



# City of Gainesville

## Text File

City Hall  
200 East University Avenue  
Gainesville, Florida 32601

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**Status:** To Be Introduced

**..Title**

Roam Towing Regulations (B)

**..Explanation**

At the March 12 City Commission meeting, the City Commission referred this ordinance issue back to the Public Safety Committee for clarification on 1) time parameters for the accumulation of violations; 2) directions for corrective actions and 3) whether prohibiting trespass tow operators who have felony convictions is unreasonable and 4) authorize the City Attorney to draft and the Clerk to advertise the ordinance as amended.

The Public Safety Committee met with members of the towing companies at its meetings in March, April and May to go over the ordinance, make the requested clarifications and to address other issues brought up by the towing companies.

At the May 17 Public Safety Committee a final draft of the ordinance was presented and, after discussion with staff and members of the towing community, and some additional modification as a result of those discussions, the draft was approved by the Committee members.

Clarifications and modifications were made as follows: 1) defined "physically connected" for purposes of the owner/custodian returning prior to the vehicle being "physically connected"; 2) provide for registration and permit fees; 3) provider duration or replacement permits; 4) clarified that employees may change employers without having to undergo an additional permit process, though a replacement permit will have to be obtained; 5) refined disqualifying criminal history; 6) established time frame from review of permit application; 7) added "valuable consideration" terminology as used in the state statute; 8) established one-year time-frame for violations leading to suspension; 9) refined relationship of operators to the owner for purposes of suspension; 10) refined owner's responsibilities to avoid suspension for driver violations; 11) provided tiered time-frame for revocations; 12) provided for photographic evidence to be time and date stamped; 13) provided for maximum towing fees for various types of vehicles using the Towing and Recovery Association of America's Vehicle Identification guide; 14) clarified that all listed payment options be accepted. Fees are to be established by Resolution of the City Commission. Provides for initial review of such fees consistent with current review schedule notwithstanding that it will occur, if requested, in less than one year; and 15) prohibited temporary storage absent a bona fide emergency.

**..Fiscal Note**

None

**..Recommendation**

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The City Commission 1) hear a presentation from staff regarding the changes and clarifications made to the Roam Towing Regulations Ordinance; 2) set fee for owner registration and operator permits; 3) authorize the City Attorney to draft a Resolution, consistent with the draft included in the back-up which establishes maximum towing fees for various classes of vehicles as defined by the Towing Recovery Association of America; and 4) authorize the Clerk to advertise the ordinance as amended.

ORDINANCE 0-07-40

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6 An ordinance of the City of Gainesville amending Chapter  
7 14.5, Article III of the Gainesville Code of Ordinances relating  
8 to towing from certain private property; *by providing*  
9 *definitions*; by requiring owner, operator and vehicle  
10 registration for trespass towing; requiring wrecker operator  
11 permits; providing permit specifications; providing for permit  
12 revocation and appeal; clarifying requirement for agreement  
13 when property ownership changes; *requiring the*  
14 *establishment of maximum rates for multiple*  
15 *classes of vehicles*; requiring cash, major credit card  
16 *and* debit card payment options; *prohibiting temporary*  
17 *storage of vehicles under tow*; requiring photographs  
18 depicting violation and requiring telephone monitoring or  
19 staffing to provide specified information to owners or  
20 authorized drivers of vehicles; ; amending the Police section of  
21 Appendix A, Schedule of Fees, Rates and Charges by  
22 *providing registration and permit fees*; providing  
23 directions to the codifier; providing a severability clause;  
24 providing a repealing clause and providing an immediate  
25 effective date.

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27  
28 WHEREAS, at least 10 days notice has been given once by publication in a  
29 newspaper of general circulation notifying the public of this proposed ordinance and of a  
30 Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

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

34 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION  
35 OF THE CITY OF GAINESVILLE, FLORIDA;

Section 1. Chapter 14.5, Article III, consisting of Sections 14.5-25 thru 14.5-37 of the Code of Ordinances of the City of Gainesville, is amended to read as follows:

MISCELLANEOUS BUSINESS REGULATIONS

Article III. Towing From Certain Private Property

Sec. 14.5-25. Definitions.

As used in this article:

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

Major credit card means a Visa© or Mastercard©.

