

**ORDINANCE NO. 070510**  
**0-07-108**

**An ordinance of the City of Gainesville, Florida, amending Chapter 14.5, Article III, Section 14.5-29(4)(d), Gainesville Code of Ordinances, relating to photographs of vehicle violations and viewing photographs; creating a new Section 14.5-29.1 establishing and requiring the posting of a Customer Bill of Rights; 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 14.5-29, subsection (a)(4) of the Gainesville Code of Ordinances is amended to read as follows:

**MISCELLANEOUS BUSINESS REGULATIONS**

**Article III. Towing From Certain Private Property**

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

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

- 1           (4) Owners of properties used for residential purposes may elect to authorize the  
2 towing service to tow away or remove vehicles without a verified request to  
3 remove a specific vehicle provided that the owner first complies with the  
4 following requirements:
- 5           a. Signage shall be added to each of the existing tow away signs with  
6 letters of the same size as the “tow away” language, which provides  
7 the following words: “roam towing.” The sign shall state the specific  
8 hours of roam towing or state 24 hours, if that is applicable.
- 9           b. Towing contract on file with the Gainesville Police Department as  
10 required by subsection 9(a)(1) shall be amended to provide for roam  
11 towing.
- 12           c. Photograph(s) of the “offending” vehicle shall be taken prior to its  
13 removal and shall be of sufficient detail to demonstrate the violation  
14 of rule or regulation for which the vehicle is being towed. The  
15 photograph(s) must be date and time stamped and maintained by the  
16 wrecker company for a minimum period of one year. Photos will be  
17 available for viewing the following business day. Normal hours for  
18 viewing the photographs will be Monday through Saturday, 8 a.m. to  
19 5 p.m. There can be no charge for viewing the photographs when  
20 such is done during the first available business day as referenced  
21 above.
- 22           d. Lease, rental or property owners' association documents shall contain  
23 a notice provision indicating that the residential property utilizes roam

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

9 **Section 2.** Chapter 14.5, Article III of the Gainesville Code of Ordinances is  
10 amended by creating and adding a new section 14.5-29.1 to read as follows:

11 Sec. 14.5-29.1 Trespass Tow Bill of Rights

12 Any towing firm engaged in the business of trespass towing shall post the Trespass  
13 Tow Bill of Rights in a clearly visible, prominent position, not more than ten feet from the  
14 place where payment for the tow is made. Posters listing the Customer Bill of Rights shall  
15 be supplied by the Gainesville Police Department at a cost not to exceed the cost of  
16 production. The poster shall read the following:

17 Trespass Tow "Bill of Rights"

18 Your car has been trespass towed. You have certain rights under Florida State  
19 Statutes and City of Gainesville Ordinances:

- 20 (1) Your vehicle must be released within one hour after requested, provided the  
21 towing fees are paid.

1       (2)     You can retrieve any personal property that is in the vehicle within the first  
2       24 hours of the tow prior to paying the towing fees (after the first 24 hours, a fee may  
3       be charged).

4       (3)     You may inspect your vehicle prior to paying the towing fees. The tow  
5       company cannot require you to sign a waiver which would release the firm from  
6       liability for damages noted by you at the time the vehicle is picked up. The tow  
7       company is responsible for any damage done by entry into the vehicle if the entry  
8       was not done with the “standard of reasonable care.” Proper remedy for these  
9       damages is through civil court.

10      (4)     You may pay the towing charges using cash, debit card, or major credit card  
11      (Visa or MasterCard). A fee may be charged to use the debit card. No additional fee  
12      can be charged for use of a credit card.

13      (5)     A detailed, signed receipt showing the legal name of the tow company or  
14      person towing the vehicle must be given to you at the time of payment, whether  
15      requested or not. The receipt will also include the following statement: “Notice:  
16      Towing from private property is regulated by F.S.S. 715.07 and Chapter 14.5. Article  
17      III City of Gainesville Code of Ordinances.”

18      (6)     Tow companies are required to take photos of your vehicle prior to tow,  
19      documenting the violation for which the vehicle was towed. You can make  
20      arrangements with the tow company to see the photographs at no charge. Photos will  
21      be available for viewing the following business day. Normal hours for viewing the  
22      photographs will be Monday through Saturday, 8 a.m. to 5 p.m. It is a good idea to  
23      make an appointment in advance with the office staff.

1 The document shall also contain contact information to report violations

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

6       **Section 4.** If any word, phrase, clause, paragraph, section or provision of this  
7 ordinance or the application hereof to any person or circumstance is held invalid or  
8 unconstitutional, such finding shall not affect the other provisions or applications of the  
9 ordinance which can be given effect without the valid or unconstitutional provisions or  
10 application, and to this end the provisions of this ordinance are declared severable.

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

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

14  
15       **PASSED AND ADOPTED** this 28<sup>th</sup> day of January, 2008.

16  
17   
18 PEGEEN HANRAHAN  
19 MAYOR

20  
21 ATTEST

APPROVED AS TO FORM AND LEGALITY

22   
23  
24 KURT M. LANNON  
25 CLERK OF THE COMMISSION  
26

27   
28 MARION J. RADSON  
CITY ATTORNEY

JAN 29 2008

27 This Ordinance passed on first reading this 14<sup>th</sup> day of January, 2008.

28 This Ordinance passed on second reading this 28<sup>th</sup> day of January, 2008.