

LEGISTAR #

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ORDINANCE NO. 120206

1
2 **An ordinance of the City of Gainesville, Florida, amending Chapter**
3 **14.5, Article III of the Code of Ordinances of the City of Gainesville**
4 **relating to towing and immobilization of vehicles on private property**
5 **and amending Appendix A – Schedule of Fees, Rates and Charges**
6 **relating to towing and immobilization; providing directions to the**
7 **codifier; providing a severability clause; providing a repealing clause;**
8 **and providing an effective date.**

9 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a
10 newspaper of general circulation notifying the public of this proposed ordinance and of a public
11 hearing in the City Commission meeting room, first floor, City Hall in the City of Gainesville;
12 and

13 **WHEREAS**, public hearings were held pursuant to the published notice described at
14 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
15 heard.

16 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
17 **THE CITY OF GAINESVILLE, FLORIDA:**

18 **Section 1.** Chapter 14.5, Article III, Division 1. titled "Towing of Vehicles on Private
19 Property", of the Code of Ordinances of the City of Gainesville, is hereby amended as follows:

20 **Sec. 14.5-25. - Definitions.**

21 Applicant means the person applying for a permit under this division. For purposes of a
22 trespass towing service permit, the term applicant includes all owners of the towing service.

23 Call in towing means towing or removal of a vehicle that is parked on private real
24 property, without the consent of the vehicle's registered owner or other legally authorized person
25 in control of the vehicle, when done so at the specific request of the private property owner or
26 designee.

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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, regardless of whether the
7 ~~trespass towing service is actively towing vehicles or not, excluding State of Florida holidays.~~

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

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

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

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

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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 engages in or ~~who~~ 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

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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 v~~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;

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- 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 ~~professionally permanent legible~~
7 ~~printed~~ 3" lettering on both 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 ~~a~~Appendix 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 2½ inches by 3½ inches.~~

22 (2) ~~Contain a photograph of the wrecker operator that is not less than one inch by 1½~~
23 ~~inches in size.~~

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1 ~~(3) Provide the name of the wrecker service and wrecker operator's first name in~~
2 ~~letters that are not less than ¼ inch by ¼ 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 full name of the trespass towing service and the name of the trespass
13 towing operator. The name of the trespass towing service visible on the
14 outer garment and uniform must be the same as the name on the vehicle
15 being operated by the trespass towing operator. In addition, the trespass
16 tow operating permit must be worn on the outer garment, so as to be
17 visible to a person speaking with the operator. The permit must be shown
18 upon request to the person whose car is being towed.

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

20 (1-) Operate ~~permit any person to be employed as a wrecker operator conducting~~
21 ~~trespass towing within the city~~ without having first obtained ~~unless such person~~
22 ~~has been granted a wrecker operator~~ a trespass towing service permit issued by

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1 ~~the towing administrator. to engage in trespass towing which has been validated~~
2 ~~by the chief of police or designee.~~

3 (2-) Allow any person to conduct trespass towing for the trespass towing service
4 within the city unless such person has been granted a tow operator permit issued
5 by the towing administrator.

6 (c) Upon issuance of the permits, the trespass towing service and/or tow wrecker operator is
7 granted the privilege of engaging in trespass towing within the city limits of the City of
8 Gainesville, Florida, unless such permit expires or is suspended or revoked, as provided
9 in this article. Each permit shall ~~be~~ expire on September 30th of each year. valid for two
10 ~~years from date of issuance~~ Permits are not transferable or assignable.

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

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

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

20 (3) Not have been convicted of, found guilty of, or pled guilty or nolo contendere to,
21 regardless of the adjudication of guilt, ~~pled nolo contendere to, or had~~
22 ~~adjudication withheld for or been incarcerated after any conviction, plea of nolo~~
23 ~~contendere or adjudication withheld~~ for any of the following:

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- 1 a. Any capital felony, any first degree felony, sexual battery, or any violent
2 felony involving the use of a ~~gun~~ firearm or ~~knife~~ weapon, as defined in
3 Section 790.01, F.S. Florida Statutes or which results in great bodily harm.
- 4 b. ~~Within the previous ten years, a~~ Any violent felony ~~including not~~
5 ~~referenced in subsection a above~~ which occurred within ten (10) years of
6 the application date.
- 7 c. ~~Within the previous ten years, a~~ Any felony or first degree misdemeanor
8 directly related to the business of towing motor vehicles; repossession of
9 motor vehicles; motor vehicle theft; carjacking; ~~or~~ chop shops; or liens for
10 recovering, towing, or storing vehicles and vessels (F.S. § Section 713.78,
11 Florida Statutes), which occurred within ten (10) years of the application
12 date.
- 13 d. ~~Within the previous five years, of either: (1) ~~d~~Driving under the influence~~
14 ~~of alcohol, a controlled substance, or a chemical substance, to the extent~~
15 ~~that normal faculties are impaired; or (2) driving with an unlawful blood~~
16 ~~alcohol level, in violation of Section 316.193, Florida Statutes, which~~
17 occurred within five (5) years of the application date.

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

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

- 22 a. The applicant does not have a currently suspended permit, has not had its
23 permit revoked by action of the City within two (2) years of the date of

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1 application, or has no outstanding and unsatisfied civil penalties imposed
2 for violations of this article.

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

6 c. No fraud or willful or knowing misrepresentation or false statement is
7 made in the application.

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

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

13 f. The applicant, or the trespass towing service purchased by the applicant or
14 the trespass towing service from which all or substantially all of its
15 business assets were purchased by the applicant, has no (i) unpaid civil
16 penalties; (ii) unpaid administrative costs of hearing; (iii) unpaid City
17 investigative, enforcement, testing, or monitoring costs; or (iv) unpaid
18 liens, any or all of which are owed to the City of Gainesville pursuant to
19 the provisions of the Code of Ordinances.

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

22 ~~(de)~~ A complete application for permit shall be reviewed and granted or denied in writing
23 within ten (10) calendar ~~two-business~~ days. If the permit is denied, the reason for such

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1 denial shall be provided in writing and shall also advise that the applicant may correct
2 deficiencies in the application within seven (7) calendar days of the notice of denial
3 without incurring an additional application fee.

4 ~~(f) A trespass towing service shall be responsible for the payment of all outstanding civil~~
5 ~~penalties, restitution, fines and city or court imposed fees relating to the improper or~~
6 ~~unlawful operation of the trespass towing service. Such civil penalties, restitution, fines~~
7 ~~and/or fees shall remain the liability of the trespass towing service and any purchaser of~~
8 ~~the towing service assets or business entity. The purchaser of the assets or business entity,~~
9 ~~may not obtain a trespass towing service permit if the selling trespass towing service has~~
10 ~~outstanding civil penalties, restitution, fines and/or fees.~~

11 ~~(g)~~ Every applicant for a trespass towing service permit shall file with the towing
12 administrator a certificate of insurance or other proof of insurance providing coverage for
13 all liability claims and claims of damage to property resulting from any action or
14 operation in connection with the trespass towing service, in an amount not less than
15 \$100,000.00 for each incident, \$50,000.00 of such coverage allocated for property
16 damage.

17 ~~(h)~~ Each trespass towing service shall have a fixed physical office within the Gainesville city
18 limits registered with the towing administrator. The office shall be open and staffed with
19 personnel during normal business hours, as defined in this chapter, allowing for the
20 recovery of towed vehicles and the inspection of the premises and records by the towing
21 administrator.

22 ~~(e)~~ h) Permit fees shall be as provided in aAppendix A, Schedule of Fees, Rates and Charges.

