

120206A

**DRAFT 04/8/14**

ORDINANCE NO. 120206

1  
2       **An ordinance of the City of Gainesville, Florida, amending Chapter**  
3       **14.5, Article III of the Code of Ordinances of the City of Gainesville**  
4       **relating to towing and immobilization of vehicles on private property**  
5       **and amending Appendix A – Schedule of Fees, Rates and Charges**  
6       **relating to towing and immobilization; providing directions to the**  
7       **codifier; providing a severability clause; providing a repealing clause;**  
8       **and providing an effective date.**

9       **WHEREAS,** at least ten (10) days' notice has been given once by publication in a  
10 newspaper of general circulation notifying the public of this proposed ordinance and of a public  
11 hearing in the City Commission meeting room, first floor, City Hall in the City of Gainesville;  
12 and

13       **WHEREAS,** public hearings were held pursuant to the published notice described at  
14 which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
15 heard.

16       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**  
17 **THE CITY OF GAINESVILLE, FLORIDA:**

18       **Section 1.** Chapter 14.5, Article III, Division 1. titled "Towing of Vehicles on Private  
19 Property", of the Code of Ordinances of the City of Gainesville, is hereby amended as follows:

20       **Sec. 14.5-25. - Definitions.**

21       Applicant means the person applying for a permit under this division. For purposes of a  
22 trespass towing service permit, the term applicant includes all owners of the towing service.

23       Call in towing means towing or removal of a vehicle that is parked on private real  
24 property, without the consent of the vehicle's registered owner or other legally authorized person  
25 in control of the vehicle, when done so at the specific request of the private property owner or  
26 designee.

**DRAFT 04/8/14**

1        ~~Emergency towing as used in this article~~ shall only include circumstances where the usual  
2 operation of a business is impeded by the blocking of entrances, exits or access to operational  
3 equipment, but specifically shall not include tows for the purpose of clearing parking areas.

4        *Major credit card* means a Visa ~~and~~ or MasterCard.

5        *Normal business hours* ~~shall be from~~ means Monday through Saturday, 7:00 8:00 a.m. to  
6 11:00 p.m., regardless of whether the trespass towing service is actively towing vehicles or not,  
7 excluding State of Florida holidays.

8        *Owner(s)* means the natural person(s) that own, hold, control, or have beneficial interest  
9 in a trespass towing service.

10        *Person* shall mean and include, but shall not be limited to, any natural person, sole  
11 proprietor, firm, legal entity, partnership, joint venture, syndicate or other group, or combination  
12 acting as a unit, association, corporation, estate, trust, trustee, executor, administrator, receiver,  
13 or other fiduciary, and shall include the plural as well as the singular.

14        *Physically connected* ~~as used in this article shall~~ means that at least two of the vehicle's  
15 wheels are raised from the ground and the connection is in compliance with the requirements of  
16 F.S. § Section 316.222, Florida Statutes (related to stop lamps and turn signals) and F.S. §  
17 Section 316.525, Florida Statutes (requirements for vehicles hauling loads).

18        *Property owner* means the person who exercises dominion and control over the real  
19 property, including, but not limited to, the legal title holder, lessee, a resident manager, a  
20 property manager or other agent who has legal authority to bind the owner. An owner, operator,  
21 or other agent or employee of a trespass towing service or immobilization service, may not be  
22 appointed as an agent for a property owner, unless the property owner also owns or is employed  
23 by the trespass towing service.

**DRAFT 04/8/14**

1 Roam towing means towing or removal of a vehicle that is parked on private real  
2 property, without the consent of the vehicle's registered owner or other legally authorized person  
3 in control of the vehicle, when the tow was not specifically requested by the private property  
4 owner or designee, but was done pursuant to an agreement approved by the towing administrator  
5 with a tow company for the tow company to monitor non-permitted parking on said private real  
6 property.

7 ~~Tow shall~~ means to haul, carry, pull along, or otherwise transport a connected vehicle by  
8 means of another vehicle in a direct and continuous movement to the storage site of the towing  
9 or immobilization service and applies only to private property or trespass tows as defined in this  
10 Article.

11 ~~Towing administrator shall~~ means the person(s) appointed by the chief of police City  
12 Manager, to administer Article III of this chapter. ~~regulating towing or immobilization on~~  
13 ~~private property.~~

14 Tow Operator means a natural person who is operating a tow truck for a trespass towing  
15 service.

16 ~~Trespass towing shall~~ means towing or removal of a vehicle that is parked on private real  
17 property, without the consent of the vehicle's registered owner or other legally authorized person  
18 in control of the vehicle operator. Trespass towing includes roam towing and call in towing.

19 ~~Trespass towing service includes any person, company corporation, or other entity,~~  
20 whether licensed or not, ~~who~~ that engages in or ~~who~~ that owns or operates a business which  
21 engages, in whole or in part, in the towing of vehicles for compensation from private property  
22 and does not apply to repossessions, or to the towing or removal of any privately owned vehicle

**DRAFT 04/8/14**

1 by the operator or of any vehicle towing or removal service when such service is performed at  
2 the request of the registered owner of the vehicle, for money or other goods of value.

3 ~~Violation as used in this article~~ shall mean an uncontested citation, ~~or the conviction of,~~  
4 or a plea of nolo contendere to ~~a violation~~ violating of this article, regardless of adjudication of  
5 guilt.

6 **Sec. 14.5-26. - ~~Owner, operator and v~~Vehicle registration provisions.**

7 1. It shall be unlawful for ~~Prior to performing any trespass towing, the trespass towing~~  
8 service shall any person, either as principal, agent or employee, to perform any trespass  
9 towing without having first registered the owner, wrecker operators and the towing  
10 service vehicles with the police department towing administrator, using a format  
11 approved by the police department towing administrator. The information for registration  
12 shall contain the make, model and manufacturer's serial number of the vehicle; date the  
13 vehicle was put into service; the driver's license number of the owner and the name of the  
14 insurance company or companies with which the owner and operators have liability  
15 insurance for the operation of the vehicle as required by law; and the name and driver's  
16 license number of all employees involved in the towing of vehicles as defined in the  
17 trespass tow ordinance. Each trespass tow vehicle shall be inspected for compliance with  
18 this article and must display the medallion issued by the towing administrator to evidence  
19 such compliance.

20 2. Each trespass tow vehicle must be commercially manufactured specifically for towing  
21 and must be equipped with the following in order to be registered and utilized for trespass  
22 towing purposes:

23 (a) Extra Tow chain;

**DRAFT 04/8/14**

- 1 (b) Two way Radio or Cell Phone;
- 2 (c) Flashing amber emergency lights on the top of the vehicle;
- 3 (d) Dual Rear Wheels;
- 4 (e) Dollies;
- 5 (f) Flashlight;
- 6 (g) The name of the trespass towing service in professionally painted 3" lettering on  
7 both doors of the vehicles;
- 8 (h) Fire Extinguisher (5# Min);
- 9 (i) 4-way Lug Wrench;
- 10 (j) One (1) Pry Bar;
- 11 (k) Jumper Cables.

12 3. Registration fees for trespass towing vehicles shall be as provided in Appendix A,  
13 Schedule of Fees, Rates and Charges.

14 **Sec. 14.5-27. - Application for Tow wrecker operator's permit and trespass tow service**  
15 **permit; violations.**

16 (a) No ~~wrecker tow~~ operator shall engage in trespass towing without first having obtained a  
17 ~~wrecker operator authorization permit~~ from the towing service by whom owner of the  
18 company such tow operator is employed, or such owner's authorized designee, and then  
19 obtaining a tow operator permit from the towing administrator. Each permit will meet  
20 the following specifications:

- 21 (1) ~~Be not less than 2 1/4 inches by 3 3/4 inches.~~
- 22 (2) ~~Contain a photograph of the wrecker operator that is not less than one inch by 1 1/2~~  
23 ~~inches in size.~~

## DRAFT 04/8/14

1 ~~(3) Provide the name of the wrecker service and wrecker operator's first name in~~  
2 ~~letters that are not less than ¼ inch by ¼ inch.~~

3 ~~(4) Provide a control number that is linked to the driver's personal information.~~

4 ~~(5) Provide a place for the towing administrator or designee to validate the permit.~~

5 ~~a. After the permit is validated it shall be laminated to protect the~~  
6 ~~information on the permit.~~

7 b. If the permit is lost, damaged, stolen, becomes illegible or the permit  
8 holder changes wrecker towing services, the permit must be replaced. The  
9 replacement permit shall be valid only for the remainder of the time period  
10 for which the initial permit was valid.

11 Each trespass towing operator shall wear a uniform which shall state the  
12 full name of the trespass towing service and the name of the trespass  
13 towing operator. The name of the trespass towing service visible on the  
14 outer garment and uniform must be the same as the name on the vehicle  
15 being operated by the trespass towing operator. In addition, the trespass  
16 tow operating permit must be worn on the outer garment, so as to be  
17 visible to a person speaking with the operator. The permit must be shown  
18 upon request to the person whose car is being towed.

