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2 **ORDINANCE NO. 080284**  
3 **0-08-72**  
4

5 **An ordinance of the City of Gainesville amending Chapter**  
6 **14.5, Article III of the Gainesville Code of Ordinances relating**  
7 **to towing and authorizing the immobilization of motor vehicles**  
8 **on private property; amending §14-25 by adding definitions;**  
9 **creating a new division 2 of Article III consisting of §14.5-39**  
10 **through §14.5-46 related to immobilization of vehicles on**  
11 **private property; providing for immobilization; providing**  
12 **exemptions; providing definitions; setting prerequisites for**  
13 **immobilization; setting criteria for permits; requiring**  
14 **authorization of the real property owner; providing for record**  
15 **keeping; requiring visible identification; requiring operator**  
16 **permits and establishing specifications for the permit; setting**  
17 **criteria for immobilization and removal of the immobilization**  
18 **device; requiring signage and setting signage requirements;**  
19 **setting the maximum immobilization charge and setting permit**  
20 **fees; requiring acceptance of various forms of payment;**  
21 **requiring receipts and specifying required information on the**  
22 **receipt; providing for permit revocation; providing for**  
23 **appeal; providing for civil citations; providing a repealing**  
24 **clause and providing an immediate effective date.**  
25

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

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

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

34 **Section 1.** A new Division 1 is hereby created and added to Chapter 14.5 of the  
35 Code of Ordinances of the City of Gainesville, and section 14.5.25 of Article III is  
36 amended, to read as follows:

1  
2 **ARTICLE III. TOWING FROM OR IMMOBILIZING VEHICLES ON**  
3 **CERTAIN PRIVATE PROPERTY**

4  
5 **DIVISION 1. TOWING OF VEHICLES ON PRIVATE PROPERTY**  
6

7 **Sec. 14.5-25. Definitions.**  
8

9 As used in this article:

10 *Emergency towing* as used in this article shall only include circumstances where the  
11 usual operation of a business is impeded by the blocking of entrances, exits or access to  
12 operational equipment, but specifically shall not include tows for the purpose of clearing  
13 parking areas.

14 *Major credit card* means a Visa and Mastercard.

15 *Normal business hours* shall be from 7:00 a.m. to 11:00 p.m.

16 *Physically connected* as used in this article shall mean that at least two of the vehicle's  
17 wheels are raised from the ground and the connection is in compliance with the  
18 requirements of F.S. § 316.222 (related to stop lamps and turn signals) and F.S. §  
19 316.525 (requirements for vehicles hauling loads).

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

25 *Tow* shall mean to haul, carry, pull along, or otherwise transport a connected vehicle by  
26 means of another vehicle in a direct and continuous movement to the storage site of the

1 towing or immobilization service and applies only to private property or trespass tows as  
2 defined in this Article.

3 Towing Administrator shall mean the person(s) appointed by the Chief of Police to  
4 administer Article III of the Gainesville Code of Ordinances regulating towing or  
5 immobilization on private property.

6 Trespass towing shall mean towing or removal of a vehicle that is parked on private real  
7 property, without the consent of the vehicle's owner or operator.

8 Trespass towing service includes any person, company corporation, or other entity  
9 whether licensed or not, who engages in or who owns or operates a business which  
10 engages, in whole or in part, in the towing of vehicles for compensation from private  
11 property and does not apply to repossessions, or to the towing or removal of any privately  
12 owned vehicle by the operator or of any vehicle towing or removal service when such  
13 service is performed at the request of the owner of the vehicle.

14 Violation as used in this article shall mean an uncontested citation or the conviction or a  
15 plea of nolo contendere to a violation of this article.

