

SEMINOLE COUNTY TOWING ORDINANCE

Sec. 45.122. - Definitions.

As used in this Part, the following words and terms have the meanings as defined below:

Bona-Fide Extra Labor Time is compensable only when special circumstances have arisen, and means the amount of time that is reasonably needed above and beyond the initial 30 minutes at the scene to remove a vehicle or its load safely from the scene of an accident or other incident requiring a tow. All special circumstances must be approved by the officer on the scene. Bona-fide extra labor time may not include travel time.

Bona-Fide Waiting Time means the actual time at the site of the vehicle to be towed consistent with the directions received to arrive at the scene and during which time the presence of the towing service has been requested, but, due to circumstances beyond the control of the towing service, work on the vehicle cannot promptly commence. Bona-fide waiting time may not include travel time.

Immobilization means the installation of a boot or similar device on a vehicle on private property for the purpose of making it unmovable.

Non Consensual Towing means the 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, excepting, however, all incidents of "Trespass Towing" as hereinbelow defined.

Property Owner means that person who exercises dominion and control over a parcel of real property, including but not limited to the legal title holder, lessee, a resident manager, a property manager or other agent who has legal authority to bind the owner. A person providing a towing service may not be appointed as an agent for a property owner.

Tow means to haul, carry, pull along, or otherwise transport or remove a vehicle by means of another vehicle.

Towing Service means any person, company, corporation or other entity, whether licensed or not, who engages in or owns or operates a business which engages, in whole or in part, in the towing or removal of motor vehicles for compensation.

Trespass Towing means towing or removal of a vehicle, without the consent of the vehicle's owner or operator, as such is authorized by Section 715.07, Florida Statutes (2012), as this statute may be amended from time to time, when that vehicle is parked on private real property.

(Ord. No. 2000-19, § 2, 3-28-2000; Ord. No. 2012-32, § 1, 11-13-2012)

Sec. 45.123. - Rules and rates.

(a) The maximum rates for towing or immobilization of 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 Seminole County are as follows:

(1) *Class A vehicles (gross vehicle weight less than or equal to 10,000 pounds or vehicle carrying a vessel 15 feet or less in length).*

Trespass Tow (flat rate)\$125.00

Non Consensual Tow125.00

Non Consensual Tow, per mile over initial ten miles, per full extra mile3.00

Non Consensual Tow, bona-fide waiting or extra labor time beyond initial 30 minutes at scene, per full extra 15 minute block15.00

Trespass or Non Consensual Tow daily storage per day25.00

Immobilization (includes placement and removal of device)22.00

- (2) *Class B vehicles (gross vehicle weight 10,001 pounds or more but less than 19,500 pounds or vehicle carrying a vessel more than 15 feet but less than or equal to 22 feet in length).*

Trespass Tow (flat rate)	Two times (2x) the rate in (a)(1)
Non Consensual Tow	Two times (2x) the rate in (a)(1)
Non Consensual Tow, per mile over initial ten (10) miles, per full extra mile	\$4.00
Non Consensual Tow, bona-fide waiting or extra labor time beyond initial thirty (30) minutes at scene, per full extra fifteen (15) minute block	Two times (2x) the rate in (a)(1)
Trespass or Non Consensual Tow daily storage per day	Two times (2x) the rate in (a)(1)
Immobilization (includes placement and removal of device)	\$22.00

- (3) *Class C vehicles (gross vehicle weight 19,500 or more pounds but less than 25,000 pounds or vehicle carrying a vessel more than 22 feet in length).*

Trespass Tow (flat rate)	Three times (3x) the rate in (a)(1)
Non Consensual Tow	Three times (3x) the rate in (a)(1)
Non Consensual Tow, per mile over initial ten (10) miles, per full extra mile	\$5.00
Non Consensual Tow, bona-fide waiting or extra labor time beyond initial thirty (30) minutes at scene, per full extra fifteen (15) minute block	Three times (3x) the rate in (a)(1)

Trespass or Non Consensual Tow daily storage per day	Three times (3×) the rate in (a)(1)
Immobilization (includes placement and removal of device)	\$22.00

(4) *Class D vehicles (gross vehicle weight 25,000 or more pounds).*

Trespass Tow (flat rate)	Four times (4×) the rate in (a)(1)
Non Consensual Tow	Four times (4×) the rate in (a)(1)
Non Consensual Tow, per mile over initial ten (10) miles, per full extra mile	\$6.00
Non Consensual Tow, bona-fide waiting or extra labor time beyond initial thirty (30) minutes at scene, per full extra fifteen (15) minute block	Four times (4×) the rate in (a)(1)
Trespass or Non Consensual Tow daily storage per day	Four times (4×) the rate in (a)(1)
Immobilization (includes placement and removal of device)	\$22.00