Normal business hours shall be from 7:00 a.m. to 11:00 p.m.

Trespass towing shall mean towing or removal of a vehicle that is parked on private real property.

Physically connected as used in this article shall mean that at least

two of the vehicle's wheels are raised from the ground and the

connection is in compliance with the requirements of § 316.222

F.S. (related to stop lamps and turn signals) and §316.525 F.S.

(requirements for vehicles hauling loads).

Violation as used in this article shall mean an uncontested citation or the conviction or a plea of nolo contendere to a violation of this article.

Sec. 14.5-26. Owner, operator and vehicle registration provisions

1        It shall be unlawful for any person, either as principal, agent or employee, to do  
2 any trespass towing without having first registered the owner, wrecker operators and  
3 towing service vehicles with the police department, using a format approved by the police  
4 department. The information for registration shall contain the make, model and  
5 manufacturer's serial number of the vehicle; date the vehicle was put into service; the  
6 driver's license number of the owner and the name of the insurance company or  
7 companies with which the owner and operators have liability insurance for the operation  
8 of the vehicle as required by law; the name and driver's license number of all employees  
9 involved in the towing of vehicles as defined in the trespass tow ordinance.

10        *Registration fees shall be as provided in Appendix A.*

11        *Schedule of Fees, Rates and Charges.*

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

13        (a) No wrecker operator shall engage in trespass towing without first having obtained  
14 a written permit from the owner of the property or company such operator is employed  
15 by, or such owner's authorized designee. Each permit will meet the following  
16 specifications:

17        (1) Each card shall be not less than 2 1/8 inches by 3 3/8 inches.

18        (2) Each card shall contain a photograph of the wrecker operator that is not  
19 less than one inch by 1 1/2 inches.

20        (3) Each card shall contain the name of the wrecker service and wrecker  
21 operator's first name in letters that are not less than one-fourth inch by  
22 one-fourth inch.

(4) Each card shall contain a control number that is linked to the driver's personal information.

(5) Each card shall contain a place for the chief of police or designee to validate the card.

a. After the card is validated it shall be laminated to protect the information contained on the card.

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

(b) It shall be unlawful for the owner of any wrecker service to permit any person to be employed as a wrecker operator within the city unless such person has been granted a written permit to engage in trespass towing by the chief of police or designee. Each permit shall be valid for two years from date of issuance.

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

(1) Submit to the Chief of police or designee a certified copy from the Florida Department of Law Enforcement of his/her criminal history and a certified copy of his/her driving record from the Florida Department of Highway Safety and Motor Vehicles;

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- 1           (2)   Possess a valid Florida Class E driver's license and provide a photocopy to  
2                   the chief of police or designee.
- 3           (3)   Not have been convicted of the following:
- 4                   a.    Any violent felony including rape, battery,  
5                               aggravated battery, felony battery and aggravated  
6                               assault.
- 7                   b.    Within the previous ten years, any felony or first degree  
8                               misdemeanor directly related to the business of towing motor  
9                               vehicles, repossession of motor vehicles, motor  
10                              vehicle theft, car jacking or chop shops, or liens  
11                              for recovering, towing, or storing vehicles and  
12                              vessels (§713.78, F.S.).
- 13                   c.    Within the previous five years, of either: (1) driving under the  
14                              influence of alcohol, a controlled substance, or a chemical  
15                              substance, to the extent that normal faculties are impaired; or (2)  
16                              driving with an unlawful blood alcohol level.
- 17    (d) A permit shall be reviewed and granted or denied writing  
18    within two business days. If the permit is denied, the reason for  
19    such denial shall be provided in writing and which shall also

1 advise that the applicant may correct deficiencies in the  
2 application within 7 days of the notice without incurring an  
3 additional application fee.