16 **Section 2.** A new division 2, of Article III, consisting of sections 14.5-39 through  
17 14.5-46, is created and added to Chapter 14.5 of the Gainesville Code of Ordinances, to  
18 read as follows:

19 **DIVISION 2. IMMOBILIZATION OF VEHICLES ON PRIVATE PROPERTY**  
20

21 **Sec. 14.5-39-14.5-51. Reserved- Intent and purpose; applicability and exemptions.**

22 (a) Intent and purpose. The intent of this division is to protect and safeguard the  
23 safety, property and welfare of the public and businesses by providing for the licensure  
24 and regulation of business enterprises engaged in the practice of immobilization of

1 vehicles. The purpose of this division is to provide a uniform system for the licensure and  
2 regulation of persons who are engaged in or who intend to engage in the practice of  
3 immobilization of vehicles which are parked on private property without the permission  
4 or authorization of the owner of the private property.

5 (b) Applicability and exemptions. Any person who utilizes any vehicle  
6 immobilization method for unauthorized vehicles parked on private property shall  
7 comply with the regulations set forth herein below. Provided however, this section shall  
8 not apply to the following:

9 (1) Towing of vehicles; or

10 (2) Vehicles on property appurtenant to and obviously a part of a single-  
11 family residence.

12 (3) Immobilization of a vehicle which occurs:

13 a. At the direction of a law enforcement officer, police service  
14 technician, traffic enforcement technician or any individual who  
15 successfully completes a training program established and approved by the  
16 Criminal Justice Standards and Training Commission for parking  
17 enforcement specialists and, whose current duties with the city include  
18 parking enforcement, or

19 b. With the consent of the vehicle's owner or operator.

20 **Sec. 14.5-40. Definitions.**

21 The following words, terms and phrases, when used in this division shall have the  
22 meanings ascribed to them in this section, except where the context clearly indicates a  
23 different meaning:

1 Immobilization, immobilize or immobilizing, also known as boot or booting shall mean  
2 the act of placing, on a parked vehicle, a "boot" or other device which causes a vehicle to  
3 be immobile or prohibits its usual manner of movement or otherwise disables a vehicle  
4 from operation.

5 Immobilization service(s) shall include any person, company, corporation or other entity,  
6 whether licensed or not, who engages in or owns or operates a business which engages, in  
7 whole or in part, in the immobilization or booting of vehicles on private property.

8 Parked means the state of a vehicle being temporarily left and unattended by its owner or  
9 operator.

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

14 Property owner means the person who exercises dominion and control over the real  
15 property, including, but not limited to, the legal title holder, lessee, a resident manager, a  
16 property manager or other agent who has legal authority to bind the owner. An owner,  
17 operator, or other agent or employee of a trespass towing service or immobilization  
18 service may not be appointed as an agent for a property.

19 Recover means to take possession of a vehicle and its contents and to exercise control  
20 and supervision over the vehicle.

21 **Sec. 14.5-41. Permit Required; Prerequisites to immobilization on private property**  
22 **and responsibilities of immobilization service; exceptions.**

1 (a) Immobilization permit required. No person, entity or immobilization service shall  
2 engage in the act, practice or business of immobilization of unauthorized motor vehicles  
3 that are parked on private property unless such person, entity or immobilization service  
4 has obtained an immobilization permit. An application for an immobilization permit shall  
5 be submitted to the Towing Administrator at the Gainesville Police Department.

6 Immobilization permits shall be issued on an annual basis. An annual permit fee as  
7 provided in Appendix A, Schedule of Fees, Rates and Charges, shall be charged for the  
8 cost of review and administration of issuance of immobilization permits.

9 (b) Requirements for issuance of immobilization permit. No person shall be issued an  
10 immobilization permit under this division unless they comply with the following  
11 requirements:

12 1) Proof of insurance. Every applicant for an immobilization permit shall file  
13 with the city's business tax division office a certificate of insurance or other proof  
14 of insurance providing coverage for all liability claims and claims of damage to  
15 property resulting from any action or operation in connection with the  
16 immobilization service, in an amount not less than one-hundred thousand dollars  
17 (\$100,000) for each incident, with fifty thousand dollars (\$50,000.00) of such  
18 coverage allocated for property damage.

