

LEGISLATIVE #

120206b

TO: Public Safety Committee **DATE:** September 18, 2012

FROM: Tony Jones, Chief of Police
Marion J. Radson, City Attorney

SUBJECT: Proposed Amendments to the City of Gainesville Code of Ordinances, Chapter 14.5, Article III Pertaining to Trespass Towing and Immobilization.

Recommendation: The Public Safety Committee approve the proposed amendments to Chapter 14.5, of the Code of Ordinances.

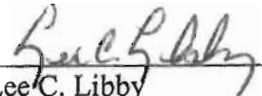
Chapter 14.5, Article III of the City of Gainesville Code of Ordinances includes the regulation of the towing and immobilization of vehicles improperly parked on private property. The City Commission originally referred the issue of a trespass tow company transferring ownership of the company to a relative to avoid penalties imposed on the company due to its unlawful operation. During the amendment process, it was determined that Chapter 14.5, Article III should be amended to address not only the original issue referred to the Committee, but also to address other issues related to the regulation and operation of trespass towing and immobilization services. The proposed amendments will make the ordinance internally consistent, update, and revise the regulations and protect the public whose valuable personal property is affected by tow operators and companies.

The proposed amendments include:

- 1) Requiring a trespass tow service to make application and obtain a permit issued by the towing administrator prior to engaging in the trespass tow business;
- 2) Setting forth requirements and conditions for the issuance and revocation of a trespass towing service permit and tow operator permit;
- 3) Allowing for the revocation of a trespass towing service permit and tow operator's permit if the person/entity does not maintain the same qualifications as those required to obtain or renew a permit;
- 4) Requiring an annual fee for a trespass towing service permit equal in amount to that of the annual immobilization permit;
- 5) Defining "roam towing" and "tow operator";
- 6) Amending the definition of "towing administrator", "trespass towing" and "trespass towing service";

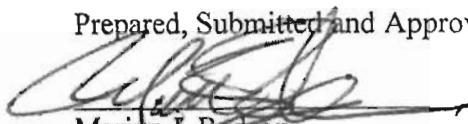
- 7) Requiring all permits under the Chapter to expire on September 31st of each year; and
- 8) Prohibiting a purchaser of a trespass towing service from obtaining a trespass towing service permit all fines and penalties have been paid or resolved.

Prepared by:




Lee C. Libby
Assistant City Attorney II

Prepared, Submitted and Approved by:



Marion J. Radson
City Attorney



Tony Jones
Chief of Police