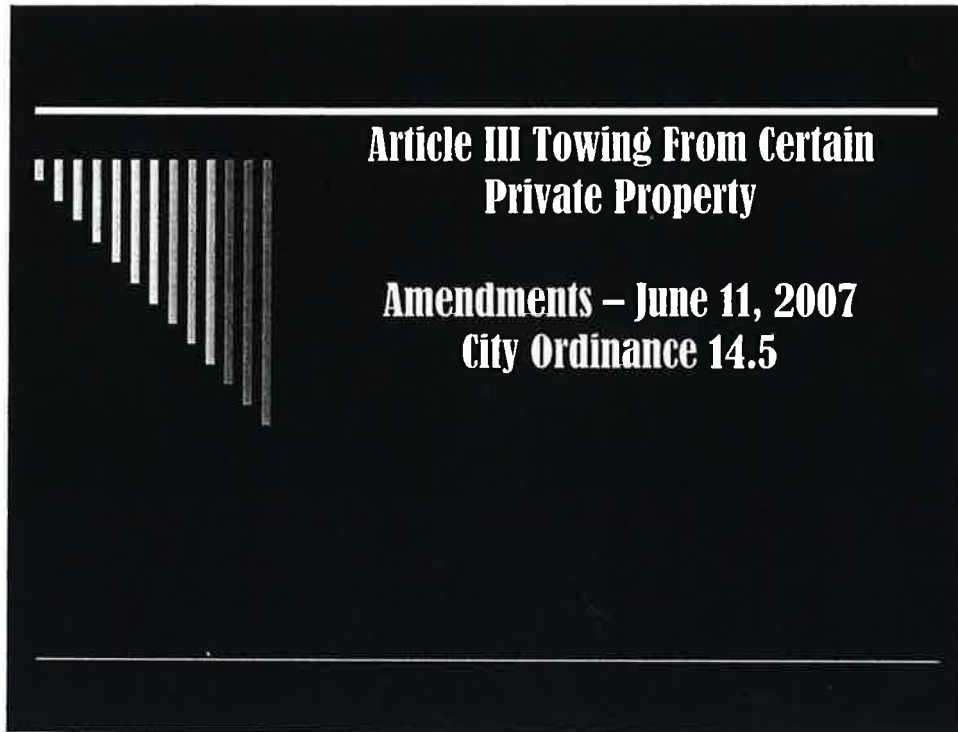



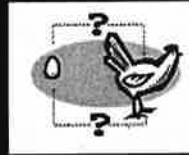
050749
Lt. Scott
Submitted
5/11/2007



Very short presentation outlining the history of the recommendations to the Trespass Towing Ordinance




Where it started...



- ❖ March 16, 2006 request from PSC to staff – what criteria is used by Tallahassee government to determine trespass tow rate increases
- ❖ April 27, 2006 – report to PSC to include info regarding criteria for rate increases and other recommendations intended to improve the current city ordinance for Trespass Towing in Gainesville

The Tallahassee Trespass Tow ordinance has been the foundation of Gainesville's ordinance since its inception in 1994.

The question of criteria for tow rate increases lead to revisiting the Tallahassee ordinance as a whole regarding other areas needing refinement in the current ordinance. The suggested changes should address some of the safety issues brought up by citizens in the past, as well as clarify for property owners and tow companies several of the regulations in the current ordinance.



History of public meetings regarding amendments
to Article III, Towing From Certain Private Property

- ❖ May 15, 2006 - Public Safety Committee
- ❖ June 15, 2006 - Public Safety Committee
- ❖ July 10, 2006 – City Commission
- ❖ August 17, 2006 – Public Safety Committee
- ❖ February 26, 2007 – City Commission
- ❖ March 29, 2007 – Public Safety Committee
- ❖ April 19, 2007 – Public Safety Committee
- ❖ May 17, 2007 – Public Safety Committee
- ❖ June 11, 2007 – City Commission

May 15, 2006 – Report to the PSC on the question of criteria for changing the rate in addition to and introduction to other changes to the ordinance

June 15, 2006 – A report including recommended amendments to the ordinance was made to the PSC – The PSC approved and forwarded the recommendation to the City Commission

July 10, 2006 – The City Commission approves the PSC recommendation to
1) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amendment intended to enhance the safety of the citizen retrieving their vehicle and providing for a safer, less conflicting resolve in trespass towing.

August 17, 2006 – City Attorney Marion Radson makes a presentation to the PSC (and then later to the full commission) regarding tow ordinances in other cities that restrict towing to only those authorized by a live person who signs for the tow.


