

ORDINANCE 030694  
0-04-58

An ordinance of the City of Gainesville, Florida, amending section 14.5-26(a) by adding a new subsection (6) establishing an administrative fee for processing roam towing applications; amending the Police section of Appendix A, Schedule of Fees, Rates and Charges to specify an administrative fee for processing towing applications; 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 14.5-26(a), of the Code of Ordinances, City of Gainesville, is amended to read as follows:

**Sec. 14.5-26. Prerequisites to towing vehicles parked on private property; exceptions.**

(a) It shall be unlawful for any person to tow or cause to be towed any vehicle parked on private real property unless the provisions of F.S. §715.07, have been complied with together with the following requirements:

- (1) The owners of the real property and the towing service shall have executed, at least 24 hours prior to the towing or removal of any vehicle, a written agreement for trespass towing, with a towing service, which agreement shall contain the following provisions:

- 1 a. The duration of the agreement;  
2  
3 b. The time of day that such towing or removal is authorized;  
4  
5 c. The days of the week that such towing or removal is authorized;  
6  
7 d. The fees to be paid for the towing or removal;  
8  
9 e. The signatures of both the property owner or the authorized  
10 representative, and the owner, or authorized representative of the  
11 towing service, certifying that each has read and is in compliance with  
12 all of the provisions of F.S. §715.07.  
13

14 The form for such agreement shall be provided by the police department, and may not  
15 be amended or modified in any manner which provides for terms or activities which  
16 violate the provisions of this article or F.S. §715.07.  
17

- 18 (2) A copy of the completed agreement is on file with the Gainesville Police  
19 Department.  
20
- 21 (3) Where the private real property is provided for residential parking other than  
22 for a single-family residence, the agreement, except as provided in section  
23 14.5-26(a)(4), shall not authorize the towing service to tow away or remove  
24 any vehicle without a verified request to remove the specific vehicle by the  
25 property owner or an authorized representative. A property owner's  
26 representative may include a resident manager, a property manager or other  
27 agent who has the legal authority to bind the owner, but may not be an officer,  
28 employee or agent of a towing service.  
29
- 30 (4) Owners of properties used for residential purposes may elect to authorize the  
31 towing service to tow away or remove vehicles without a verified request to  
32 remove a specific vehicle provided that the owner first complies with the  
33 following requirements:  
34
- 35 a. Signage shall be added to each of the existing tow away signs with  
36 letters of the same size as the "tow away" language, which provides  
37 the following words: "Roam towing." The sign shall state the specific  
38 hours of roam towing or state 24 hours, if that is applicable.  
39
- 40 b. Towing contract on file with the Gainesville Police Department as  
41 required by section 14.5-26(a)(1) shall be amended to provide for  
42 roam towing.  
43
- 44 c. Lease, rental or property owners' association documents shall contain a  
45 notice provision indicating that the residential property utilizes roam  
46 towing. In the case of properties with existing leases, rental

1 agreements or property owners' association documents, it shall be  
2 sufficient to notify by regular mail, at the last known address, each of  
3 the tenants/owners of the property prior to the initiation of roam  
4 towing. All amendments to or new leases, rental agreements or  
5 property owners' association documents shall contain the provision  
6 giving notice that the property owner intends to utilize roam towing.  
7

8 (5) For private property located within the boundaries of the community  
9 redevelopment areas as defined in Division 9 of Chapter 2 of the Gainesville  
10 Code of Ordinances, signage as required by F.S. §715.07 and §14.5-26(a)  
11 above, shall use reflective white lettering on a non-reflective black  
12 background. All existing signs within the redevelopment areas referenced  
13 herein shall be replaced on or before January 1, 2004.  
14

15 (6) Upon filing the written agreement with the police department as required  
16 herein, the property owner or the authorized representative of the property  
17 owner, shall simultaneously submit an administrative fee to process the roam  
18 towing application in the amount set forth in Appendix A, Schedule of Fees,  
19 Rates and Charges. The administrative fee shall be applicable to all roam  
20 towing agreements filed after the adoption of this ordinance and shall be paid  
21 each time a roam towing agreement is filed with the police department.  
22

23 (b) The provisions of this article shall not apply to:

- 24
- 25 (1) The towing of vehicles pursuant to section 3-116, authority to remove  
26 vehicles, and section 26-136 et seq "Abandoned, Wrecked and Non-operating  
27 Vehicles," City of Gainesville Code of Ordinances.  
28
- 29 (2) The towing of vehicles from property appurtenant to and obviously a part of a  
30 single-family residence.  
31
- 32 (3) When notice is personally given to the owner or other legally authorized  
33 person in control of the vehicle that the area in which that vehicle is parked is  
34 reserved or otherwise unavailable and that the unauthorized vehicle will be  
35 removed at the owner's or operator's expense.  
36

37 (c) The 24-hour notice requirement of this section shall not apply where the tow is of an  
38 emergency nature and the property owner or authorized representative of the tow owner or  
39 operator has notified the police department prior to removing the vehicle.  
40

41 **Section 2.** The "Police" section of Appendix A, Schedule of Fees, Rates and  
42 Charges, of the Code of Ordinances, City of Gainesville, is amended to read as follows:  
43

44 **POLICE:**

45 Burglar alarm systems, assessment fee per false alarm .....10.50  
46

1 Roam Towing Application process fee (14.5-26(a)(6)) .....47.00

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

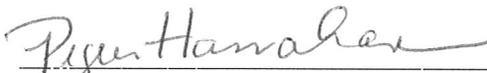
7 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be  
8 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no  
9 way affect the validity of the remaining portions of this ordinance.

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

12 **Section 6.** This ordinance shall become effective immediately upon adoption.

13 **PASSED AND ADOPTED** this 28 day of June, 2004.

14

15   
16 \_\_\_\_\_  
17 PEGEEN HANRAHAN  
18 MAYOR

19  
20 ATTEST

APPROVED AS TO FORM AND LEGALITY

21   
22 \_\_\_\_\_  
23 KURT M. LANNON  
24 CLERK OF THE COMMISSION

25   
26 \_\_\_\_\_  
27 MARION J. RADSON  
28 CITY ATTORNEY

JUN 29 2004

29 This Ordinance passed on first reading this 14 day of June, 2004.

30 This Ordinance passed on second reading this 28 day of June, 2004.