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

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

7 (a) The chief of police or designee may revoke the privilege of any person to do  
8 trespass towing on any of the following grounds:

- 9 (1) If the towing service owner and/or operator fails to register as required  
10 by this article;
- 11 (2) If the registration contains a false statement of material fact;
- 12 (3) If the towing service owner and/or wrecker operator provides monetary  
13 or other valuable consideration to the private property owner for  
14 the privilege of towing vehicles from the property under contract;
- 15 (4) The towing service owner and/or operator provides monetary or other  
16 valuable consideration to the private property owner for each or  
17 any individual vehicle towed from the property;
- 18 (5) If the service owner and/or wrecker operator charges fees in excess of  
19 that set out in the Police section of Appendix A, Schedule of Fees, Rates  
20 and Charges of this Code of Ordinances;



1           (6) If a wrecker operator fails to display on or about his person or on the  
2                     dashboard of the wrecker, easily visible to the public, the wrecker operator  
3                     permit while performing a trespass tow.

4           (b) Three violations of the provisions of this article by any owner *and/or* operator of  
5           a towing service or towing service vehicle *within a one-year period* shall result in  
6           the automatic suspension of the owner's *and/or* operator's privilege to engage in the  
7           business of trespass towing. An owner shall not be suspended for acts of an  
8           employee/operator in violation of this section unless the owner actively participated in or  
9           had knowledge of the violation and took no corrective action against the  
10           employee/operator *or unless repeated violations by an employee do not*  
11           *garner progressive discipline. The owner shall maintain written*  
12           *documentation of all corrective action taken against an*  
13           *employee/operator for a minimum period of one year. In addition*  
14           *to the corrective action taken, the documentation shall detail the*  
15           *type and date of the specific ordinance/statutory violation. The*  
16           *inapplicability of an operator's violation to an owner for purposes*  
17           *of suspension shall not affect suspension of the operator.*

18           In the event of such suspension:

(1) The owner and/or operator shall be informed in person or by certified or registered mail within seven days prior to the effective date of the suspension.

(2) The owner and/or operator may make a written request for a due process hearing within 15 calendar days of the date of the suspension. Failure to request a hearing within the 15 calendar-day period shall constitute a waiver by the owner and/or operator of any rights to a hearing.

(3) At the due process hearing, the towing service owner and/or operator shall have the opportunity to present any testimony and/or documentation he/she believes negates or mitigates the suspension.

(4) Upon a review of the evidence presented at the hearing, the chief of police may revoke the owner's and/or operator's privilege to engage in the business of trespass towing for up to one year:

a. First revocation ..... 6

months.

b. Second and subsequent revocations ... .. 1

year.

(c) Any towing service owner and/or operator whose privilege to engage in trespass towing has been revoked shall not be eligible to again obtain a permit with the police department for trespass towing until such revocation period has expired.

1 (d) Any towing service owner and/or operator whose privilege to engage in the  
2 business of trespass towing has been revoked by the chief of police may file an appeal  
3 within 15 days of the date of revocation pursuant to the appeals process specified below:

4 (e) Right of appeal. Any towing service owner and/or operator whose privilege to  
5 engage in trespass towing has been revoked by the police chief may appeal such decision  
6 to the city manager or designee. Such appeal shall be taken by filing written notice with  
7 the chief of police or designee within 15 days after the decision by the police chief to  
8 revoke such privilege. The notice of the appeal shall contain the grounds for the appeal  
9 and shall contain information showing that either the finding is contrary to the law or is  
10 not supported by competent substantial evidence. The chief of police or designee shall  
11 transmit copies of the appeal to the city manager along with papers constituting the  
12 record upon which the action appealed from is based. The filing of a notice of appeal  
13 will not delay the effectiveness of any revocation. The city manager may decide to  
14 uphold or reverse the decision of the chief of police. If the city manager reverses the  
15 decision of the chief of police, the trespass towing privilege will be immediately  
16 reinstated.

17 **Sec. 14.5-26 29. Prerequisites to towing vehicles parked on private property;**  
18 **exceptions.**

19 (a) It shall be unlawful for any person to tow or cause to be towed any vehicle parked  
20 on private real property unless the provisions of F.S. § 715.07, have been complied with  
21 together with the following requirements:

22 (1) The owners of the real property shall have executed, at least 24 hours prior  
23 to the towing or removal of any vehicle, a written agreement for trespass

1 towing with a towing service, which agreement shall contain the following  
2 provisions:

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

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

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

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

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

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

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

- 11 a. Signage shall be added to each of the existing tow away signs with  
 12 letters of the same size as the "tow away" language, which  
 13 provides the following words: "Roam towing." The sign shall state  
 14 the specific hours of roam towing or state 24 hours, if that is  
 15 applicable.
- 16 b. Towing contract on file with the Gainesville Police Department as  
 17 required by subsection (a)(1) shall be amended to provide for roam  
 18 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  
 21 violation of rule or regulation for which the vehicle is being towed.  
 22 The photograph(s) must be *date and time stamped and*

1 maintained by the wrecker company for a minimum period of one  
2 year.

