



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 5/19/09

**SUBJECT:** Wrecker Services

**DEPARTMENT:** Police

**RECOMMENDED MOTION:**

To approve Ordinance No. 2009- **10** , establishing a fee for Wrecker Towing and Storage Services for the City of Port Orange.

**SUMMARY:**

Staff recommends approval.

**ATTACHMENTS:**  Ordinance  Resolution  Budget Resolution

Other  Support Documents/Contracts Available for Review in Manager's Office

**DEPARTMENT HEAD**

Gerald Monahan, Chief of Police

Date **5/11/09**

**FINANCE DEPARTMENT**

Approved as to Budget Requirements

Date

**CITY ATTORNEY**

Approved as to Form and Legality

Date **5.11.09**

**CITY MANAGER**

Approved Agenda Item For:

**5/19/09**

**COUNCIL ACTION:**

Approved as Recommended  
 Continued to Date Certain

Disapproved  
 Approved with Modification:

Tabled Indefinitely

*Second Reading  
June 16, 2009*

ORDINANCE NO. 2009- 10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING A FEE FOR WRECKER TOWING AND STORAGE SERVICES FOR THE CITY OF PORT ORANGE; REQUIRING WRECKER SERVICES AGREEMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, for purposes of this Ordinance, text with underlined (underlined) type shall constitute additions to the original text and text with strike-through (~~strike-through~~) type shall constitute deletions to the original text;

WHEREAS, the City of Port Orange is granted the authority to exercise any power for municipal purposes except where expressly prohibited by law; and

WHEREAS, a municipality is authorized to establish fees by ordinance and may enforce their receipt and collection in the manner prescribed by ordinance not inconsistent with law; and

WHEREAS, the traveling public in the City of Port Orange occasionally requires the removal and storage of vehicles from the right-of-way as nonconsensual towing; and

WHEREAS, the traveling public requires nonconsensual tows for the removal and storage of wrecked or disabled vehicles and where the owner or operator is incapacitated, unavailable, or requests the procurement of wrecker service by the City; and

WHEREAS, the City of Port Orange desires to establish contracts to ensure reputable and timely towing and wrecker response within the City of Port Orange; and

WHEREAS, to keep the right-of-way clear and remove obstructions, the City contracts with a wrecker service to provide towing services; and

WHEREAS, the City has determined that it is in the best interests of its citizens to utilize a privately owned wrecker service for nonconsensual towing.

WHEREAS, the City desires to establish a fee for the provision of these services; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION ONE: The City Council of the City of Port Orange hereby amends Chapter 18 of the Code of Ordinances of the City of Port Orange, Florida, by adding new Sections 18-228, and 18-230 as follows:

Section 18-228 Findings.

The city council finds that the traveling public's use of the right-of-way is enhanced by the provision of reliable, responsive towing and wrecker services. The council further finds that the public derives a significant benefit from the competitive selection of a reputable contract service provider to ensure that the roadways are cleared promptly to remove vehicles not operable by the owner, thereby reducing the possibility of injury to persons and property.

Section 18-229 Establishment of fees.

(a) Fees shall be set by Resolution of the city council upon award of the contract for wrecker services, following a competitive process for the highest and best bid, in an amount calculated to defray the City's costs of administering the competitive selection and the contract; and monitoring the selected contractor and their employees for compliance with timely response, safety and other standards, in providing nonconsensual towing upon the roadways within the City of Port Orange.

Section 18-230 Wrecker services agreement required.

- (a) A wrecker services agreement shall be required which shall include the following terms and conditions:
- (1) Performance bond in the amount of \$50,000 (fifty thousand dollars) or a letter of credit guaranteeing performance of the wrecker service agreement;
  - (2) Towing for City and seized vehicles;
  - (3) Storage and equipment to meet police department specifications and contract requirements approved by the police chief;
  - (4) The wrecker service shall respond within twenty minutes, 24 hours per day/seven days per week;
  - (5) The wrecker storage and business office shall be located within a 5 mile radius of the Port Orange city limits;
  - (6) The City shall inspect the wrecker service business on twenty-four hours notice;

- (7) The wrecker service entity as legally organized shall provide and maintain a complete listing of employees;
- (8) The wrecker service shall be required to maintain books and records;
- (9) The City shall have the right to cancel;
- (10) Penalties for wrecker service late arrival; and
- (11) The City shall have the right to terminate upon breach.
- (12) The minimum monthly fee shall not be less than \$5,000.00 monthly.

SECTION TWO: All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION THREE: The amendment adopted herein shall be inserted in the City Code of Ordinances as provided herein in such section specified or, if necessary or advisable, as determined appropriate by the editor and the sections of this ordinance may be renumbered to accomplish the insertion.

SECTION FOUR: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION FIVE: This ordinance shall become effective immediately upon adoption.

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MAYOR ALLEN GREEN

ATTEST:

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Kenneth W. Parker, City Manager

Passed on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Passed and adopted on second and final reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Reviewed and Approved:

  
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Margaret T. Roberts, City Attorney