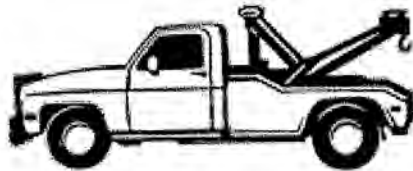


# PARKING & TRESPASS TOWING RULES AND REGULATIONS

## WHAT EVERY VEHICLE OWNER SHOULD KNOW



Tallahassee Police Department

There are approximately 175,000 residents in the City of Tallahassee, and the student population exceeds 60,000 between FSU, FAMU, and TCC. Many of those individuals have motor vehicles, and if you have resided in the City for any length, you have realized that parking is at a premium.

Many private properties, whether residential or commercial, legally can limit or regulate parking on their property. Motor vehicle owners may face the possibility that their vehicle may be gone when they return if they ignore signs regulating the parking on private property.

### TRESPASS TOWING

*Trespass towing* is defined as towing or removal of a vehicle that is illegally parked on private real property, **at the property owner's direction**. This is legal under Florida law and City of Tallahassee ordinance, and is authorized **24 hours a day**. Private property owners will contract with wrecker companies to remove vehicles from the property and store the vehicle at the wrecker company site until it is released to the owner. The vehicle owner will be responsible to the wrecker company for all costs associated with the towing and storage of the vehicle.

There are two types of trespass towing. First, at any time of day the property owner or agent may request that an illegally parked vehicle be towed from their property. There is a requirement that commercial and multi-unit residential properties must have signs posted that indicate that unauthorized vehicle will be towed at the vehicle owner's expense.

Second, between midnight and 7 a.m., owners of properties used for residential purposes may elect to authorize the towing service to tow away or remove vehicles without a verified request to remove a specific vehicle provided that the owner complies with the following requirements:

- Additional Signage provides the following words: "Roam Towing, 12 a.m.--7 a.m.".
- A photograph of the "offending" vehicle shall be taken prior to its removal demonstrating the violation of law, rule or regulation for which the vehicle is being towed.

This type of tow is referred to as a "Roam Tow". Commercial properties may elect to utilize Roam Towing 24 hours a day.

### BEFORE THE TOW

If you are a resident of a residential property, confirm whether the property requires a parking decal to park at the property and obtain a decal **IMMEDIATELY**. Also, inquire as to the property's rules and regulations for visitors or overnight guests. Many properties require visitor permits and provide limited permits to their tenants. Also, ask for a written copy of the property's parking rules and regulations when you sign your lease or move in.

If you are planning to park in a parking lot for a business, please look for signs at the entrance that warn individuals that parking is for patrons of certain businesses or for certain hours. Expect that the property owner has someone watching you to see if you are complying with the signage.

## DURING THE TOW

If you have parked a vehicle illegally, and observe the wrecker operator in the process of removing your vehicle, you may avoid having to pay for the tow, but ACT FAST. Under City ordinances, there are three distinct stages to a towing situation:

1. No Fee Situation – From the moment that the wrecker enters the parking lot to remove your vehicle until the vehicle is physically connected, you are entitled to have your vehicle released without charge. "Physically connected" shall mean one half of the wheel lift apparatus surrounding a tire or the winch hook being properly hooked to the vehicle in an appropriate place on the vehicle where it can safely be towed or winched.
2. Drop Fee Situation – From the moment that a vehicle is physically connected until the vehicle has been physically removed from the property, the vehicle owner is entitled to have the vehicle released upon payment of a fee equal to half of the tow fee (\$44.00). The wrecker operator is required to give you a reasonable amount of time to obtain payment.
3. Full Tow – From the moment the vehicle leaves the property, the wrecker company is entitled to the total towing fee.

## AFTER THE TOW – TRESPASS TOW "BILL OF RIGHTS"

If you have parked a vehicle illegally and return to find that it is gone, there should be signage on the property indicating the name and telephone number of the wrecker service that removed the vehicle. City Ordinance sets the maximum fee that the wrecker service may charge at \$88.00. Some of the other regulations that apply are:

- Vehicles may be picked up within one hour after requested, providing the towing fees have been paid.
  - You may pay the towing charges using cash, debit card, or major credit card (Visa or MasterCard). A fee may be charged for the use of a debit card, but no additional fee may be charged for using a credit card.
  - You cannot be charged for storage on the vehicle for the first 24 hours after the vehicle is towed. After 24 hours, you may be charged for storage at a rate of \$15.00 per day.
  - An after hours release fee of \$30.00 may be charged for releasing a stored vehicle between the hours of 11 p.m. and 8:00 a.m.
- NOTE: It may be advantageous to wait until after 8:00 a.m. the next day to avoid the after-hours fee within the first 24 hours.**
- After three days, an administrative fee of \$33.00 plus postage may be charged if a certified letter is sent to the vehicle owner pursuant to section 713.78, Florida Statutes.
  - You can retrieve any personal property from the vehicle within the first 24 hours of the tow prior to paying the towing fee (after the first 24 hours, a fee may be charged).
  - You may inspect your vehicle prior to paying the towing fees. The tow company cannot require you to sign a waiver which would release the wrecker company from liability for damages noted by you at the time the vehicle is picked up. The wrecker company is responsible for any damage done by entry into the vehicle if the entry was not done with the standard of "reasonable care". Proper remedy for damages in this situation is through civil court
  - A detailed, signed receipt showing the legal name of the wrecker company or person

towing the vehicle must be given to you at the time of payment, whether requested or not.

## CRIMINAL ACTS

Once the vehicle is towed, the wrecker company legally has a lien for the cost of the towing fee and other associated costs. It is unlawful for a motor vehicle owner to remove their vehicle from the wrecker company property without making full payment or the consent of the wrecker company. The maximum penalty for removing a vehicle under lien is a fine of \$500.00 or 90 days in jail (Section 713.58, Florida Statutes)

## TOWING DISPUTES

If the vehicle owner believes that the vehicle was improperly towed, the vehicle owner may:

1. Pay the towing and associated fees to retrieve the vehicle, then file a small claims action against the wrecker company, or;
2. File a lawsuit in county court pursuant to section 713.78(5), Florida Statutes, which will require the filing of a bond with the court equal to the charges for towing and storage. Upon posting the bond, the clerk will issue a certificate authorizing the vehicle owner to retrieve their vehicle.

If a vehicle owner believes that a provision of Florida law or City Ordinance has been violated, you can file a complaint with Tallahassee Police Towing Administrator Joe Gandy at (850) 891-4766 or [joe.gandy@talgov.com](mailto:joe.gandy@talgov.com).