19 (b) It shall be unlawful for the trespass towing service ~~owner of any wrecker service~~ to:

20 ~~(1.) Operate permit any person to be employed as a wrecker operator conducting~~  
21 ~~trespass towing within the city without having first obtained unless such person~~  
22 ~~has been granted a wrecker operator~~ a trespass towing service permit issued by

## DRAFT 04/8/14

1 ~~the towing administrator. to engage in trespass towing which has been validated~~  
2 ~~by the chief of police or designee.~~

3 (2-) Allow any person to conduct trespass towing for the trespass towing service  
4 within the city unless such person has been granted a tow operator permit issued  
5 by the towing administrator.

6 (c) Upon issuance of the permits, the trespass towing service and/or tow ~~wrecker~~ operator is  
7 granted the privilege of engaging in trespass towing within the city limits of the City of  
8 Gainesville, Florida, unless such permit expires or is suspended or revoked, as provided  
9 in this article. Each permit shall be expire on September 30<sup>th</sup> of each year. valid for two  
10 years from date of issuance Permits are not transferable or assignable.

11 (ed) In order to secure a trespass towing service permit or trespass tow ~~wrecker~~ operator  
12 permit, an applicant must provide the following information on a form provided by the  
13 city tow administrator.: The applicant must:

14 (1) ~~Submit to the chief of police or designee~~ A certified copy from the Florida  
15 Department of Law Enforcement of his/her criminal history and a certified copy  
16 of his/her driving record from the Florida Department of Highway Safety and  
17 Motor Vehicles;

18 (2) Possess a valid Florida Class E and/or commercial driver's license, and provide a  
19 photocopy to the towing administrator ~~chief of police or designee.~~

20 (3) Not have been convicted of, found guilty of, or pled guilty or nolo contendere to,  
21 regardless of the adjudication of guilt, ~~pled nolo contendere to, or had~~  
22 ~~adjudication withheld for or been incarcerated after any conviction, plea of nolo~~  
23 ~~contendere or adjudication withheld~~ for any of the following:



**DRAFT 04/8/14**

- 1 a. Any capital felony, any first degree felony, sexual battery, or any violent  
2 felony involving the use of a ~~gun~~ firearm or ~~knife~~ weapon, as defined in  
3 Section 790.01, F.S. Florida Statutes or which results in great bodily harm.
- 4 b. ~~Within the previous ten years, a~~ Any violent felony including not  
5 ~~referenced in subsection a above~~ which occurred within ten (10) years of  
6 the application date.
- 7 c. ~~Within the previous ten years, a~~ Any felony or first degree misdemeanor  
8 directly related to the business of towing motor vehicles; repossession of  
9 motor vehicles; motor vehicle theft; carjacking; ~~or~~ chop shops; or liens for  
10 recovering, towing, or storing vehicles and vessels (F.S. § Section 713.78,  
11 Florida Statutes), which occurred within ten (10) years of the application  
12 date.
- 13 d. ~~Within the previous five years, of either: (1) d~~Driving under the influence  
14 ~~of alcohol, a controlled substance, or a chemical substance, to the extent~~  
15 ~~that normal faculties are impaired; or (2) driving with an unlawful blood~~  
16 alcohol level, in violation of Section 316.193, Florida Statutes, which  
17 occurred within five (5) years of the application date.

18 All timeframes referenced in this subsection (~~ed~~)(3) shall be calculated and run from the date of  
19 the offense, as reflected in the charging documents.

20 (4) The applicant shall submit to a background investigation in order for the towing  
21 administrator to determine that:

- 22 a. The applicant does not have a currently suspended permit, has not had its  
23 permit revoked by action of the City within two (2) years of the date of

**DRAFT 04/8/14**

1 application, or has no outstanding and unsatisfied civil penalties imposed  
2 for violations of this article.

3 b. Each legal entity applicant is registered and active under the laws of  
4 Florida to do business under the name for which it has applied for a  
5 permit.

6 c. No fraud or willful or knowing misrepresentation or false statement is  
7 made in the application.

8 d. No judgment against the applicant arising out of the activity of recovery,  
9 towing or removing a vehicle or providing storage in connection therewith  
10 remains unsatisfied, unless a stay or reversal of the judgment was issued  
11 through the courts.

12 e. There are no outstanding warrants of arrest against the applicant.

13 f. The applicant has no (i) unpaid civil penalties; (ii) unpaid administrative  
14 costs of hearing; (iii) unpaid City investigative, enforcement, testing, or  
15 monitoring costs; or (iv) unpaid liens, any or all of which are owed to the  
16 City of Gainesville pursuant to the provisions of the Code of Ordinances.

17 ~~(de)~~ A complete application for permit shall be reviewed and granted or denied in writing  
18 within ten (10) calendar ~~two business~~ days. If the permit is denied, the reason for such  
19 denial shall be provided in writing and shall also advise that the applicant may correct  
20 deficiencies in the application within seven (7) calendar days of the notice of denial  
21 without incurring an additional application fee.

22 (f) A trespass towing service shall be responsible for the payment of all outstanding civil  
23 penalties, restitution, fines and city or court imposed fees relating to the improper or

**DRAFT 04/8/14**

1 unlawful operation of the trespass towing service. Such civil penalties, restitution, fines  
2 and/or fees shall remain the liability of the trespass towing service and any purchaser of  
3 the towing service assets or business entity. The purchaser of the assets or business entity,  
4 may not obtain a trespass towing service permit if the selling trespass towing service has  
5 outstanding civil penalties, restitution, fines and/or fees.

6 (g) Every applicant for a trespass towing service permit shall file with the towing  
7 administrator a certificate of insurance or other proof of insurance providing coverage for  
8 all liability claims and claims of damage to property resulting from any action or  
9 operation in connection with the trespass towing service, in an amount not less than  
10 \$100,000.00 for each incident, \$50,000.00 of such coverage allocated for property  
11 damage.

12 (h) Each trespass towing service shall have a fixed physical office within the Gainesville city  
13 limits registered with the towing administrator. The office shall be open and staffed with  
14 personnel during normal business hours, as defined in this chapter, allowing for the  
15 recovery of towed vehicles and the inspection of the premises and records by the towing  
16 administrator.

17 (e i) Permit fees shall be as provided in a Appendix A, Schedule of Fees, Rates and Charges.

18 **Sec. 14.5-28. - Revocation; appeal.**

19 (a) The city may revoke the privilege permit of any tow operator or trespass towing service  
20 person to perform trespass towing on any of the following grounds:

21 ~~(1)~~ ~~If the towing service owner and/or operator fails to register as required by this~~  
22 ~~article;~~

23 ~~(2)~~(1) If the ~~registration~~ permit application contains a false statement of material fact;

**DRAFT 04/8/14**

1       ~~(3)~~(2) If the trespass towing service ~~owner~~ and/or ~~wrecker~~ tow operator provides  
2               monetary or other valuable consideration to the private real property owner for the  
3               privilege of towing vehicles from the property under contract;

4       ~~(4)~~(3) The trespass towing service ~~owner~~ and/or tow operator provides monetary or  
5               other valuable consideration to the private real property owner for each or any  
6               individual vehicle towed from the property;

7       ~~(5)~~(4) If the trespass towing service ~~owner~~ and/or ~~wrecker~~ tow operator charges fees in  
8               excess of that set out in the ~~police section of appendix A, Schedule of Fees, Rates~~  
9               ~~and Charges of this Code of Ordinances~~ current fee resolution adopted by the city  
10              commission;

11       ~~(6)~~(5) If a ~~wrecker~~ tow operator fails to display on or about his/her person ~~or on the~~  
12              ~~dashboard of the wrecker,~~ easily visible to the public, the ~~wrecker~~ tow operator  
13              permit while performing a trespass tow.

14       (6)   If a tow operator or trespass towing service fails to maintain the qualifications and  
15              requirements to qualify for a trespass towing permit.

16       (b)   Three violations of any of the provisions of this article by any trespass towing service  
17              ~~owner and/or tow operator of a towing service or towing service vehicle~~ with the third  
18              violation occurring within one (1) year of the first violation within a one-year period shall  
19              result in the ~~automatic suspension~~ revocation of the ~~owner's~~ trespass towing service  
20              permit and/or trespass tow operator's ~~privilege to engage in the business of trespass~~  
21              ~~towing permit, as applicable, as provided in subsection (d) below. An owner trespass~~  
22              towing service permit shall not be suspended revoked for acts of an employee/tow  
23              operator in violation of this section unless the trespass towing service ~~owner~~ actively

**DRAFT 04/8/14**

1 participated in or had knowledge of the violation and took no corrective action against the  
2 employee/tow operator or unless repeated violations by an employee did not result in  
3 progressive discipline. The trespass towing service owner shall maintain written  
4 documentation of all corrective action taken against an employee/tow operator for a  
5 minimum period of one year from the date of the last corrective action. In addition to the  
6 corrective action taken, the documentation shall detail the type and date of the specific  
7 ordinance/statutory violation. ~~An operator may be suspended or revoked notwithstanding~~  
8 ~~that the operator's violations may not be applicable against the owner for purposes of the~~  
9 ~~owner's suspension. In the event of such suspension:~~

10 (c) For the sole purpose of permit revocation proceedings, a "violation" shall mean any  
11 number of unintentional violations of the same provision occurring within a 24 hour  
12 period or individual intentional violations, regardless of the time period. This definition  
13 of "violation" only applies in permit revocation proceedings. This provision does not  
14 prohibit a trespass towing service or tow operator from being issued a separate citation  
15 and penalized for each individual violation for purposes other than permit revocation  
16 proceedings.

