

ARTICLE VI. - NON-CONSENSUAL PRIVATE TOWING SERVICES

Sec. 50-137. - Authority.

This article is enacted pursuant to the statutory power of Hillsborough County to establish and enforce business regulations necessary for the protection of the public, and pursuant to F.S. §§ 125.0103(1)(c) and 715.07(2)(a)9, (2)(b).

(Ord. No. 00-2, § 1, 1-27-2000)

Sec. 50-138. - Short title.

This article shall be known as "The Non-Consensual Private Towing Services Ordinance."

(Ord. No. 00-2, § 2, 1-27-2000; Ord. No. 07-15, § 2, 6-20-2007)

Sec. 50-139. - Purpose.

The purpose of this article is to create a mechanism for the establishment of maximum permissible rates which may be charged for the towing and storage of motor vehicles by private persons not acting at the behest of local, County, State, or federal government, or otherwise acting outside of the lawful jurisdiction of the Hillsborough County Public Transportation Commission, without the consent of the vehicle owner or custodian of the vehicle.

(Ord. No. 00-2, § 3, 1-27-2000)

Sec. 50-140. - Definitions.

For purposes of this article, the following definitions shall apply:

Board means the Board of County Commissioners of Hillsborough County, Florida.

Custodian means one lawfully authorized and entrusted to possess, guard, maintain, and/or operate the property of another.

Immobilizing means rendering a vehicle incapable of being driven by means of a wheel-locking boot or other device.

Non-consensual private towing services means the immobilizing, towing and/or storage of a vehicle, without the prior express consent of the vehicle owner or custodian of the vehicle, by any person who is not acting pursuant to a contract with a unit of local, County, State, or federal government, or otherwise acting outside of the lawful jurisdiction of the Hillsborough County Public Transportation Commission.

Owner means that person who exercises dominion and control over a vehicle, other personal property, or real property, including, but not limited to the legal titleholder, lessee, designated representative of a condominium association, or any other person authorized to share dominion and control over the property.

Person means any natural person, or any association, corporation, firm, joint venture, partnership, or other entity.

Storage means the safekeeping of a vehicle which has been towed under the authority of this article.

Towing means taking possession of a vehicle and its contents, exercising control, supervision and responsibility over it, and changing its location by immobilizing, hauling, drawing, or pulling it by means of another vehicle, with or without booms, car carriers, winches, or similar equipment.

Vehicle means an automobile, bus, motorcycle, recreational unit primarily designed as temporary living quarters which either has its own motive power or is mounted on or drawn by another vehicle, semi-

trailer, semi-trailer combination, trailer, truck, truck tractor, van, or any other mechanized conveyance used to transport persons or property and designed to operate on public roads without a fixed track.

(Ord. No. 00-2, § 4, 1-27-2000)

Sec. 50-141. - Maximum rates for non-consensual towing services.

- (a) The Board shall establish by resolution maximum rates for non-consensual towing services. The rates established shall be uniform throughout unincorporated and incorporated Hillsborough County, except where municipalities have established differing maximum rates for their respective jurisdictions. From time to time, the rates established by the Board may be altered, revised, increased, or decreased.
- (b) Persons who engage in non-consensual towing services as described in and governed by this article shall not charge in excess of the maximum allowable rates established by the Board, nor shall they charge any type of fees other than those for which the Board has established maximum rates.

(Ord. No. 00-2, § 5, 1-27-2000)

Sec. 50-142. - Signs and other notification to vehicle owners.

Subject to the exceptions contained in F.S. § 715.07(2)(a)5, any person who shall provide non-consensual private towing services with respect to the removal of any vehicle located on real property shall be entitled to charge a total fee for all such services no greater than \$1.00 if the following notice requirements have not been met:

(1) *Notice on real property.*

- a. The owner or custodian of the real property must post notice of that maximum rates for all non-consensual private towing services have been fixed by ordinance.
- b. The notice must be prominently displayed at each driveway access or curb cut allowing vehicular access to the property, within five feet of the public right-of-way line. If there are no curbs or access barriers, not less than one sign must be posted for each 25 feet of lot frontage.
- c. The notice must indicate clearly, in light-reflective letters, not less than two inches high, on a contrasting background, the following:

"Unauthorized vehicles will be immobilized or towed away at the expense of the owner. Maximum rates which may be charged with respect to the immobilization, towing, or storage of any vehicle from this property have been established pursuant to Hillsborough County Ordinance."

