



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., and on any Sunday the tow service tows any vehicles.

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

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

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

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

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 on the form approved by the towing  
5 administrator with a tow company for the tow company to monitor non-permitted parking on  
6 said private real 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~~ that engages in or ~~who that~~ 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

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~~ 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;

- 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 permanent legible 3” lettering on both  
7                    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 aAppendix 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<sup>1</sup>/<sub>8</sub> inches by 3<sup>3</sup>/<sub>8</sub> inches.~~

22           (2) ~~— Contain a photograph of the wrecker operator that is not less than one inch by 1<sup>1</sup>/<sub>2</sub>~~  
23                   ~~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 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                          name of the trespass towing service and the first name and first initial of  
13                          the last name of the trespass towing operator along with the unique  
14                          identification number assigned to that operator by the towing  
15                          administrator. The name of the trespass towing service visible on the  
16                          outer garment and uniform must be the same as the name on the vehicle  
17                          being operated by the trespass towing operator. In addition, the trespass  
18                          tow operating permit must be worn on the outer garment, so as to be  
19                          visible to a person speaking with the operator. The permit must be shown  
20                          upon request to the person whose car is being towed.

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

22           (1.) ~~Operate permit any person to be employed as a wrecker operator conducting~~  
23                   ~~trespass towing~~ within the city without having first obtained ~~unless such person~~

1 ~~has been granted a wrecker operator~~ a trespass towing service permit issued by  
2 the towing administrator. ~~to engage in trespass towing which has been validated~~  
3 ~~by the chief of police or designee.~~

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

7 (c) Upon issuance of the permits, the trespass towing service and/or tow wrecker operator is  
8 granted the privilege of engaging in trespass towing within the city limits of the City of  
9 Gainesville, Florida, unless such permit expires or is suspended or revoked, as provided  
10 in this article. Each trespass towing service permit shall be valid for no more than one  
11 year and shall expire on September 30<sup>th</sup> of each year. Each tow operator permit shall be  
12 valid for no more than two years and shall expire on September 30<sup>th</sup> of the second year.  
13 ~~valid for two years from date of issuance~~ Permits are not transferable or assignable.

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

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

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

- 1 (3) Not have been convicted of, found guilty of, or pled guilty or nolo contendere to,  
2 regardless of the adjudication of guilt, ~~pled nolo contendere to, or had~~  
3 adjudication withheld for or been incarcerated after any conviction, plea of nolo  
4 contendere or adjudication withheld for any of the following:
- 5 a. Any capital felony, any first degree felony, sexual battery, or any violent  
6 felony involving the use of a ~~gun~~ firearm or ~~knife~~ weapon, as defined in  
7 Section 790.01, F.S. Florida Statutes or which results in great bodily harm.
- 8 b. ~~Within the previous ten years, a~~ Any violent felony including not  
9 referenced in subsection a above which occurred within ten (10) years of  
10 the application date.
- 11 c. ~~Within the previous ten years, a~~ Any felony or first degree misdemeanor  
12 directly related to the business of towing motor vehicles; repossession of  
13 motor vehicles; motor vehicle theft; carjacking; ~~or~~ chop shops; or liens for  
14 recovering, towing, or storing vehicles and vessels (F.S. § Section 713.78,  
15 Florida Statutes), which occurred within ten (10) years of the application  
16 date.
- 17 d. ~~Within the previous five years, of either: (1) ~~d~~Driving under the influence~~  
18 ~~of alcohol, a controlled substance, or a chemical substance, to the extent~~  
19 ~~that normal faculties are impaired; or (2) driving with an unlawful blood~~  
20 ~~alcohol level, in violation of Section 316.193, Florida Statutes, which~~  
21 occurred within five (5) years of the application date, unless the applicant  
22 demonstrates evidence of the successful completion of a substance abuse  
23 treatment program approved by the city.



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

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

5 a. The applicant does not have a currently suspended permit, has not had its  
6 permit revoked by action of the City within two (2) years of the date of  
7 application, or has no outstanding and unsatisfied civil penalties imposed  
8 for violations of this article.

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

12 c. No fraud or willful or knowing misrepresentation or false statement is  
13 made in the application.

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

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

19 f. The applicant, or the trespass towing service purchased by the applicant or  
20 the trespass towing service from which all or substantially all of its  
21 business assets were purchased by the applicant, has no (i) unpaid civil  
22 penalties; (ii) unpaid administrative costs of hearing; (iii) unpaid City  
23 investigative, enforcement, testing, or monitoring costs; or (iv) unpaid

1                    liens, any or all of which are owed to the City of Gainesville pursuant to  
2                    the provisions of the Code of Ordinances.

3                    g. There has been no fraudulent transfer of the company as described in  
4                    Section 14.5-39.1, City of Gainesville Code of Ordinances.

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

10 (~~ef~~) Every applicant for a trespass towing service permit shall file with the towing  
11 administrator a certificate of insurance or other proof of insurance providing coverage for  
12 all liability claims and claims of damage to property resulting from any action or  
13 operation in connection with the trespass towing 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 (~~g~~) Each trespass towing service shall have a fixed physical office within the Gainesville city  
17 limits registered with the towing administrator. The office shall be open and staffed with  
18 personnel during normal business hours, as defined in this chapter, allowing for the  
19 recovery of towed vehicles and the inspection of the premises and records by the towing  
20 administrator.

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

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