

ORDINANCE 030603
0-04-11

An ordinance of the City of Gainesville amending Section 14.5-27 of the Gainesville Code of Ordinances relating to the maximum allowable fees and charges that may be charged for trespass towing; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, at least 10 days notice has been given once prior to adoption 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 14.5-27 of the Code of Ordinances of the City of Gainesville is amended to read as follows:

Sec. 14.5-27. Authorized Fees charged and charges.

a) Any towing firm engaged in the business of trespass towing shall not charge the owner of any towed vehicle or personal property in excess of ~~\$73.00 for the removal of a vehicle.~~ the fee set by the City Commission by Resolution. The fee of ~~\$73.00 set by Resolution~~ shall be all inclusive; during the first 24 hour period following notification of vehicle tow to the Gainesville Police Department; ~~and no additional fees or charges whatsoever may be charged for using dollies, trailers, lifts, slim jims, or any other special equipment or services; unless specifically established and authorized herein or by state statute.~~ However, the maximum fees in this

1 section shall not apply to trespass towing of vehicles which have more than two axles or more
2 than four road wheels or are rated to carry more than one ton.

3 b) Maximum trespass towing fees shall be established no more than annually by the city
4 commission after receiving a request for fee modification by the towing company owners and
5 staff recommendations based on financial information submitted by the trespass towing
6 companies as to their costs for the removal of vehicles and on other information. The required
7 information shall be submitted by the towing company owners by September 30 of each year.
8 The maximum fees shall be set by resolution to be adopted by the city commission prior to
9 December 31 of each year in which a request for modification has been made. Such maximum
10 fees shall be effective during the following calendar year and until changed by subsequent
11 resolution.

12 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
13 this Ordinance shall become and be made a part of the Code of Ordinances of the City of
14 Gainesville, Florida, and that the sections and paragraphs of this ordinance may be re-numbered
15 or re-lettered in order to accomplish such intentions.

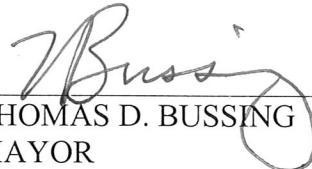
16 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be
17 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no
18 way affect the validity of the remaining portions of this ordinance.

19 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
20 such conflict hereby repealed.

21 **Section 5.** This ordinance shall become effective on January 1, 2004.

22
23 **PASSED AND ADOPTED** this 8th day of December, 2003.


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THOMAS D. BUSSING
MAYOR

ATTEST

APPROVED AS TO FORM AND
LEGALITY:



KURT M. LANNON
CLERK OF THE COMMISSION



MARION J. RADSON
CITY ATTORNEY

DEC - 9 2003

This Ordinance passed on first reading this 24th day of November, 2003.

This Ordinance passed on second reading this 8th Day of December, 2003.