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

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

19 (6) Upon filing the written agreement with the police department as required  
20 herein, the property owner or the authorized representative of the property  
21 owner, shall simultaneously submit an administrative fee to process the  
22 trespass towing application in the amount set forth in Appendix A. The  
23 administrative fee shall be applicable to all trespass towing agreements

1 filed with the police department after the adoption of this section and shall  
2 be paid each time a trespass towing agreement is filed with the police  
3 department as required herein.

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

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

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

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

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

17 (d) Each towing service shall staff or monitor its telephones at all times (pager only  
18 does not satisfy this requirement) and immediately advise any vehicle owner or  
19 authorized representative who calls by telephone of the following:

20 (1) Each and every document or other item which must be produced to  
21 retrieve the vehicle.

22 (2) Exact charges as of the time of the telephone call, and the rate at which  
23 charges will accumulate thereafter.

1           (3)    The acceptable methods of payment. If the company cannot, or will not  
2                    provide change to a customer, the company shall advise the customer to  
3                    bring exact payment.

4           (4)    That the vehicle can be picked up within one hour of request.

5   **Sec. 14.5-2730. Authorized fees and charges.**

6   (a)    Any towing firm engaged in the business of trespass towing shall not charge the  
7   owner of any towed vehicle or personal property in excess of the fees set by the city  
8   commission by resolution. The fees set by resolution shall be all inclusive during the first  
9   24-hour period following notification of vehicle tow to the Gainesville Police  
10   Department; no additional fees or charges whatsoever may be charged unless specifically  
11   established and authorized herein or by state statute. ~~However, the maximum~~  
12   ~~fees in this section shall not apply to trespass towing of vehicles~~  
13   ~~which have more than two axles or more than four road wheels or~~  
14   ~~are rated to carry more than one ton. The city commission shall~~  
15   establish, by resolution, a maximum fee for specific classes of  
16   vehicles as identified in the Towing and Recovery Association of  
17   America's TRAA Vehicle Identification Guide©. After maximum  
18   fees are initially established using the TRAA Vehicle Identification  
19   Guide©, such maximum fees will be subject to rate review as



1 provided in Sec. 14.5-30(c) notwithstanding that such review may  
2 occur less than annually for the first instance.

3 (b) A person, firm, or corporation that provides trespass towing and storage services  
4 pursuant to Article III, Section 14-5-25, et. seq. of the Gainesville Code of Ordinances  
5 shall accept payment for charges from the vehicle owner or authorized representative in  
6 any of the following forms:

7 (1) Cash;

8 (2) Major credit card; and

9 (3) Debit card.

10 (bc) Maximum trespass towing fees shall be established no more than annually by the  
11 city commission after receiving a request for fee modification by the towing company  
12 owners and staff recommendations based on financial information submitted by the  
13 trespass towing companies as to their costs for the removal of vehicles and on other  
14 information. The required information shall be submitted by the towing company owners  
15 by September 30 of each year. The maximum fees shall be set by resolution to be adopted  
16 by the city commission prior to December 31 of each year in which a request for  
17 modification has been made. Such maximum fees shall be effective during the following  
18 calendar year and until changed by subsequent resolution.

19 **Sec. 14.5-~~2831~~. Vehicle not connected upon operator returning.**

20 The owner or operator of any towing service vehicle which is summoned to tow away  
21 any vehicle on private property, or stops to tow any vehicle under a valid "Roam  
22 Towing" provision on private property, shall not remove or tow the vehicle away and

1 shall not charge any fee if the vehicle operator returns to the vehicle prior to the towing  
2 service operator having physically connected the vehicle to the towing apparatus.

