

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING TO REVISE MAXIMUM RATES FOR TOWING AND STORAGE SERVICES INITIATED AT THE REQUEST OF CITY LAW ENFORCEMENT OFFICERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 23-02 was adopted by the City Commission on January 4, 2023 amending Chapter 70 of the City's Code of Ordinances to adjust the maximum rates for non-consensual towing services adjusting the maximum rates charged for Non-Consensual Towing Services; and

WHEREAS, the maximum rates for towing and storage services initiated by City law enforcement officers have not been revised since adoption of Ordinance No. 11-04 on 2/15/2011; and

WHEREAS, it is in the best interest of the City to revise the rates charged for towing and storage services initiated by City law enforcement officers to match the rates charged for towing and storage services for non-consensual towing and storage services;

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

Section 1: That Section 70-646. *Definitions.* is hereby
amended to read as follows:

- (1) *Administrative fee* means the charge for researching and documenting the registered owner of a motor vehicle towed and stored by a wrecker operator. ~~notifying a motor vehicle owner and any lien holders that a wrecker operator has towed and stored the motor vehicle.~~
- (2) *Commercially manufactured wrecker* means a tow truck that is:
 - a. Designed and constructed by a wrecker manufacturer which offers its wreckers for sale; or
 - b. Assembled by a business licensed and approved to assemble and certify wreckers according to manufacturer's specifications. Florida Statutes Sections 713.78 and 715.07 will be the prevailing statutes.
- (3) *Motor vehicle* or *vehicle* shall mean any motor vehicle as described in Section 320.01(1), Florida Statutes.
- (4) *Notification fee* means the charge for notifying a motor vehicle owner and any lien holders that a wrecker operator has towed and stored the motor vehicle.
- ~~(5)~~ (4) *Wrecker* also means tow truck.
- ~~(6)~~ (5) *Wrecker operator* or *operator* means the individual, partnership, corporation, or business entity engaged for hire in the recovery, towing removal, or storage of wrecked, disabled, stolen or abandoned motor vehicles. For the purpose of this section, a hired driver or employee shall be governed by this section and shall be considered an agent of the wrecker operator.

Section 2: That Section 70-654.A.(1), is hereby amended
to read as follows:

- A. Wrecker classification and equipment required for placement and retention on the city's rotating call list.
 - (1) Each tow truck owned or maintained by a wrecker operator shall be commercially manufactured and shall conform to all other requirements of this section, as indicated. The requirements of this section are waived only for those operators with tow trucks that were purchased before the effective date of the ordinance from which this section is derived or that were under a binding contract to purchase entered into before the effective date of the ordinance from which this section is derived.

Section 3: That Section 70-654.E. is hereby added to read as follows:

- E. In the event that the operator removes wrecked or disabled vehicles on a rotation basis for the Florida Highway Patrol (FHP) or the police departments of the City of Key West, the City of Layton, the City of Islamorada, Village of Islands, or the City of Marathon, and any of those entities have mandatory equipment requirements in conflict with the requirements of this section, and failure to comply with the FHP or municipal requirements would result in the operator being removed from the FHP or municipal rotation list, then the operator may comply with the FHP or municipal requirements, but only to the extent of the conflict, without violating the terms of this section.

Section 4: That Section 70-656. *Insurance required.* is hereby amended to read as follows:

No person for compensation shall recover, tow, or remove a motor vehicle or provide motor vehicle storage or otherwise function as a wrecker operator until that person maintains in effect an insurance policy or policies which shall insure that person ~~#~~ for its liability at a minimum, as follows:

- (1) For each tow truck, combined single limit of \$500,000.00; and
- (2) For garage keeper's liability, not less than \$50,000.00 for each loss covering perils of fire and explosion, theft of a motor vehicle and parts or contents, riot and civil commotion, vandalism, malicious mischief, and for on-hook protection; provided, however, that the requirement of this subsection may be adjusted, at the discretion of the chief of police, for an applicant who would propose to remove abandoned vehicles from the rights-of-way or public places of the city.

Section 5: That Section 70-658(1) and (2) be amended to to read as follows:

- (1) For the removal and storage of wrecked or disabled motor vehicles or for the removal and storage of abandoned motor vehicles at the request of a law enforcement officer, the maximum rate that may be charged by a wrecker operator is operator is as follows, based on the lowest class of wrecker service required for the vehicle, with any trailered appurtenance, for which law enforcement has requested towing: _

<u>Class A Wrecker Service</u>		
<u>Base rate (anytime a wrecker is called to a site)</u>		<u>\$200.00</u>
<u>Inside storage (per day)</u>		<u>\$50.00 plus \$3.00 per foot for motor vehicles over 20 feet long</u>
<u>Outside storage (per day)</u>		<u>\$40.00 plus \$3.00 per foot for motor vehicles over 20 feet long</u>
<u>Administration fee</u>		<u>\$50.00</u>
<u>Notification fee</u>		<u>\$75.00 first notification \$25.00 each additional letter</u>

