

ORDINANCE \_\_\_\_\_  
0-07-83

An ordinance of the City of Gainesville amending Chapter 14.5, Article III, Section 14.5-27 to provide a time frame for disqualifying felony convictions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

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

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

Section 1. Chapter 14.5, Article III, Section 14.5-27, of the Code of Ordinances of the City of Gainesville, is amended to read as follows:

Sec. 14.5-27. Application for wrecker operator’s permit; violations.

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

- (1) be not less than 2 1/8 inches by 3 3/8 inches.
- (2) contain a photograph of the wrecker operator that is not less than one inch by 1 1/2 inches in size.

1 (3) provide the name of the wrecker service and wrecker operator's first name in  
2 letters that are not less than 1/4 inch by 1/4 inch.

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

4 (5) provide a place for the chief of police 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 services, the permit must be replaced. The  
9 replacement permit shall be valid only for the remainder of the time  
10 period for which the initial permit was valid.

11 (b) It shall be unlawful for the owner of any wrecker service to permit any person to be  
12 employed as a wrecker operator conducting trespass towing within the city unless such  
13 person has been granted a wrecker operator permit to engage in trespass towing which has  
14 been validated by the chief of police or designee. Upon issuance of the permit, the wrecker  
15 operator is granted the privilege of engaging in trespass towing within the city limits of the  
16 City of Gainesville, Florida, unless such permit expires or is suspended or revoked, as  
17 provided in this Article. Each permit shall be valid for two years from date of issuance.

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

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

- 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, pled nolo contendere to, or had adjudication  
4 withheld for or been incarcerated after any conviction, plea of nolo  
5 contendere or adjudication withheld for any of the following:
- 6 a. Any capital felony, any first degree felony, sexual battery, any violent  
7 felony involving the use of a gun or knife or which results in great  
8 bodily harm.
- 9 ab. Within the previous ten years, Any violent felony including rape,  
10 battery, aggravated battery, felony battery and aggravated assault not  
11 referenced in subsection "a" above .
- 12 bc. Within the previous ten years, any felony or first degree misdemeanor  
13 directly related to the business of towing motor vehicles; repossession  
14 of motor vehicles; motor vehicle theft; car jacking or chop shops; or  
15 liens for recovering, towing, or storing vehicles and vessels (§713.78,  
16 F.S.).
- 17 ed. Within the previous five years, of either: (1) driving under the  
18 influence of alcohol, a controlled substance, or a chemical substance,  
19 to the extent that normal faculties are impaired; or (2) driving with an  
20 unlawful blood alcohol level.
- 21 (d) A permit shall be reviewed and granted or denied in writing within two business  
22 days. If the permit is denied, the reason for such denial shall be provided in writing and

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

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

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

9 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be  
10 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no  
11 way affect the validity of the remaining portions of this ordinance.

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

14 **Section 5.** This ordinance shall become effective immediately on adoption

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

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PEGEEN HANRAHAN  
MAYOR

ATTEST

APPROVED AS TO FORM AND LEGALITY

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

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

27 This Ordinance passed on first reading this 24<sup>th</sup> day of September, 2007.

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