17 (d) The procedure for revoking a permit is as follows:

18 (1) ~~The towing administrator chief of police or designee shall ~~inform the~~ provide~~  
19 ~~written notice to the trespass towing service owner and/or tow operator, as~~  
20 ~~applicable, shall be informed in person by hand delivery or by certified or~~  
21 ~~registered mail within at least seven~~ ten (10) calendar days prior to the effective  
22 date of the ~~suspension~~ revocation.

**DRAFT 04/8/14**

1 (2) The trespass towing service owner and/or tow operator may file a written request  
2 for a due process hearing ~~within ten calendar days of the date~~ prior to the effective  
3 date of the ~~suspension~~ revocation with the towing administrator ~~chief of police or~~  
4 ~~designee~~. Failure to timely request a hearing ~~within the ten calendar day period~~  
5 shall constitute a waiver by the trespass towing service owner and/or tow operator  
6 of any rights to a hearing. Upon request for a hearing, the revocation shall be  
7 stayed until a decision has been issued by the towing administrator.

8 (3) At the due process hearing, the trespass towing service and/or tow operator shall  
9 have the opportunity to present any evidence (consisting of testimony and/or  
10 written documentation) he/she believes negates or mitigates the ~~suspension~~  
11 revocation.

12 (4) Upon a review of the evidence presented at the hearing, the towing administrator  
13 ~~chief of police or designee~~ may shall revoke the trespass towing service permit  
14 ~~owner's and/or tow operator's privilege permit~~ to engage in the business of  
15 trespass towing for up to one year, if it is found that the towing service or operator  
16 meets the requirements for permit revocation:

- 17 a. First revocation .....Six months from the date of the revocation.  
18 b. Second and subsequent revocations .....One year from the date of the  
19 revocation.

20 (5) The revocation shall not be effective until ten (10) days after the decision of the  
21 towing administrator.

22 (ee) Any trespass towing service owner and/or tow operator whose ~~privilege permit~~ to engage  
23 in trespass towing has been revoked shall not be eligible to ~~again~~ obtain a trespass towing

**DRAFT 04/8/14**

1 service permit or tow operator's permit with the police department for trespass towing  
2 until such revocation period has expired. ~~Any revocation shall include the period of~~  
3 ~~suspension which led to the revocation.~~

4 (df) Any trespass towing service owner and/or tow operator whose permit privilege to engage  
5 in the business of trespass towing has been revoked by the towing administrator chief of  
6 ~~police or designee~~ may file an appeal within 15 days of the date of revocation pursuant to  
7 the appeals process specified below.

8 (eg) ~~Right of appeal. Any towing service owner and/or operator whose privilege to engage in~~  
9 ~~trespass towing has been revoked by the chief of police or designee may appeal such~~  
10 ~~decision to the city manager or designee. Such appeal shall be taken by filing written~~  
11 ~~notice with the chief of police or designee within 15 days after the decision by the police~~  
12 ~~chief to revoke such privilege. The notice of the appeal shall contain the grounds for the~~  
13 ~~appeal and shall contain information showing that either the finding is contrary to the law~~  
14 ~~or is not supported by competent substantial evidence. The chief of police or designee~~  
15 ~~shall transmit copies of the appeal to the city manager along with papers constituting the~~  
16 ~~record upon which the action appealed from is based. The filing of a notice of appeal will~~  
17 ~~not delay the effectiveness of any revocation. The city manager may decide to uphold or~~  
18 ~~reverse the decision of the chief of police. If the city manager reverses the decision of the~~  
19 ~~chief of police, the trespass towing privilege will be immediately reinstated. The timely~~  
20 filing of an appeal for a due process hearing decision shall stay the revocation of the  
21 permit. The appeal shall be taken by filing written notice with the towing administrator or  
22 designee within ten (10) days after the decision by the towing administrator to revoke a  
23 permit in a due process hearing. The notice of the appeal shall state the basis for the

## **DRAFT 04/8/14**

1 appeal and shall contain information showing that either the revocation departed from the  
2 essential requirements of the law or is not supported by competent substantial evidence.  
3 The towing administrator or designee shall transmit copies of the appeal to the city  
4 manager or designee along with the record of the due process hearing. Upon review of  
5 the record and the written notice of appeal, the city manager or designee may uphold or  
6 reverse the decision of the towing administrator. The decision of the city manager or  
7 designee shall be the final administrative action by the city. If the city manager or  
8 designee upholds the decision of the towing administrator, the permit will be immediately  
9 revoked. If the city manager or designee overturns the decision of the towing  
10 administrator, the revocation proceedings shall immediately be dismissed.

### **Sec. 14.5-29. - Prerequisites to towing vehicles parked on private property; exceptions.**

12 (a) Except as provided in subsection (b) below, it shall be unlawful for any trespass towing  
13 service, tow operator or any person to trespass tow or cause to be towed any vehicle  
14 parked on private real property unless the provisions of F.S. § Section 715.07, Florida  
15 Statutes, have been strictly complied with together with the following requirements:

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

- 20 a. The duration of the agreement;
- 21 b. The time of day that such towing or removal is authorized;
- 22 c. The days of the week that such towing or removal is authorized;
- 23 d. The fees to be paid for the towing or removal;



**DRAFT 04/8/14**

1 e. The signatures of both the property owner or the authorized representative,  
2 and the owner, or authorized representative of the towing service,  
3 certifying that each has read and is in compliance with all of the  
4 provisions of ~~F.S. §~~ Section 715.07, Florida Statutes.

5 f. A legal description or sketch of the private real property from which  
6 vehicles may be towed.

7 The form for such agreement shall be provided by the towing administrator police  
8 department, and may not be amended or modified in any manner that provides for  
9 terms or activities that violate the provisions of ~~this article or~~ F.S. § Section  
10 715.07, Florida Statutes and Article III, Chapter 14.5, Gainesville Code.

11 (2) ~~A copy of the completed agreement is on file with the Gainesville Police~~  
12 ~~Department.~~ A new completed agreement is submitted each time a property  
13 owner changes trespass towing services, tow vendors or the ownership or  
14 management of the property changes. A completed agreement is resubmitted  
15 annually, one year from the date of last submittal. The property owner shall pay  
16 the fee set forth in Appendix A upon filing a new trespass towing agreement and  
17 then again annually for each property which is included in a trespass towing  
18 agreement. If a private real property owner is terminating an agreement with a  
19 trespass towing service, 72 hours advance written notice must be given to the  
20 trespass towing service whose agreement is being terminated before any trespass  
21 towing can be done by a different trespass towing service.

22 (3) Where the private real property is ~~provided~~ used for residential parking, other  
23 than for a single-family residence, the agreement, except as provided in

**DRAFT 04/8/14**

1 subsection (a)(4) below, shall not authorize the trespass towing service to tow  
2 away or remove any vehicle without a verified request to remove the specific  
3 vehicle by the property owner ~~or an authorized representative. A property owner's~~  
4 ~~representative may include a resident manager, a property manager or other agent~~  
5 ~~who has the legal authority to bind the owner, but may not be an officer,~~  
6 ~~employee or agent of a towing service.~~

7 (4) An Owners owner of properties private real property used for residential or  
8 business purposes may elect to authorize the trespass towing service to tow away  
9 or remove vehicles without a verified request to remove a specific vehicle  
10 provided that the ~~owner first complies with the~~ following requirements are  
11 complied with:

12 a. Signage shall be added to each of the existing tow away signs with letters  
13 of the same size as the "tow away" language, which provides the  
14 following words: "roam towing." The sign shall state the specific hours of  
15 roam towing or state ~~24 hours~~ "24-hours", if that is applicable.

16 b. Towing contract on file with the ~~Gainesville Police Department~~ towing  
17 administrator as required by subsection (a)(1) shall ~~be amended to provide~~  
18 for roam towing.

19 c. Photograph(s) of the "offending" vehicle shall be taken prior to its  
20 removal and shall be of sufficient detail to demonstrate the violation of  
21 rule or regulation for which the vehicle is being towed. The photograph(s)  
22 must be date and time stamped and maintained by the ~~wrecker company~~  
23 trespass towing service for a minimum period of ~~one year~~ six (6) months.

**DRAFT 04/8/14**

1 Photos will be available for viewing during normal business hours,  
2 commencing the following business day at 8:00 a.m. ~~Normal hours for~~  
3 ~~viewing the photographs will be Monday through Saturday, 8:00 a.m. to~~  
4 ~~5:00 p.m.~~ There can be no charge for viewing the photographs. ~~when such~~  
5 ~~is done during the first available business day as referenced above~~

6 d. Lease, rental or property owners' association documents shall contain a  
7 notice provision indicating that the residential property utilizes roam  
8 towing. In the case of properties with existing leases, rental agreements or  
9 property owners' association documents, it shall be sufficient to notify by  
10 regular mail, at the last known address, each of the tenants/owners of the  
11 property prior to the initiation of roam towing. All new leases, rental  
12 agreements or property owners' association documents, or amendments  
13 thereto, shall contain the provision giving notice that the property owner  
14 intends to utilize roam towing.