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

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- 1 (a) The city may revoke the ~~privilege permit~~ of any tow operator or trespass towing service
2 person to perform trespass towing ~~on any of the following grounds~~ as follows:
- 3 (1) ~~If the towing service owner and/or operator fails to register as required by this~~
4 ~~article;~~
- 5 (1) If the trespass towing service or tow operator violates one or more of the
6 following:
- 7 (2)(4) (a) If the registration permit application contains a false statement of material
8 fact;
- 9 (3)(2) (b) If the trespass towing service owner and/or ~~wrecker~~ tow operator provides
10 monetary or other valuable consideration to the private real property
11 owner for the privilege of towing vehicles from the property under
12 contract;
- 13 (4)(3) (c) The trespass towing service owner and/or tow operator provides monetary
14 or other valuable consideration to the private real property owner for each
15 or any individual vehicle towed from the property;
- 16 (5)(4) (d) If the trespass towing service owner and/or ~~wrecker~~ tow operator charges
17 fees in excess of that set out in the current fee resolution adopted by the
18 city commission; ~~police section of appendix A, Schedule of Fees, Rates~~
19 ~~and Charges of this Code of Ordinances~~
- 20 (6)(5) (e) If a ~~wrecker~~ tow operator fails to display on or about his/her person ~~or on~~
21 ~~the dashboard of the wrecker~~, easily visible to the public, the ~~wrecker~~ tow
22 operator permit while performing a trespass tow.

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1 ~~(e)~~ (f) If a tow operator or trespass towing service fails to maintain the
2 qualifications and requirements to qualify for a trespass towing permit.

3 (g) There has been a fraudulent transfer of the company as described in
4 Section 14.5-39.1, City of Gainesville Code of Ordinances.

5 ~~(b2)~~ Three or more violations of any ~~of the other~~ provisions of this article by any
6 trespass towing service owner and/or tow operator ~~of a towing service or towing~~
7 ~~service vehicle~~ with the third violation occurring within one (1) year of the first
8 violation ~~within a one-year period~~ shall result in the ~~automatic suspension~~
9 ~~revocation~~ of the owner's trespass towing service permit and/or trespass tow
10 operator's privilege to engage in the business of trespass towing permit, as
11 applicable, as subject to the procedures provided in subsection (d) below. An
12 ~~owner~~ trespass towing service permit shall not be ~~suspended~~ revoked for acts of
13 an employee/tow operator in violation of this section unless the trespass towing
14 service owner actively participated in or had knowledge of the violation and took
15 no corrective action against the employee/tow operator or unless repeated
16 violations by an employee did not result in progressive discipline. The trespass
17 towing service owner shall maintain written documentation of all corrective
18 action ~~taken~~ against an employee/tow operator for a minimum period of one year
19 from the date of the last corrective action. In addition to the corrective action
20 taken, the documentation shall detail the type and date of the specific
21 ordinance/statutory violation. An ~~operator may be suspended or revoked~~
22 ~~notwithstanding that the operator's violations may not be applicable against the~~
23 ~~owner for purposes of the owner's suspension. In the event of such suspension:~~

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1 (b) If it is found that the towing service or operator meets the requirements for permit
2 revocation, the permit shall be revoked for the following time periods:

3 1. First revocationSix months from the final date of the revocation.

4 2. Second and subsequent revocationsOne year from the final date of the
5 revocation.

6 (e) ~~For the sole purpose of permit revocation proceedings, a "violation" shall mean any~~
7 ~~number of unintentional violations of the same provision occurring within a 24 hour~~
8 ~~period or individual intentional violations, regardless of the time period. This definition~~
9 ~~of "violation" only applies in permit revocation proceedings. This provision does not~~
10 ~~prohibit a trespass towing service or tow operator from being issued a separate citation~~
11 ~~and penalized for each individual violation for purposes other than permit revocation~~
12 ~~proceedings.~~

13 (dc) The procedure for revoking a permit is as follows:

14 (1) The towing administrator chief of police or designee shall inform the provide
15 written notice to the trespass towing service owner and/or tow operator, as
16 applicable, shall be informed in person by hand delivery or by certified or
17 registered mail within at least seven ~~ten (10) calendar~~ fifteen (15) calendar days
18 prior to the effective date of the suspension revocation. The written notice shall
19 contain notice that the establishment may contest the revocation by requesting a
20 hearing as provided below. Service shall be deemed complete if personally
21 delivered upon the owner or an employee of the trespass towing service or tow
22 operator, as applicable, by any officer authorized by law to serve process or a duly
23 appointed law enforcement officer of the city police department. The person

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1 servicing process shall make proof of service within the time during which the
2 person served must respond to the process. If service cannot be personally made
3 within the city, then service may be made by notice to a registered agent of the
4 trespass towing service or tow operator as applicable.

5 (2) The trespass towing service owner and/or tow operator may file a written request
6 for a ~~due process~~ hearing ~~within ten calendar days of the date~~ prior to the effective
7 date of the ~~suspension~~ revocation with the city manager or his designee ~~towing~~
8 ~~administrator~~ chief of police or designee. Failure to timely request a hearing
9 ~~within the ten calendar day period~~ shall constitute a waiver by the trespass towing
10 service owner and/or tow operator of any rights to a hearing. Upon request for a
11 hearing, the revocation shall be stayed until a decision has been issued by the
12 towing administrator final administrative action has been effected.

13 (3) At the ~~due process~~ hearing, the trespass towing service and/or tow operator shall
14 have the opportunity to present ~~any~~ evidence (consisting of testimony and/or
15 written documentation) he/she believes negates or mitigates the ~~suspension~~
16 revocation.

17 (4) In conducting the hearing, the city manager or designee shall have the power to
18 take testimony under oath, require the production of books, paper, and other
19 documents, and receive evidence. Should a party refuse to provide documents as
20 directed by the city manager or designee, then there may be an adverse inference
21 against the party who failed to produce said documents. All parties shall have an
22 opportunity to respond, to present evidence and argument on all issues involved,
23 to conduct cross-examination and submit rebuttal evidence, and to be represented

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1 by counsel. Hearsay evidence may be used for the purpose of supplementing or
2 explaining other evidence, but it shall not be sufficient in itself to support a
3 finding unless it would be admissible over objection in civil actions. Any party
4 desiring the hearing be recorded, shall be responsible for arranging and paying the
5 cost of a court reporter's attendance and services.

6 (5) If the city manager or designee finds, by a preponderance of the evidence, that the
7 towing service or operator meets the requirements for permit revocation, then the
8 city manager or designee shall uphold the suspension of the trespass towing
9 services or tow operator permit and set the revocation date to begin fifteen (15)
10 from the date of the final administrative order, subject to a writ of certiorari being
11 filed pursuant to paragraph (8) below.

12 (6) If the city manager or designee finds that the towing service or operator does not
13 meet the requirements for permit revocation, then the city manager or designee
14 shall rescind the suspension of the trespass towing services or tow operator
15 permit.

16 (7) The city manager or designee shall provide written notice of the final order to the
17 trespass towing service and tow operator as applicable. The decision of the city
18 manager or designee shall be the final administrative action.

19 (8) Right to appeal: The final administrative order of the city is subject to certiorari
20 review in a court of competent jurisdiction in Alachua County, Florida by the
21 timely filing of a petition. Upon the filing of a petition in the Circuit Court, the
22 revocation of the permit shall be stayed pending final disposition of the civil case.

