



# Council Communication

**To:** Mayor and Village Council

**Through:** Edward Koconis, AICP, Village Manager

**From:** Mary Swaney, Executive Assistant to the Village Manager

**Date:** August 21, 2012

**SUBJECT: FIRST READING OF ORDINANCE TO PROVIDE REGULATIONS AND STANDARDS FOR WRECKER OPERATORS**

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**Background:**

At its meeting on June 28, 2012, the Village Council held a discussion regarding excessive towing fees that have recently been charged for towing from a private property in the Village. It was the direction of the Village Council to have the Village Manager prepare an ordinance similar to the recently adopted amendment to the City of Marathon's ordinance addressing wrecker operators and provide for maximum rates that may be charged for towing.

**Analysis:**

On December 17, 1998, the Village adopted the Monroe County Code, as it existed in December 31, 1997, as the Village Code until such time as such provisions were superseded, modified or repealed by action of the Village Council. Sheriff's Office personnel in Islamorada enforce the Monroe County regulations with regard to wrecker operations. Monroe County's regulations address the operations of wrecker operations requested by law enforcement officers.

The City of Marathon adopted regulations in 2007 similar to the Monroe County regulations and, in April of this year, adopted an amendment to address additional regulations for wrecker operators. The amendment addresses the licensing of operators, posting of notice on properties and maximum fees that may be charged for towing from private properties.

Following review of the City of Marathon and Monroe County Ordinances, it was determined that it would be most appropriate to draft an ordinance to provide regulations for non-consensual towing of vehicles from private property, and to towing at the request of a law enforcement officer. The ordinance prepared for Council consideration would apply to all towing for hire in the recovery, removal, or storage of wrecked, disabled, stolen, illegally parked or abandoned vehicles. Exempt from these regulations would be towing requested by the operator of a vehicle.

Included in the proposed ordinance are requirements for equipment, insurance, maximum rates, storage facilities, licensure to operate in the Village, registration and posting of private properties where vehicles are subject to non-consensual towing, and penalties for violation of these regulations.

**Budget Impact:**

Section (g) of the proposed ordinance provides for all wrecker operators subject to the ordinance and operating within the Village to obtain a license from the Village Clerk which shall be renewable on an annual basis. The proposed annual license fee is \$100.00. The annual license fee would increase to \$250.00 if the license is not renewed prior to expiration. License fees would be recorded as revenue in the Local Business Tax revenue account of the General Fund; the impact would be negligible as at there are only three towing companies in the Upper Keys at the present time.

**Staff Impact:**

If the ordinance is adopted with the licensing requirements as currently written, staff would develop a license application form and procedure for the annual licensure through the Village Clerk's Office. The Village Clerk's Office would also develop a procedure to record the status of private properties registered and posted as subject to non-consensual towing.

Adoption of the proposed ordinance would have no effect on law enforcement operations.

**Recommendation:**

If the Village Council wishes to adopt regulations for wrecker services similar to the Monroe County regulations and City of Marathon regulations, it is recommended that the Council approve the proposed ordinance on first reading.

**ORDINANCE No. 12-**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING ARTICLE VII “TOWING”, OF CHAPTER 50 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”; PROVIDING DEFINITIONS; PROVIDING REGULATIONS FOR WRECKER OPERATIONS; REQUIRING LICENSING OF WRECKER OPERATORS OPERATING WITHIN THE VILLAGE; PROVIDING FOR DUTIES OF WRECKER OPERATORS; ESTABLISHING CERTAIN STANDARDS OF OPERATION; PROVIDING FOR PENALTIES; PROVIDING FOR REFUND OF TOWING FEES CHARGED IN VIOLATION OF THE REGULATIONS OF WRECKER OPERATORS PROVIDED IN THIS ORDINANCE; PROVIDING FOR SUSPENSION AND REVOCATION OF WRECKER OPERATOR LICENSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Village Council of Islamorada, Village of Islands (the “Village ”) has become aware of certain issues regarding the reasonable and effective operation of wrecker operators for non-law enforcement generated, non-consensual towing of vehicles within the Village; and

**WHEREAS**, Section 715.07(2)(b), Florida Statutes, authorizes counties and municipalities to regulate towing of vehicles, including the establishment of maximum towing rates; and

