

**ORDINANCE NO. 2022-02**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA AMENDING THE CLEWISTON CODE OF ORDINANCES, CHAPTER 78, VEHICLES FOR HIRE, ARTICLE II, WRECKER SERVICE, ROTATION SERVICES; PROVIDING FOR § 78-42, APPLICABILITY; PROVIDING FOR § 78-43, CALL ROTATION SYSTEM; PROVIDING FOR § 78-44, QUALIFICATION; PROVIDING FOR § 78-45, GENERAL PROVISIONS; PROVIDING FOR § 78-46, FEES FOR WRECKER SERVICES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Clewiston, Florida, finds that it is in the best interest of the City's residents and businesses to amend Chapter 78 of the Clewiston Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The Clewiston Code of Ordinances, Section 78-42, Applicability, is hereby amended as follows:

**Sec. 78-42. Applicability**

This division shall only apply ~~only~~ to wrecker service requested by ~~called for by~~ ~~representatives of the police department~~ and when the person in possession or operation of the vehicle ~~to be towed~~ does not request a specific wrecker ~~business to be called~~ vendor.

**SECTION 2.** The Clewiston Code of Ordinances, Section 78-43, Call rotation system, is hereby amended as follows:

**Sec. 78-43. - Call rotation system.**

~~When representatives of the police department~~ The police department will call properly approved ~~call for wrecker service at the request of operators of disabled vehicles who do not specify the wrecker companies to be called, or otherwise call for wrecker service to remove disabled, stolen or~~

~~abandoned vehicles from roads and streets, rights of way or public property a~~ in rotation. The rotation system shall consist of two lists, one for vehicles weighing less than 20,000 pounds and one for vehicles weighing 20,000 pounds or more, ~~and shall be established and utilized under the following procedure.~~

- (1) ~~All w~~Wrecker businesses must ~~qualified pursuant to this division that apply to the police department and, if approved, shall be placed on a rotating list in the order in which the applications of qualified businesses are received by the police department.~~
- (2) ~~The w~~Wrecker businesses ~~in the number one position on the rotating list will be the first-called~~ in order. Upon being called and rendering service, or failing to respond to the call, the wrecker business ~~in the number one position shall be rotated to the bottom of the list and each business in the system will move up one place except as provided for herein below.~~
- (3) If the person in possession of a disabled vehicle requests that a specific wrecker business be called, that call shall not ~~change any wrecker business's position in the rotation list~~ change the order of the rotation.
- (4) If a ~~representative of the police department~~ cancels a call for service without the wrecker service being rendered, no change in the rotation position shall result ~~from the call being cancelled.~~

**SECTION 3.** The Clewiston Code of Ordinances, Section 78-44, Qualification, is hereby amended as follows:

**Sec. 78-44. - Qualification.**

~~In order t~~To qualify in the rotation as a wrecker business ~~to be included on the police department call rotation list, a wrecker business must meet all of the requirements of F.A.C. ch. 15B-9, be included on the Hendry County Sheriff's Office tow rotation list or otherwise meet all of the requirements of F.A.C. Florida Administrative Code ch. 15B-9 including, but not limited to, the following:~~

- (1) ~~It must be state highway patrol certified.~~
- (1) (2) It must have in effect all applicable ~~current~~ city, county and/or state licenses.
- (2) (3) It must maintain a place of business in the city or within two miles of the city limits, which ~~place of business must include an office and storage yard.~~
- (3) (4) It must maintain office hours no less than from 8:00 a.m. to 6:00 p.m., Monday through Friday.

~~(4)(5)~~ It must have telephone service to respond to calls 24 hours a day, seven days a week (answering services or beepers are acceptable).

~~(5)(6)~~ It must ~~maintain~~have at least one operating wrecker at all times.