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1 (9) Upon the completion of the administrative hearing process and the final
2 determination of the city manager or designee, the a review of the evidence
3 presented at the hearing, the towing administrator chief of police or designee may
4 city manager or designee shall revoke the trespass towing service permit owner's
5 and/or tow operator's privilege permit to engage in the business of trespass towing
6 for up to one year, if it is found that the towing service or operator meets the
7 requirements for permit revocation for the following time periods:

8 a. First revocationSix months from the final date of the revocation.

9 b. Second and subsequent revocationsOne year from the final date of the
10 revocation.

11 ~~(5) The revocation shall not be effective until ten (10) days after the decision of the~~
12 ~~towing administrator.~~

13 (eed) Any trespass towing service owner and/or tow operator whose privilege permit to engage
14 in trespass towing has been revoked shall not be eligible to ~~again~~ obtain a trespass towing
15 service permit or tow operator's permit with the police department for trespass towing
16 until such revocation period has expired. ~~Any revocation shall include the period of~~
17 ~~suspension which led to the revocation.~~

18 ~~(df) Any trespass towing service owner and/or tow operator whose permit privilege to engage~~
19 ~~in the business of trespass towing has been revoked by the towing administrator chief of~~
20 ~~police or designee may file an appeal within 15 days of the date of revocation pursuant to~~
21 ~~the appeals process specified below.~~

22 ~~(eg) Right of appeal. Any towing service owner and/or operator whose privilege to engage in~~
23 ~~trespass towing has been revoked by the chief of police or designee may appeal such~~

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1 ~~decision to the city manager or designee. Such appeal shall be taken by filing written~~
2 ~~notice with the chief of police or designee within 15 days after the decision by the police~~
3 ~~chief to revoke such privilege. The notice of the appeal shall contain the grounds for the~~
4 ~~appeal and shall contain information showing that either the finding is contrary to the law~~
5 ~~or is not supported by competent substantial evidence. The chief of police or designee~~
6 ~~shall transmit copies of the appeal to the city manager along with papers constituting the~~
7 ~~record upon which the action appealed from is based. The filing of a notice of appeal will~~
8 ~~not delay the effectiveness of any revocation. The city manager may decide to uphold or~~
9 ~~reverse the decision of the chief of police. If the city manager reverses the decision of the~~
10 ~~chief of police, the trespass towing privilege will be immediately reinstated. The timely~~
11 ~~filing of an appeal for a due process hearing decision shall stay the revocation of the~~
12 ~~permit. The appeal shall be taken by filing written notice with the towing administrator or~~
13 ~~designee within ten (10) days after the decision by the towing administrator to revoke a~~
14 ~~permit in a due process hearing. The notice of the appeal shall state the basis for the~~
15 ~~appeal and shall contain information showing that either the revocation departed from the~~
16 ~~essential requirements of the law or is not supported by competent substantial evidence.~~
17 ~~The towing administrator or designee shall transmit copies of the appeal to the city~~
18 ~~manager or designee along with the record of the due process hearing. Upon review of~~
19 ~~the record and the written notice of appeal, the city manager or designee may uphold or~~
20 ~~reverse the decision of the towing administrator. The decision of the city manager or~~
21 ~~designee shall be the final administrative action by the city. If the city manager or~~
22 ~~designee upholds the decision of the towing administrator, the permit will be immediately~~

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1 ~~revoked. If the city manager or designee overturns the decision of the towing~~
2 ~~administrator, the revocation proceedings shall immediately be dismissed.~~

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

4 (a) Except as provided in subsection (b) below, It it shall be unlawful for any trespass towing
5 service, tow operator or any person to trespass tow or cause to be towed any vehicle
6 parked on private real property unless the provisions of F.S. § Section 715.07, Florida
7 Statutes, have been strictly complied with together with the following requirements:

8 (1) The owners of the real property shall have executed, and filed with the towing
9 administrator, at least 24 hours prior to the towing or removal of any vehicle, a
10 written agreement for trespass towing with a towing service, which agreement
11 shall contain the following provisions:

- 12 a. The duration of the agreement;
- 13 b. The time of day that such towing or removal is authorized;
- 14 c. The days of the week that such towing or removal is authorized;
- 15 d. The fees to be paid for the towing or removal;
- 16 e. The signatures of both the property owner or the authorized representative,
17 and the owner, or authorized representative of the towing service,
18 certifying that each has read and is in compliance with all of the
19 provisions of F.S. § Section 715.07, Florida Statutes.
- 20 f. A legal description or sketch of the private real property from which
21 vehicles may be towed.

22 The form for such agreement shall be provided by the towing administrator ~~police~~
23 ~~department~~, and may not be amended or modified in any manner that provides for

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1 terms or activities that violate the provisions of ~~this article or F.S. §~~ Section
2 715.07, Florida Statutes and Article III, Chapter 14.5, Gainesville Code.

3 (2) ~~A copy of the completed agreement is on file with the Gainesville Police~~
4 ~~Department.~~ A new completed agreement is submitted each time a property
5 owner changes trespass towing services, ~~tow vendors~~ or the ownership or
6 ~~management~~ of the property changes. ~~A completed agreement is resubmitted~~
7 ~~annually, one year from the date of last submittal.~~ The property owner shall pay
8 the fee set forth in Appendix A upon filing a new trespass towing agreement and
9 then again annually for each property which is included in a trespass towing
10 agreement. If a private real property owner is terminating an agreement with a
11 trespass towing service, 72 hours advance written notice must be given to the
12 trespass towing service whose agreement is being terminated before any trespass
13 towing can be done by a different trespass towing service.

14 (3) Where the private real property is ~~provided~~ used for residential parking, other
15 than for a single-family residence, the agreement, except as provided in
16 subsection (a)(4) below, shall not authorize the trespass towing service to tow
17 away or remove any vehicle without a verified request to remove the specific
18 vehicle by the property owner ~~or an authorized representative.~~ A property owner's
19 ~~representative may include a resident manager, a property manager or other agent~~
20 ~~who has the legal authority to bind the owner, but may not be an officer,~~
21 ~~employee or agent of a towing service.~~

22 (4) An Owners owner of properties private real property used for residential or
23 business purposes may elect to authorize the trespass towing service to tow away

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1 or remove vehicles without a verified request to remove a specific vehicle
2 provided that the ~~owner first complies with the following requirements~~ are
3 complied with:

4 a. Signage shall be added to each of the existing tow away signs with letters
5 of the same size as the "tow away" language, which provides the
6 following words: "roam towing." The sign shall state the specific hours of
7 roam towing or state 24 hours "24-hours", if that is applicable.

8 b. Towing contract on file with the ~~Gainesville Police Department~~ towing
9 administrator as required by subsection (a)(1) shall ~~be amended to provide~~
10 for roam towing.

