

ORDINANCE 050530  
0-06-15

An ordinance of the City of Gainesville, Florida, amending section 26-53 of the Code of Ordinances, to assess an administrative fee for the costs associated with booting unpaid parking ticket violators; amending the Traffic and Motor Vehicle section of Appendix A, Schedule of Fees, Rates and Charges to specify an administrative fee for booting unpaid parking ticket violators; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

**WHEREAS**, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA;

**Section 1.** Section 26-53 of the Code of Ordinances of the City of Gainesville, is amended to read as follows:

Sec. 26-53. Impoundment or immobilization of vehicle in violation of article.

(a) Authority of police.

(1) When any vehicle is parked or left standing in violation of this article on any city or publicly owned property, including city streets, highways, roads, alleys, parking lots or any other premises of the city, any police officer, police service technician, or traffic

1 enforcement technician is authorized to take possession of such vehicle and to remove  
2 such vehicle from such property and to store and possess such vehicle in conformity with  
3 this section.

4 (2) When any vehicle is parked or left standing in violation of this chapter on any  
5 private property, any police officer, police service technician, or traffic enforcement  
6 technician is authorized, after receiving a written complaint from the owner or lawful  
7 possessor of such property and to store and possess such vehicle in conformity with this  
8 section.

9 (b) Immobilization.

10 (1) Any law enforcement officer, police service technician or traffic enforcement  
11 technician who comes into contact with an unoccupied parked vehicle, either on a public  
12 street or off-street parking facility, which he/she reasonably believes to be a vehicle for  
13 which there is three or more unpaid recorded parking violations, shall immobilize the  
14 vehicle in the manner prescribed in paragraph (b)(2), and fee shall be assessed in  
15 accordance with the fee schedule established in Appendix A.

16 (2) Immobilization of vehicles pursuant to paragraph (b)(1) shall be accomplished by  
17 means of a Denver boot or other nondestructive device which prevents the vehicle from  
18 moving under its own power. The law enforcement officer, the police service technician,  
19 or the traffic enforcement technician who causes the vehicle to be immobilized shall  
20 attach a notice to the vehicle advising the owner of the vehicle of the information  
21 necessary to enable the owner to have the immobilizing device removed. The notice shall  
22 be signed by the law enforcement officer, police service technician, or traffic  
23 enforcement technician and indicate his/her identification number.

1 (c) Impoundment.

2 (1) Any law enforcement officer, police service technician, or traffic enforcement  
3 technician who comes into contact with an unoccupied parked vehicle, either on a public  
4 street or off-street parking facility, which he/she reasonably believes to be a vehicle for  
5 which there is five or more unpaid recorded parking violations, shall impound the vehicle  
6 in the manner prescribed in paragraph (c)(2).

7 a. Any law enforcement officer, police service technician, or traffic enforcement  
8 technician who comes in contact with an unoccupied vehicle parked on the street in an  
9 area designated in section 26-50.1 outside the permitted time limit shall issue a citation as  
10 provided in appendix A and shall impound the vehicle in the manner prescribed in  
11 subsection (c)(2).

12 b. The city's contract towing company may be authorized to tow, without individual  
13 request by the city, any vehicle parked on the street in an area designated in section 26-  
14 50.1 beyond the regulated time limits authorized herein.

15 (2) Impoundment of vehicles pursuant to subsection (c)(1) shall be accomplished by  
16 means of removal of the vehicle to the nearest facility or other place of safety, or to a  
17 facility designated or maintained by the municipality.

18 (d) Owner responsibility and storage charges. The cost of towing, booting, or  
19 removing a vehicle impounded or immobilized under this section and the cost of storing  
20 the same or removing the immobilization device shall be chargeable against the owner  
21 and shall be a lien upon the vehicle. The owner of the vehicle shall pay these charges and  
22 any outstanding administrative delinquency, or collection fees owed, before the vehicle  
23 will be released. The vehicle may be stored in a public or private place. If the vehicle is

1 stored in a private place, the amount charged for storage shall be the amount the city must  
2 pay for the vehicle's storage. If the vehicle is stored on city property, the charges for  
3 storage shall be \$2.00 per day. The charges to the owner for towing shall be the cost of  
4 towing to the city.

5 (e) Notice to owner. Upon taking possession of any such vehicle, as provided in this  
6 section, the police department shall endeavor to notify the owner thereof that such vehicle  
7 has been impounded and is being held for the towing and storage charges. A notice shall  
8 be given to the person to whom the vehicle is licensed in accordance with the registration  
9 list furnished by the register of motor vehicles. The notice shall be given within a  
10 reasonable time by registered mail and the actual charge for the giving of such notice  
11 shall be collected at the time the vehicle is returned to the owner thereof.