15 (5) For private real property located within the boundaries of the community  
16 redevelopment areas as defined in ~~d~~Division 9 of eChapter 2 of the Gainesville  
17 Code of Ordinances, signage as required by F.S. § Section 715.07, Florida  
18 Statutes and subsection (a) above, shall use reflective white lettering on a non-  
19 reflective black background. ~~All existing signs within the redevelopment areas~~  
20 ~~referenced herein shall be replaced on or before January 1, 2004.~~

21 ~~(6) Upon filing the written agreement with the police department as required herein,~~  
22 ~~the property owner or the authorized representative of the property owner, shall~~  
23 ~~simultaneously submit an administrative fee to process the trespass towing~~

## DRAFT 04/8/14

1 application in the amount set forth in appendix A. The administrative fee shall be  
2 applicable to all trespass towing agreements filed with the police department after  
3 the adoption of this section and shall be paid each time a trespass towing  
4 agreement is filed with the police department as required herein.

5 (b) The provisions of this section ~~article~~ shall not apply to:

6 (1) The towing of vehicles pursuant to ~~section 3-116, authority to remove vehicles,~~  
7 ~~and s~~Section 26-136 et. seq. "Abandoned, Wrecked and Non-operating Vehicles,"  
8 City of Gainesville Code of Ordinances.

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

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

15 (c) The 24-hour notice requirement of this section shall not apply where the tow is of an  
16 emergency nature that threatens public safety and the property owner or authorized  
17 representative of the trespass towing service tow owner or tow operator has notified the  
18 Gainesville Police Department prior to removing the vehicle.

19 (d) Each trespass towing service shall staff or monitor its ~~telephones~~ methods of contact at  
20 all times (pager only does not satisfy this requirement) and immediately advise any  
21 registered vehicle owner or authorized representative who ~~calls by telephone~~ of  
22 communicates with the trespass towing service, the following:

**DRAFT 04/8/14**

- 1 (1) Each and every document or other item which must be produced to retrieve the  
2 vehicle.
- 3 (2) Exact charges as of the time of the ~~telephone call~~ communication, and the rate at  
4 which charges will accumulate thereafter.
- 5 (3) The acceptable methods of payment. If the trespass towing service ~~owner~~ or tow  
6 operator cannot, or will not provide change to a registered vehicle owner or  
7 authorized representative, the trespass towing service owner or tow operator shall  
8 advise the registered vehicle owner or authorized representative to bring exact  
9 payment.
- 10 (4) That the vehicle can be picked up within one hour of request.

11 **Sec. 14.5-29.1. - Trespass tow bill of rights.**

12 Any trespass towing service firm engaged in the business of trespass towing shall post the  
13 trespass tow bill of rights in a clearly visible, prominent position, not more than ten (10) feet  
14 from the place where payment for the tow is made. Posters listing the ~~customer~~ trespass tow bill  
15 of rights shall be supplied by the towing administrator ~~Gainesville Police Department~~ at a cost  
16 not to exceed the cost of production. The poster shall read the following as follows:

17 **Trespass Tow "Bill of Rights"**

18 Your car has been trespass towed. You have certain rights under Florida State Statutes  
19 and City of Gainesville Ordinances:

- 20 (1) Your vehicle must be released within one hour after requested, provided the  
21 towing fees are paid.
- 22 (2) You can retrieve any personal property that is in the vehicle within the first 24  
23 hours of the tow prior to paying the towing fees (after the first 24 hours, a fee may

**DRAFT 04/8/14**

1 be charged).

2 (3) You may inspect your vehicle prior to paying the towing fees. The tow company  
3 cannot require you to sign a waiver which would release the ~~firm~~ trespass tow  
4 service from liability for damages noted by you at the time the vehicle is picked  
5 up. The tow company is responsible for any damage done by entry into the  
6 vehicle if the entry was not done with the "standard of reasonable care". Proper  
7 remedy for these damages is through civil court.

8 (4) You may pay the towing charges using cash, debit card, or major credit card (Visa  
9 or MasterCard). A fee may be charged to use the debit card. No additional fee can  
10 be charged for use of a credit card.

11 (5) A detailed, signed receipt showing the legal name of the person or entity  
12 authorizing the tow and the legal name of the trespass towing service company,  
13 and tow operator or person towing the vehicle must be given to you at the time of  
14 payment, whether requested or not. The receipt will also include the following  
15 statement: "Notice: Towing from private property is regulated by F.S. § Section  
16 715.07, Florida Statutes and Chapter 14.5. Article III, City of Gainesville Code of  
17 Ordinances."

18 (6) Trespass towing services ~~tow companies~~ are required to take photos of your  
19 vehicle prior to tow, documenting the violation for which the vehicle was towed.  
20 You can make arrangements with the tow company to see the photographs at no  
21 charge. Photos will be available for viewing during the normal business hours  
22 commencing the following business day after the tow at 8:00 a.m.. ~~Normal hours~~  
23 ~~for viewing the photographs will be Monday through Saturday, 8 to 5 p.m.~~ It is a

**DRAFT 04/8/14**

1           good idea to make an appointment in advance with the ~~office staff~~ trespass towing  
2           service.

3   The ~~document~~ poster shall also contain contact information to report violations.

4   **Sec. 14.5-30. - Authorized fees and charges.**

5   (a)   Any trespass towing service firm ~~firm~~ engaged in the business of trespass towing shall not  
6   charge the owner of any towed vehicle or personal property in excess of the fees set by  
7   the eCity eCommission by resolution. The fees set by resolution shall be all inclusive  
8   during the first 24-hour period following notification of vehicle tow to the Gainesville  
9   Police Department; no additional fees or charges whatsoever may be charged unless  
10   specifically established and authorized herein or by state statute. The eCity eCommission  
11   shall establish, by resolution, a maximum fee for specific classes of vehicles as identified  
12   in the Towing and Recovery Association of America's TRAA Vehicle Identification  
13   Guide. ~~After maximum fees are initially established using the TRAA Vehicle~~  
14   ~~Identification Guide, such maximum fees will be subject to rate review as provided in~~  
15   ~~subsection 14.5 30(e) notwithstanding that such review may occur less than annually for~~  
16   ~~the first instance.~~

17   (b)   A trespass towing service person, operator, firm, or corporation that provides trespass  
18   towing and storage services pursuant to aArticle III, sSection 14.5-25, et. seq. of the  
19   Gainesville Code of Ordinances shall accept payment for charges from the registered  
20   vehicle owner or authorized representative in any of the following forms:

- 21           (1)   Cash;
- 22           (2)   Major credit card; and/or
- 23           (3)   Debit card.

**DRAFT 04/8/14**

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

10 **Sec. 14.5-31. - Vehicle not connected upon operator owner or other person in control of**  
11 **the vehicle returning.**

12 The trespass towing service ~~owner or operator of any towing service vehicle~~ which is  
13 summoned to trespass tow away any vehicle on private real property, or stops to tow any vehicle  
14 under a valid "Roam Towing" provision on private real property, shall not remove or tow the  
15 vehicle away and shall not charge any fee if the registered owner or other person in control of the  
16 vehicle ~~operator~~ returns to the vehicle prior to the towing service operator having physically  
17 connected the vehicle to the tow vehicle towing apparatus, and the owner or person in control of  
18 the vehicle moves the vehicle from the private real property.

19 **Sec. 14.5-32. - Vehicle not towed upon owner or other person in control of the vehicle**  
20 **operator returning.**

21 If the registered owner or other ~~legally authorized~~ person in control of the vehicle arrives  
22 at the scene prior to removal or towing of the vehicle, the vehicle shall be disconnected from the  
23 towing or removal apparatus, and that person shall be allowed to remove the vehicle without



## **DRAFT 04/8/14**

1 interference upon the payment of a reasonable service fee of not more than one-half of the posted  
2 rate for such towing service for which a receipt shall be given, unless that person refuses to  
3 remove the vehicle which is ~~otherwise~~ unlawfully parked from the private real property .

### **4 Sec. 14.5-33. - Point of tow to point of storage.**

5 Except as provided in section 14.5-32 above and except for bona fide emergencies, a  
6 vehicle in tow shall be taken from the point of tow to the permanent business address of the  
7 trespass towing service ~~tow owner or operator~~ where vehicles are normally stored. Temporary  
8 storage is prohibited.

### **9 Sec. 14.5-34. - Vehicles subject to criminal investigation.**

10 Trespass towing services ~~Tow owner~~ shall not refuse to relinquish to the police a vehicle  
11 which is the subject of a criminal investigation. Relinquishment of the vehicle to the police for  
12 impoundment at its contract site shall not affect the trespass towing service's ~~tow owners~~ right to  
13 payment for services rendered and payment for those services shall be made to the trespass  
14 towing service ~~tow owner~~ by the registered owner of the vehicle or his/her representative, or  
15 other arrangements shall be made with the trespass towing service ~~tow owner~~ to receive payment  
16 before the vehicle is released to the registered owner or his/her representative.

### **17 Sec. 14.5-35. - Civil citation; violation of ordinance.**

18 Police officers and code enforcement officers may issue a civil citation to trespass towing  
19 services, ~~tow owners~~ or their authorized representatives, tow operators and property owners or  
20 their authorized representatives, for violations of any section of this article.