11 c. Photograph(s) of the "offending" vehicle shall be taken prior to its
12 removal and shall be of sufficient detail to demonstrate the violation of
13 rule or regulation for which the vehicle is being towed. The photograph(s)
14 must be date and time stamped and maintained by the ~~wrecker company~~
15 trespass towing service for a minimum period of ~~one year~~ six (6) months.
16 Photos will be available for viewing during normal business hours,
17 commencing the following business day at 8:00 a.m. ~~Normal hours for~~
18 ~~viewing the photographs will be Monday through Saturday, 8:00 a.m. to~~
19 ~~5:00 p.m.~~ There can be no charge for viewing the photographs. ~~when such~~
20 ~~is done during the first available business day as referenced above~~

21 d. Lease, rental or property owners' association documents shall contain a
22 notice provision indicating that the residential property utilizes roam
23 towing. In the case of properties with existing leases, rental agreements or

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

7 (5) For private real property located within the boundaries of the community
8 redevelopment areas as defined in ~~d~~Division 9 of ~~e~~Chapter 2 of the Gainesville
9 Code of Ordinances, signage as required by ~~F.S. §~~ Section 715.07, Florida
10 Statutes and subsection (a) above, shall use reflective white lettering on a non-
11 reflective black background. ~~All existing signs within the redevelopment areas~~
12 ~~referenced herein shall be replaced on or before January 1, 2004.~~

13 (6) ~~Upon filing the written agreement with the police department as required herein,~~
14 ~~the property owner or the authorized representative of the property owner, shall~~
15 ~~simultaneously submit an administrative fee to process the trespass towing~~
16 ~~application in the amount set forth in appendix A. The administrative fee shall be~~
17 ~~applicable to all trespass towing agreements filed with the police department after~~
18 ~~the adoption of this section and shall be paid each time a trespass towing~~
19 ~~agreement is filed with the police department as required herein.~~

20 (b) The provisions of this section ~~article~~ shall not apply to:

21 (1) The towing of vehicles pursuant to ~~section 3-116, authority to remove vehicles,~~
22 ~~and s~~Section 26-136 et. seq. "Abandoned, Wrecked and Non-operating Vehicles,"
23 City of Gainesville Code of Ordinances.

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1 (2) The towing of vehicles from property appurtenant to and obviously a part of a
2 single-family residence.

3 (3) When notice is personally given to the registered owner or other legally
4 authorized person in control of the vehicle that the area in which that vehicle is
5 parked is reserved or otherwise unavailable and that the unauthorized vehicle will
6 be removed at the registered owner's or operator's expense.

7 (c) The 24-hour notice requirement of this section shall not apply where the tow is of an
8 emergency nature that threatens public safety and the property owner or authorized
9 representative of the trespass towing service ~~tow owner~~ or tow operator has notified the
10 Gainesville Police Department prior to removing the vehicle.

11 (d) Each trespass towing service shall staff or monitor ~~its telephones~~ methods of contact ~~the~~
12 telephone number that is listed on the roam towing signs at all times (pager only does not
13 satisfy this requirement) and immediately advise any registered vehicle owner or
14 authorized representative who ~~calls by telephone of~~ communicates with the trespass
15 towing service, the following:

16 (1) Each and every document or other item which must be produced to retrieve the
17 vehicle.

18 (2) Exact charges as of the time of the ~~telephone call~~ communication, and the rate at
19 which charges will accumulate thereafter.

20 (3) The acceptable methods of payment. If the trespass towing service ~~owner~~ or tow
21 operator cannot, or will not provide change to a registered vehicle owner or
22 authorized representative, the trespass towing service ~~owner~~ or tow operator shall

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1 advise the registered vehicle owner or authorized representative to bring exact
2 payment.

3 (4) That the vehicle can be picked up within one hour of request.

4 **Sec. 14.5-29.1. - Trespass tow bill of rights.**

5 Any trespass towing service firm engaged in the business of trespass towing shall post the
6 trespass tow bill of rights in a clearly visible, prominent position, not more than ten (10) feet
7 from the place where payment for the tow is made. Posters listing the ~~customer~~ trespass tow bill
8 of rights shall be supplied by the towing administrator ~~Gainesville Police Department~~ at a cost
9 not to exceed the cost of production. The poster shall read ~~the following~~ as follows:

10 **Trespass Tow "Bill of Rights"**

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

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

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

18 (3) You may inspect your vehicle prior to paying the towing fees. The tow company
19 cannot require you to sign a waiver which would release the ~~firm~~ trespass tow
20 service from liability for damages noted by you at the time the vehicle is picked
21 up. The tow company is responsible for any damage done by entry into the
22 vehicle if the entry was not done with the "standard of reasonable care". Proper
23 remedy for these damages is through civil court.

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

4 (5) A detailed, signed receipt showing the legal name of the person or entity
5 authorizing the tow and the legal name of the trespass towing service company,
6 and tow operator ~~or person towing the vehicle~~ must be given to you at the time of
7 payment, whether requested or not. The receipt will also include the following
8 statement: "Notice: Towing from private property is regulated by F.S. § Section
9 715.07, Florida Statutes and Chapter 14.5, Article III, City of Gainesville Code of
10 Ordinances."

11 (6) Trespass towing services tow companies are required to take photos of your
12 vehicle prior to tow, documenting the violation for which the vehicle was towed.
13 You can make arrangements with the tow company to see the photographs at no
14 charge. Photos will be available for viewing during the normal business hours
15 commencing the following business day after the tow at 8:00 a.m. ~~Normal hours~~
16 ~~for viewing the photographs will be Monday through Saturday, 8 to 5 p.m.~~ It is a
17 good idea to make an appointment in advance with the ~~office staff~~ trespass towing
18 service.

19 The ~~document~~ poster shall also contain contact information to report violations.

20 **Sec. 14.5-30. - Authorized fees and charges.**

21 (a) Any trespass towing service firm ~~firm~~ engaged in the business of trespass towing shall not
22 charge the owner of any towed vehicle or personal property in excess of the fees set by
23 the eCity eCommission by resolution. The fees set by resolution shall be all inclusive

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1 during the first 24-hour period following notification of vehicle tow to the Gainesville
2 Police Department; no additional fees or charges whatsoever may be charged unless
3 specifically established and authorized herein or by state statute. The eCity eCommission
4 shall establish, by resolution, a maximum fee for specific classes of vehicles as identified
5 in the Towing and Recovery Association of America's TRAA Vehicle Identification
6 Guide. ~~After maximum fees are initially established using the TRAA Vehicle~~
7 ~~Identification Guide, such maximum fees will be subject to rate review as provided in~~
8 ~~subsection 14.5-30(c) notwithstanding that such review may occur less than annually for~~
9 ~~the first instance.~~

10 (b) A trespass towing service person, operator, firm, or corporation that provides trespass
11 towing and storage services pursuant to Article III, Section 14.5-25, et. seq. of the
12 Gainesville Code of Ordinances shall accept payment for charges from the registered
13 vehicle owner or authorized representative in any of the following forms:

- 14 (1) Cash;
- 15 (2) Major credit card; and/or
- 16 (3) Debit card.

17 (c) ~~Maximum trespass towing fees shall be established no more than annually by the city~~
18 ~~commission after receiving a request for fee modification by the towing company owners~~
19 ~~and staff recommendations based on financial information, submitted by the trespass~~
20 ~~towing companies as to their costs for the removal of vehicles and on other information.~~
21 ~~The required information shall be submitted by the towing company owners by~~
22 ~~September 30th of each year. The maximum fees shall be set by resolution to be adopted~~
23 ~~by the city commission, prior to December 31st of each year in which a request for~~

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1 ~~modification has been made. Such maximum fees shall be effective during the following~~
2 ~~calendar year and until changed by subsequent resolution.~~

3 **Sec. 14.5-31. - Vehicle not connected upon owner or other person in control of**
4 **the vehicle returning.**

5 The trespass towing service ~~owner or operator of any towing service vehicle~~ which is
6 summoned to trespass tow away any vehicle on private real property, or stops to tow any vehicle
7 under a valid "Roam Towing" provision on private real property, shall not remove or tow the
8 vehicle away and shall not charge any fee if the registered owner or other person in control of the
9 vehicle ~~operator~~ returns to the vehicle prior to the towing service operator having physically
10 connected the vehicle to the tow vehicle towing apparatus, and the owner or person in control of
11 the vehicle moves the vehicle from the private real property.