19 (2) Local Business Tax. No immobilization service shall engage in the  
20 business of immobilization of unauthorized vehicles parked on private property  
21 unless such immobilization service shall first obtain a local business tax receipt in  
22 accordance with the provisions set forth in Chapter 25, Article III of the  
23 Gainesville Code of Ordinances. Trespass Towing services, current in their local

1 business tax, are not required to pay an additional local business tax for the  
2 privilege of engaging in immobilization services.

3 (c) Authorization of the real property-owner. No immobilization service shall  
4 immobilize a vehicle on private property unless such immobilization service has written  
5 authorization or permission of the owner of the real property upon which the  
6 immobilization will occur.

7 (1) Prior to immobilization of any vehicle, the immobilization service shall  
8 have executed a written agreement with the owner of the real property upon  
9 which the immobilization will occur, and shall file and maintain on record at all  
10 times with the Towing Administrator at the Gainesville Police Department a list  
11 of any and all such agreements for immobilization services on private property  
12 within the city limits. The list shall be kept current and shall provide the city with  
13 (a) the address of the real property; (b) the date of the agreement; (c) the property  
14 owner's name, a contact name and a telephone number, the duration of the  
15 agreement; (d) the days of the week and time of day that such immobilization is  
16 authorized;

17 (2) The rebate or payment of money or any other valuable consideration,  
18 directly or indirectly from the person, immobilization service that is immobilizing  
19 vehicles to the owners or operators of the property upon which the vehicles are  
20 immobilized, for the privilege of immobilizing those vehicles, is prohibited.

21 (d) Record keeping procedures. Every person, immobilization service, and  
22 immobilization contractor who immobilizes a vehicle shall keep and maintain an  
23 immobilization log with the following information:

- 1        (1) Date and time the vehicle was observed illegally parked;  
2        (2) The date and time of immobilization;  
3        (3) The location/address of the real property where the immobilization took  
4        place;  
5        (4) The description of the vehicle including make, model, year, color, vehicle  
6        identification number, and license plate number;  
7        (5) The date and time the request for removal of the immobilization device  
8        was received and the date and time of response and removal of the immobilization  
9        device.  
10       (6) The amount and method of payment for release of the immobilization  
11       device;  
12       (7) The name of the person removing the immobilization device; and  
13       (8) The name of person to whom the vehicle was released.

14   All persons and immobilization services shall file a copy of their immobilization log with  
15   the Towing Administrator at the Gainesville Police Department and shall also keep all  
16   such immobilization logs on file for a period of one (1) year and shall make such logs  
17   available for inspection to any law or code enforcement officer or designee assigned to  
18   investigate the complaints and enforcement during regular business hours.

19   (e) Identification.

- 20       (1) All employees or agents of every immobilization service or  
21       immobilization contractor, and every person who immobilizes a vehicle shall  
22       wear the Immobilization Operator Permit, as provided in § 14.5-42 below, on the



1 outer garment and uniforms which shall state the full name of the immobilization  
2 service.

3 (2) All immobilization service vehicles shall be equipped with an amber light  
4 bar and shall display the name (or name of joint venture or individual owner or  
5 other entity ownership) on the driver and passenger side of the vehicle in letters at  
6 least three (3) inches high, and the address (or address of joint venture, or  
7 individual owner or other entity ownership) and telephone number of the  
8 immobilization service shall be displayed on the driver and passenger side of the  
9 vehicle in letters at least one (1) inch high. Lettering on the vehicle shall be  
10 permanently applied. Temporary lettering or magnetic lettering/signs are  
11 prohibited. All vehicles used in providing immobilization services shall be  
12 inspected for compliance with this article and must display a medallion issued by  
13 the Towing Administrator to evidence such compliance.

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

15 (a) It is unlawful for any person to engage in the immobilization of vehicles without first  
16 having obtained an operator's permit from Towing Administrator at the Gainesville Police  
17 Department. Each permit will meet the following specifications:

18 (1) Be not less than 2 1/8 inches by 3 3/8 inches.