**WHEREAS**, the Village Council desires to adopt maximum towing rates which are consistent with the rates adopted by the Monroe County Board of County Commissioners; and

**WHEREAS**, the Village Council directed the Village Manager to develop regulations regarding wrecker operators within the Village so as to create reasonable and efficient operations of both non-consensual towing operations, and towing operations which are requested by a law enforcement agent; and

**WHEREAS**, the Village Council finds that it is in the best interest of the Village to adopt requirements for wrecker operations within the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:** <sup>1</sup>

**Section 1.**     **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.**     **Amendments to the Code.** That Article VII “Towing” of Chapter 50 “Streets,

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Sidewalks and Other Public Places” is created to read as follows:

Additional text is shown as underlined;

deleted text is shown as ~~strikethrough~~

## **Article VII. Towing**

### **Sec. 50-100 Regulation of wrecker operators who provide towing and storage services**

(a) Applicability. The provisions of this section shall apply to all wrecker operators providing towing of vehicles and vehicle storage at the request of a law enforcement officer, and to towing of vehicles from private properties without the consent of the vehicle operator (non-consensual towing services). This section shall not apply to wrecker operators providing towing of a vehicle at the request of and with the express consent of the operator of the vehicle.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Administration fee means the charge for researching and documenting the registered owner of a vehicle towed and stored by a wrecker operator.

Commercially manufactured wrecker means a tow truck that is:

- (1) Designed and constructed by a wrecker manufacturer that offers its wreckers for sale; or
- (2) Assembled by a business licensed and approved to assemble and certify wreckers according to manufacturer's specifications.

Non-consensual towing services shall mean the immobilizing, towing and/or storage of a vehicle, without the prior express consent of the owner or operator, by any person who is not acting pursuant to a contract with a unit of local, county, state, or federal government.

Notification fee means the charge for notifying a vehicle owner and any lien holders that a wrecker operator has towed and stored the vehicle.

Vehicle means any mobile item which normally uses wheels, whether motorized or not as described in § 715.07(1)(a), F.S.

Wrecker means a tow truck.

Wrecker operator means the individual, partnership, corporation, or business entity engaged for hire in the recovery, towing removal, or storage of wrecked, disabled, stolen, illegally parked or abandoned vehicles. For the purpose of this section, a hired driver or employee shall be governed by this section and shall be considered an agent of the wrecker operator.

(c) Wrecker classification and required equipment.

(1) Each tow truck owned or maintained by a wrecker operator shall be commercially manufactured and shall conform to all other requirements of this section. The requirements of this section are waived only for those operators with tow trucks that were purchased before the effective date of the ordinance from which this section is derived or that were under a binding contract to purchase entered into before the effective date of the ordinance from which this section is derived.

(2) All tow trucks shall be equipped with a business-type communication radio or mobile telephone or cellular telephone. There shall be one radio or phone for each truck. The equipment shall be licensed and approved by the Federal Communications Commission. The mobile radio or telephone shall enable the wrecker operator to communicate with his trucks within his usual area of operation. A citizens band radio does not meet the requirements of this subsection.

(3) Specifications and required equipment shall be as follows:

a. All wreckers (all classifications) shall include the following:

1. A cradle, tow plate or tow sling to pick up vehicles. The cradle, tow plate or tow sling shall be equipped with safety chains and constructed in such a manner that it will not damage the vehicle to be towed;

2. Dual rear wheels;

3. The name, address and telephone number of the wrecker operator shall be painted or permanently affixed in a conspicuous place on both sides of the trucks as required by § 715.07(2)(a)(7), F.S.;

4. At least one heavy duty push broom with a minimum width of 24 inches;

5. One square shovel;

6. One axe;
7. One crowbar or prybar with a minimum length of 30 inches;
8. Minimum of one five-pound carbon dioxide or dry chemical fire extinguisher or equivalent. Must be approved type and have a current inspection tag attached;
9. One pair of bolt cutters with a minimum opening of one-half inch;
10. One set of jumper cables;
11. One four-way lug wrench;
12. One flashlight;
13. Five 30-minute fuses;
14. One snatch block for each winch with manufacturer's rating to match winch;
15. Extra towing chain six to eight feet in length with hooks;
16. At least three safety cones or triangle reflectors; and
17. Fifty pounds of sand or petroleum absorbent.

b. Class "A" wreckers (for the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less). Specifications and equipment in addition to requirements outlined in subsection (c)(3)a. of this section, shall be as follows:

