

Meeting Date:

Agenda Item

January 12, 2016

14

REQUESTED COMMISSION ACTION:

Consent

Ordinance

Resolution

Consideration/
Discussion

Presentation

SHORT TITLE

AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 100.42, "TOWING FROM THE PUBLIC RIGHT-OF-WAY," TO PROVIDE RESTRICTIONS FOR TOWING OR IMMOBILIZING VEHICLES ON CITY STREETS; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

An ordinance of the City of Pompano Beach enacting new towing and immobilization regulations from the public right-of-way.

- (1) Origin of request for this action: City Attorney
- (2) Primary staff contact: Mark E. Berman, City Attorney  Ext. 4614
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: _____

DEPARTMENTAL
COORDINATION

DATE

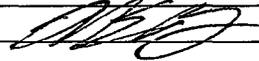
DEPARTMENTAL
RECOMMENDATION

DEPARTMENTAL HEAD SIGNATURE

City Attorney

12/17/15

Approved



City Manager 



ACTION TAKEN BY COMMISSION:

Ordinance
1st Reading

Resolution
1st Reading

Consideration
Results:

Workshop
Results:

2nd Reading



City Attorney's Communication #2016-293

December 17, 2015

TO: Dennis W. Beach, City Manager
FROM: Mark E. Berman, City Attorney
RE: Ordinance Creating Section 100.42, "Towing From the Public Right-of-Way"

Attached please find the following captioned Ordinance addressing the above-referenced matter:

AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPAÑO BEACH CODE OF ORDINANCES BY CREATING SECTION 100.42, "TOWING FROM THE PUBLIC RIGHT-OF-WAY," TO PROVIDE RESTRICTIONS FOR TOWING OR IMMOBILIZING VEHICLES ON CITY STREETS; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

This Ordinance has been advertised and it is requested that this matter be placed on the agenda for the City Commission of January 12, 2016. A City Commission agenda cover sheet is attached for your convenience.

Should you have any questions regarding this matter, please feel free to contact me.



MARK E. BERMAN

MEB/jrm
l:cor/manager/2016-293

Attachments

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 100.42, "TOWING FROM THE PUBLIC RIGHT-OF-WAY," TO PROVIDE RESTRICTIONS FOR TOWING OR IMMOBILIZING VEHICLES ON CITY STREETS; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 100.42, "Towing Vehicles from the Public Right-of-Way," of Chapter 100, "Streets and Sidewalks," of the City of Pompano Beach Code of Ordinances is hereby created to read as follows:

§ 100.42 TOWING VEHICLES FROM THE PUBLIC RIGHT-OF- WAY.

(A) No person shall tow or otherwise immobilize any motor vehicle in a manner that prevents its operation from its location on a city street or right-of-way unless:

(1) The person is a principal or employee of the City's authorized towing contractor acting under the direction of the City's law enforcement agency or other authorized City employee, agent or per authorized posting; or

(2) The removal or other action is authorized by the owner or custodian of the vehicle; or

(3) The removal or other action is performed pursuant to county, state and/or federal law; or

(4) The removal or other action must be performed due to imminent emergency circumstances, which present a hazard where the City's authorized towing provider is otherwise unavailable to provide the service, and a request is made by the city's Law Enforcement Agency for tow assistance.

(B) Violations of this section shall be subject to the penalty provisions provided in §10.99, General Penalty.

SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2016.

PASSED SECOND READING this _____ day of _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/tal:jrm
1/07/16
l:ord/ch100/2016-66