<u>Mileage rate from wrecker station to site and return</u>		<u>\$4.00 per mile</u>
<u>Per hour charge beginning upon arrival on site, in one-fourth-hour increments</u>		<u>\$200.00</u>
<u>After hours gate fee</u>		<u>\$200.00</u>
<u>Service call</u>		<u>\$100.00</u>
<u>Class B Wrecker Service</u>		
<u>Base rate (anytime a wrecker is called to a site)</u>		<u>\$300.00</u>
<u>Inside storage (per day)</u>		<u>\$50.00 plus \$3.00 per foot for motor vehicles over 20 feet long</u>
<u>Outside storage (per day)</u>		<u>\$40.00 plus \$3.00 per foot for motor vehicles over 20 feet long</u>
<u>Administration fee</u>		<u>\$50.00</u>
<u>Notification fee</u>		<u>\$75.00 first notification</u> <u>\$25.00 each additional letter</u>
<u>Mileage rate from wrecker station to site and return</u>		<u>\$5.00 per mile</u>
<u>Per hour charge beginning arrival on site, in one-fourth-hour increments</u>		<u>\$300.00</u>
<u>After hours gate fee</u>		<u>\$200.00</u>
<u>Service call</u>		<u>\$100.00</u>
<u>Class C and D Wrecker Service</u>		
<u>Base rate (anytime a wrecker is called to a site)</u>		<u>\$600.00</u>
<u>Mileage rate from wrecker station to site and return</u>		<u>\$6.00 per mile</u>
<u>Inside storage (per day)</u>		<u>\$50.00 plus \$3.00 per foot for motor vehicles over 20 feet long</u>
<u>Outside storage (per day)</u>		<u>\$40.00 plus \$3.00 per foot for motor vehicles over 20 feet long</u>
<u>Administration fee</u>		<u>\$50.00</u>
<u>Per hour charge beginning upon arrival on site, in one-fourth-hour increments</u>		<u>\$600.00</u>
<u>After hours gate fee</u>		<u>\$200.00</u>
<u>Service call</u>		<u>\$100.00</u>

~~(a) Class "A" wrecker service \$135.00.~~

- ~~I. For motorcycles, cars and vehicles weighing 10,000 pounds or less.~~
- ~~II. Inside storage per day (after the first six hours) \$40.00 plus \$2.00 per foot for vehicles over 20 feet in length.~~
- ~~III. Outside storage per day (after the first six hours) \$40.00 plus \$1.00 per foot for vehicles over 20 feet in length.~~
- ~~IV. Hourly charge in prorated quarter hour increments beginning 60 minutes after arrival \$135.00.~~

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- V. ~~Administrative fee per notification \$25.00.~~
- (b) ~~Class "B" wrecker service \$200.00.~~
 - I. ~~For vehicles weighing 20,000 pounds or less.~~
 - II. ~~Inside storage per day (after the first six hours) \$40.00 plus \$2.00 per foot for vehicles over 20 feet in length.~~
 - III. ~~Outside storage per day (after the first six hours) \$40.00 plus \$1.00 per foot for vehicles over 20 feet in length.~~
 - IV. ~~Hourly charge in prorated quarter hour increments beginning 60 minutes after arrival \$180.00.~~
 - V. ~~Administrative fee per notification \$25.00.~~
- (c) ~~Class "C" and "D" wrecker service \$485.00.~~
 - I. ~~For vehicles weighing between 20,000 pounds to 52,000 pounds.~~
 - II. ~~Inside storage per day (after the first six hours) \$40.00 plus \$2.00 per foot for vehicles over 20 feet in length.~~
 - III. ~~Outside storage per day (after the first six hours) \$40.00 plus \$1.00 per foot for vehicles over 20 feet in length.~~
 - IV. ~~Hourly charge in prorated quarter hour increments beginning 60 minutes after arrival \$300.00.~~
 - V. ~~Administrative fee per notification \$25.00.~~

- (2) The daily storage rate must be prorated in six-hour increments when the vehicle is retrieved by the owner or his agent. The notification ~~administrative~~ fee may only be charged when notice is sent by the operator to the motor vehicle owner and any lien holder(s).

Section 6: That all Ordinances or parts of Ordinance of the City of Key West, Florida in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 7. That 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 by the City Commission
at a meeting held this _____ day of ____, 2025.

Read and passed on final reading by the City Commission
at a meeting held this _____ day of ____, 2025.

Authenticated by the Presiding Officer and Clerk of
the Commission on _____ day of _____, 2025.

Filed with the Clerk on _____, 2025.

Mayor Danise Henriquez	_____
Vice Mayor Donald " Donie" Lee	_____
Commissioner Lissette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____

Danise Henriquez, MAYOR

ATTEST:

Keri O'Brien, City Clerk

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