1. A truck chassis with a manufacturer's rated capacity of at least 10,000 pounds gross vehicle weight. A complete, commercially manufactured boom and winch having a manufacturer's combined rating of at least four tons must be mounted on the chassis. Hand crank winches do not satisfy these requirements and will not be approved;
2. A minimum of 100 feet of three-eighths-inch cable;
3. Dollies;
4. Flood lights on the hoist;
5. Vehicles that are equipped with wheel lifts or the equivalent may also qualify as class A tow trucks so long as they are equipped with a boom and all other applicable requirements are met. Wheel lifts shall be rated at a minimum of 3,000 pounds lift capacity and must use wheel safety straps when lifting vehicles by the wheels only; and

6. Operators who wish to remove cars and light trucks may have, in addition, a roll-back or slide-back carrier truck/trailer with specifications and the equipment as provided in subsection (c)(3)c. of this section.

c. Class "A" roll-back or slide-back wreckers (for the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less). Specifications and equipment for roll-back or slide-back carriers in addition to the requirements outlined in subsection (c)(3)a. of this section shall include the following:

1. A truck chassis with a manufacturer's rated capacity of at least 10,000 pounds gross vehicle weight with a minimum of a 16-foot bed, dual rear wheels and a winch with at least 8,000 pounds capacity;

2. A minimum of 50 feet of three-eighths-inch cable;

3. A minimum of two safety tie-down chains of at least ten feet each in length;

4. Two spot (flood) lights mounted on the rear of the carrier; and

5. A roll-back or slide-back carrier trailer shall meet the following requirements:

(i) A commercially manufactured carrier trailer with a rated capacity of at least 8,000 pounds gross vehicle weight with a minimum 16-foot bed. A winch with at least 8,000 pounds capacity;

(ii) A minimum of 50 feet of three-eighths-inch cable;

(iii) Brakes and trailer lights that meet the minimum statutory requirements of state law;

(iv) Safety chains; and

(v) Must be towed by and used in conjunction with an approved wrecker that meets or exceeds the class of the vehicle to be towed.

d. Class "B" wreckers (for removal of medium duty trucks or vehicles weighing 20,000 pounds gross vehicle weight or less). Specifications and equipment in addition to the requirements outlined in subsection (c)(3)a. of this section, shall be as follows:

1. A truck chassis with a manufacturer's rated capacity of at least 20,000 pounds gross vehicle weight. A complete, twin-winch, commercially manufactured boom and winches

having a manufacturer's combined rating of at least ten-ton capacity mounted on the chassis;

2. A minimum of 100 feet of at least one-half-inch cable on each drum;

3. One set of scotch blocks for wheels or hydraulic rear-extendable scotch blocks; and

4. Floodlights on the hoist.

e. Class "C" wreckers (for removal of heavy duty trucks, house trailers, buses, etc., weighing over 20,000 pounds gross vehicle weight). Specifications and equipment in addition to the requirements outlined in subsection (c)(3)a. of this section, shall be as follows:

1. A truck chassis with a manufacturer's rated capacity of at least 30,000 pounds gross vehicle weight and 30,000 pounds gross vehicle weight for tandem axle trucks. A complete, twin-winch, commercially manufactured boom and winches having a manufacturer's combined rating of at least 25-ton capacity mounted on the chassis;

2. A minimum of 200 feet of at least five-eighths-inch cable on each drum;

3. Air brakes so constructed as to lock the rear wheels automatically upon failure;

4. External air hookup and hoses, to supply air to disabled vehicles;

5. One set of scotch blocks for wheels or hydraulic rear-extendable scotch blocks; and

6. Floodlights on the hoist.

(d) Insurance requirements. No person shall for compensation recover, tow, or remove a vehicle or provide vehicle storage or otherwise function as a wrecker operator until that person maintains in effect an insurance policy or policies that shall insure that person for its liability at a minimum:

(1) For each wrecker, combined single limit of \$500,000.00; and

(2) For garage keeper's liability, in an amount not less than \$50,000.00 for each loss covering perils of fire and explosion, theft of a vehicle and parts or contents, riot and civil commotion, vandalism, malicious mischief, and for on-hook protection.

(e) Rates.

