

ORDINANCE No. 12 - 46
entitled

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA
ESTABLISHING ADMINISTRATIVE FEES FOR THE
PROCESSING AND TOWING OF VEHICLES USED IN
CRIMES, CRIMINAL CODE VIOLATIONS AND CERTAIN
NON-CRIMINAL VIOLATIONS; PROVIDING FOR
SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the City desires to establish a fee for processing and towing of vehicles used in crimes, criminal code violations and certain non-criminal violations; and

WHEREAS, use of vehicles in the commission of crimes is detrimental to the safety, health and welfare of the City's residents; and,

WHEREAS, use of vehicles in the commission of non-criminal infractions and code violations is detrimental to the safety, health and welfare of the City's residents.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

That the Municipal Code of the City of Palatka, Florida, is amended to include the following provisions of this Ordinance:

Section 1: Recitals. The above listed "Wherease" clauses are hereby retified and confirmed as being true and correct and are hereby rendered a specific part of the Ordinance upon adotion and shall serve as its legislative history.

Section 2: Title. This ordinance shall be knows as the Vehicle Tow Ordinance.

Section 3: Purpose of article. The purpose of this article is to establish an administrative fee for the processing and towing of vehicles used in crimes, criminal code violations and certain non-criminal violations.

Section. 4: Definitions. The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Business days shall mean any day, Monday through Friday, which is not designated as an official city holiday.

Owner shall mean the person or persons to whom a particular motor vehicle is registered or titled prior to processing and towing including persons or entitles in the business of leasing or renting vehicles.

Police officer shall mean any person who is elected, appointed, or employed by the city; who is vested with authority to bear arms, and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal criminal, traffic or highway laws of the state, county or city. This definition includes all certified supervisory and command personnel of the police department, but does not include support personnel employed by the city police department.

Code Enforcement Officer shall mean any person who is elected, appointed, or employed by the city who is vested with the authority to enforce the City code of ordinances and building code regulations.

Lien holder shall mean a bona fide lien holder whose security interest in the vehicle has been perfected in the manner prescribed by law prior to the processing and towing of the vehicle.

Vehicle shall mean any device capable of being moved upon a public highway or public waterway and in, upon or by which any person or property may be transported or drawn upon a public highway or public waterway.

Processing shall mean the conducting of an inventory, photographing, arranging for tow and safe storage, administrative report filing, receipt of payment, and authorization of vehicle release.

Section 5. **Processing and towing of motor vehicles used in crimes, criminal code violations and certain non-criminal violatons.** A motor vehicle shall be subject to the administrative processing fee whenever a police officer or code enforcement officer has probable cause to believe that the vehicle:

- (a) Was used, intended or attempted to be used to facilitate the commission of any felony or misdemeanor violation in Florida State Statutes while within the City of Palatka.
- (b) Was used, intended or attempted to be used to facilitate the commission of a violation of any Palatka City Code of Ordinance deemed to be an arrest-able offence.
- (c) The operator of any vehicle is taken into custody by the police department and such motor vehicle would thereby be left unattended.
- (d) The vehicle, the continued presence of which, because of the physical location or the condition of the motor vehicle poses a danger to public safety or to the motor vehicle.
- (e) The removal of junked vehicles or property from public and private property as identified in City Ordinance 30-65 and 30-66.

Section 6. **Administrative Fee.** Owners or lien holders of vehicles processed and towed under this ordinance will be subject to an administrative fee of \$150.00 plus all towing and storage fees.

Section 7. **Police Officer Responsibilities.** Upon processing and towing of a vehicle, the police officer or other officer or agent of the city police department shall:

- (a) Arrange for the towing of the vehicle and conduct an inventory.
- (b) Provide written notice to any present owner, or person in control of the vehicle, of the fact the vehicle is being processed and towed, the procedures for retrieval of the vehicle and payment of the administrative fee identified in section – 3.
- (c) Provide notice of processing and removal by tow by hand delivery or certified mail to all other owner(s) and lien holder(s) of the vehicle at address(es) set forth in the vehicle registration within 3 business days of the date of the towing of the vehicle. The notice shall include the facts associated with the processing and towing of the vehicle and the procedures for retrieval of the vehicle and payment of the administrative fee identified in section – 3.

Section 8. **Vehicle Owner and Lien Holder Responsibilities.** The owner or lien holder of any vehicle which has been towed under the provisions of this article shall have the right to redeem the vehicle upon the payment of any and all fees due. The fee can be paid by either money order or certified check. This does not include any fees associated to the towing and storage of the vehicle by the tow provider. The fee will be made according to the payment arrangements established by the City Manager, Chief of Police or their designee.

Section 9. Wrecker / Tow Service Fees. If an owner or lien holder refuses to pay the administrative fee as identified in Section - 3, and all other fees associated to the towing of the vehicle; and the vehicle has been in storage for 35 days beyond the date of receipt of towing notification; the City may release the vehicle to the wrecker / tow service for proper disposal or sale according to State Statutes. When the City releases a vehicle to the wrecker service for disposal or sale, the wrecker / tow service will pay the City \$150.00 or 25% of the proceeds it obtained for the vehicle whichever is less.

Section 10. Administration of article. The procedures involved in the implementation of this article shall be coordinated by the city manager and the chief of police. Any changes to such procedures shall be accomplished by resolution of the city commission.

Section 12. Severability. Should any word, phrase, sentence, subsection or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed and all other words, phrases, sentences, subsections, or sections shall remain in effect.

Section 13. Effective date. This ordinance shall take effect upon its passage as provided by law.

Section 14. Codification. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, on this 25th day of October, 2012.

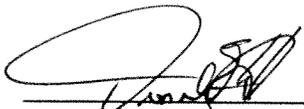
CITY OF PALATKA

By:  _____
Its MAYOR

ATTEST:

 _____
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

 _____
CITY ATTORNEY