- (b) Except to the extent allowed by law, the practice of placing a boot or immobilization device on a vehicle is prohibited. When placement of a boot or immobilization device is allowed by law, booting or immobilization must comply with the provisions of this ordinance and the provisions of any applicable statute pursuant to which the vehicle is immobilized. This Part does not apply to impoundment or immobilization of vehicles pursuant to Section 316.193, Florida Statutes (2012), concerning penalties for driving under the influence, as this statute may be amended from time to time.
- (c) Any towing service initiating an immobilization of a vehicle within the boundaries of Seminole County shall, at a minimum, clearly post on the immobilized vehicle the following information:
- (1) An immobilization device has been affixed to the wheel of the vehicle;
 - (2) No attempt should be made to move the vehicle or damage to the vehicle may result;
 - (3) Contact information including the name of the tow company which affixed the immobilization device, the address and telephone contact information of the tow company, and notification of a fee, not exceeding \$22.00, for removal of the immobilization device.
- (d) The maximum rates established in paragraph (a) above must be a flat fee which must be all-inclusive and, by way of illustration, no additional charges may be imposed for:

- (1) Access fees to allow the owner or the owner's representative to remove personal property or examine the vehicle;
 - (2) Fuel surcharge fees;
 - (3) Release fees during normal business hours (Monday—Friday, 8:00 a.m.—6:00 p.m.).
- (e) An after-hours (Monday—Friday, 6:00 p.m.—8:00 a.m., Saturday and Sunday and National Holidays) release fee not to exceed \$30.00 may be charged.
 - (f) Each towing service shall staff or monitor its telephone at all times and immediately advise any vehicle owner or authorized representative who calls by telephone all documents and items needed to retrieve such vehicle and the total amount owed for such service. Vehicle tags are considered personal property and must be released to owners at no additional charge.
 - (g) It is unlawful for a towing service to make or assess additional charges or fees for any special equipment or services, including but not limited to, 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, or airing up brakes.
 - (h) It is unlawful for a towing service to make or assess other fees of whatever kind for services rendered during the first 24 hours that the vehicle is in the possession of the towing service in the case of trespass tows, or the first six hours in the case of non consensual tows, in both cases beginning from the time the vehicle is delivered to the storage facility. Storage fees as set forth above may be assessed after the initial non-fee periods based on 24 hour increments and not on calendar days. An administrative fee of \$45.00 plus cost of mailings may be charged after the first 48 hours of storage so long as the towing service has actually complied with the requirements of Section 713.78, Florida Statutes (2012), as this statute may be amended from time to time, 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 stored vehicle in order to protect the interior accessories or upholstery of such vehicle from damage by inclement weather.
 - (i) Law enforcement officials making calls to towing services to arrange for towing are encouraged to make such requests in a manner that will minimize costs to consumers and to ensure that inordinate waiting times do not occur while towing service personnel are waiting to perform their services at a scene at which such services are necessary.
 - (j) A towing service shall not tow or immobilize a vehicle if there is a natural living person occupying the vehicle.
 - (k) The Board of County Commissioners may change the maximum fees set forth herein from time to time by a duly adopted resolution.

(Ord. No. 2000-19, § 3, 3-28-2000; Ord. No. 2005-25, § 1, 5-31-05; Ord. No. 2006-56, § 1, 8-22-06; Ord. No. 2012-32, § 1, 11-13-2012)

Sec. 45.124. - Civil remedy.

In addition to the penalties provided for herein, any person who violates this Part shall be liable to the owner or lessee of the vehicle for all costs of recovery (including all towing and storage fees) plus attorney's fees and court costs, and for any damages resulting directly or indirectly from the removal, transportation or storage of the vehicle.

(Ord. No. 2000-19, § 4, 3-28-2000; Ord. No. 2012-32, § 1, 11-13-2012)

Sec. 45.125. - Enforcement.

This Part may be enforced by any and all means legally available. The Seminole County Sheriff, the Sheriff's designee or both are authorized to investigate any situation where a person is alleged to be

violating this Chapter. Any person violating any of the provisions of this Chapter shall, upon conviction, be subject to penalties according to Section 1.8, Seminole County Code.

(Ord. No. 2000-19, § 5, 3-28-2000; Ord. No. 2012-32, § 1, 11-13-2012)

Secs. 45.126—45.140. - Reserved.