12 **Sec. 14.5-32. - Vehicle not towed upon owner or other person in control of the vehicle**
13 **operator returning.**

14 If the registered owner or other ~~legally authorized~~ person in control of the vehicle arrives
15 at the scene prior to removal or towing of the vehicle, the vehicle shall be disconnected from the
16 towing or removal apparatus, and that person shall be allowed to remove the vehicle without
17 interference upon the payment of a reasonable service fee of not more than one-half of the posted
18 rate for such towing service for which a receipt shall be given, unless that person refuses to
19 remove the vehicle which is ~~otherwise~~ unlawfully parked from the private real property.

20 **Sec. 14.5-33. - Point of tow to point of storage.**

21 Except as provided in section 14.5-32 above and except for bona fide emergencies, a
22 vehicle in tow shall be taken from the point of tow to the permanent business address of the

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1 ~~trespass towing service tow owner or operator~~ where vehicles are normally stored. Temporary
2 storage is prohibited.

3 **Sec. 14.5-34. - Vehicles subject to criminal investigation.**

4 Trespass towing services ~~Tow owner~~ shall not refuse to relinquish to the police a vehicle
5 which is the subject of a criminal investigation. Relinquishment of the vehicle to the police for
6 impoundment at its contract site shall not affect the trespass towing service's ~~tow owners~~ right to
7 payment for services rendered and payment for those services shall be made to the trespass
8 towing service ~~tow owner~~ by the registered owner of the vehicle or his/her representative, or
9 other arrangements shall be made with the trespass towing service ~~tow owner~~ to receive payment
10 before the vehicle is released to the registered owner or his/her representative.

11 **Sec. 14.5-35. - Civil citation; violation of ordinance.**

12 Police officers and code enforcement officers may issue a civil citation to trespass towing
13 services, ~~tow owners~~ or their authorized representatives, tow operators and property owners or
14 their authorized representatives, for violations of any section of this article.

15 **Sec. 14.5-36. - Receipt from towing service to be furnished to owner when vehicle claimed.**

16 When a trespass towed vehicle is claimed, the trespass towing service ~~towing service~~
17 shall furnish the registered owner or other legally authorized person with a ~~receipt which shall~~
18 ~~include~~ detailed, signed receipt showing the legal name of the person or entity authorizing the
19 tow and the legal name of the trespass towing service and the tow operator ~~the name of the~~
20 ~~person or management entity who authorized the towing.~~ The receipt shall also include the
21 following language:

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1 "Notice: Towing from private property is regulated by the provisions of F.S. § Section
2 715.07, Florida Statutes and Chapter 14.5, Article III City of Gainesville Code of
3 Ordinances."

4 **Sec. 14.5-37. - Prohibitions.**

5 (a) It shall be a violation of this article for a trespass towing service or tow operator to charge
6 any additional fee which is based on police response to a call by the owner of a vehicle
7 who is contesting the towing of the owner's vehicle on scene.

8 (b) It shall be a violation of this article for any person other than the real property owner or
9 an authorized representative of the owner, or the trespass towing service tow owner or
10 authorized representative of the trespass towing service tow owner (if the signs are placed
11 by the trespass towing service) tow company, to move, remove, or deface any tow-away
12 sign relating to towing.

13 **Sec. 14.5-38. - Penalties.**

14 In addition to those penalties imposed by F.S. § Section 715.07, Florida Statutes,
15 violation of any provisions of this article, including any of the requirements of F.S. § Section
16 715.07, Florida Statutes, shall be subject to the following civil penalties:

17 (1) Any trespass towing service, tow operator or person who violates this article shall
18 be liable to the registered owner or lessee of the vehicle for all costs of recovery
19 (including all towing and storage fees) plus attorney's fees and court costs, and
20 shall in addition be liable to the registered owner or lessee of any towed or
21 removed vehicle for damages resulting directly or indirectly from the removal,
22 transportation or storage of the vehicle.

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- 1 (2) Any trespass towing service, tow operator or person who violates any of the
2 provisions of this article shall, upon conviction or entry of a civil judgment, be
3 fined not more than \$500.00 per violation. Each violation shall be considered a
4 separate offense.

5 Section 14.5-39.1 - Fraudulent Transfer of company

6 For purposes of denial or revocation of a permit under this article, it # shall be a violation
7 of this article for the owner(s) to fraudulently transfer a trespass towing service. For purposes of
8 this section, fraudulent transfer is one made by the owner(s) for the purpose of evading civil
9 penalties, restitution, fines and/or fees imposed pursuant to this article. In determining whether a
10 transfer is fraudulent, consideration may be given among other factors, to whether:

- 11 (1) The transfer was an arm's length transaction;
12 (2) The trespass towing service retained possession or control of the
13 property transferred after the transfer;
14 (3) The transfer was disclosed or concealed;
15 (4) Before the transfer was made or obligation was incurred, the trespass towing
16 service had been sued or threatened with suit;
17 (5) The transfer was of substantially all the trespass towing service's assets;
18 (6) The value of the consideration received by the trespass towing service was
19 reasonably equivalent to the value of the asset transferred or the amount of the
20 obligation incurred;
21 (7) The trespass towing service was insolvent or became insolvent shortly after the
22 transfer was made or the obligation was incurred; and

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- 1 a. At the direction of a law enforcement officer, police service technician,
2 traffic enforcement technician or any individual who successfully
3 completes a training program established and approved by the Criminal
4 Justice Standards and Training Commission for parking enforcement
5 specialists and, whose current duties with the city include parking
6 enforcement; or
- 7 b. With the consent of the vehicle's registered owner or ~~operator~~ other legally
8 authorized person in control of the vehicle.

9 **Sec. 14.5-40. - Definitions.**

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

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

17 *Immobilization operator shall mean the actual person who is applying the "boot" or other*
18 *device which causes a vehicle to be immobile or prohibits its usual manner of movement or*
19 *otherwise disables a vehicle from operation.*

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

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1 Normal business hours means Monday through Saturday, 8:00 a.m. to 11:00 p.m.,
2 regardless of whether the immobilization service is actively immobilizing vehicles or not,
3 excluding State of Florida holidays.

4 Owner(s) means the natural person(s) that own, hold, control, or have beneficial interest
5 in an immobilization service.

6 *Parked* means the state of a vehicle being temporarily left and unattended by its
7 registered owner or operator other legally authorized person in control of the vehicle.

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

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

17 *Recover* means to take possession of a vehicle and its contents and to exercise control and
18 supervision over the vehicle.

19 **Sec. 14.5-41. - Permit required; prerequisites to immobilization on private property and**
20 **responsibilities of immobilization service; exceptions.**

21 (a) *Immobilization service permit required.* No person, ~~entity or immobilization service~~ shall
22 engage in the act, ~~practice or~~ business of immobilization of unauthorized motor vehicles
23 that are parked on private property unless such ~~person, entity or immobilization service~~

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1 has obtained an immobilization service permit. An application for an immobilization
2 service permit shall be submitted to the towing administrator at ~~the city police~~
3 ~~department~~. Immobilization service permits shall be issued on an annual basis and will
4 expire on September 30 of each year. ~~An annual permit fee as provided in Appendix A,~~
5 ~~Schedule of Fees, Rates and Charges, shall be charged for the cost of review and~~
6 ~~administration of issuance of immobilization permits.~~ Permits are not transferable or
7 assignable.

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

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

18 (2) *Local business tax.* ~~No immobilization service shall engage in the business of~~
19 ~~immobilization of unauthorized vehicles parked on private property unless such~~
20 ~~immobilization service shall first obtain a local business tax receipt in accordance~~
21 ~~with the provisions set forth in Chapter 25, Article III of this Code. Trespass~~
22 ~~towing services, current in their local business tax, are not required to pay an~~

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1 ~~additional local business tax for the privilege of engaging in immobilization~~
2 ~~services.~~

3 (2) Fixed Office Location. Each immobilization service shall have a fixed physical
4 office within the Gainesville city limits registered with the towing administrator.
5 The office shall be open and staffed with personnel during normal business hours.

