of County Commissioners of Charlotte County enacted an ordinance, codified at Chapter 1-10-277 et seq., Article VIII, Code of Laws and Ordinances, Charlotte County, Florida, requiring a resolution to establish the maximum fees which may be charged by tow truck operators for nonconsensual towing services; and

WHEREAS, the resolution establishing such fees that are currently in effect was passed on May 27, 2008 by Resolution No. 08-051; and

WHEREAS, there is a need to include rates for underwater recovery, hazardous material clean-up, and certain extraordinary services related to incidents that may involve heavy-duty vehicles, containment and retrieval of spilled cargo, clean-up of large

debris, and the use of machinery and equipment related to the towing service, but not actually used to tow a vehicle.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of County Commissioners of Charlotte County, Florida that:

1. All towing of vehicles from or immobilization of vehicles on private property, removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles, in the event the owner of operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle, shall be subject to the towing and storage maximum service fees established hereby.

2. For the purposes of this resolution, the maximum towing and storage service fees for nonconsensual towing services in unincorporated Charlotte County are listed in Exhibit A, as attached hereto.

3. In no event may any person providing services pursuant to this resolution, demand, request, or charge any rate, fee or compensation exceeding those towing and storage service fees in Exhibit A, nor establish any type of rate other than what has been established pursuant to this resolution.

4. The maximum fee schedule set forth in Exhibit A does not disallow a law enforcement agency or any party to contract with tow truck operators for nonconsensual towing services at a lower price.

5. The maximum fee schedule, Exhibit A, may be amended from time to time, upon subsequent consideration and resolution of the Board of County Commissioners of Charlotte County.

(SIGNATURE PAGE FOLLOWS)

PASSED AND DULY adopted this _____ day of October, 2014.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Kenneth W. Doherty, Chairman

ATTEST:
Barbara T. Scott, Clerk of the
Circuit Court and Ex-Officio Clerk
To the Board of County Commissioners

BY: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


By: _____
Janette S. Knowlton, County Attorney
LR 14-2922


Exhibit A – Fee Schedule

EXHIBIT A

MAXIMUM FEE SCHEDULE FOR NONCONSENSUAL TOWING SERVICES

The following schedule of charges for towing and storage services shall apply within the jurisdictional limits of Charlotte County when towing of vehicles from or immobilization of vehicles on private property, removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle. The term vehicle shall include any mobile item, whether motorized or not, which is mounted on wheels as defined in Section 713.78, Florida Statutes. Any vessel or other load which has become separated from a vehicle or trailer is also subject to the rates and fees stated herein.

TYPE A

VEHICLES (CARS, LIGHT DUTY TRUCKS, OTHER TYPES OF VEHICLES INCLUDING BUT NOT LIMITED TO TRAILERS WITH OR WITHOUT LOAD OF ANY KIND, AND TRAILERED VESSELS UNDER 15 FEET IN LENGTH) WEIGHING 10,000 POUNDS OR LESS GROSS VEHICLE WEIGHT (HEREINAFTER "GVW"):

Towing Service Base Rate (per disabled vehicle)	\$ 125.00
Flatbed (additional, if vehicle condition requires)	\$ 150.00
Towing Mileage Rate (begins at site of tow)	\$ 4.00 per mile
Hourly Rate (on-scene waiting or working)	
First 30 minutes	No hourly charge
Over 30 minutes (prorated to nearest 15 minutes)	\$ 100.00 per hour
Non-Towing Service Charge	Not to exceed \$ 45.00
Non-Towing Mileage Rate to Response Site (first 5 miles free)	\$ 4.00 per mile
Additional Fees (to cover cost of parts and labor required for repairs authorized by the vehicle owner)	Established by Tow Truck Owner
Private Property Towing – Flat Rate	\$ 125.00

TYPE B

VEHICLES (MEDIUM DUTY TRUCKS, OTHER TYPES OF VEHICLES INCLUDING BUT NOT LIMITED TO TRAILERS WITH OR WITHOUT LOAD OF ANY KIND, AND TRAILERED VESSELS GREATER THAN 15 FEET AND LESS THAN 22 FEET) WEIGHING FROM 10,001 POUNDS TO 20,000 POUNDS GVW:

Towing Service Base Rate (per disabled vehicle)	\$ 175.00
Flatbed (additional, if vehicle condition requires)	\$ 150.00
Towing Mileage Rate (begins at site of tow)	\$ 4.00 per mile
Hourly Rate (on-scene waiting or working)	
First 30 minutes	No hourly charge
Over 30 minutes (prorated to nearest 15 minutes)	\$ 150.00 per hour
Non-Towing Service Charge	Not to exceed \$ 55.00
Non-Towing Mileage Rate to Response Site (first 5 miles free)	\$ 4.00 per mile
Additional Fees (to cover cost of parts and labor required for repairs authorized by the vehicle owner)	Established by Tow Truck Owner
Private Property Towing – Flat Rate	\$ 175.00

