

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.42, "TOWING FROM THE PUBLIC RIGHT-OF-WAY," TO ADOPT RATES FOR TOWING, IMMOBILIZATION AND STORAGE OF VEHICLES IN THE CITY AND ESTABLISHING AN ADMINISTRATIVE FEE FOR VEHICLES TOWED FROM PUBLIC PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That Section 100.42, "Towing Vehicles from the Public Right-of-Way," of Chapter 100, "Streets and Sidewalks," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

**§ 100.42 TOWING VEHICLES FROM THE PUBLIC RIGHT-OF- WAY.**

(A) No person shall tow or otherwise immobilize any motor vehicle in a manner that prevents its operation from its location on a city street or right-of-way unless:

(1) The person is a principal or employee of the City's authorized towing contractor acting under the direction of the City's law

enforcement agency or other authorized City employee, agent or per authorized posting; or

(2) The removal or other action is authorized by the owner or custodian of the vehicle; or

(3) The removal or other action is performed pursuant to county, state and/or federal law; or

(4) The removal or other action must be performed due to imminent emergency circumstances, which present a hazard where the City's authorized towing provider is otherwise unavailable to provide the service, and a request is made by the city's Law Enforcement Agency for tow assistance.

(B) The city adopts all rates for towing, immobilization and storage of vehicles as established by Broward County, Florida, as may be amended from time to time. No wrecker operator as defined in Section 323.002(1), F.S. or towing business for towing, impounding or storing a vehicle or vessel for monetary gain, as defined in Section 166.04465, F.S., shall charge any rate that is higher than any maximum rate for any service as set forth in the rates adopted by this subsection.

(C) (1) Pursuant to the provisions of Sections 166.04465 and 323.002, F.S., the city imposes an administrative fee on the registered owner or other legally authorized person in control of a vehicle or vessel in the amount of 25 percent of the maximum towing rate to cover the cost of enforcement, including parking enforcement, when the vehicle or vessel is towed from public property.

(2) An authorized wrecker operator, as defined in Section 323.002(1), F.S. or towing business as defined in Section 166.04465, F.S., shall impose and collect the above administrative fee on behalf of the city and shall remit such fee to the city only after it is collected.

(BD) Violations of ~~this section~~ subsections (B) and (C) above shall be subject to the penalty provisions provided in §10.99, General Penalty. Violations of subsection (C) shall be subject to all available civil action for collection including, but not limited to, referral for collections and litigation.

**SECTION 2.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION 3.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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**REX HARDIN, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
2/8/21  
l:ord/ch100/2021-111