19 (2) Contain a photograph of the operator that is not less than one inch by 1 1/2 inches  
20 in size.

21 (3) Provide the name of the immobilization service and the operator's first name in  
22 letters that are not less than 1/4-inch by 1/4-inch.

23 (4) Provide a control number that is linked to the operator's personal information.

24 (5) Provide a place for the Towing Administrator to validate the permit.

1           a.       After the permit is validated it shall be laminated to protect the  
2           information on the permit.

3           b.       If the permit is lost, damaged, stolen, becomes illegible or the permit  
4           holder changes immobilization services, the permit must be replaced. The  
5           replacement permit shall be valid only for the remainder of the time period for  
6           which the initial permit was valid.

7   (b)       It shall be unlawful for the owner of any immobilization service to permit any person to  
8           be employed as an immobilization operator conducting immobilization within the city unless such  
9           person has been issued an operator's permit to engage in immobilization services which has been  
10          validated by the Towing Administrator. Upon issuance of the permit, the immobilization operator  
11          is granted the privilege of engaging in immobilization services within the city limits of the City of  
12          Gainesville, Florida, unless such permit expires or is suspended or revoked, as provided in this  
13          article. Each permit shall be valid for two years from date of issuance.

14   (c)       In order to secure and remain eligible to hold an immobilization operator permit, the  
15          person must provide the following information on a form provided by the city:

16           (1)       Possess a valid Florida Class E driver's license and provide a photocopy to the  
17           Towing Administrator.

18           (2)       Not have been convicted, pled no contest to, or had adjudication withheld for or  
19           been incarcerated after any conviction, plea of no contest or adjudication withheld for any  
20           of the following:

21           a.       Any capital felony, any first degree felony, sexual battery, any violent  
22           felony involving the use of a gun or knife or which results in great bodily harm.

23           b.       Within the previous ten years, any violent felony including not  
24           referenced in subsection a above.

25           c.       Within the previous ten years, any felony or first degree misdemeanor  
26           directly related to the business of towing motor vehicles; repossession of motor

1 vehicles; motor vehicle theft; car jacking or chop shops; or liens for recovering,  
2 towing, or storing vehicles and vessels (F.S. § 713.78).

3 d. Within the previous five years, of either: (1) driving under the influence  
4 of alcohol, a controlled substance, or a chemical substance, to the extent that  
5 normal faculties are impaired; or (2) driving with an unlawful blood alcohol  
6 level.

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

11 (e) Permit fees shall be as provided in appendix A, Schedule of Fees, Rates and Charges.

12 **Sec. 14.5-43. Immobilization; criteria and requirements for immobilizing vehicles;**  
13 **release of vehicle; maximum fee.**

14 (a) Immobilization criteria. No person shall immobilize a vehicle parked on private  
15 property, unless such immobilization is in accordance with the following requirements:

16 (1) The vehicle is parked in an unauthorized manner and a sign was posted in  
17 accordance with subsection 14.5-43(b) below;

18 (2) The immobilization device is placed on the front wheel of the driver's side  
19 of the motor vehicle. The device may be placed on any other wheel if placement  
20 on the front wheel of the driver's side is not feasible; and

21 (3) Immediately upon immobilization, the person immobilizing such vehicle,  
22 shall affix on the driver's side window of such vehicle, a warning notice sticker  
23 with a completely removable adhesive, measuring ~~eight and one-half (8 1/2)~~ four

24 (4) ~~by eleven (11)~~ seven (7) inches or larger, containing a warning stating that the

1 vehicle has been immobilized and that any attempt to move the vehicle may result  
2 in damage to the vehicle, and shall provide the name and business address of the  
3 person who immobilized such vehicle, the business telephone number to contact  
4 for release of the immobilization device, and fee for its removal as set forth in  
5 Appendix A, Schedule of Fees, Rates and Charges.

