

LEGISLATIVE #

120206g



POLICE DEPARTMENT
Inter-Office Communication

To: Paul Folkers

Date: November 5, 2012

From: Lieutenant Stephen Weaver

Subject: October 22, 2012 meeting with trespass tow company personnel.

On October 22, 2012 members from the Gainesville Police Department Administrative Services Unit met with representatives of several area towing companies to discuss proposed changes to City of Gainesville Ordinance 14.5 related to Roam / Trespass towing. Present at the meeting representing GPD were Assistant City Attorney Lee Libby, GPD Towing Administrator Melyssa Henagan and Lt. Stephen Weaver. Members from the tow community included Stan and Susan Forron of Advantage Towing, Rick Moore of University Towing, Mike Weber from Superior Towing and Kevin Whiteside of Parking Solutions. Each party had been previously provided with a draft copy of the proposed ordinance changes.

The first item of discussion was a request by Stan Forron to change the current definition of normal office business hours found on page 2 line 9 of the draft document from 7:00 a.m. – 11:00 p.m. to Monday - Friday 8:00 a.m. – 6:00 p.m.

Mr. Forron argued that the current business hours requirement does not match the current ordinance requirement of having to provide tow violation photographs to the public Monday – Saturday from 8:00 a.m. – 5:00 p.m. Mr. Forron stated that this disparity in hours often leads to confusion and the expectation on the part of the public that the photographs can be reviewed during all business hours. Mr. Forron proposed that the City of Gainesville standardize roam towing business hours and the requirement of showing of photographs to Monday – Friday 8:00 a.m. to 6:00 p.m.

The next topic of conversation was the proposed change to modify the Roam / Trespass tow ordinance to allow the annual permitting of each tow business for Roam / Trespass towing to match the current ordinance requirements for vehicle immobilization / booting businesses which includes a yearly registration fee of \$303.25. After some discussion the tow company representatives stated that they were not opposed to this change.

The tow company representatives also agreed to decrease the length of time for the Tow Administrator to review, grant, or deny tow permit applications from two business days to ten days.

There was no consensus arrived on the proposed change on page 7 line 23 that no tow permit will be issued or the permit can be revoked if convicted of, found guilty, of, or pled guilty or nolo contendere to, regardless of the adjudication of guilt for certain felony crimes.

Stan Forron asked for clarification on the ordinance definition of “property owner’s representative” in situations in which a tow company owner or employee actually owns a property or a portion of a property in which their company has the Roam / Trespass towing account. Currently the ordinance prohibits an officer, employee or agent of a trespass towing service from acting as a “property owner’s representative” for a Roam / Trespass towing account. Page 15 line 16-23

Stan Forron also asked for a legal definition of a spotter and a lively discussion ensued about the necessity of using spotter’s on large residential accounts such as apartment and condominium accounts. Under current ordinance, spotters cannot be employees of a tow company. The tow companies argued that spotters are necessary in order to walk lots and check residential vehicle decals to ensure that vehicles were lawfully parked. Page 16 Line 1.

The tow truck operators agreed to a specified list of required equipment that each tow truck would be required to carry. This equipment list includes the requirement to equip each tow truck with rotating amber or yellow overhead light for safety reasons. Additionally, they agreed to the proposed requirement that each tow truck driver would be required to wear an outer garment or reflective safety vest containing the name and telephone number of the tow company that they were working for which matched the information listed on the side of the truck that they were operating. Page 31 Line 17 no consensus reached on this topic.

The tow truck operators asked for the ability to charge a fee to the customer for having to accept debit and credit cards. Currently under the ordinance the tow companies cannot charge a fee for credit cards, but they can charge an administrative fee for accepting debit cards. Page 20 Line 8-9.

Stan Forron argued against each individual tow violation being considered a separate offense and argued that a group of violations all occurring in the same incident should instead be treated as one incident handled with one civil citation. Mr. Forron opposed three separate sustained violations grounds for suspension from Roam / Trespass towing and argued that tow companies should instead be given the option of posting a \$50,000 surety bond. Page 11 Line 20-25, no consensus arrived upon on this topic.

There was also no consensus arrived on the definition of relative and the tow operators opposed any ordinance change that would prevent a tow company from being able to transfer a Roam / Trespass tow business or assets to a family member for violations of the ordinance. Page 9 Line 3.

There was also no consensus on the crime of DUI preventing the licensing of a tow truck operator for Roam / Trespass towing or the renewing of a Roam / Trespass license. Page 8 Line 17-22.