### **21 Sec. 14.5-36. - Receipt from towing service to be furnished to owner when vehicle claimed.**

22 When a trespass towed vehicle is claimed, the trespass towing service ~~towing service~~  
23 shall furnish the registered owner or other legally authorized person with a ~~receipt which shall~~

**DRAFT 04/8/14**

1 ~~include~~ detailed, signed receipt showing the legal name of the person or entity authorizing the  
2 tow and the legal name of the trespass towing service and the tow operator ~~the name of the~~  
3 ~~person or management entity who authorized the towing.~~ The receipt shall also include the  
4 following language:

5 "Notice: Towing from private property is regulated by the provisions of F.S. § Section  
6 715.07, Florida Statutes and Chapter 14.5, Article III City of Gainesville Code of  
7 Ordinances."

8 **Sec. 14.5-37. - Prohibitions.**

9 (a) It shall be a violation of this article for a trespass towing service or tow operator to charge  
10 any additional fee which is based on police response to a call by the owner of a vehicle  
11 who is contesting the towing of the owner's vehicle on scene.

12 (b) It shall be a violation of this article for any person other than the real property owner or  
13 an authorized representative of the owner, or the trespass towing service tow owner or  
14 authorized representative of the trespass towing service tow owner (if the signs are placed  
15 by the trespass towing service) ~~tow company~~, to move, remove, or deface any ~~tow-away~~  
16 sign relating to towing.

17 **Sec. 14.5-38. - Penalties.**

18 In addition to those penalties imposed by F.S. § Section 715.07, Florida Statutes,  
19 violation of any provisions of this article, including any of the requirements of F.S. § Section  
20 715.07, Florida Statutes, shall be subject to the following civil penalties:

21 (1) Any trespass towing service, tow operator or person who violates this article shall  
22 be liable to the registered owner or lessee of the vehicle for all costs of recovery  
23 (including all towing and storage fees) plus attorney's fees and court costs, and

**DRAFT 04/8/14**

1 shall in addition be liable to the registered owner or lessee of any towed or  
2 removed vehicle for damages resulting directly or indirectly from the removal,  
3 transportation or storage of the vehicle.

- 4 (2) Any trespass towing service, tow operator or person who violates any of the  
5 provisions of this article shall, upon conviction or entry of a civil judgment, be  
6 fined not more than \$500.00 per violation. Each violation shall be considered a  
7 separate offense.

8 **Section 14.5-39.1 - Fraudulent Transfer of company**

9 It shall be a violation of this article for the owner(s) to fraudulently transfer a trespass  
10 towing service. For purposes of this section, fraudulent transfer is one made by the owner(s) for  
11 the purpose of evading civil penalties, restitution, fines and/or fees imposed pursuant to this  
12 article. In determining whether a transfer is fraudulent, consideration may be given among other  
13 factors, to whether:

- 14 (1) The transfer was an arm's length transaction;  
15 (2) The trespass towing service retained possession or control of the  
16 property transferred after the transfer;  
17 (3) The transfer was disclosed or concealed;  
18 (4) Before the transfer was made or obligation was incurred, the trespass towing  
19 service had been sued or threatened with suit;  
20 (5) The transfer was of substantially all the trespass towing service's assets;  
21 (6) The value of the consideration received by the trespass towing service was  
22 reasonably equivalent to the value of the asset transferred or the amount of the  
23 obligation incurred;

**DRAFT 04/8/14**

1       (7)    The trespass towing service was insolvent or became insolvent shortly after the  
2            transfer was made or the obligation was incurred; and

3       (8)    The transfer occurred shortly before or shortly after substantial permit fees or civil  
4            penalties were incurred.

5       **Section 2.**    ~~Chapter Section~~ 14.5, Article III, Division 2. titled “Immobilization of  
6 Vehicles on Private Property” of the Code of Ordinances of the City of Gainesville, is hereby  
7 amended as follows:

8       DIVISION 2. - IMMOBILIZATION OF VEHICLES ON PRIVATE PROPERTY

9       **Sec. 14.5-39. - Intent and purpose; applicability and exemptions.**

10      (a)    *Intent and purpose.* The intent of this division is to protect and safeguard the safety,  
11            property and welfare of the public and businesses by providing for the licensure and  
12            regulation of business enterprises engaged in the practice of immobilization of vehicles.  
13            The purpose of this division is to provide a uniform system for the licensure and  
14            regulation of persons and immobilization services who are engaged in or who intend to  
15            engage in the practice of immobilization of vehicles which are parked on private real  
16            property without the permission or authorization of the owner of the private real property.

17      (b)    *Applicability and exemptions.* Any person who utilizes any vehicle immobilization  
18            method for unauthorized vehicles parked on private real property shall comply with the  
19            regulations set forth herein below. ~~Provided h~~However, this section shall not apply to the  
20            following:

21            (1)    Towing of vehicles; or

22            (2)    Vehicles on property appurtenant to and ~~obviously~~ a part of a single-family  
23            residence.

**DRAFT 04/8/14**

1 (3) Immobilization of a vehicle which occurs:

- 2 a. At the direction of a law enforcement officer, police service technician,  
3 traffic enforcement technician or any individual who successfully  
4 completes a training program established and approved by the Criminal  
5 Justice Standards and Training Commission for parking enforcement  
6 specialists and, whose current duties with the city include parking  
7 enforcement; or  
8 b. With the consent of the vehicle's registered owner or ~~operator~~ other legally  
9 authorized person in control of the vehicle.

10 **Sec. 14.5-40. - Definitions.**

11 The following words, terms and phrases, when used in this division shall have the  
12 meanings ascribed to them in this section, except where the context clearly indicates a different  
13 meaning:

14 *Immobilization, immobilize or immobilizing*, also known as boot or booting shall mean  
15 the act of placing, on a parked vehicle, a "boot" or other device which causes a vehicle to be  
16 immobile or prohibits its usual manner of movement or otherwise disables a vehicle from  
17 operation.

18 *Immobilization operator* shall mean the actual person who is applying the "boot" or other  
19 device which causes a vehicle to be immobile or prohibits its usual manner of movement or  
20 otherwise disables a vehicle from operation.

21 *Immobilization service(s)* shall include any person, ~~company, corporation or other entity,~~  
22 whether licensed or not, who engages in or owns or operates a business which engages, in whole  
23 or in part, in the immobilization or booting of vehicles on private property.

**DRAFT 04/8/14**

1 Normal business hours means Monday through Saturday, 8:00 a.m. to 11:00 p.m.,  
2 regardless of whether the immobilization service is actively immobilizing vehicles or not,  
3 excluding State of Florida holidays.

4 *Parked* means the state of a vehicle being temporarily left and unattended by its  
5 registered owner or operator other legally authorized person in control of the vehicle.

6 *Person* shall mean and include, but shall not be limited to, any individual natural person,  
7 sole proprietor, firm, legal entity, partnership, joint venture, syndicate or other group, or  
8 combination acting as a unit, association, corporation, estate, trust, trustee, executor,  
9 administrator, receiver, or other fiduciary, and shall include the plural as well as the singular.

10 *Property owner* means the person who exercises dominion and control over the real  
11 property, including, but not limited to, the legal title holder, lessee, a resident manager, a  
12 property manager or other agent who has legal authority to bind the owner. An owner, operator,  
13 or other agent or employee of a trespass towing service or immobilization service may not be  
14 appointed as an agent for a property.

15 *Recover* means to take possession of a vehicle and its contents and to exercise control and  
16 supervision over the vehicle.

17 **Sec. 14.5-41. - Permit required; prerequisites to immobilization on private property and**  
18 **responsibilities of immobilization service; exceptions.**

19 (a) *Immobilization service permit required.* No person, ~~entity or immobilization service~~ shall  
20 engage in the ~~act, practice or~~ business of immobilization of unauthorized motor vehicles  
21 that are parked on private property unless such ~~person, entity or~~ immobilization service  
22 has obtained an immobilization service permit. An application for an immobilization  
23 service permit shall be submitted to the towing administrator ~~at the city police~~

**DRAFT 04/8/14**

1 ~~department.~~ Immobilization service permits shall be issued on an annual basis and will  
2 expire on September 30 of each year. ~~An annual permit fee as provided in Appendix A,~~  
3 ~~Schedule of Fees, Rates and Charges, shall be charged for the cost of review and~~  
4 ~~administration of issuance of immobilization permits.~~ Permits are not transferable or  
5 assignable.

6 (b) *Requirements for issuance of immobilization service permit.* No person shall be issued an  
7 immobilization service permit under this division unless ~~they comply~~ the applicant  
8 complies with the following requirements:

9 (1) *Proof of insurance.* Every applicant for an immobilization service permit shall file  
10 with the ~~city's business tax division office towing administrator~~ a certificate of  
11 insurance or other proof of insurance providing coverage for all liability claims  
12 and claims of damage to property resulting from any action or operation in  
13 connection with the immobilization service, in an amount not less than  
14 \$100,000.00 for each incident, \$50,000.00 of such coverage allocated for property  
15 damage.

16 (2) ~~*Local business tax.* No immobilization service shall engage in the business of~~  
17 ~~immobilization of unauthorized vehicles parked on private property unless such~~  
18 ~~immobilization service shall first obtain a local business tax receipt in accordance~~  
19 ~~with the provisions set forth in Chapter 25, Article III of this Code. Trespass~~  
20 ~~towing services, current in their local business tax, are not required to pay an~~  
21 ~~additional local business tax for the privilege of engaging in immobilization~~  
22 ~~services.~~

**DRAFT 04/8/14**

1       (2)   Fixed Office Location. Each immobilization service shall have a fixed physical  
2       office within the Gainesville city limits registered with the towing administrator.