6 (3) Permit fee. Every applicant shall pay the annual permit fee as set forth in
7 Appendix A, Schedule of Fees, Rates and Charges.

8 (4) An immobilization service shall be responsible for the payment of all outstanding
9 civil penalties, restitution, fines and court imposed fees relating to the
10 improper or unlawful operation of the immobilization service. Such civil
11 penalties, restitution, fines and/or fees shall remain the liability of the
12 immobilization service and any purchaser of the immobilization service assets or
13 business entity. The purchaser of all, or substantially all, of the assets or business
14 entity, may not obtain an immobilization service permit if the selling
15 immobilization service has outstanding civil penalties, restitution, fines and/or
16 fees.

17 (c) ~~Authorization of the real property-owner. No immobilization service shall immobilize a~~
18 ~~vehicle on private property unless such immobilization service has written authorization~~
19 ~~or permission of the owner of the real property upon which the immobilization will~~
20 ~~occur.~~

21 (4) Prior to immobilization of any vehicle, the immobilization service shall have
22 executed a written agreement with the owner of the real property upon which the
23 immobilization will occur, and shall file ~~and maintain on record at all times with~~

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1 the towing administrator, ~~at the city police department~~ a copy list of any and all
2 such agreements for immobilization services on private property within the city
3 limits. The ~~list~~ copies of agreements shall be kept current and shall include at a
4 minimum, ~~provide the city with~~ (a) the address and legal description or sketch of
5 the real property; (b) the date of the agreement; (c) the property owner's name, a
6 contact name and a telephone number; (d) ~~(de)~~ the duration of the agreement; ~~(de)~~ the
7 days of the week and time of day that such immobilization is authorized; ~~(2)~~
8 The rebate or payment of money or any other valuable consideration, directly or
9 indirectly from the ~~person~~, immobilization service ~~that is immobilizing vehicles~~ to
10 the owners or operators of the property upon which the vehicles are immobilized,
11 for the privilege of immobilizing those vehicles, is prohibited.

12 (d) *Record keeping procedures.* Every ~~person~~, immobilization service, and immobilization
13 ~~operator contractor who immobilizes a vehicle~~ shall keep and maintain an immobilization
14 log with the following information:

- 15 (1) Date and time the vehicle was observed illegally parked;
- 16 (2) The date and time of immobilization and the name of the immobilization operator;
- 17 (3) The location/address of the real property where the immobilization took place;
- 18 (4) The description of the vehicle including make, model, ~~year~~, color, vehicle
19 identification number, and license plate number;
- 20 (5) The date and time the request for removal of the immobilization device was
21 received and the date and time of response and removal of the immobilization
22 device; ~~;~~
- 23 (6) The amount and method of payment for release of the immobilization device;

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1 (7) The name of the ~~person~~ immobilization operator removing the immobilization
2 device; and

3 (8) The name of the person to whom the vehicle was released.

4 All ~~persons and~~ immobilization services shall file a copy of ~~their~~ all immobilization logs
5 with the towing administrator every Thursday, for the immediately preceding week ~~at the city~~
6 ~~police department~~ and shall also keep all such immobilization logs on file at the immobilization
7 service office registered with the tow administrator for a period of one year and shall make such
8 logs and receipts available for immediate inspection ~~to~~ by any law or code enforcement officer or
9 designee ~~assigned to investigate the complaints and enforcement during regular business hours.~~

10 (e) *Identification.*

11 (1) ~~All employees or agents of every immobilization service or immobilization~~
12 ~~contractor, and every person who immobilizes a vehicle~~ Each immobilization
13 operator shall wear the immobilization operator permit, as provided in section
14 14.5-42 below, on the outer garment and uniforms which shall state the full name
15 of the immobilization service and the immobilization operator's first and last
16 name. The name of the immobilization service on the outer garment and uniform
17 must be the same as the name on the vehicle being operated by the immobilization
18 operator.

19 (2) All immobilization service vehicles shall be equipped with an amber light bar and
20 shall display the name of the immobilization service ~~(or name of joint venture or~~
21 ~~individual owner or other entity ownership)~~ on the driver and passenger side of
22 the vehicle in letters at least three inches high, ~~and~~ ~~†~~ The address ~~(or address of~~
23 ~~joint venture, or individual owner or other entity ownership)~~ and telephone

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1 number of the immobilization service shall be displayed on the driver and
2 passenger side of the vehicle in letters at least one inch high. Lettering on the
3 vehicle shall be permanently applied. Temporary lettering or magnetic
4 lettering/signs are prohibited. All vehicles used in providing immobilization
5 services shall be inspected for compliance with this article and must display a
6 medallion issued by the towing administrator to evidence such compliance. The
7 annual fee for the medallion is set forth in Appendix A and shall be paid by
8 September 30 of each year.

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

10 (a) It is unlawful for any ~~person~~ immobilization operator to engage in the immobilization of
11 vehicles without first having obtained an immobilization operator's permit from the
12 towing administrator. at the city police department Upon issuance of the permit, the
13 immobilization operator is granted the privilege of engaging in immobilization services
14 within the city limits, unless such permit expires or is suspended or revoked, as provided
15 in this article. Each immobilization operator permit shall expire on September 30 of each
16 year and the fee set forth in Appendix A shall be paid to renew the immobilization
17 operator permit. Each permit will meet the following specifications:

18 (1) ~~Be not less than 2½ inches by 3¾ inches.~~

19 (2) ~~Contain a photograph of the operator that is not less than one inch by 1½ inches in~~
20 ~~size.~~

21 (3) ~~Provide the name of the immobilization service and the operator's first name in~~
22 ~~letters that are not less than ¼ inch by ¼ inch.~~

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

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1 ~~(5) Provide a place for the towing administrator to validate the permit.~~

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

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

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

16 (c) In order to secure and maintain ~~remain eligible to hold~~ an immobilization operator
17 permit, the ~~person~~ applicant must meet the following requirements: ~~provide the following~~
18 ~~information on a form provided by the city~~

19 (1) Submit to the tow administrator a certified copy from the Florida Department of
20 Law Enforcement of his/her criminal history and a certified copy of his/her
21 driving record from the Florida Department of Highway Safety and Motor
22 Vehicles;

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- 1 (12) Possess a valid Florida Class E and/or commercial driver's license and provide a
2 photocopy to the towing administrator.
- 3 (23) Not have been convicted of, found guilty of, or pled guilty or nolo contendere to,
4 regardless of adjudication of guilt , ~~pled no contest to, or had adjudication~~
5 ~~withheld for or been incarcerated after any conviction, plea of no contest or~~
6 ~~adjudication withheld~~ for any of the following:
- 7 a. Any capital felony, any first degree felony, sexual battery, or any violent
8 felony involving the use of a gun firearm, or ~~knife~~ weapon, as defined in
9 Section 790.01, Florida Statutes, or which results in great bodily harm.
- 10 b. ~~Within the previous ten years, a~~ Any violent felony ~~including not~~
11 ~~referenced in subsection a above~~ which occurred within ten (10) years of
12 the application date.
- 13 c. ~~Within the previous ten years, a~~ Any felony or first degree misdemeanor
14 directly related to the business of towing or immobilization of motor
15 vehicles; repossession of motor vehicles; motor vehicle theft; carjacking;
16 ~~or~~ chop shops; or liens for recovering, towing, or storing vehicles and
17 vessels (F.S. ~~§~~ Section 713.78, Florida Statutes), which occurred within
18 ten (10) years of the application date.
- 19 d. ~~Within the previous five years, of either: (1) d~~Driving under the influence
20 of alcohol, a controlled substance, or a chemical substance, to the extent
21 that normal faculties are impaired; or (2) driving with an unlawful blood
22 alcohol level, in violation of Section 316.193, Florida Statutes, which
23 occurred within five (5) years of the application date.

