



MEMORANDUM

Office of the City Attorney

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SECOND READING

TO: Mayor and Commissioners

DATE: July 23, 2007

FROM: Marion J. Radson, City Attorney

**SUBJECT: ORDINANCE NO.: 0-07-40
ROAM TOWING REGULATIONS**

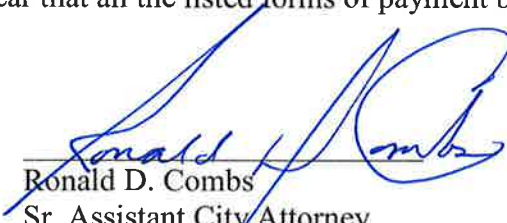
An ordinance of the City of Gainesville amending Chapter 14.5, Article III, consisting of Sections 14.5-25 thru 14.5-38 of the Gainesville Code of Ordinances relating to towing from certain private property; by providing definitions; by requiring owner, operator and vehicle registration for trespass towing; requiring wrecker operator permits; providing permit specifications; providing for permit revocation and appeal; clarifying requirement for agreement when property ownership changes; requiring the establishment of maximum rates for multiple classes of vehicles; requiring cash, major credit card and debit card payment options; prohibiting temporary storage of vehicles under tow; requiring photographs depicting violation and requiring telephone monitoring or staffing to provide specified information to owners or authorized drivers of vehicles; amending the Police section of Appendix A, Schedule of Fees, Rates and Charges by providing registration and permit fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION: The City Commission adopt the proposed ordinance.

The City Commission on July 10, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 14.5, Article III of the Code of Ordinances. The amendment of Chapter 14.5 was before the City Commission on February 26, 2007 for first reading. The amendment provided for owner, operator and vehicle registration before engaging in trespass towing; required wrecker operators to obtain a permit; set permit specifications; and provided grounds for revocation and parameters for appeal. Additionally, the amendment clarified the need for a new agreement when property ownership changes; requires the acceptance of major credit cards in addition to cash and debit card; required the photographing of parking violations; and required telephone monitoring or staffing to provide information to the driver or authorized driver of vehicles. At first reading, the City Commission referred the ordinance back to the Public Safety for further consideration, including three specific issues related to employee discipline, the time-frame for accumulation of violations leading to suspension of trespass tow authority, and the review of the need for limitations of felony violations on eligibility for a permit.

On June 11, 2007, a presentation was made to the City Commission clarifying that the violations leading to a suspension must occur during a one-year time-frame, refining criminal violations which make an operator ineligible for a permit, and addressing the affect of discipline of operators on owner's suspension. Additionally, the revised amendment defines the term "physically connected", prohibits the temporary storage of vehicles under tow, provides two-tiers for suspensions and provides for the establishment of maximum towing rates for different classes of vehicles by Resolution of the City Commission. The City Commission also requested that the amendment make clear that all the listed forms of payment be accepted.

Prepared by:


Ronald D. Combs
Sr. Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson
City Attorney

RDC/bs

PASSED ON FIRST READING BY A VOTE OF 7-0.