12 (f) Recovery. The registered owner of such vehicle shall be entitled to recover such  
13 vehicle only after making payment for the charges and expenses to the police department  
14 for the cost of towing or immobilizing such vehicle, plus the cost of storage and any  
15 outstanding administrative delinquency, or collection fees owed of such vehicle herein  
16 specified. The registered owner of such vehicle shall be responsible for paying the  
17 charges and fine as herein provided whether such registered owner was the person who  
18 unlawfully parked or left standing such vehicle, or not, and in each instance the police  
19 department shall require payment of the sums herein provided for before restoring to the  
20 registered owner possession of such vehicle.

21 (g) Sale of unredeemed vehicles. If the impounded vehicle is not claimed and all  
22 charges paid within 30 days after the police, police officers, police service technicians, or  
23 traffic enforcement technicians have taken possession of such vehicle an action may be

1 commenced in the county court or in any other court by the city attorney in the name of  
2 the city as plaintiff and against the name of the owner as defendant for the amount of the  
3 charges due and after judgment is obtained in favor of the city the vehicle may be levied  
4 upon and sold for the purpose of satisfying the judgment as required by law.

5 (h) Tampering or unauthorized removal of an immobilization device.

6 (1) It shall be unlawful for any person to tamper with an immobilization device or  
7 remove such device without proper authorization from the Gainesville Police  
8 Department.

9 (2) A violation of the provisions of this subsection shall be punishable as provided in  
10 section 1-9 of the Gainesville Code of Ordinances.

11 **Section 2.** Traffic and Motor Vehicles of Appendix A of the Code of Ordinances of the  
12 City of Gainesville, is amended to read as follows:

13 **TRAFFIC AND MOTOR VEHICLES:**

14 (1) Parking violations (§ 26-46(d)(4)):

15 a. Parking in a metered space, the meter for which is expired . . . 5.75

16 b. Unlawfully parking on private property . . . 16.75

17 c. Unlawfully parking in any tow-away zone, except as otherwise herein stated . . .  
18 22.25

19 d. Unlawfully parking in a space, including the access area, provided for the  
20 disabled, either by governmental or nongovernmental entities . . . 110.25

21 e. \$22.00, plus a \$3.00 surcharge (to be used for firefighter training programs  
22 pursuant to and as authorized by section 316.008(5), F.S.) for all fire hydrant and fire  
23 station safety zone parking violations.

1 f. All other violations, including parking in a space for a time longer than lawfully  
2 permitted in the parking space . . . 11.25

3 (2) Parking in fire lanes (§ 26-47.1) . . . 22.25

4 Plus \$3.00 to fund firefighter training programs (per § 316.008(5), F.S.) . . . 3.00

5 (3) In addition to any other fee or charge required under subsections (1) and (2)  
6 above, a \$3.00 surcharge shall be assessed for each violation to fund the school crossing  
7 guard program.

8 (4) Parking in violation of § 26-50.1 . . . 110.25

9 (5) In addition to any other fee, charge or cost required under subsection (1), (2), (3)  
10 and (4) above, \$2.25 shall be assessed as court costs for each infraction to fund criminal  
11 justice education degree programs and training courses, including basic recruit training.

12 (6) An administrative fee of \$25.00 shall be assessed for the costs associated with  
13 booting/immobilizing a vehicle that has three or more unpaid parking tickets (§26-53).

14 **Section 3.** It is the intention of the City Commission that Sections 1 and 2 of this  
15 ordinance shall become and be made a part of the Gainesville Code of Ordinance, of the  
16 City of Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be  
17 renumbered or relettered in order to accomplish such intentions.

18 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be  
19 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in  
20 no way affect the validity of the remaining portions of this ordinance.


21 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the  
22 extent of such conflict hereby repealed.


23 **Section 6.** This ordinance shall become effective immediately on adoption

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**PASSED AND ADOPTED** this 23<sup>rd</sup> day of January, 2006.

  
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PEGEEN HANRAHAN  
MAYOR

ATTEST  
LEGALITY  
  
\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

APPROVED AS TO FORM AND  
  
\_\_\_\_\_  
MARION L. RADSON  
CITY ATTORNEY JAN 24 2005

This Ordinance passed on first reading this 9<sup>th</sup> day of January, 2006.

This Ordinance passed on second reading this 23<sup>rd</sup> day of January, 2006.