3 **Sec. 14.5-~~29~~32. Vehicle not towed upon operator returning.**

4 If the registered owner or other legally authorized person in control of the vehicle arrives  
5 at the scene prior to removal or towing of the vehicle, the vehicle shall be disconnected  
6 from the towing or removal apparatus, and that person shall be allowed to remove the  
7 vehicle without interference upon the payment of a reasonable service fee of not more  
8 than one-half of the posted rate for such towing service for which a receipt shall be given,  
9 unless that person refuses to remove the vehicle which is otherwise unlawfully parked.

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

11 Except as provided in Sec. 14.5-32 above and except for bona fide  
12 emergencies, a vehicle in tow shall be taken from the point of tow  
13 to the permanent business address of the tow company where  
14 vehicles are normally stored. Temporary storage is prohibited.

15 **Sec. 14.5-~~30~~34. Vehicles subject to criminal investigation.**

16 Tow owner shall not refuse to relinquish to the police, a vehicle which is the subject of a  
17 criminal investigation. Relinquishment of the vehicle to the police for impoundment at its  
18 contract site shall not affect tow owners right to payment for services rendered and  
19 payment for those services shall be made to tow owner by the owner of the vehicle or  
20 his/her representative, or other arrangements shall be made with tow owner to receive  
21 payment before the vehicle is released to the owner or his/her representative.

22 **~~Sec. 14.5-31. Reserved.~~**

1 **Sec. 14.5-~~3235~~. Civil citation; violation of ordinance.**

2 Police officers and code enforcement officers may issue a civil citation to tow owners or  
3 their authorized representatives and property owners or their authorized representatives,  
4 for violations of any section of this article.

5 ~~Sec. 14.5-33. Reserved.~~

6 **Sec. 14.5-~~3436~~. Receipt from towing service to be furnished to owner when vehicle**  
7 **claimed.**

8 When a towed vehicle is claimed the towing service shall furnish the owner or other  
9 legally authorized person with a receipt which shall include the name of the person or  
10 management entity who authorized the towing. The receipt shall also include the  
11 following language:

12 "Notice: Towing from private property is regulated by the provisions of F.S. § 715.07 and  
13 Chapter 14.5, Article III City of Gainesville Code of Ordinances."

14 **Sec. 14.5-~~3537~~. Prohibitions.**

15 (a) It shall be a violation of this article to charge any fee, which is based on police  
16 response to a call by the owner of a vehicle.

17 (b) It shall be a violation of this article for any person other than the real property  
18 owner or an authorized representative of the owner, or the tow owner or authorized  
19 representative of the tow owner if the signs are placed by the tow company, to move,  
20 remove, or deface any tow-away sign.

21 **Sec. 14.5-~~3638~~. Penalties.**

1 In addition to those penalties imposed by F.S. § 715.07, violation of any provision of this  
2 article, including any of the requirements of F.S. § 715.07 shall be subject to the  
3 following civil penalties:

4 (1) Any person who violates this article shall be liable to the owner or lessee  
5 of the vehicle for all costs of recovery (including all towing and storage  
6 fees) plus attorney's fees and court costs, and shall in addition be liable to  
7 the owner or lessee of any towed or removed vehicle for damages  
8 resulting directly or indirectly from the removal, transportation or storage  
9 of the vehicle.

10 (2) Any person who violates any of the provisions of this article shall upon  
11 conviction be fined not more than \$500.00 per violation. Each violation  
12 shall be considered a separate offense.

13 **Secs. 14.5-~~3739~~--14.5-51. Reserved.**

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

16 **POLICE:**

17 *Burglar alarm operators:*

18	Application for alarm or annual renewal application .....	16.75
19	Note: Proportionately adjusted for initial periods exceeding one year (§ 21-52)	
20	First false alarm with valid permit .....	No cost
21	First false alarm without valid permit or second false alarm, each .....	26.25
22	Third and fourth false alarms, each.....	52.50
23	Fifth and sixth false alarms, each.....	105.00

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1 Seventh and eighth false alarms, each .....210.00

2 Ninth and above false alarms, each.....420.00

3 False alarm from non-permitted system, additional fee\*.....210.00

4 \*Note: Reduced to \$50.00 if application filed within ten days and issued within

5 ten days thereafter (§ 21-53)