(1) The maximum rate that may be charged by any wrecker operator subject to this section is as follows, based on the lowest class of wrecker service required for the vehicle, with any trailered

appurtenance.

Class A Wrecker Service

<u>Base rate (anytime a wrecker is called to a site)</u>	<u>\$135.00</u>
<u>Inside storage (per day)</u>	<u>\$40.00 plus \$2.00 per foot for vehicles over 20 feet long</u>
<u>Outside storage (per day)</u>	<u>\$30.00 plus \$2.00 per foot for vehicles over 20 feet long</u>
<u>Administration fee</u>	<u>\$25.00</u>
<u>Notification fee</u>	<u>\$50.00 first notification \$20.00 each additional letter</u>
<u>Mileage rate from wrecker station to site and return</u>	<u>\$3.00 per mile</u>
<u>Per hour charge beginning upon arrival on site, in one-fourth-hour increments</u>	<u>\$135.00</u>
<u>After hours gate fee</u>	<u>\$75.00</u>
<u>Service call at request of law enforcement officer</u>	<u>\$75.00</u>

Class B Wrecker Service

<u>Base rate (anytime a wrecker is called to a site)</u>	<u>\$200.00</u>
<u>Inside storage (per day)</u>	<u>\$40.00 plus \$2.00 per foot for vehicles over 20 feet long</u>
<u>Outside storage (per day)</u>	<u>\$30.00 plus \$2.00 per foot for vehicles over 20 feet long</u>
<u>Administration fee</u>	<u>\$25.00</u>
<u>Notification fee</u>	<u>\$50.00 first notification \$20.00 each additional letter</u>
<u>Mileage rate from wrecker station to site and return</u>	<u>\$4.00 per mile</u>
<u>Per hour charge beginning arrival on site, in one-fourth-hour increments</u>	<u>\$180.00</u>
<u>After hours gate fee</u>	<u>\$75.00</u>
<u>Service call at request of law enforcement officer</u>	<u>\$75.00</u>

Class C Wrecker Service

<u>Base rate (anytime a wrecker is called to a site)</u>	<u>\$485.00</u>
<u>Mileage rate from wrecker station to site and return</u>	<u>\$5.00 per mile</u>
<u>Inside storage (per day)</u>	<u>\$40.00 plus \$2.00 per foot for vehicles over 20 feet long</u>
<u>Outside storage (per day)</u>	<u>\$30.00 plus \$2.00 per foot for vehicles over 20 feet long</u>
<u>Administration fee</u>	<u>\$25.00</u>
<u>Per hour charge beginning upon arrival on site, in one-fourth-hour increments</u>	<u>\$300.00</u>
<u>After hours gate fee</u>	<u>\$75.00</u>
<u>Service call at request of law enforcement officer</u>	<u>\$75.00</u>

(2) The daily storage rate must be prorated in six-hour increments when the vehicle is retrieved by the owner or his agent; provided, however, that no storage fee shall be charged if the vehicle is stored for less than 6 hours prior to retrieval by the owner or agent. The notification fee may only be charged when notice is sent by the operator to the vehicle owner and any lienholder.

(3) In the event a law enforcement officer needs a wrecker for a towable violation, and once the towing service has been requested by the officer at the violation site and the operator has advised the officer that he is en route to the request, should the owner or driver of the vehicle in violation return to the vehicle site before the operator has arrived at the vehicle, or before the operator has departed with the vehicle, and upon the officer's authorization to release the vehicle to the owner or driver, then the owner or driver of the vehicle shall pay a charge of not more than one-half of the maximum rate for the class of towing service called for. A wrecker operator may dispatch a heavier class of wrecker to the site but may charge no more than the rates applicable to the type of service required. Should a vehicle that requires towing be trailering a recreational vehicle, boat, or other type of trailer, and only one wrecker is required to remove the vehicle and its trailer, only one tow charge may be levied for the combined length of the vehicle and its trailered accessory.

(4) Every wrecker operator shall conspicuously display at his place of business the maximum charge that he may impose for the towing and storage services covered by this section.

(f) *Storage facilities.*

(1) The wrecker operator shall provide storage for all towed vehicles in an outside storage area unless specific written instructions are given for inside storage by a law enforcement officer. If directed by a law enforcement officer for investigative purposes, the wrecker operator shall move the vehicle to a designated area for processing prior to storage. In such instance, the law enforcement agency will not authorize release of the vehicle until all outstanding charges by the operator, as authorized by this section have been satisfied.