6 (4) Photograph(s) of the "offending" vehicle shall be taken and shall be of  
7 sufficient detail to demonstrate the violation of rule or regulation for which the  
8 vehicle is being immobilized. The photograph(s) must be date and time stamped  
9 and maintained by the immobilization service for a minimum period of one year.  
10 Photos must be available for viewing the following business day. Normal hours  
11 for viewing the photographs are Monday through Saturday, 8:00 a.m. to 5:00 p.m.  
12 There shall be no charge for viewing the photographs when such is done during  
13 the first available business day as referenced above.

14 (b) Sign posting. Prior to immobilizing, in any manner, any vehicle parked on a  
15 private property, a separate/individual sign meeting the following requirements shall be  
16 posted:

17 (1) The sign shall be prominently placed at each driveway access or curb cut  
18 allowing vehicular access to the property, within five (5) feet from the public  
19 right-of-way. If there are no curb cuts or access barriers, sign(s) must be posted  
20 for each twenty-five (25) feet of property abutting public right-of-way, with a  
21 minimum of at least one (1) sign;

22 (2) The sign must clearly indicate, in not less than two (2) inch high, light  
23 reflective letters on contrasting background, that unauthorized vehicles will be

1       immobilized at the owner's expense. The words "vehicle immobilization area"  
2       must be included on the sign in not less than four-inch high letters;  
3       (3)     The sign structure containing the above notices must be permanently  
4       installed with the words "vehicle immobilization area" not less than three (3) feet  
5       and not more than six (6) feet above ground level and must be continuously  
6       located on the property for not less than twenty-four (24) hours prior to  
7       immobilization of any vehicles;  
8       (4)     The sign must also provide the name and current telephone number of the  
9       immobilization service which placed the immobilization device on the vehicle;  
10      and  
11      (5)     The sign shall state whether public parking is permitted and the hours of  
12      operation that the property is utilized for public parking.  
13      (c)     Where property is posted for trespass towing and the immobilization service will  
14      be performed by the same entity or company, the signage requirements may be met by  
15      adding "vehicle immobilization area" to existing trespass towing signage.  
16      (d)     Removal of immobilization device; release of vehicle; availability and response  
17      time. When a vehicle has been immobilized, the immobilization device shall be removed  
18      and the vehicle shall be released or returned to its owner or custodian within one hour  
19      upon request for removal and payment of the immobilization charge.  
20      Any person, immobilization service which places an immobilization device on an  
21      unauthorized vehicle parked on private property shall operate a twenty-four-hour, seven-  
22      day-a-week answering service, and shall make available on a twenty-four-hour, seven-

days-a-week basis, attendants and equipment for the release of the immobilization device within one hour of request for removal and payment of the immobilization charge.

(e) *Maximum immobilization charge.* No person or immobilization service may charge an immobilization charge or fee for removal of an immobilization device on an unauthorized vehicle parked on private property in excess of the fee provided in Appendix A, Schedule of Fees, Rates and Charges, of this Code of Ordinances. An immobilization service shall accept payment for charges from the vehicle owner or authorized representative in the following forms:

(1) Cash;

(2) Major credit card; and

(3) Debit card.

The immobilization service is required to be able to accept payment at the site of the immobilization, and shall accept any lawfully tendered payment.

(e) *Required receipt.* Any person, immobilization service which places an immobilization device on an unauthorized vehicle parked on private property shall provide, at the time of payment, a written receipt for all charges imposed and received from the owner or operator of a vehicle resulting from the immobilization of a vehicle.