**SECTION 4.** The Clewiston Code of Ordinances, Section 78-45, General provisions, is hereby amended as follows:

**Sec. 78-45. - General provisions.**

~~Wrecker service called for, and responses shall be subject to the following general provisions:~~

- (1) Wrecker businesses shall respond to calls with wrecker equipment adequate to handle the service called for.
- (2) A wrecker business may not assign or transfer its listing or position in the rotation system.
- (3) A wrecker business rendering service pursuant to this division shall charge ~~no more than according to~~ the rates established pursuant to this division under Sec. 78-46. Fees for wrecker services.
- ~~(4) The police department may, at its discretion, call for specialized recovery service from the nearest available source, if specialized recovery requirements are required for which the police representative in charge determines that no wrecker business on the rotation system is able to respond in the time or manner required by the circumstances.~~
- ~~(4)(5)~~ A wrecker business called shall respond (arrive at the scene to which it is called) within 30 minutes ~~after a call is made~~. If a response cannot be made within the time allowed, the wrecker business called shall notify the police department of the ~~estimated time of delay and reasons therefor~~. The police department may cancel the request for service and use the services of the next wrecker business in the rotation sequence, and the wrecker business first called shall rotate to the bottom of the sequence.
- ~~(5)(6)~~ ~~Calling of the w~~Wrecker services ~~by the police department shall not obligate the police department or the city to pay for any such wrecker service. Calls are made purely for the convenience of the person in charge of the disabled vehicle, and payment for wrecker services are to be arranged strictly between the vehicle owner or operator and the wrecker business shall be paid by the owner of the vehicle.~~

**SECTION 5.** The Clewiston Code of Ordinances, Section 78-46, Fees for wrecker services, is hereby amended as follows:

**Sec. 78-46. - Fees for wrecker services.**

The fees for wrecker services shall be the same as the fees charged by the Florida Highway Patrol, ~~in Appendix A to this Code~~ as modified by the FHP.

- ~~(1) Hookup and towing for a motor vehicle weighing less than 20,000 pounds for nonemergency or noncollision related calls and for emergency or collision related calls, day or night, plus any applicable sales tax.~~
- ~~(2) Hookup and towing fees for a motor vehicle 20,000 pounds or more, plus applicable sales tax (minimum per call out is allowable).~~
- ~~(3) In addition to such towing fee, a charge may be made for removing a vehicle weighing less than 20,000 pounds from a water filled canal, plus any applicable sales tax, plus the amount charged to the wrecker business by a diver, if required.~~
- ~~(4) In addition to such towing fee, a charge may be made for removing a vehicle weighing 20,000 pounds or more from a water filled canal, plus any applicable sales tax, plus the amount charged to the wrecker business by a diver, if required.~~
- ~~(5) There shall be no storage fee charged for the first six hours after a vehicle is towed. A storage fee may be charged beginning six hours after the vehicle is towed, for vehicles weighing less than 20,000 pounds. A storage fee for a tractor, for a trailer, for tractor-trailer combination may be charged beginning six hours after the vehicle is towed. In addition, an administrative fee not to exceed may be charged for the execution, filing or mailing of any forms required by state law, ordinances or state division of highway patrol if a vehicle is in storage for more than 24 hours.~~
- ~~(6) In addition to the above charges, a wrecker business required to remain at an emergency or collision related scene because of circumstances not within the wrecker operator's control, may charge a fee plus applicable sales tax, for every hour after the first hour on the scene.~~

**SECTION 6.** Codification. The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Clewiston.

**SECTION 7.** Severability. If any phrase, sentence or portion of this Ordinance is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 8.** Repeal of Laws in Conflict. All ordinances of the City of Clewiston, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 9.** Effective Date. This Ordinance shall take effect immediately upon its passage and consistent with all requirements of general law.

**PASSED** on first reading by the City Commission on January 24, 2022.

**PASSED AND ADOPTED** on second and final reading by the City Commission on February 21, 2022.

**ATTEST:**

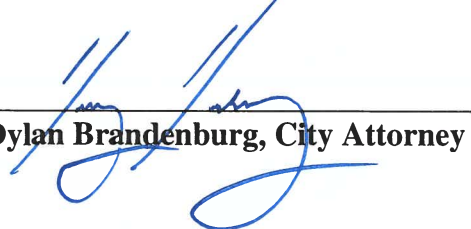
**CITY OF CLEWISTON, FLORIDA**

  
\_\_\_\_\_  
Mary K. Combass, City Clerk

  
\_\_\_\_\_  
Kristine Petersen, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

By:   
\_\_\_\_\_  
Dylan Brandenburg, City Attorney