February 26, 2007 – City Commission refers the ordinance back to PSC for clarification described in next slide

March 29, 2007 – Public Safety Committee and attendees given a presentation on the history of the trespass tow ordinance –

April 19, 2007 – Public Safety Committee receives multi-page list of concerns from attorney representing some of the tow companies. City Attorney Ron Combs to respond to concerns

May 17, 2007 – Ron Combs responds back to the PSC. The PSC again refers amended ordinance to the CC


June 11, 2007 – Hearing before CC



February 26, 2007 Referral to PSC by the City Commission for the following clarification:

- ❖ A timeframe for the accumulation of violations against the tow companies
- ❖ Documentation of corrective actions for employees
- ❖ Clarification regarding the felony issue of employees
- ❖ Return the ordinance as soon as possible to the City Commission

These are points of clarification requested by the CC on Feb 26, 2007.




Other Amendments

- ❖ Define and clarify certain sections of the ordinance
 - ❖ Define "Physical Connection"
 - ❖ Establish a process for registration of tow companies and permitting of drivers; permit specifications, revocation and appeal
 - ❖ Clarify when a new trespass tow contract is required
 - ❖ Establish maximum rates for multiple classes of vehicles

Other clarification included in the amended ordinance:

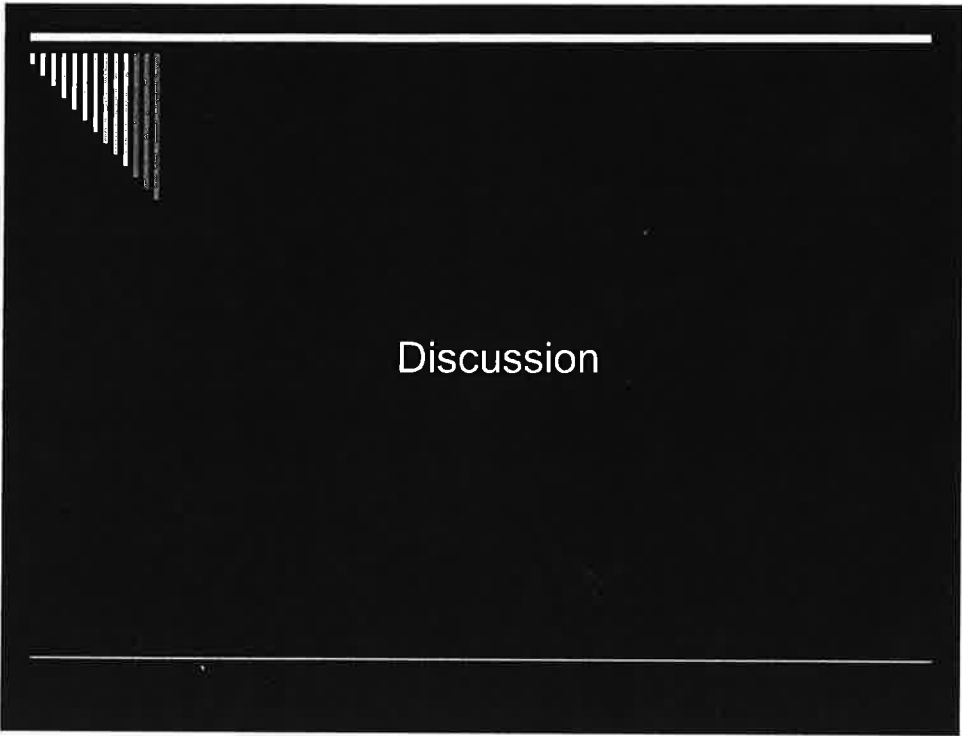
1. Physically connected – the point at which the towing vehicle is presumed in possession of the vehicle being towed. Vehicle is raised off the ground and in compliance with FSS 316.222 (Stop Lamps and Turn Signals) and FSS 316.525 (Requirements for vehicles being towed)
2. Registration of company and permitting by company owner of trespass tow operators
3. When initially drafted between the property owner and tow company, renewed annually or if either party signing the contract on file changes (i.e., property owner switches tow companies, owner of property/manager changes)
4. Current ordinance only addresses light duty vehicles. Language defining light-duty was vague and there was no regulation for fees charge to tow medium and heavy duty vehicles. The amendment recommends use of the TRAA (Towing and Recovery Association of America) vehicle identification guide for determining class of vehicle being towed and that rates should be established for all classes of vehicles



Amendments

- ❖ Acceptance of a major credit card in addition to cash or debit card as means of payment
- ❖ Prohibition of temporarily storing vehicles under tow
- ❖ Require a photograph(s) of the vehicle being towed depicting violation
- ❖ Tow company to provide specified information to owners/operators of vehicles towed
- ❖ Provide a schedule of fees, rates and charges for registration and permitting

5. A major credit card must be included as an accepted form of payment for a trespass tow
6. Tow companies must take trespass tow vehicles directly to their permanent business storage facility
7. Trespass tow operators shall take a photo (or photos) that depict from where the car is being towed, and the violation (no decal, no pass, inoperable vehicle)
8. People who call to retrieve a vehicle shall be informed of the type of payment accepted, where the car is located and any paperwork required to retrieve the vehicle.
9. The amended ordinance will include a schedule of fees, rates and charges to the trespass tow companies



Discussion