

## ***ARTICLE V. NONCONSENSUAL TOWING AND STORAGE CHARGES***

### **Sec. 94-171. Intent.**

Escambia County intends to regulate the maximum price charged for nonconsensual towing services throughout the incorporated and unincorporated areas of Escambia County.

(Ord. No. 2009-11, § 1, 4-16-2009)

### **Sec. 94-172. Scope.**

- (1) The provisions of this article shall regulate the maximum price charged for nonconsensual towing services, which shall include tows of vehicles on private property, removal and storage of wrecked or disabled vehicles from an accident scene, or for the removal and storage of vehicles in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle.
- (2) This article shall apply to all incorporated and unincorporated areas of Escambia County unless a municipality expresses its intent to exclude itself through resolution.
- (3) Nothing in this article shall be construed to prevent any municipality from enacting additional regulations of towing and storage services within the municipality's incorporated areas.

(Ord. No. 2009-11, § 2, 4-16-2009)

### **Sec. 94-173. Maximum price.**

- (1) The Escambia County Board of County Commissioners shall establish rates for nonconsensual towing services by resolution. It shall be unlawful and a violation of this article for any tow truck operator or owner to charge, demand, or request any rate exceeding those rates established pursuant to such resolution for nonconsensual towing services specified therein. In its sole discretion, the board of county commissioners may review the rates on an annual basis to determine if new rates are necessary.
- (2) Nothing in this article shall be construed to prevent a municipality from establishing additional rate regulations within the municipality's incorporated areas.

(Ord. No. 2009-11, § 3, 4-16-2009)

### **Sec. 94-174. Documentation.**

Any tow truck operator or owner who provides nonconsensual towing services shall keep records for two years of mileage, services provided, and prices charged for each nonconsensual towing service and shall provide these records to any law enforcement agency upon request.

(Ord. No. 2009-11, § 4, 4-16-2009)

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**Sec. 94-175. Penalty.**

- (1) A violation of this article shall be a noncriminal infraction enforced pursuant to article III of chapter 30 of the Escambia County Code of Ordinances. The board of county commissioners hereby adopts the civil penalty citation schedule as provided for under section 30-63 for violations of this article. Each violation of any provision of this article shall constitute a separate offense.
- (2) Any person who willfully refuses to sign and accept a citation issued by a law enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083. A written warning to this effect shall be provided at the time any citation is issued hereunder.

(Ord. No. 2009-11, § 5, 4-16-2009)

**Sec. 94-176. Enforcement.**

The sheriff shall enforce the provisions of this article in the unincorporated areas of Escambia County. If a municipality employs its own law enforcement agency, the law enforcement agency of that municipality shall enforce the provisions of this article in the incorporated area of the municipality which the law enforcement agency serves.

(Ord. No. 2009-11, § 6, 4-16-2009)

**Secs. 94-177—94-180. Reserved.**