

ORDINANCE 060002

0-06-70

An ordinance of the City of Gainesville amending section 14.5-26(a) of the Gainesville Code of Ordinances relating to trespass towing; providing for pro-rated administrative fees; providing requirements for pro-rated administrative fees; amending the Police section of Appendix A, Schedule of Fees, Rates and Charges by delineating pro-rated fee categories; 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 of the 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 (1) The owners of the real property shall have executed, at least 24 hours prior to the
2 towing or removal of any vehicle, a written agreement for trespass towing with a towing
3 service, which agreement shall contain the following provisions:

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

11 The form for such agreement shall be provided by the police department, and may
12 not be amended or modified in any manner that provides for terms or activities
13 that violate the provisions of this article or F.S. § 715.07.

14 (2) A copy of the completed agreement is on file with the Gainesville Police
15 Department.

- 16 a. A new completed agreement is submitted each time a property owner changes
17 tow vendors.
- 18 b. A completed agreement is resubmitted annually, one year from the date of last
19 submittal.

20 (3) Where the private real property is provided for residential parking other than for a
21 single-family residence, the agreement, except as provided in subsection (a)(4), shall not
22 authorize the towing service to tow away or remove any vehicle without a verified

1 request to remove the specific vehicle by the property owner or an authorized
2 representative. A property owner's representative may include a resident manager, a
3 property manager or other agent who has the legal authority to bind the owner, but may
4 not be an officer, employee or agent of a towing service.

5 (4) Owners of properties used for residential purposes may elect to authorize the towing
6 service to tow away or remove vehicles without a verified request to remove a specific
7 vehicle provided that the owner first complies with the following requirements:

8 a. Signage shall be added to each of the existing tow away signs with letters of
9 the same size as the "tow away" language, which provides the following words:
10 "Roam towing." The sign shall state the specific hours of roam towing or state 24
11 hours, if that is applicable.

12 b. Towing contract on file with the Gainesville Police Department as required by
13 subsection (a)(1) shall be amended to provide for roam towing.

14 c. Lease, rental or property owners' association documents shall contain a notice
15 provision indicating that the residential property utilizes roam towing. In the case
16 of properties with existing leases, rental agreements or property owners'
17 association documents, it shall be sufficient to notify by regular mail, at the last
18 known address, each of the tenants/owners of the property prior to the initiation of
19 roam towing. All amendments to or new leases, rental agreements or property
20 owners' association documents shall contain the provision giving notice that the
21 property owner intends to utilize roam towing.

1 (5) For private property located within the boundaries of the community redevelopment
2 areas as defined in division 9 of chapter 2 of the Gainesville Code of Ordinances, signage
3 as required by F.S., § 715.07 and subsection (a) above, shall use reflective white lettering
4 on a non-reflective black background. All existing signs within the redevelopment areas
5 referenced herein shall be replaced on or before January 1, 2004.

6 (6) Upon filing the written agreement with the police department as required herein, the
7 property owner or the authorized representative of the property owner, shall
8 simultaneously submit an administrative fee to process the trespass towing application in
9 the amount set forth in Appendix A. To qualify for the pro-rated administrative fees as
10 set forth in Appendix A under Roam Towing subsections (b) through (e) of said
11 Appendix, all properties must meet all of the following criteria: (1) be included in one
12 contract with a towing company, (2) be contracted simultaneously, (3) have the same
13 owner(s) of said properties and (4) be located within close proximity to each other. For
14 purposes of this subsection, close proximity means all properties must be within a ten
15 block contiguous and compact area. The administrative fee shall be applicable to all
16 trespass towing agreements filed with the police department after the adoption of this
17 section and shall be paid each time a trespass towing agreement is filed with the police
18 department as required herein.

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

- 20 (1) The towing of vehicles pursuant to section 3-116, authority to remove
21 vehicles, and section 26-136 et seq "Abandoned, Wrecked and Non-operating
22 Vehicles," City of Gainesville Code of Ordinances.

1 (2) The towing of vehicles from property appurtenant to and obviously a part of
2 a single-family residence.

3 (3) When notice is personally given to the owner or other legally authorized
4 person in control of the vehicle that the area in which that vehicle is parked is
5 reserved or otherwise unavailable and that the unauthorized vehicle will be
6 removed at the owner's or operator's expense.

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

10 **Section 2.** Appendix A of the Code of Ordinances of the City of Gainesville, under the
11 category "Police", is amended to read as follows:

12 **POLICE:**

13 *Burglar alarm operators:*

14 Application for alarm or annual renewal application 16.75

15 Note: Proportionately adjusted for initial periods exceeding one year (§ 21-52)

16 First false alarm with valid permit No cost

17 First false alarm without valid permit or second false alarm, each 26.25

18 Third and fourth false alarms, each 52.50

19 Fifth and sixth false alarms, each 105.00

20 Seventh and eighth false alarms, each 210.00

21 Ninth and above false alarms, each 420.00

22 False alarm from non-permitted system, additional fee* 210.00

1 *Note: Reduced to \$50.00 if application filed within ten days and issued within ten days
2 thereafter (§ 21-53)

3 Alarm permit reinstatement fee after revocation (§ 21-54)52.50
4 Failure to respond when requested by police (§ 21-56).....52.50
5 Failure to deactivate alarm within 15 minutes (§ 21-57).....131.25

6 Prohibited devices:

7 Automatic dialing device (§ 21-61(a)).....131.25
8 One Plus Panic Alarm" or single-action switch (§ 21-61(b) and (c)).....52.50
9 Auxiliary power supply less than four-hour minimum (§ 21-62) . . . 131.25

10 *Burglar alarm monitoring companies:*

11 Annual registration fee (§ 21-58).....105.00
12 Failure to register or to maintain records for one year (§ 21-58).....131.25
13 Failure to verify alarm (§ 21-59)131.25

14 *Burglar alarm system contractors:*

15 Annual registration fee (§ 21-60(a))105.00
16 Failure to register annually (§ 21-60(a)).....131.25
17 Failure to meet UL or ANSI standards (§ 21-60(d)).....131.25
18 Activation of unpermitted alarm (§ 21-60(e))131.25
19 Causing false alarm during servicing or inspection, each violation (§ 21-60(f))
20 131.25
21 Installation, maintenance, repair, alteration or servicing by unregistered contractor, each
22 violation (§ 21-60(b)).....131.25

CODE: Words ~~stricken~~ are deleted; words underlined are added.

1 Failure to furnish agents with identification cards (§ 21-60(c))52.50

2 Failure to provide operators with permit application - each violation (§ 21-60(g))

352.50

4 *Burglar alarm systems:*

5 Assessment fee per false alarm11.25

6 *Roam Towing:*

7 Trespass towing application process fee (section 14.5-26(a)(6))47.00

8 (a) Properties 1-5 47.00 ea

9 (b) Properties 6-10..... 35.00 ea

10 (c) Properties 11-15 30.00 ea

11 (d) Properties 16-20..... 25.00 ea

12 (e) Properties 20 or more..... 15.00 ea

13 **Section 3.** It is the intention of the City Commission that Sections 1 and 2 of this ordinance

14 shall become and be made a part of the Gainesville Code of Ordinance, of the City of Gainesville,

15 Florida, and that the Sections and Paragraphs of this ordinance may be renumbered or relettered in

16 order to accomplish such intentions.

17 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or

18 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the

19 validity of the remaining portions of this ordinance.

20 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of

21 such conflict hereby repealed.

CODE: Words ~~stricken~~ are deleted; words underlined are added.

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

2 **PASSED AND ADOPTED** this 28th day of August, 2006.

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Peggy Hanrahan

PEGEEN HANRAHAN
MAYOR

8 ATTEST

APPROVED AS TO FORM AND LEGALITY

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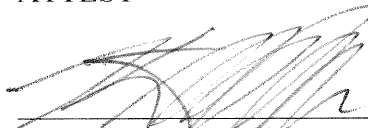
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KURT M. LANNON
CLERK OF THE COMMISSION


MARION L. RADSON
CITY ATTORNEY

AUG 29 2006

15 This Ordinance passed on first reading this 14th day of August, 2006.

16 This Ordinance passed on second reading this 28th day of August, 2006.