

CITY COMMISSION AGENDA ITEM REPORT

DATE: February 14, 2024

SUBMITTED BY: Collette Tibby

ITEM TYPE: Ordinance

TEMP. ORDINANCE NUMBER: TO2533

AGENDA SECTION: **ORDINANCE(S) - SECOND READING**

TITLE: TO2533 - An Ordinance of the City Commission of the City of Tamarac, Florida amending Chapter 10, Article 6, entitled "Rules of Construction and Definitions", by specifically amending Section 10-6.2 entitled "Use Categories and Use Types Defined" of the City of Tamarac Code of Ordinances, by amending the definition of "Auto Towing" and the definition of "Auto Wrecking and Salvage Yard" to be consistent with Florida Statutes; providing for codification; providing for conflicts; providing for severability; and providing for an effective date.

RECOMMENDATION: The Director of Community Development recommends that the Mayor and City Commission approve the adoption of the proposed text amendment to Chapter 10, Article 6, Section 10-6.2(D)(6), entitled "Waste and Salvage" Subsection 10-6.2(D)(6)(a), amending the definition of the use "Auto Towing" and Subsection 10-6.2(D)(6)(b) amending The Definition Of The Use "Auto Wrecking And Salvage Yard" in the City of Tamarac Code of Ordinances to the City Commission on Second Reading at its February 14, 2024 meeting (see attached Temporary Ordinance No. 2533).

BACKGROUND: Florida Statutes 713.78(6) states, "A vehicle or vessel that is stored pursuant to subsection (2) and remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge 35 days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is more than 3 years of age or 50 days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is 3 years of age or less. The sale shall be at public sale for cash."

To that end, Staff is proposing a text amendment to Chapter 10, Article 6, Section 10-6.2(D)(6), entitled "Waste and Salvage" Subsection 10-6.2(D)(6)(a), amending the definition of the use "Auto Towing" and Subsection 10-6.2(D)(6)(b) amending the definition of the use "Auto Wrecking And Salvage Yard" to provide adequate definitions that comply with Florida Statutes and to account for the evolving needs of the business community.

ISSUE:

Article 6 of the City's Land Development Code identifies and defines Auto Towing, and Auto Wrecking and Salvage Yard uses. Businesses have indicated that Use Categories and Use Types definitions are not consistent with State Statutes and have placed these businesses at a competitive disadvantage with nearby businesses located outside of the City's jurisdictional boundaries.

ATTACHMENTS:

1 - TO 2533 - Memo - Text Amendment - Auto Towing.docx

2 - TO2533 - Definitions ordinance for auto wrecking and salvage-MM.docx

3 - Letter from Office of the Attorney General.pdf