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

3 (4) Submit to a background investigation resulting in a determination by the towing
4 administrator 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 does not have outstanding and unsatisfied civil penalties
8 imposed for violations of this article.

9 b. No fraud or willful or knowing misrepresentation or false statement is
10 made in the application.

11 c. No judgment against the applicant arising out of the activity of
12 immobilization, recovery, towing or removing a vehicle or providing
13 storage in connection therewith remains unsatisfied, unless a stay or
14 reversal of the judgment is procured through the courts.

15 d. There are no outstanding warrants of arrest against the applicant.

16 e. The applicant has no (i) unpaid civil penalties; (ii) unpaid administrative
17 costs of hearing; (iii) unpaid city investigative, enforcement, testing, or
18 monitoring costs; or (iv) unpaid liens, any or all of which are owed to the
19 city pursuant to the provisions of the code of ordinances.

20 (d) A complete application for permit shall be reviewed and granted or denied in writing
21 within ten (10) two calendar business days. If the permit is denied, the reason for such
22 denial shall be provided in writing and shall also advise that the applicant may correct

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1 deficiencies in the application within seven (7) calendar days of the notice of denial
2 without incurring an additional application fee.

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

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

6 (a) *Immobilization criteria.* ~~No person shall immobilize a vehicle parked on private property,~~
7 ~~unless such immobilization is~~ All immobilization services shall be conducted in
8 accordance with the following requirements:

9 (1) The vehicle is parked in an unauthorized manner ~~and a sign was~~ on property
10 posted in accordance with subsection (b) below;

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

14 (3) Immediately upon immobilization, the immobilization operator ~~person~~
15 ~~immobilizing such vehicle~~, shall affix on the driver's side window of such vehicle,
16 a warning notice sticker with a completely removable adhesive, measuring four
17 by seven inches or larger containing a warning stating that the vehicle has been
18 immobilized and that any attempt to move the vehicle may result in damage to the
19 vehicle, and shall provide the name and business address of the person who
20 immobilized such vehicle, the business telephone number to contact for release of
21 the immobilization device, and fee for its removal, ~~as set forth in Appendix A,~~
22 ~~Schedule of Fees, Rates and Charges.~~

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1 (4) Photograph(s) of the "offending" vehicle shall be taken and shall be of sufficient
2 detail to demonstrate the violation of rule or regulation for which the vehicle is
3 being immobilized. The photograph(s) must be date and time stamped and
4 maintained by the immobilization service for a minimum period of ~~one year~~ six
5 (6) months. Photos must be available for viewing during normal business hours
6 commencing the following business day after the immobilization by 8:00 a.m.-
7 Normal hours for viewing the photographs are Monday through Saturday 8:00
8 a.m. to 5:00 p.m. at the immobilization service's office registered with the towing
9 administrator. There shall be no charge for viewing the photographs. ~~when such is~~
10 ~~done during the first available business day as referenced above~~

11 (b) *Sign posting*. Prior to immobilizing, in any manner, any vehicle parked on a private
12 property, a separate/individual sign meeting the following requirements shall be have
13 been posted on the private property:

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

18 (2) The sign must clearly indicate, in not less than two-inch high, light reflective
19 letters on contrasting background, that unauthorized vehicles will be immobilized
20 at the owner's expense. The words "vehicle immobilization area" must be
21 included on the sign in not less than four-inch high letters;

22 (3) The sign structure containing the above notices must be permanently installed
23 with the words "vehicle immobilization area" not less than three feet and not more

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1 than six feet above ground level and must be continuously located on the property
2 for not less than 24 hours prior to immobilization of any vehicles;

3 (4) The sign must also provide the name and current telephone number of the
4 immobilization service which placed the immobilization device on the vehicle;
5 and

6 (5) The sign shall state whether public parking is permitted and the hours of operation
7 that the property is utilized for public parking.

8 (~~e~~6) Where property is posted for trespass towing and the immobilization service will
9 be performed by the same entity or company, the signage requirements may be
10 met by adding "vehicle immobilization area" to existing trespass towing signage.

11 (~~ec~~) *Removal of immobilization device; release of vehicle; availability and response time.*

12 (1) When a vehicle has been immobilized, the immobilization device shall be
13 removed and the vehicle shall be released or returned to its owner or ~~eustodian~~
14 other legally authorized person within one hour upon request for removal and
15 payment of the immobilization charge.

16 (2) Any ~~person~~, immobilization service which places an immobilization device on an
17 unauthorized vehicle parked on private property shall operate a 24-hour, seven-
18 day-a-week answering service, and shall make available on a 24-hour, seven-
19 days-a-week basis, attendants and equipment for the release of the immobilization
20 device within one hour of request for removal and payment of the immobilization
21 charge.

22 (~~ed~~) *Maximum immobilization charge.* No ~~person or~~ immobilization service may charge an
23 immobilization charge or fee for removal of an immobilization device on an unauthorized

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1 vehicle parked on private property in excess of the fee ~~provided in Appendix A, Schedule~~
2 ~~of Fees, Rates and Charges, of this Code of Ordinances~~ authorized by resolution of the
3 city commission. Proof of ownership of the vehicle shall not be required of any person
4 who is paying a fee for the removal of the immobilization device. An immobilization
5 service shall accept payment for charges ~~from the vehicle owner or authorized~~
6 ~~representative in any of the following forms:~~

- 7 (1) Cash;
- 8 (2) Major credit card; and/or
- 9 (3) Debit card.

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

12 (e) *Required receipt.* Any ~~person,~~ immobilization service ~~which places an immobilization~~
13 ~~device on an unauthorized vehicle parked on private property~~ shall provide, at the time of
14 payment, a written receipt for all charges imposed and received from the owner or
15 ~~operator of a~~ other person in control of a vehicle. ~~resulting from the immobilization of a~~
16 ~~vehicle.~~ Said receipt shall be made and maintained in duplicate and shall include at a
17 minimum:

- 18 (1) The date, time, and location of the immobilization;
- 19 (2) The total charges listed individually and specifically;
- 20 (3) The date and time of the request for removal of the immobilization device;
- 21 (4) The date and time of payment of the charges; and
- 22 (5) The following disclosure in bold capitalized letters of at least 12-point type:

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1 IF YOU HAVE ANY QUESTION OR COMPLAINT, PLEASE CONTACT
2 THE CITY OF GAINESVILLE'S TOWING ADMINISTRATOR AT THE
3 GAINESVILLE POLICE DEPARTMENT, 413 NW 8th Avenue,
4 GAINESVILLE, FL 32601;

5 (f) *Return of registered vehicle owner ~~prior to immobilization~~. No person, immobilization
6 operator or immobilization service shall immobilize a vehicle or charge for its services
7 where the registered owner or other ~~legally authorized~~ person in control of the vehicle
8 arrives at the scene prior to affixing the immobilization device, unless: (1) ~~The~~ registered
9 owner or other ~~legally authorized~~ person in control of the vehicle refuses to remove the
10 vehicle. ; ~~or~~ (2) ~~If~~ The vehicle has already been completely connected to the
11 immobilization device, ~~and~~ the registered owner or other person in control of the vehicle
12 refuses to shall pay a service fee of not more than one-half of the rate ~~contained in~~
13 Appendix A, Schedule of Fees, Rates and Charges set by resolution by the city
14 commission for such immobilization service. (3) The immobilization service or person
15 ~~immobilizing the vehicle~~ immobilization operator shall wait a minimum of twenty (20)
16 minutes to allow the ~~vehicle's~~ registered owner or person in control of the vehicle
17 ~~operator~~ to secure cash or other acceptable payment of the fees enumerated herein.*

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

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

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

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

7 (a) ~~*Enforcement and inspection.*~~ The towing administrator shall enforce the provisions set
8 forth in this division. This shall not preclude other law or code enforcement personnel
9 from conducting any action as deemed necessary to assure compliance with all applicable
10 laws. To determine compliance and enforce the provisions of this division, ~~the towing~~
11 ~~administrator~~ any law or code enforcement official shall have the right of entry upon real
12 property during ~~the operating~~ normal business hours of ~~the subject business~~ and shall be
13 immune from civil or criminal prosecution for trespass upon real property while in the
14 discharge of his/her duties of enforcing the provisions of this division.