(2) The storage facility must be properly zoned for such use within the applicable jurisdiction, owned or leased solely by the wrecker operator, and vehicles stored by the operator must be separately fenced and locked. In no event shall a vehicle towed within the Village be taken to a storage facility located more than thirty (30) miles from the location from which the vehicle was towed.

(3) The registered owner of a vehicle or the owner's representatives or owner's insurance adjusters, upon proper identification, shall be permitted to inspect or photograph stored vehicles during the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday. The wrecker operator shall not require the owner, adjuster or representative to pay any fee in order to inspect or photograph the stored vehicle.

(4) All fencing shall be chainlink or solid-wall type and at least six feet in height where permissible under the applicable zoning and land use regulations of the jurisdiction where it is located, to discourage theft of any vehicle or any property being stored inside. All storage facilities shall be illuminated with lighting of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet during nighttime.

(5) Permanent inside storage within a weather-tight building must be available for 24-hour storage when weather or other conditions require inside storage for the protection of the vehicle or personal property. A lean-to, tent or shed does not meet the requirements of this subsection.

(6) A minimum of 25 storage spaces with three inside storage spaces must be available at all times. Service bays or repair bays do not qualify as inside storage, nor does any area that is used for any activity other than serving as a permanent inside storage area, when vehicles are actually stored inside at the request of a law enforcement agent.

(7) Wrecker operators shall comply with hold orders placed by a law enforcement agency, including any instructions for inside or outside storage. Vehicles involved in a fatality and sealed by the traffic homicide investigator shall remain intact until the seals are removed by the investigator. No property of any kind shall be released to anyone without authority of the homicide investigator. If no fatality occurred, then the vehicle and the property may be released by the wrecker operator upon valid proof of ownership once the hold is released.

(8) For tows authorized at the request of a law enforcement officer, a copy of an inventory prepared by the law enforcement agency of all personal property found in the vehicle shall be provided to the wrecker operator. The wrecker operator shall permit the removal of such property by the vehicle owner or his agent from a stored vehicle during normal business hours without charge. The agent's authority shall be evidenced by a writing acknowledged by the owner before a notary public or other person empowered by law to administer oaths. A signed receipt for each article removed by the owner or his agent shall be obtained. Personal property shall be defined as

any item not affixed to the vehicle that was in the vehicle at the time of the tow. In the case of vehicles stored where no "hold order" has been placed, the wrecker operator will directly release any vehicle upon presentation of proper proof of identification and ownership. If these conditions cannot be met due to unusual or extraordinary circumstances, the vehicle will be released only upon authorization obtained from the law enforcement agency.

(9) Wrecker operators handling the initial tow shall exercise reasonable care and control of parts and contents located in vehicles while under their protection or while in storage.

(10) During the hours from 8:00 a.m. to 6:00 p.m., Monday through Friday, wrecker operators shall provide adequate staffing at the storage facility so that personal property may be removed from the vehicle or the vehicle itself may be released without undue delay.

(11) Should it become necessary that personal property be removed from a vehicle or a vehicle be released when the storage facility is not staffed, the wrecker operator shall be required to do so and shall be allowed to charge a reasonable fee.

(g) *Licensing of Wrecker Operator; Right to Operate Within the Village*

(1) All wrecker operators of all wrecker classifications subject to this section and operating within the Village shall hold a wrecker operator license with the Village in order to legally operate within the Village limits.

(2) Wrecker operators subject to this section and operating within the Village limits shall be required to renew the wrecker operator license with the Village Clerk on an annual basis. Each wrecker operator license shall be renewed no later than October 1 of each calendar year. The annual license fee and penalty for late renewal shall be as provided by resolution of the Village Council. The Village Manager shall create a wrecker operator license application which shall require the wrecker operator to demonstrate compliance with the requirements of this section.

(h) *Operation of wrecker operator on Private Property*

(1) Wrecker operators must register all private properties posted as identified in §715.07(2)(a), F.S. with the Village Clerk prior to the placement of signage identified in §715.07(2)(a), F.S. Said registration shall include a letter from the property owner or person authorized by the property owner or lessee indicating that said posting has been requested and approved by the property owner. Such letter must be either notarized or signed by the property owner or

authorized person in the presence of two witnesses.