3       The office shall be open and staffed with personnel during normal business hours.

4       (3)   Permit fee. Every applicant shall pay the annual permit fee as set forth in  
5       Appendix A, Schedule of Fees, Rates and Charges.

6       (4)   An immobilization service shall be responsible for the payment of all outstanding  
7       civil penalties, restitution, fines and city or court imposed fees relating to the improper or  
8       unlawful operation of the immobilization service. Such civil penalties, restitution, fines  
9       and/or fees shall remain the liability of the immobilization service and any purchaser of  
10      the immobilization service assets or business entity. The purchaser of the assets or  
11      business entity, may not obtain an immobilization service permit if the selling  
12      immobilization service has outstanding civil penalties, restitution, fines and/or fees.

13      (c)   ~~Authorization of the real property-owner. No immobilization service shall immobilize a~~  
14      ~~vehicle on private property unless such immobilization service has written authorization~~  
15      ~~or permission of the owner of the real property upon which the immobilization will~~  
16      ~~occur.~~

17      (+)   Prior to immobilization of any vehicle, the immobilization service shall have  
18      executed a written agreement with the owner of the real property upon which the  
19      immobilization will occur, and shall file ~~and maintain on record at all times~~ with  
20      the towing administrator, ~~at the city police department~~ a copy list of any and all  
21      such agreements for immobilization services on private property within the city  
22      limits. The ~~list~~ copies of agreements shall be kept current and shall include at a  
23      minimum, provide the city with (a) the address and legal description or sketch of



**DRAFT 04/8/14**

1 the real property; (b) the date of the agreement; (c) the property owner's name, a  
2 contact name and a telephone number; (d) the duration of the agreement; ~~(de)~~ the  
3 days of the week and time of day that such immobilization is authorized; ~~(2)~~  
4 The rebate or payment of money or any other valuable consideration, directly or  
5 indirectly from the ~~person~~, immobilization service ~~that is immobilizing vehicles~~ to  
6 the owners or operators of the property upon which the vehicles are immobilized,  
7 for the privilege of immobilizing those vehicles, is prohibited.

8 (d) *Record keeping procedures.* Every ~~person~~, immobilization service, and immobilization  
9 operator contractor who immobilizes a vehicle shall keep and maintain an immobilization  
10 log with the following information:

- 11 (1) Date and time the vehicle was observed illegally parked;
- 12 (2) The date and time of immobilization and the name of the immobilization operator;
- 13 (3) The location/address of the real property where the immobilization took place;
- 14 (4) The description of the vehicle including make, model, year, color, vehicle  
15 identification number, and license plate number;
- 16 (5) The date and time the request for removal of the immobilization device was  
17 received and the date and time of response and removal of the immobilization  
18 device;
- 19 (6) The amount and method of payment for release of the immobilization device;
- 20 (7) The name of the ~~person~~ immobilization operator removing the immobilization  
21 device; and
- 22 (8) The name of the person to whom the vehicle was released.

## DRAFT 04/8/14

1 All ~~persons and~~ immobilization services shall file a copy of ~~their~~ all immobilization logs  
2 with the towing administrator every Thursday, for the immediately preceding week ~~at the city~~  
3 ~~police department~~ and shall also keep all such immobilization logs on file at the immobilization  
4 service office registered with the tow administrator for a period of one year and shall make such  
5 logs and receipts available for immediate inspection ~~to~~ by any law or code enforcement officer or  
6 designee ~~assigned to investigate the complaints and enforcement during regular business hours.~~

7 (e) *Identification.*

8 (1) ~~All employees or agents of every immobilization service or immobilization~~  
9 ~~contractor, and every person who immobilizes a vehicle~~ Each immobilization  
10 operator shall wear the immobilization operator permit, as provided in section  
11 14.5-42 below, on the outer garment and uniforms which shall state the full name  
12 of the immobilization service. The name of the immobilization service on the  
13 outer garment and uniform must be the same as the name on the vehicle being  
14 operated by the immobilization operator.

15 (2) All immobilization service vehicles shall be equipped with an amber light bar and  
16 shall display the name of the immobilization service ~~(or name of joint venture or~~  
17 ~~individual owner or other entity ownership)~~ on the driver and passenger side of  
18 the vehicle in letters at least three inches high, ~~and~~ the address ~~(or address of~~  
19 ~~joint venture, or individual owner or other entity ownership)~~ and telephone  
20 number of the immobilization service shall be displayed on the driver and  
21 passenger side of the vehicle in letters at least one inch high. Lettering on the  
22 vehicle shall be permanently applied. Temporary lettering or magnetic  
23 lettering/signs are prohibited. All vehicles used in providing immobilization

## DRAFT 04/8/14

1 services shall be inspected for compliance with this article and must display a  
2 medallion issued by the towing administrator to evidence such compliance. The  
3 annual fee for the medallion is set forth in Appendix A and shall be paid by  
4 September 30 of each year.

### 5 Sec. 14.5-42. - Operator's permits; application requirements; violations.

6 (a) It is unlawful for any ~~person~~ immobilization operator to engage in the immobilization of  
7 vehicles without first having obtained an immobilization operator's permit from the  
8 towing administrator. ~~at the city police department~~ Upon issuance of the permit, the  
9 immobilization operator is granted the privilege of engaging in immobilization services  
10 within the city limits, unless such permit expires or is suspended or revoked, as provided  
11 in this article. Each immobilization operator permit shall expire on September 30 of each  
12 year and the fee set forth in Appendix A shall be paid to renew the immobilization  
13 operator permit. Each permit will meet the following specifications:

- 14 (1) ~~Be not less than 2¼ inches by 3¾ inches.~~
- 15 (2) ~~Contain a photograph of the operator that is not less than one inch by 1½ inches in~~  
16 ~~size.~~
- 17 (3) ~~Provide the name of the immobilization service and the operator's first name in~~  
18 ~~letters that are not less than ¼ inch by ¼ inch.~~
- 19 (4) ~~Provide a control number that is linked to the operator's personal information.~~
- 20 (5) ~~Provide a place for the towing administrator to validate the permit.~~
- 21 a. ~~After the permit is validated it shall be laminated to protect the~~  
22 ~~information on the permit.~~

**DRAFT 04/8/14**

1           b.     If the permit is lost, damaged, stolen, becomes illegible or the permit  
2 holder changes immobilization services, the permit must be replaced. The  
3 replacement permit shall be valid only for the remainder of the time period for  
4 which the initial permit was valid.

5 (b)   It shall be unlawful for the owner of any immobilization service to permit any person to  
6 be employed as an immobilization operator conducting immobilization within the city  
7 unless such person has been issued an immobilization operator's permit to engage in  
8 immobilization services which has been validated by the towing administrator. ~~Upon~~  
9 ~~issuance of the permit, the immobilization operator is granted the privilege of engaging in~~  
10 ~~immobilization services within the city limits of the City of Gainesville, Florida, unless~~  
11 ~~such permit expires or is suspended or revoked, as provided in this article. Each permit~~  
12 ~~shall be valid for two years from date of issuance.~~

13 (c)   In order to ~~secure and~~ maintain ~~remain eligible to hold an immobilization operator~~  
14 ~~permit, the person applicant must meet the following requirements: provide the following~~  
15 ~~information on a form provided by the city~~

16 (1)   Submit to the tow administrator a certified copy from the Florida Department of  
17 Law Enforcement of his/her criminal history and a certified copy of his/her  
18 driving record from the Florida Department of Highway Safety and Motor  
19 Vehicles;

20 (+2) Possess a valid Florida Class E and/or commercial driver's license and provide a  
21 photocopy to the towing administrator.

22 (23) Not have been convicted of, found guilty of, or pled guilty or nolo contendere to,  
23 regardless of adjudication of guilt , ~~pled no contest to, or had adjudication~~

**DRAFT 04/8/14**

1 ~~withheld for or been incarcerated after any conviction, plea of no contest or~~  
2 ~~adjudication withheld~~ for any of the following:

3 a. Any capital felony, any first degree felony, sexual battery, or any violent  
4 felony involving the use of a ~~gun~~ firearm, or ~~knife~~ weapon, as defined in  
5 Section 790.01, Florida Statutes, or which results in great bodily harm.

6 b. ~~Within the previous ten years, a~~ Any violent felony including not  
7 referenced in subsection a above which occurred within ten (10) years of  
8 the application date.

9 c. ~~Within the previous ten years, a~~ Any felony or first degree misdemeanor  
10 directly related to the business of towing or immobilization of motor  
11 vehicles; repossession of motor vehicles; motor vehicle theft; carjacking;  
12 or chop shops; or liens for recovering, towing, or storing vehicles and  
13 vessels (F.S. § Section 713.78, Florida Statutes), which occurred within  
14 ten (10) years of the application date.

15 d. ~~Within the previous five years, of either: (1) d~~Driving under the influence  
16 of alcohol, a controlled substance, or a chemical substance, to the extent  
17 that normal faculties are impaired; or (2) driving with an unlawful blood  
18 alcohol level, in violation of Section 316.193, Florida Statutes, which  
19 occurred within five (5) years of the application date.

20 All timeframes referenced in this subsection (~~2~~ 3) shall be calculated and run from the date of the  
21 offense, as reflected in the charging documents.

