



City Hall Commission Chambers
3650 NE 12 Avenue
Oakland Park, Florida 33334

**SUPPLEMENTAL AGENDA
DECEMBER 2, 2020 6:30 PM**

ADDITIONS / CHANGES / DELETIONS

At this time, any member of the City Commission or the City Manager may request to add, change, or delete items from the agenda.

ORDINANCES ON FIRST READING

Item 1 - Towing Administrative Fee Ordinance

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", BY SPECIFICALLY AMENDING ARTICLE I, SECTION 2-13 ENTITLED "FEES AND CHARGES"; PROVIDING FOR THE IMPOSITION OF A TOWING SERVICES ADMINISTRATIVE FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Recommendation:

Recommended ordinance attached.

This meeting facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Clerk's Office by telephone: 954.630.4300, or via Fax: 954.630.4302 for information or assistance.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, the person will need a record of proceedings, and that, for such purpose, the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

I, the undersigned authority, certify the above Notice of Meeting of the City Commission is a true copy of the Notice posted on the outdoor bulletin board at the main entrance of City Hall, a place convenient and readily accessible to the general public at all times.

Posted: _____ By: Renee M. Shrout
Renee M Shrout, CMC
City Clerk

**CITY OF OAKLAND PARK, FLORIDA
CITY COMMISSION AGENDA ITEM REPORT**

AGENDA ITEM NO. 1

MEETING DATE: 12/2/2020

**PREPARED
BY:**

**DEPARTMENT HEAD CITY CLERK
APPROVAL:**

SUBJECT: Towing Administrative Fee Ordinance

1. BACKGROUND/HISTORY

Please see attached ordinance with recommended changes attached.

2. CURRENT ACTIVITY

3. FINANCIAL IMPACT

4. RECOMMENDATION

ATTACHMENTS:

Ordinance

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ORDINANCE NO. O-2020-XXX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", BY SPECIFICALLY AMENDING ARTICLE I, SECTION 2-13 ENTITLED "FEES AND CHARGES"; PROVIDING FOR THE IMPOSITION OF A TOWING SERVICES ADMINISTRATIVE FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, HB 133 was signed into law by Governor DeSantis effective as of October 1, 2020;
and

WHEREAS, HB 133 prohibits a County or Municipality from enacting an ordinance that imposes a fee, charge, cost, expense, fine or penalty on an authorized wrecker operator or towing business; and

WHEREAS, the City Commission finds it to be in the best interest of the residents of the City of Oakland Park to impose a Towing Services Administrative Fee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption thereof.

Section 2. Chapter 2 Entitled "Administration", Article I, Section 2-13 entitled "Fees and Charges" is hereby amended as follows:

Sec. 2-13. - Fees and charges.

- (a) City liens, assessments, fees, and permit history reports.
 - (1) Whenever the city receives a request for an accounting of the amounts of any outstanding city lien, assessments, fees, and permit history reports, a minimum service fee of twenty-five dollars (\$25.00) per request shall be charged to the person making the request. Additional charges at the rate of fifteen dollars (\$15.00) per hour shall be charged if the request requires more than one (1) hour of clerical time.
 - (2) The following charges are imposed in connection with liens and lien satisfactions:
 - Lien preparation and recording\$55.00
 - Lien satisfaction preparation:
 - Recording by the city45.00
 - Recording by party other than city10.00
- (b) Police, accident and other reports.

37 (1) Whenever the city receives a request to produce, provide or compile any of the above records,
38 the city may require it to be in writing and/or on a form prescribed by the police chief.

39 (2) The following charges are imposed in connection with any of the items in this subsection:

40 Copy charge per page (letter or legal)\$ 0.15

41 Second side of two-sided original0.20

42 Certified documents (per page)1.00

43 Oversize paper or special forms (page)1.00

44 Computer-generated labels (each)0.10

45 Research time to compile documents:

46 Clerical staff:

47 First fifteen (15) minutesN/C

48 Each fifteen (15) minutes thereafter3.50

49 Computer systems including operator time:

50 Each fifteen (15) minutes25.00

51 Minimum charge50.00

52 (c) All other city departments.

53 (1) Whenever the city receives a request to produce, provide or compile any of the above records,
54 the city may request it to be in writing and/or on a form prescribed by the city manager or the
55 department head.

56 (2) The following charges are imposed in connection with any of the items in this subsection:

57 Copy charge per page (letter or legal)\$ 0.15

58 Second side of two-sided original0.20

59 Certified documents (per page)1.00

60 Oversize paper or special forms (page)1.00

61 Computer-generated labels (each)0.10

62 Research time to compile documents:

63 Clerical staff:

64 First fifteen (15) minutesN/C

65 Each fifteen (15) minutes thereafter3.50

66 Computer systems including operator time:

67 First fifteen (15) minutes25.00

68 Minimum charge50.00

69 (d) Towing Services Administrative Charge.

70 1. Definitions. As used in this section, the following words and terms shall have the following
71 meanings, unless the context clearly otherwise requires:

72 Administrative Charge: a financial charge imposed on the registered owner or other legally
73 authorized person or entity of a motor vehicle or vessel to cover the cost of enforcement, including
74 parking enforcement, by the municipality when the vehicle or vessel is towed from public property.

75 Towing Business: a business entity that provides towing and/or wrecker services for monetary gain
76 within the City.

77 Towing Services Agreement: an agreement between the City of Oakland Park and a Towing
78 Business that authorizes the Towing Business to provide services for private vehicles or vessels
79 ordered towed by the City within the limits of the City and during designated periods of time.

80 Maximum Towing Rates: the maximum towing rate(s) established by Broward County from time
81 to time

82 2. Towing Services Administrative Charge: The City Commission hereby authorizes the
83 imposition of an administrative charge upon the registered owner or other legally authorized
84 person or entity in control of a vehicle or vessel when a vehicle or vessel is towed from public
85 property.

86 a) The administrative charge shall be twenty-five (25%) percent of the maximum
87 towing rate.

88 b) As directed by the City Manager, or his/her designee, a Towing Business with a
89 Towing Services Agreement may impose and collect the administrative charge on behalf
90 of the City of Oakland Park and shall remit such fee or charge to the City upon collection
91 but in no event later than five (5) days from the date of collection.

92 c) The administrative charge does not constitute a fee or charge upon an authorized
93 Towing Business.

94 (e) ~~(d)~~ The finance director shall institute the necessary rules to effectively control this process. The finance
95 director or department may refuse any request for the cost to be billed versus payment in full at the
96 time of service based upon the customer's past payment record with the city. All monies collected
97 under this article shall be deposited and credited as a revenue to the fund providing the service or
98 copies.

99 (f) ~~(e)~~ It shall be the policy of the city, with regard to requests of other cities or other governmental agencies
100 for public records from the city, that said records shall be provided at no cost by the city.

101
102 **SECTION 3.** If any clause, section or other part of this Ordinance shall be held by any Court of
103 competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be
104 considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

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106 **SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to
107 the extent of such conflicts.
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