6 Alarm permit reinstatement fee after revocation (§ 21-54) .....52.50

7 Failure to respond when requested by police (§ 21-56).....52.50

8 Failure to deactivate alarm within 15 minutes (§ 21-57).....131.25

9 Prohibited devices:

10 Automatic dialing device (§ 21-61(a)).....131.25

11 "One Plus Panic Alarm" or single-action switch (§ 21-61(b) and (c)).....52.50

12 Auxiliary power supply less than four-hour minimum (§ 21-62) . . . 131.25

13 *Burglar alarm monitoring companies:*

14 Annual registration fee (§ 21-58).....105.00

15 Failure to register or to maintain records for one year (§ 21-58).....131.25

16 Failure to verify alarm (§ 21-59) .....131.25

17 *Burglar alarm system contractors:*

18 Annual registration fee (§ 21-60(a)) .....105.00

19 Failure to register annually (§ 21-60(a)).....131.25

20 Failure to meet UL or ANSI standards (§ 21-60(d)).....131.25

21 Activation of unpermitted alarm (§ 21-60(e)) .....131.25

22 Causing false alarm during servicing or inspection, each violation (§ 21-60(f))

23 .....131.25

1 Installation, maintenance, repair, alteration or servicing by unregistered  
2 contractor, each violation (§ 21-60(b)) .....131.25  
3 Failure to furnish agents with identification cards (§ 21-60(c)) .....52.50  
4 Failure to provide operators with permit application - each violation (§ 21-60(g))  
5 .....52.50  
6 *Burglar alarm systems:*  
7 Assessment fee per false alarm .....11.25  
8 *Roam Towing:*  
9 Trespass towing application process fee (section 14.5-26(a)(6)) .....  
10 (a) Properties 1-5 ..... 47.00 ea  
11 (b) Properties 6-10 ..... 35.00 ea  
12 (c) Properties 11-15 ..... 30.00 ea  
13 (d) Properties 16-20 ..... 25.00 ea  
14 (e) Properties 20 or more ..... 15.00 ea  
15 Registration – Owners, operators and vehicles:  
16 (a) Owners and vehicles  
17 ..... XX.XX  
18 (b) Operators permit ...  
19 ..... XX.XX  
20 (c) Replacement permits .....  
21 ..... 1/2 Permit Fee

1           **Section 3.** It is the intention of the City Commission that Section 1 of this ordinance  
2 shall become and be made a part of the Gainesville Code of Ordinance, of the City of  
3 Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be  
4 renumbered or relettered in order to accomplish such intentions.

5           **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be  
6 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in  
7 no way affect the validity of the remaining portions of this ordinance.

8           **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the  
9 extent of such conflict hereby repealed.

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

**D R A F T**

5-18-07

1 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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\_\_\_\_\_  
PEGEEN HANRAHAN  
MAYOR

7 ATTEST

APPROVED AS TO FORM AND

8 LEGALITY

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

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

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17 This Ordinance passed on first reading this \_\_\_ day of \_\_\_\_\_, 2007.

18 This Ordinance passed on second reading this \_\_\_ day of \_\_\_\_\_, 2007.



RESOLUTION \_\_\_\_\_

File #050749

PASSED \_\_\_\_\_

A resolution of the City Commission of the City of Gainesville, Florida, amending and establishing the maximum trespass towing fees in accordance with section 14.5-30 of the Code of Ordinances of the City of Gainesville, Florida; and providing an immediate effective date.

**WHEREAS**, Section 14.5-30 of the Code of Ordinances of the City of Gainesville provides that maximum trespass towing fees shall be established no more than annually by the City Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:**

**Section 1.** The City Commission finds that the maximum trespass towing fees shall be as follows for all trespass tows occurring as of the effective date of this resolution.

Class 1 through 2 Light-Duty vehicles .....	\$ 76.00
Class 3 through 6 Medium Duty vehicles .....	\$ 133.00
Class 7 through 8 Heavy Duty .....	\$ 288.00

Classifications are from the TRAA Vehicle Identification Guide©  
TRAA – Towing and Recovery Association of America

**Section 2.** This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
PEGEEN HANRAHAN  
MAYOR

Approved as to Form and Legality:

Attest:

\_\_\_\_\_  
Marion J. Radson, City Attorney

\_\_\_\_\_  
Kurt Lannon, Clerk of the Commission