22 (4) Submit to a background investigation resulting in a determination by the towing  
23 administrator that:

**DRAFT 04/8/14**

1           a.     The applicant does not have a currently suspended permit, has not had its  
2                     permit revoked by action of the city within two (2) years of the date of  
3                     application, or does not have outstanding and unsatisfied civil penalties  
4                     imposed for violations of this article.

5           b.     No fraud or willful or knowing misrepresentation or false statement is  
6                     made in the application.

7           c.     No judgment against the applicant arising out of the activity of  
8                     immobilization, recovery, towing or removing a vehicle or providing  
9                     storage in connection therewith remains unsatisfied, unless a stay or  
10                    reversal of the judgment is procured through the courts.

11          d.     There are no outstanding warrants of arrest against the applicant.

12          e.     The applicant has no (i) unpaid civil penalties; (ii) unpaid administrative  
13                    costs of hearing; (iii) unpaid city investigative, enforcement, testing, or  
14                    monitoring costs; or (iv) unpaid liens, any or all of which are owed to the  
15                    city pursuant to the provisions of the code of ordinances.

16 (d)   A complete application for permit shall be reviewed and granted or denied in writing  
17       within ~~ten (10) two~~ calendar business days. If the permit is denied, the reason for such  
18       denial shall be provided in writing and shall also advise that the applicant may correct  
19       deficiencies in the application within seven (7) calendar days of the notice of denial  
20       without incurring an additional application fee.

21 (e)   ~~Permit fees shall be as provided in appendix A, Schedule of Fees, Rates and Charges.~~

22 **Sec. 14.5-43. - Immobilization; criteria and requirements for immobilizing vehicles; release**  
23 **of vehicle; maximum fee.**

**DRAFT 04/8/14**

1 (a) *Immobilization criteria.* ~~No person shall immobilize a vehicle parked on private property,~~  
2 ~~unless such immobilization is~~ All immobilization services shall be conducted in  
3 accordance with the following requirements:

4 (1) The vehicle is parked in an unauthorized manner ~~and a sign was~~ on property  
5 posted in accordance with subsection (b) below;

6 (2) The immobilization device is placed on the front wheel of the driver's side of the  
7 motor vehicle. The device may be placed on any other wheel if placement on the  
8 front wheel of the driver's side is not feasible; and

9 (3) Immediately upon immobilization, the immobilization operator ~~person~~  
10 ~~immobilizing such vehicle,~~ shall affix on the driver's side window of such vehicle,  
11 a warning notice sticker with a completely removable adhesive, measuring four  
12 by seven inches or larger containing a warning stating that the vehicle has been  
13 immobilized and that any attempt to move the vehicle may result in damage to the  
14 vehicle, and shall provide the name and business address of the person who  
15 immobilized such vehicle, the business telephone number to contact for release of  
16 the immobilization device, and fee for its removal, ~~as set forth in Appendix A,~~  
17 Schedule of Fees, Rates and Charges.

18 (4) Photograph(s) of the "offending" vehicle shall be taken and shall be of sufficient  
19 detail to demonstrate the violation of rule or regulation for which the vehicle is  
20 being immobilized. The photograph(s) must be date and time stamped and  
21 maintained by the immobilization service for a minimum period of ~~one year~~ six  
22 (6) months. Photos must be available for viewing during normal business hours  
23 commencing the following business day after the immobilization by 8:00 a.m.

## DRAFT 04/8/14

1           ~~Normal hours for viewing the photographs are Monday through Saturday 8:00~~  
2           ~~a.m. to 5:00 p.m. at the immobilization service's office registered with the towing~~  
3           ~~administrator. There shall be no charge for viewing the photographs. when such is~~  
4           ~~done during the first available business day as referenced above~~

5       (b) *Sign posting.* Prior to immobilizing, in any manner, any vehicle parked on a private  
6       property, a separate/individual sign meeting the following requirements shall ~~be~~ have  
7       been posted on the private property:

8           (1) The sign shall be prominently placed at each driveway access or curb cut allowing  
9           vehicular access to the property, within five feet from the public right-of-way. If  
10          there are no curb cuts or access barriers, sign(s) must be posted for each 25 feet of  
11          property abutting public right-of-way, with a minimum of at least one sign;

12          (2) The sign must clearly indicate, in not less than two-inch high, light reflective  
13          letters on contrasting background, that unauthorized vehicles will be immobilized  
14          at the owner's expense. The words "vehicle immobilization area" must be  
15          included on the sign in not less than four-inch high letters;

16          (3) The sign structure containing the above notices must be permanently installed  
17          with the words "vehicle immobilization area" not less than three feet and not more  
18          than six feet above ground level and must be continuously located on the property  
19          for not less than 24 hours prior to immobilization of any vehicles;

20          (4) The sign must also provide the name and current telephone number of the  
21          immobilization service which placed the immobilization device on the vehicle;  
22          and



**DRAFT 04/8/14**

1 (5) The sign shall state whether public parking is permitted and the hours of operation  
2 that the property is utilized for public parking.

3 (e6) Where property is posted for trespass towing and the immobilization service will  
4 be performed by the same entity or company, the signage requirements may be  
5 met by adding "vehicle immobilization area" to existing trespass towing signage.

6 (dc) *Removal of immobilization device; release of vehicle; availability and response time.*

7 (1) When a vehicle has been immobilized, the immobilization device shall be  
8 removed and the vehicle shall be released or returned to its owner or ~~eustodian~~  
9 other legally authorized person within one hour upon request for removal and  
10 payment of the immobilization charge.

11 (2) Any ~~person~~, immobilization service which places an immobilization device on an  
12 unauthorized vehicle parked on private property shall operate a 24-hour, seven-  
13 day-a-week answering service, and shall make available on a 24-hour, seven-  
14 days-a-week basis, attendants and equipment for the release of the immobilization  
15 device within one hour of request for removal and payment of the immobilization  
16 charge.

17 (ed) *Maximum immobilization charge.* No ~~person or~~ immobilization service may charge an  
18 immobilization charge or fee for removal of an immobilization device on an unauthorized  
19 vehicle parked on private property in excess of the fee ~~provided in Appendix A, Schedule~~  
20 ~~of Fees, Rates and Charges, of this Code of Ordinances~~ authorized by resolution of the  
21 city commission. Proof of ownership of the vehicle shall not be required of any person  
22 who is paying a fee for the removal of the immobilization device. An immobilization

**DRAFT 04/8/14**

1 service shall accept payment for charges ~~from the vehicle owner or authorized~~  
2 ~~representative~~ in any of the following forms:

- 3 (1) Cash;
- 4 (2) Major credit card; and/or
- 5 (3) Debit card.

6 The immobilization service is required to be able to accept payment at the site of the  
7 immobilization, and shall accept any lawfully tendered payment.

8 (e) *Required receipt.* Any ~~person~~, immobilization service ~~which places an immobilization~~  
9 ~~device on an unauthorized vehicle parked on private property~~ shall provide, at the time of  
10 payment, a written receipt for all charges imposed and received from the owner or  
11 ~~operator of a~~ other person in control of a vehicle. ~~resulting from the immobilization of a~~  
12 ~~vehicle.~~ Said receipt shall be made and maintained in duplicate and shall include at a  
13 minimum:

- 14 (1) The date, time, and location of the immobilization;
- 15 (2) The total charges listed individually and specifically;
- 16 (3) The date and time of the request for removal of the immobilization device;
- 17 (4) The date and time of payment of the charges; and
- 18 (5) The following disclosure in bold capitalized letters of at least 12-point type:

19 **IF YOU HAVE ANY QUESTION OR COMPLAINT, PLEASE CONTACT**  
20 **THE CITY OF GAINESVILLE'S TOWING ADMINISTRATOR AT THE**  
21 **GAINESVILLE POLICE DEPARTMENT, 413 NW 8<sup>th</sup> Avenue,**  
22 **GAINESVILLE, FL 32601;**

**DRAFT 04/8/14**

- 1 (f) *Return of registered vehicle owner prior to immobilization*. No ~~person~~, immobilization  
2 operator or immobilization service shall immobilize a vehicle or charge for its services  
3 where the registered owner or other ~~legally authorized~~ person in control of the vehicle  
4 arrives at the scene prior to affixing the immobilization device, unless: (1) ~~The~~ registered  
5 owner or other ~~legally authorized~~ person in control of the vehicle refuses to remove the  
6 vehicle. ; ~~or~~ (2) If ~~The~~ vehicle has already been completely connected to the  
7 immobilization device, and the registered owner or other person in control of the vehicle  
8 ~~refuses to~~ shall pay a service fee of not more than one-half of the rate ~~contained in~~  
9 ~~Appendix A, Schedule of Fees, Rates and Charges~~ set by resolution by the city  
10 commission for such immobilization service. (3) ~~The immobilization service or person~~  
11 ~~immobilizing the vehicle~~ immobilization operator shall wait a minimum of twenty (20)  
12 minutes to allow the vehicle's registered owner or person in control of the vehicle  
13 ~~operator~~ to secure cash or other acceptable payment of the fees enumerated herein.
- 14 (g) ~~Proof of ownership of the vehicle shall not be required of any person who is paying a fee~~  
15 ~~for the removal of the immobilization device.~~
- 16 (h) The registered owner or other ~~legally authorized~~ person in control of the vehicle shall not  
17 be prevented from accessing any of the vehicle's interior compartments by the  
18 immobilization service or immobilization operator.
- 19 (Ig) *Towing/removal requirements*. An immobilized vehicle shall not remain immobilized on  
20 private property for more than 24 hours. After such period of time has expired, the  
21 vehicle shall be released from the immobilization device and the vehicle may be towed or  
22 removed pursuant to this article, and no fee shall be assessed for placement or release of  
23 the immobilization device.

