

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING SECTION 70-707, TO ADJUST MAXIMUM RATES FOR NON-CONSENSUAL TOWING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that it is necessary to amend the maximum rates for non-consensual towing services to reflect current costs, and ensure that towing companies are able to continue to provide this necessary service to government and private parties, as necessary; and

WHEREAS, an amendment to section 70-707 of the Code of Ordinances will promote the health, safety and welfare of the citizens and visitors of the City of Key West.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 70-707 of the Code of Ordinances is hereby amended as follows\*:

**Sec. 70-707. - Maximum rates for non-consensual towing services.**

(a) The maximum rate for nonconsensual private towing services shall be as follows:

(1) ~~\$135.00~~ \$200.00 for mopeds, motorcycles, cars and vehicles/vessels weighing 10,000 pounds or less.

(2) ~~\$200.00~~ \$300.00 for vehicles/vessels weighing between 10,001 and 20,000 pounds.

(3) ~~\$485.00~~ \$600.00 for vehicles/vessels weighing in excess of 20,000 pounds.

(4) A labor rate of up to a maximum of \$135.00 per hour may be applied in circumstances where extraordinary effort, such as the use of multiple tow trucks, is required.

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

(b) Storage fees may be charged only after the vehicle has been in the storage facility for at least six hours. If the vehicle is not recovered by the vehicle/vessel owner after the six-hour time period has elapsed, then storage charges shall accrue in 24-hour increments from the time the vehicle/vessel arrived in the storage facility at the rate of ~~\$30.00~~ \$40.00 per day for outside storage plus ~~\$2.00~~ \$3.00 per foot for motor vehicles over 20 feet long and ~~\$40.00~~ \$50.00 per day for inside storage plus ~~\$2.00~~ \$3.00 per foot for motor vehicles over 20 feet long.

(c) An administrative/lien fee in the maximum amount of ~~\$25.00~~ \$50.00 shall be charged for all vehicles. A notification/lien fee of ~~\$50.00~~ \$75.00 for the first notification and ~~\$20.00~~ \$25.00 for each additional letter shall only be charged after the vehicle/vessel has been in the storage facility for at least 24 hours. The non-consent tow truck company must show proof that lien letter(s) have been prepared with the appropriate names/addresses (i.e., U.S. Mail Certification Number, correspondence copies, etc.) and that actual fees for obtaining required ownership information have been expended. Failure to document and provide all of the above-required information will result in

administrative/lien fee charges being removed from the total cost of the service/invoice and is a violation of this division. Prior to instituting such charge, the tow company must provide such documentation to the vehicle/vessel owner upon demand.

(d) After-hour gate fees may not be applied between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday (excluding federal holidays). The maximum amount of such after-hours gate fee shall be ~~\$75.00~~ \$200.00.

(e) Persons who provide services pursuant to this division shall not charge in excess of the maximum allowable rates established by the commission. No person providing services pursuant to this section shall charge any type of fee other than the rates the commission has specifically established. Persons who provide non-consensual tow services from the city to a location outside the city shall abide by the terms of this division including all rates and charges adopted by the commission.

(f) Persons who provide non-consensual tow services pursuant to this division shall provide a City of Key West,

Florida Maximum Non-Consent Towing Rates sheet to the vehicle or vessel owner upon request at the time of payment.

(g) Upon payment of the fees specified herein, persons who provide non-consensual tow services in areas where the speed limit exceeds 35 mph shall make reasonable arrangements to return any noncommercially owned moped, electric car and similar reduced-speed vehicle to the Key West city limit without charge to the vehicle owner.

(h) All of the rates contained in this section may be adjusted by the operator annually as of October 1 to reflect the relevant annual Consumer Price Index (CPI) adjustments for Services, as determined by the U.S. Bureau of Labor Statistics.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Filed with the Clerk \_\_\_\_\_, 2023.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

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TERI JOHNSTON, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK