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2 **ORDINANCE 100306**  
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5 **An ordinance of the City of Gainesville amending Article III of**  
6 **Chapter 14.5, Division 1, Towing of Vehicles on Private**  
7 **Property, and Division 2, Immobilizing Vehicles on Private**  
8 **Property, relating to wrecker operator permit requirements**  
9 **and immobilization operator permit requirements; amending**  
10 **the calculation of time periods of offenses set forth in Section**  
11 **14.5-27(c) and Section 14.5-42(c); providing directions to the**  
12 **codifier, providing a severability clause; providing a repealing**  
13 **clause and providing an immediate effective date.**  
14

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

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

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

23 **Section 1.** Section 14.5-27(c), Gainesville Code of Ordinances, is amended to  
24 read as follows:

25 **Sec. 14.5-27. - Application for wrecker operator's permit; violations.**  
26

27 (c) In order to secure a wrecker operator permit, an applicant must provide the  
28 following information on a form provided by the city. The applicant must:

- 29  
30 (1) Submit to the chief of police or designee a certified copy from the Florida  
31 Department of Law Enforcement of his/her criminal history and a certified  
32 copy of his/her driving record from the Florida Department of Highway  
33 Safety and Motor Vehicles;  
34  
35 (2) Possess a valid Florida Class E driver's license and provide a photocopy to  
36 the chief of police or designee.

- 1  
2 (3) Not have been convicted, pled nolo contendere to, or had adjudication  
3 withheld for or been incarcerated after any conviction, plea of nolo  
4 contendere or adjudication withheld for any of the following:  
5  
6 a. Any capital felony, any first degree felony, sexual battery, any  
7 violent felony involving the use of a gun or knife or which results  
8 in great bodily harm.  
9  
10 b. Within the previous ten years, any violent felony including not  
11 referenced in subsection a above.  
12  
13 c. Within the previous ten years, any felony or first degree  
14 misdemeanor directly related to the business of towing motor  
15 vehicles; repossession of motor vehicles; motor vehicle theft; car  
16 jacking or chop shops; or liens for recovering, towing, or storing  
17 vehicles and vessels (F.S. § 713.78).  
18  
19 d. Within the previous five years, of either: (1) driving under the  
20 influence of alcohol, a controlled substance, or a chemical  
21 substance, to the extent that normal faculties are impaired; or (2)  
22 driving with an unlawful blood alcohol level.  
23

24 All timeframes referenced in this section (c) shall be calculated and run from the date of  
25 the offense, as reflected in the charging documents.  
26

27 **Section 2.** Section 14.5-42(c), Gainesville Code of Ordinances, is amended to read as

28 follows:

29 **Sec. 14.5-42. - Operator's permits; application requirements; violations.**  
30

31 (c) In order to secure and remain eligible to hold an immobilization operator permit,  
32 the person must provide the following information on a form provided by the city:  
33

- 34 (1) Possess a valid Florida Class E driver's license and provide a photocopy to  
35 the towing administrator.  
36  
37 (2) Not have been convicted, pled no contest to, or had adjudication withheld  
38 for or been incarcerated after any conviction, plea of no contest or  
39 adjudication withheld for any of the following:  
40  
41 a. Any capital felony, any first degree felony, sexual battery, any  
42 violent felony involving the use of a gun or knife or which results  
43 in great bodily harm.  
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**PASSED AND ADOPTED** this 21<sup>st</sup> day of October, 2010.

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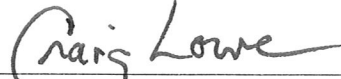
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\_\_\_\_\_  
CRAIG LOWE  
MAYOR

10

ATTEST

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

APPROVED AS TO FORM AND LEGALITY



\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

OCT 21 2010

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This Ordinance passed on first reading this 7<sup>th</sup> day of October, 2010.

19

This Ordinance passed on second reading this 21<sup>st</sup> day of October, 2010.