Said receipt shall be made and maintained in duplicate and shall include at a minimum:

(1) The date, time, and location of the immobilization;

(2) The total charges listed individually and specifically;

(3) The date and time of the request for removal of the immobilization device;

(4) The date and time of payment of the charges; and

1       (5) The following disclosure in bold capitalized letters of at least twelve-point  
2       type:

3               IF YOU HAVE AN QUESTION OR COMPLAINT,  
4               PLEASE CONTACT THE CITY OF GAINESVILLE'S  
5               TOWING ADMINISTRATOR AT THE GAINESVILLE  
6               POLICE DEPARTMENT, 413 NW 8<sup>th</sup> Avenue,  
7               GAINESVILLE, FL 32601;

8       (f) Return of vehicle owner prior to immobilization. No person, immobilization  
9       service shall immobilize a vehicle or charge for its services where the registered owner or  
10      other legally authorized person in control of the vehicle arrives at the scene prior to the  
11      immobilization, unless:

12           (1) The registered owner or other legally authorized person in control of the  
13           vehicle refuses to remove the vehicle; or

14           (2) The vehicle has already been completely connected to the immobilization  
15           device and the registered owner or other person in control of the vehicle refuses to  
16           pay a service fee of not more than one-half ( 1/2) of the rate contained in  
17           Appendix A, Schedule of Fees, Rates and Charges for such immobilization  
18           service.

19           (3) The immobilization service or person immobilizing the vehicle shall wait  
20           a minimum of twenty (20) minutes to allow the vehicle's owner or operator to  
21           secure cash or other acceptable payment of the fees enumerated herein.

22       (g) Proof of ownership of the vehicle shall not be required of any person who is  
23       paying a fee for the removal of the immobilization device.

1 (h) The registered owner or other legally authorized person in control of the vehicle  
2 shall not be prevented from accessing any of the vehicle's interior compartments by the  
3 immobilization service or operator.

4 (i) Towing/removal requirements. An immobilized vehicle shall not remain  
5 immobilized on private property for more than twenty-four (24) hours. After such period  
6 of time has expired, the vehicle shall be released from the immobilization device and the  
7 vehicle may be towed or removed pursuant to this article, and no fee shall be assessed for  
8 placement or release of the immobilization device.

9 **Sec. 14.5-44. Enforcement and inspection; disclaimer.**

10 (a) Enforcement and inspection. The Towing Administrator shall enforce the  
11 provisions set forth in this division. This shall not preclude other law enforcement  
12 personnel from conducting any action as deemed necessary to assure compliance with all  
13 applicable laws.

14 To determine compliance and enforce the provisions of this division, the Towing  
15 Administrator shall have the right of entry upon real property during the operating hours  
16 of the subject business and shall be immune from civil or criminal prosecution for  
17 trespass upon real property while in the discharge of his duties of enforcing the  
18 provisions of this division.

19 (b) Disclaimer of immobilization methods. The imposition of the vehicle  
20 immobilization regulations set forth herein is solely intended for the public's protection  
21 from vehicle immobilization without adequate notice. Nothing herein shall be construed  
22 as authorization or permission to immobilize vehicles on private parking lots open to the  
23 public. Any person immobilizing vehicles on private parking lots open to the public shall



1 be subject to citation under this division and any other remedies available to the City of  
2 Gainesville.

3 **Sec. 14.5-45. Revocation of immobilization or operator permit, appeal.**

4 (a) In addition to the penalties set forth above, three violations of the provisions of  
5 this article by an immobilization service within a one-year period shall result in the  
6 revocation of the privilege to engage in the immobilization business. An immobilization  
7 permit shall not be revoked for acts of an employee/operator in violation of this section  
8 unless the immobilization service actively participated in or had knowledge of the  
9 violation and took no corrective action against the employee/operator or unless repeated  
10 violations by an employee did not result in progressive discipline. The immobilization  
11 service shall maintain written documentation of all corrective action taken against an  
12 employee/operator for a minimum period of one year. In addition to the corrective action  
13 taken, the documentation shall detail the type and date of the specific ordinance/statutory  
14 violation. An operator permit may be revoked notwithstanding that the operator's  
15 violations may not be applicable against the immobilization service for purposes of the  
16 immobilization service's revocation. To revoke a permit:

17 (1) The Towing Administrator shall inform the immobilization service or operator  
18 in person or by certified or registered mail within seven days prior to the effective date of  
19 the suspension.