TYPE C

VEHICLES (HEAVY DUTY TRUCKS, BUSES, OTHER TYPES OF VEHICLES INCLUDING BUT NOT LIMITED TO TRAILERS WITH OR WITHOUT LOAD OF ANY KIND, AND TRAILERED VESSELS GREATER THAN 22 FEET) WEIGHING FROM 20,001 POUNDS TO 25,000 POUNDS GVW:

Towing Service Base Rate (per disabled vehicle)	\$ 300.00
Flatbed (additional, if vehicle condition requires)	\$150.00
Towing Mileage Rate (begins at site of tow)	\$ 5.00 per mile
Hourly Rate (on-scene waiting or working)	
First 30 minutes	No hourly charge
Over 30 minutes (prorated to nearest 15 minutes)	\$ 200.00 per hour
Non-Towing Service Charge	Not to exceed \$ 65.00
Non-Towing Mileage Rate to Response Site (first 5 miles free)	\$ 5.00 per mile
Additional Fees (to cover cost of parts and labor required for repairs authorized by the vehicle owner)	Established by Tow Truck Owner
Private Property Towing – Flat Rate	\$ 300.00

TYPE D

VEHICLES (HEAVY DUTY TRUCKS, MOBILE HOMES, BUSES, OTHER TYPES OF HEAVY VEHICLES INCLUDING BUT NOT LIMITED TO TRAILERS WITH OR WITHOUT LOAD OF ANY KIND, AND TRAIERED VESSELS GREATER THAN 22 FEET, ETC.) WEIGHING 25,001 POUNDS OR MORE GVW

Towing Service Base Rate (per disabled vehicle)	\$ 400.00
Flatbed-Lowboy (additional, if vehicle condition requires)	\$ 150.00
Towing Mileage Rate (begins at site of tow)	\$ 5.00 per mile
Hourly Rate (on-scene waiting or working)	
First 30 minutes	No hourly charge
Over 30 minutes (prorated to nearest 15 minutes)	\$200.00 per hour
Non-Towing Service Charge	Not to exceed \$ 75.00
Non-Towing Mileage Rate to Response Site (first 5 miles free)	\$ 5.00 per mile
Additional Fees (to cover cost of parts and labor required for repairs authorized by the vehicle owner)	Established by Tow Truck Owner
Private Property Towing – Flat Rate	\$ 400.00

OTHER RATES, FEES AND CHARGES

Storage – Rates are applicable for all classes of service up to 14.5K lbs GDW for each 24 hour period, but no storage fee shall be charged if such vehicle is stored for less than six hours – pursuant to Section 713.78, Florida Statutes.

Inside Storage	\$ 35.00 per 24-hour period
Outside Storage	\$ 25.00 per 24-hour period
After Hour Gate	Not to exceed \$50.00

Additional Towing Charges

Air Bags (disablement)	\$ 2,000.00 flat rate
Extra Personnel for Class A Wrecker (prorated to nearest 15 minutes)	\$ 30.00 per person per hour
Extra Personnel for Class B, C, and D Wrecker (prorated to nearest 15 minutes)	\$ 75.00 per person per hour
Dollie	\$ 25.00 flat rate
Recovery (vehicle not towed)	\$ 50.00 flat rate

Extraordinary Services

Additional Wrecker(s) (responding in a support role to the primary wrecker receiving the base rate for vehicle type at incidents involving significant debris or wreckage)

Type A	\$ 100.00 per hour
Type B	\$ 150.00 per hour
Type C	\$ 200.00 per hour
Type D	\$ 200.00 per hour

Additional Machinery (when use to clear spilled cargo is more cost-effective than clearing by hand)

Prevailing market hourly rental rate

Underwater Recovery (when performed by a certified/professional diver if supported by written documentation approved by the investigating law enforcement officer)

\$ 100.00, plus actual costs

Hazardous material clean-up and disposal (as mandated/required by state or local law when supported by written documentation approved by the investigating law enforcement officer)

Prevailing market rate

Administrative Fees

Administrative Fee I (processing information from vehicle driver / owner)

Initial 24 hours of storage

No Administrative Fee I

Over 24 hours of storage

\$40.00 flat fee

Administrative Fee II (lien information retrieval and notification costs)

Initial 24 hours of storage

No Administrative Fee II

Over 24 hours of storage

\$40.00 flat fee