The heading "TOW-AWAY ZONE" must also be included at the top of the sign in light-reflective letters not less than four inches high.

- d. The notice must also provide the name and current telephone number of all persons authorized by the owner of the real property to perform non-consensual private towing services with respect to said real property.
- e. The sign structure containing the required notices must be installed as a permanent fixture on the property, with the notices appearing not less than three feet and not more than six feet above ground level, and must be installed prior to the entry on the real property of any vehicle to be immobilized or towed.
- f. Pursuant to F.S. § 715.07(2)(a)5.e and the Hillsborough County Land Development Code, section 7.06.01(A), a permit is required before the owner or custodian of any real property may erect any sign required by this article.
- g. The owner or custodian of real property may authorize the towing of a vehicle in the absence of any notice otherwise required to be posted on said real property if the vehicle is

parked in such a manner as to obstruct any driveway or similar entrance or exit for the real property.

- (2) *Notice from persons providing non-consensual private towing services.* Prior to imposing any charge involving the impounding, towing, or storage of a vehicle, persons performing non-consensual private towing services must provide to the owner or custodian of the vehicle a legible copy of this article and of the most recent resolution of the Hillsborough County Board of County Commissioners establishing maximum rates for non-consensual private towing service.

(Ord. No. 00-2, § 6, 1-27-2000)

Sec. 50-143. - Written approval.

- (a) No property owner or lessee of a property licensed to sell alcoholic beverages for consumption on the licensed premises, or an authorized employee thereof, may cause any vehicle parked on such property without his or her permission to be removed by a towing service, from 9:00 p.m. until 12:00 noon, unless said property owner, lessee, or authorized employee thereof has signed an order authorizing the removal of a particular vehicle.
- (b) No towing service or driver may tow such vehicle from 9:00 p.m. until 12:00 noon, unless in receipt of a signed order referenced herein containing all the information identified below.
- (c) Such order may only be signed prior to vehicle removal and must include:
- (1) Vehicle make, model, color, and license plate number;
 - (2) Address of vehicle location; date and time of order;
 - (3) Date and time of removal; name of person issuing order and their employer;
 - (4) Name of towing service to which order is issued;
 - (5) Name of driver; and
 - (6) Address of storage site.
- (d) Copies of orders shall be maintained for a minimum of three years by both the property owner or lessee, and the towing service. Copies of orders shall be available for inspection by the vehicle owner, County, municipalities, or any law enforcement agency.

(Ord. No. 07-15, § 4(Ord. No. 002, § 7), 6-22-2007)

Sec. 50-144. - Enforcement and penalties for violations.

- (a) All law enforcement officials are hereby authorized to assist in the enforcement of this article to the extent that it is within their respective jurisdictions to do so.
- (b) Should any person violate or fail to comply with any provision of this article, the State Attorney or the Office of the County Attorney may make application to the Circuit Court for the Thirteenth Judicial Circuit of Florida for an order to enjoin such violation or failure of compliance, which order may be granted without the necessity of posting a bond.
- (c) It shall be unlawful for any person or entity to violate or fail to comply with any provision of this article, and any such violation shall be punishable by a fine not exceeding \$1,000.00 or imprisonment for a term not to exceed six months or both. Each day that any of the towing or storage rate provisions of this article are violated shall constitute a separate offense hereunder.
- (d) The penalties described in Subsection (b) of this section shall be in addition to the abatement of the violating condition, any other equitable relief, or revocation of any permit or license by any governmental entity.

(Ord. No. 00-2, § 7, 1-27-2000; Ord. No. 07-15, § 3(Ord. No. 00-2, § 8), 6-22-2007)

Sec. 50-145. - Severability.

If any section, subsection, sentence, or clause of this article is held invalid, the remainder of this article shall not be affected and shall remain in full force and effect.

(Ord. No. 00-2, § 8, 1-27-2000; Ord. No. 07-15, § 3(Ord. No. 00-2, § 9), 6-22-2007)