

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

**ORDINANCE 100306**

**An ordinance of the City of Gainesville amending Article III of Chapter 14.5, Division 1, Towing of Vehicles on Private Property, and Division 2, Immobilizing Vehicles on Private Property, relating to wrecker operator permit requirements and immobilization operator permit requirements; amending the calculation of time periods of offenses set forth in Section 14.5-27(c) and Section 14.5-42(c); 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.** Section 14.5-27(c), Gainesville Code of Ordinances, is amended to read as follows:

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

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

- (1) Submit to the chief of police or designee a certified copy from the Florida Department of Law Enforcement of his/her criminal history and a certified copy of his/her driving record from the Florida Department of Highway Safety and Motor Vehicles;
- (2) Possess a valid Florida Class E driver's license and provide a photocopy to the chief of police or designee.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

- (3) Not have been convicted, pled nolo contendere to, or had adjudication withheld for or been incarcerated after any conviction, plea of nolo contendere or adjudication withheld for any of the following:
  - a. Any capital felony, any first degree felony, sexual battery, any violent felony involving the use of a gun or knife or which results in great bodily harm.
  - b. Within the previous ten years, any violent felony including not referenced in subsection a above.
  - c. Within the previous ten years, any felony or first degree misdemeanor directly related to the business of towing motor vehicles; repossession of motor vehicles; motor vehicle theft; car jacking or chop shops; or liens for recovering, towing, or storing vehicles and vessels (F.S. § 713.78).
  - d. Within the previous five years, of either: (1) driving under the influence of alcohol, a controlled substance, or a chemical substance, to the extent that normal faculties are impaired; or (2) driving with an unlawful blood alcohol level.

All timeframes referenced in this section (c) shall be calculated and run from the date of the offense, as reflected in the charging documents.

**Section 2.** Section 14.5-42(c), Gainesville Code of Ordinances, is amended to read as follows:

**Sec. 14.5-42. - Operator's permits; application requirements; violations.**

- (c) In order to secure and remain eligible to hold an immobilization operator permit, the person must provide the following information on a form provided by the city:
  - (1) Possess a valid Florida Class E driver's license and provide a photocopy to the towing administrator.
  - (2) Not have been convicted, pled no contest to, or had adjudication withheld for or been incarcerated after any conviction, plea of no contest or adjudication withheld for any of the following:
    - a. Any capital felony, any first degree felony, sexual battery, any violent felony involving the use of a gun or knife or which results in great bodily harm.

- 1                   b.     Within the previous ten years, any violent felony including not
- 2                                   referenced in subsection a. above.
- 3
- 4                   c.     Within the previous ten years, any felony or first degree
- 5                                   misdemeanor directly related to the business of towing motor
- 6                                   vehicles; repossession of motor vehicles; motor vehicle theft; car
- 7                                   jacking or chop shops; or liens for recovering, towing, or storing
- 8                                   vehicles and vessels (F.S. § 713.78).
- 9
- 10                  d.     Within the previous five years, of either: (1) driving under the
- 11                                   influence of alcohol, a controlled substance, or a chemical
- 12                                   substance, to the extent that normal faculties are impaired; or (2)
- 13                                   driving with an unlawful blood alcohol level.
- 14

15     All timeframes referenced in this section (c) shall be calculated and run from the date of  
 16     the offense, as reflected in the charging documents.

17

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

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

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

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

30

**D R A F T**

**8/24/10**

1

2

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2010.

3

4

5

6

\_\_\_\_\_  
CRAIG LOWE  
MAYOR

7

8

9

10

ATTEST

APPROVED AS TO FORM AND LEGALITY

11

12

13

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

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

14

15

16

17

18

This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2010.

19

This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2010.