(2) If posted notice subject to §715.07(2)(a), F.S. is removed for any reason by the wrecker operator, the Village Clerk shall be notified within fifteen (15) days of the removal.

(3) In the event that the owner or operator of a vehicle is present when a wrecker operator arrives to tow, the wrecker operator shall give a verbal warning and at least five (5) minutes for the owner or operator of the vehicle to remove the vehicle from the property before initiating the tow.

(4) In no event shall a wrecker operator initiate a tow when the owner or operator of the vehicle in question is present at the vehicle location, or in the vehicle.

(5) Neither the property owner nor the person authorized by the property owner shall have any interest in nor be affiliated with the wrecker operator towing the vehicle from the property owner's property.

(i) Jurisdiction. In the case of an operator who provides towing and removal service covered by this section but provides vehicle storage service in Monroe County or within another municipality, this section shall govern the storage service unless Monroe County or the municipality has adopted and maintains in effect ordinances or regulations governing the same subject matter.

(j) Penalties. All law enforcement officials are hereby authorized to assist in the enforcement of this section to the extent that it is within their respective jurisdictions to do so.

(1) It shall be unlawful for any person or entity to violate or fail to comply with any provision of this section. Any such violation shall be punishable in accordance with Section 2-111 of the Code. Each day that any provision of this section is violated shall constitute a separate offense hereunder.

(2) The penalties described in this subsection shall be in addition to the abatement of the violating condition or any other equitable relief. Should any person violate or fail to comply with any provision of this section, the office of the Village Attorney may make application to the circuit court for the Sixteenth Judicial Circuit of Florida for an order to enjoin such violation or failure of compliance.

(k) Suspension and revocation of wrecker operator license. In addition to the penalties described above, any wrecker operator who is found to have violated this section on two or more occasions shall be

subject to the suspension or revocation of its wrecker operator license. Within ten (10) days of a finding that a wrecker operator has violated two or more provisions of this section, the Village Manager shall schedule a hearing with the violator. The Village Manager shall hear testimony and/or evidence of the nature of the violations and any circumstances associated therewith. After such hearing the Village Manager may, by written notification to the wrecker operator, suspend or revoke the violator's wrecker operator license for a period of up to one year based upon the gravity and frequency of the violations. The violator may appeal the Village Manager's decision to the Village Council by filing written notice with the Village Clerk within five (5) days of the Village Manager's written determination. The Village Council shall set the matter for hearing for the next regularly scheduled Village Council meeting, and shall provide the wrecker operator with written notice of the hearing no later than fifteen (15) days prior to the date of the hearing. By majority vote, the Village Council may affirm, reverse or modify the decision of the Village Manager based upon the factors considered by the Village Manager and those brought before the Village Council at hearing.

(l) Refunds of towing fees charged in violation of this section. Any determination of a violation of this section or applicable Florida law shall result in the refund of any towing charge collected from the owner of an improperly towed vehicle.

**Section 3. Repeal of Conflicting Provisions.** The Provisions of the Village of Islamorada Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any sentence, section, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Inclusion in the Code.** It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Village of Islamorada Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon adoption.

The foregoing Ordinance was offered by \_\_\_\_\_ who moved for its adoption on first reading. This motion was seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Mayor Michael Reckwerdt \_\_\_\_\_  
Vice Mayor Ken Philipson \_\_\_\_\_  
Councilman Don Achenberg \_\_\_\_\_  
Councilman Ted Blackburn \_\_\_\_\_  
Councilman Dave Purdo \_\_\_\_\_

**PASSED** on the first reading this \_\_\_\_ day of \_\_\_\_\_, 2012.

The foregoing Ordinance was offered by \_\_\_\_\_, who moved for its adoption on second reading. This motion was seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Mayor Michael Reckwerdt \_\_\_\_\_  
Vice Mayor Ken Philipson \_\_\_\_\_  
Councilman Don Achenberg \_\_\_\_\_  
Councilman Ted Blackburn \_\_\_\_\_  
Councilman Dave Purdo \_\_\_\_\_

**PASSED AND ADOPTED** on the second reading this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR MICHAEL RECKWERDT

ATTEST:

\_\_\_\_\_  
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF ISLAMORADA,  
VILLAGE OF ISLANDS ONLY:

\_\_\_\_\_  
VILLAGE ATTORNEY