## DRAFT 04/8/14

1 **Sec. 14.5-44. - Enforcement and inspection; ~~disclaimer.~~**

2 (a) ~~Enforcement and inspection.~~ The towing administrator shall enforce the provisions set  
3 forth in this division. This shall not preclude other law or code enforcement personnel  
4 from conducting any action as deemed necessary to assure compliance with all applicable  
5 laws. To determine compliance and enforce the provisions of this division, ~~the towing~~  
6 ~~administrator~~ any law or code enforcement official shall have the right of entry upon real  
7 property during ~~the operating~~ normal business hours of the subject business and shall be  
8 immune from civil or criminal prosecution for trespass upon real property while in the  
9 discharge of his/her duties of enforcing the provisions of this division.

10 (b) ~~Disclaimer of immobilization methods.~~ ~~The imposition of the vehicle immobilization~~  
11 ~~regulations set forth herein is solely intended for the public's protection from vehicle~~  
12 ~~immobilization without adequate notice. Nothing herein shall be construed as~~  
13 ~~authorization or permission to immobilize vehicles on private parking lots open to the~~  
14 ~~public. Any person immobilizing vehicles on private parking lots open to the public shall~~  
15 ~~be subject to citation under this division and any other remedies available to the City of~~  
16 ~~Gainesville.~~

17 **Sec. 14.5-45. - Revocation of immobilization service or immobilization operator permit,**  
18 **appeal.**

19 (a) In addition to the penalties set forth above, three violations of the provisions of this  
20 article by an immobilization service or immobilization operator within ~~a one-year period~~  
21 a 12-month period shall result in the revocation of the ~~privilege permit~~ to engage in the  
22 immobilization services ~~business~~. An immobilization service permit shall not be revoked  
23 for acts of an employee/operator in violation of this section unless the owner or officers

**DRAFT 04/8/14**

1 of the immobilization service actively participated in or had knowledge of the violation  
2 and took no corrective action against the employee/operator or unless repeated violations  
3 by an employee did not result in progressive discipline. The immobilization service shall  
4 maintain written documentation of all corrective action taken against an  
5 employee/operator for a minimum period of one year. In addition to the corrective action  
6 taken, the documentation shall detail the type and date of the specific ordinance/statutory  
7 violation. ~~An operator permit may be revoked notwithstanding that the operator's~~  
8 ~~violations may not be applicable against the immobilization service for purposes of the~~  
9 ~~immobilization service's revocation.~~ To revoke a permit:

- 10 (1) The towing administrator shall ~~inform~~ provide written notice to the  
11 immobilization service or immobilization operator, ~~as applicable, in person by~~  
12 hand delivery or by certified or registered mail ~~within~~ at least seven ten (10)  
13 calendar days prior to the effective date of the ~~suspension~~ revocation.
- 14 (2) The immobilization service or immobilization operator may file a written request  
15 for a due process hearing ~~within ten calendar days of the date~~ prior to the effective  
16 date of the ~~suspension~~ revocation with the towing administrator. Failure to timely  
17 request a hearing ~~within the ten calendar day period~~ shall constitute a waiver by  
18 the immobilization service or immobilization operator of any rights to a hearing.  
19 Upon request for a hearing the revocation shall be stayed until a decision has been  
20 issued by the towing administrator.
- 21 (3) At the due process hearing, the immobilization service or operator shall have the  
22 opportunity to present ~~any~~ evidence (consisting of testimony and/or written  
23 documentation) he/she believes negates or mitigates the revocation.

**DRAFT 04/8/14**

1 (4) Upon a review of the evidence presented at the hearing, the towing administrator  
2 ~~may~~ shall revoke the immobilization service permit or immobilization operator's  
3 permit to engage in immobilization for up to one year, if it is found that the  
4 immobilization service or immobilization operator meets the requirements for  
5 permit revocation: as follows:

- 6 a. First revocation .....Six months from the date of the revocation.  
7 b. Second and subsequent revocations .....One year from the date of the  
8 revocation.

9 (5) The revocation shall not be effective until ten (10) days after the decision of the  
10 towing administrator.

11 (b) Any ~~the~~ immobilization service or immobilization operator whose permit has been  
12 revoked shall not be eligible to again obtain a permit until such revocation period has  
13 expired.

14 (c) Any immobilization service or immobilization operator whose permit has been revoked  
15 may file an appeal within ten (10) ~~(15)~~ days of the date of revocation pursuant to the  
16 appeals process specified below.

17 (d) *Right of appeal.* The timely filing of an appeal shall stay the revocation of the permit. The  
18 appeal shall be taken by filing written notice with the towing administrator ~~chief of police~~  
19 or designee within ~~(15)~~ ten (10) calendar days after the decision by the towing  
20 administrator to revoke such permit. The notice of the appeal shall contain the grounds  
21 for the appeal and shall contain information showing that the revocation either departed  
22 from the essential requirements of the law ~~the finding is contrary to the law~~ or is not  
23 supported by competent substantial evidence. The towing administrator ~~chief of police~~ or

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

**DRAFT 04/8/14**

1 designee shall transmit copies of the appeal to the city manager or designee along with  
2 ~~papers constituting the record of the due process hearing, upon which the action appealed~~  
3 ~~from is based.~~ The city manager or designee may decide to uphold or reverse the decision  
4 of the towing administrator. The decision of the city manager or designee shall be the  
5 final administrative action by the city. If the city manager or designee reverses the  
6 decision of the towing administrator, the revocation proceeding shall be immediately  
7 dismissed.

8 **Sec. 14.5-46. - Violation of ordinance; penalties; civil citation.**

9 It is unlawful to engage in the immobilization of vehicles on private property without  
10 compliance with the requirements of this division. Law enforcement officers may issue a civil  
11 citation to immobilization services or its authorized representatives, immobilization operators,  
12 and property owners or their authorized representatives, for violations of any section of this  
13 article.

14 **Section 3.** Appendix A, ~~entitled~~ "Schedule of Fees, Rates and Charges", of the Code of  
15 Ordinances of the City of Gainesville, is hereby amended as follows. Except as amended herein,  
16 the remainder of Appendix A remains in full force and effect.

17 **APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES**

18 **POLICE:**

19 ~~Room~~ Trespass towing:

20 Trespass towing application process fee (section 14.5-29(a)(6))

21 a. Properties 1—5, each ..... 57.00

22 b. Properties 6—10, each ..... 42.50

23 c. Properties 11—15, each ..... 36.50

**DRAFT 04/8/14**

- 1       d.     Properties 16—20, each ..... 30.50
- 2       e.     Properties 20 or more, each ..... 18.00

3     *Registration—Owners, operators and vehicles:*

- 4       (a)    Trespass Towing Service permit Owners and vehicles.....0.00 318.50
- 5            Late penalty, annual payment not timely filed, per month ..... 29.00
- 6       (b)    Trespass Towing Operators permit..... 11.50
- 7       (c)    Replacement permits.....1/2 permit fee
- 8       (d)    Trespass Towing vehicle registration, annually per vehicle.... 29.00

9     *Immobilization:*

- 10      a.     Annual permit fee ..... 318.50
- 11      b.     Late penalty, annual payment not timely filed, per month ..... 29.00
- 12      c.     Operator permit, per year..... 11.50
- 13      d.     Replacement permit.....1/2 permit fee
- 14      e.     Vehicle (Medallion) permit, ~~biennially~~ annually per vehicle..... 29.00
- 15      f.     Removal.....~~66.25~~

16       **Section 4.** It is the intention of the City Commission that the provisions of Sections 1, 2  
17 and 3 of this Ordinance shall become and be made a part of the Code of Ordinances of the City  
18 of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be  
19 renumbered or relettered in order to accomplish such intentions.

20       **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
21 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
22 finding shall not affect the other provisions or applications of the ordinance which can be given



**DRAFT 04/8/14**

1 effect without the invalid or unconstitutional provisions or application, and to this end the  
2 provisions of this ordinance are declared severable.

3 **Section 6.** All ordinances or parts of ordinances, in conflict herewith are to the extent of  
4 such conflict hereby repealed.

5 **Section 7.** This ordinance shall become effective immediately upon final adoption.  
6 However, any permit issued pursuant to this Article III prior to the effective date of this  
7 ordinance shall remain valid until October 1, 2014, unless it is suspended or revoked prior to that  
8 date.

9 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

10  
11  
12 \_\_\_\_\_  
13 EDWARD B. BRADDY  
14 MAYOR

15  
16 ATTEST:

17 Approved as to form and legality

18  
19  
20 \_\_\_\_\_  
21 KURT M. LANNON  
22 CLERK OF THE COMMISSION

23 \_\_\_\_\_  
24 NICOLLE M. SHALLEY  
25 CITY ATTORNEY

24 This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2014.

25 This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2014.