20 (2) The immobilization service or operator may file a written request for a  
21 hearing within ten calendar days of the date of the suspension with the Towing  
22 Administrator. Failure to request a hearing within the ten calendar-day period shall  
23 constitute a waiver by the immobilization service or operator of any rights to a hearing.

1       (3) At the due hearing, the immobilization service or operator shall have the  
2 opportunity to present any testimony and/or documentation he/she believes negates or  
3 mitigates the revocation.

4       (4) Upon a review of the evidence presented at the hearing, the Towing  
5 Administrator may revoke the immobilization service or operator's permit for up to one  
6 year, as follows:

7               a. First revocation . . . Six months

8               b. Second and subsequent revocations . . . One year

9       (b) Any the immobilization service or operator whose permit has been revoked shall not  
10 be eligible to again obtain a permit until such revocation period has expired.

11       (c) Any immobilization service or operator whose permit has been revoked may file an  
12 appeal within 15 days of the date of revocation pursuant to the appeals process specified  
13 below.

14       (d) *Right of appeal.* The timely filing of an appeal shall stay the revocation of the  
15 permit. The appeal shall be taken by filing written notice with the chief of police or  
16 designee within 15 days after the decision by the Towing Administrator to revoke such  
17 permit. The notice of the appeal shall contain the grounds for the appeal and shall  
18 contain information showing that either the finding is contrary to the law or is not  
19 supported by competent substantial evidence. The chief of police or designee shall  
20 transmit copies of the appeal to the city manager along with papers constituting the  
21 record upon which the action appealed from is based. The city manager may decide to  
22 uphold or reverse the decision of the Towing Administrator. The decision of the city  
23 manager shall be the final administrative action by the city.

1 **Sec. 14.5-46. Violation of ordinance; Penalties; Civil citation.**

2 It is unlawful to engage in the immobilization of vehicles on private property without  
3 compliance with requirements of this division. Law enforcement officers may issue a  
4 civil citation to immobilization services or its authorized representatives and property  
5 owners or their authorized representatives, for violations of any section of this article.

6 **Secs. 14.5-47--14.5-51. Reserved.**

7  
8 **Section 3.** Appendix A, Schedule of Fees, Rates and Charges, POLICE, is amended  
9 by adding a new subsection titled Immobilization to read as follows:

10 POLICE:

11 Immobilization:

12	a. Annual Permit fee .....	\$275.00
13	b. Late penalty, annual payment not timely filed ...	\$25.00/month
14	c. Operator permit ..... ..	\$10.00/year
15	d. Replacement permit .....	One-half Permit fee
16	e. Vehicle (Medallion) Permit .....	\$25.00/biennially
17	f. Removal .....	\$60.00

18 **Section 4.** Section 2-339 of the Code of Ordinances of the City of Gainesville, is  
19 amended by adding the immobilization to the title of Section 14.5, Article III of the table  
20 of applicable codes and ordinances:

21 Sec. 2-339. Applicable codes and ordinances.

22 The following ordinances are enforceable by the procedures described in this division:

Section	Description	Class	Penalty
Article III of	Towing from <u>or immobilizing vehicles on</u> certain	II	\$125.00

Chapter 14.5	private property		Existing Penalty for towing
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**Section 5.** It is the intention that Sections 1 through 4 of this ordinance shall become and be made a part of the Code of Ordinances, of the City of Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be renumbered or relettered in order to accomplish such intentions.

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

**Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.


**Section 8.** This ordinance shall become effective immediately on adoption.

**PASSED AND ADOPTED** this 19<sup>th</sup> day of March, 2009.

ATTEST

  
KURT M. LANNON  
CLERK OF THE COMMISSION

  
PEGEEN HANRAHAN,  
MAYOR

APPROVED AS TO FORM AND LEGALITY  
  
MARION J. RADSON  
CITY ATTORNEY

MAR 19 2009

This Ordinance passed on first reading this 5<sup>th</sup> day of March, 2009.

This Ordinance passed on second reading this 19<sup>th</sup> day of March, 2009.