15 (b) ~~*Disclaimer of immobilization methods.*~~ ~~The imposition of the vehicle immobilization~~
16 ~~regulations set forth herein is solely intended for the public's protection from vehicle~~
17 ~~immobilization without adequate notice. Nothing herein shall be construed as~~
18 ~~authorization or permission to immobilize vehicles on private parking lots open to the~~
19 ~~public. Any person immobilizing vehicles on private parking lots open to the public shall~~
20 ~~be subject to citation under this division and any other remedies available to the City of~~
21 Gainesville.

22 **Sec. 14.5-45. - Revocation of immobilization service or immobilization operator permit,**
23 **appeal.**

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

15 (b) If it is found that the immobilization service or operator meets the requirements for
16 permit revocation, the permit shall be revoked for the following time periods:

- 17 1. First revocationSix months from the final date of the revocation.
- 18 2. Second and subsequent revocationsOne year from the final date of the
19 revocation.

20 (c) The procedure for revoking a permit is as follows:

- 21 (1) The towing administrator shall ~~inform~~ provide written notice to the
22 immobilization service or immobilization operator, as applicable, in-person by
23 hand delivery or by certified or registered mail ~~within at least seven~~ ten (10)

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1 fifteen (15) calendar days prior to the effective date of the suspension revocation.
2 The written notice shall contain notice that the establishment may contest the
3 revocation by requesting a hearing as provided below. Service shall be deemed
4 complete if personally delivered upon the owner or an employee of the
5 immobilization service or immobilization operator, as applicable, by any officer
6 authorized by law to serve process or a duly appointed law enforcement officer of
7 the city police department. The person serving process shall make proof of service
8 within the time during which the person served must respond to the process. If
9 service cannot be personally made within the city, then service may be made by
10 notice to a registered agent of the immobilization service or immobilization
11 operator, as applicable.

12 (2) The immobilization service or immobilization operator may file a written request
13 for a ~~due process~~ hearing ~~within ten calendar days of the date~~ prior to the effective
14 date of the ~~suspension~~ revocation with the ~~towing administrator office of the city~~
15 manager, or his designee. Failure to timely request a hearing ~~within the ten~~
16 ~~calendar day period~~ shall constitute a waiver by the immobilization service or
17 immobilization operator of any rights to a hearing. Upon request for a hearing the
18 revocation shall be stayed until a decision has been issued by the towing
19 administrator, final administrative action has been effected.

20 (3) At the ~~due process~~ hearing, the immobilization service or operator shall have the
21 opportunity to present ~~any~~ evidence (consisting of testimony and/or written
22 documentation) he/she believes negates or mitigates the revocation.

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1 (4) In conducting the hearing, the city manager or designee shall have the power to
2 take testimony under oath, require the production of books, paper, and other
3 documents, and receive evidence. Should a party refuse to provide documents as
4 directed by the city manager or designee, then there may be an adverse inference
5 against the party who failed to produce said documents. All parties shall have an
6 opportunity to respond, to present evidence and argument on all issues involved,
7 to conduct cross-examination and submit rebuttal evidence, and to be represented
8 by counsel. Hearsay evidence may be used for the purpose of supplementing or
9 explaining other evidence, but it shall not be sufficient in itself to support a
10 finding unless it would be admissible over objection in civil actions. Any party
11 desiring the hearing be recorded, shall be responsible for arranging and paying the
12 cost of a court reporter's attendance and services.

13 (5) If the city manager or designee finds, by a preponderance of the evidence, that the
14 immobilization service or immobilization operator meets the requirements for
15 permit revocation, then the city manager or designee shall uphold the suspension
16 of the immobilization service or immobilization operator permit and set the
17 revocation date to begin fifteen (15) from the date of the final administrative
18 order, subject to a writ of certiorari being filed pursuant to paragraph (8) below.

19 (6) If the city manager or designee finds that the immobilization service or
20 immobilization operator does not meet the requirements for permit revocation,
21 then the city manager or designee shall rescind the revocation of the
22 immobilization service or immobilization operator permit.

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1 (7) The city manager or designee shall provide written notice of the final order to the
2 immobilization service or immobilization operator as applicable. The decision of
3 the city manager or designee shall be the final administrative action.

4 (8) Right to appeal: The final administrative order of the city is subject to certiorari
5 review in a court of competent jurisdiction in Alachua County, Florida by the
6 timely filing of a petition. Upon the filing of a petition in the Circuit Court, the
7 revocation of the permit shall be stayed pending final disposition of the civil case.

8 (9) Upon the completion of the administrative hearing process and the final
9 determination of the city manager or designee, the city manager or designee a
10 ~~review of the evidence presented at the hearing, the towing administrator may~~
11 shall revoke the immobilization service permit or immobilization operator's
12 permit to engage in immobilization for up to one year, if it is found that the
13 immobilization service or immobilization operator meets the requirements for
14 permit revocation for the following time periods: as follows:

15 a. First revocationSix months from the date of the revocation.

16 b. Second and subsequent revocationsOne year from the date of the
17 revocation.

18 ~~(5) The revocation shall not be effective until ten (10) days after the decision of the~~
19 ~~towing administrator.~~

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

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1 ~~(c) Any immobilization service or immobilization operator whose permit has been revoked~~
2 ~~may file an appeal within ten (10) (15) days of the date of revocation pursuant to the~~
3 ~~appeals process specified below.~~

4 ~~(d) *Right of appeal.* The timely filing of an appeal shall stay the revocation of the permit. The~~
5 ~~appeal shall be taken by filing written notice with the towing administrator chief of police~~
6 ~~or designee within (15) ten (10) calendar days after the decision by the towing~~
7 ~~administrator to revoke such permit. The notice of the appeal shall contain the grounds~~
8 ~~for the appeal and shall contain information showing that the revocation either departed~~
9 ~~from the essential requirements of the law the finding is contrary to the law or is not~~
10 ~~supported by competent substantial evidence. The towing administrator chief of police or~~
11 ~~designee shall transmit copies of the appeal to the city manager or designee along with~~
12 ~~papers constituting the record of the due process hearing, upon which the action appealed~~
13 ~~from is based. The city manager or designee may decide to uphold or reverse the decision~~
14 ~~of the towing administrator. The decision of the city manager or designee shall be the~~
15 ~~final administrative action by the city. If the city manager or designee reverses the~~
16 ~~decision of the towing administrator, the revocation proceeding shall be immediately~~
17 ~~dismissed.~~

18 **Sec. 14.5-46. - Violation of ordinance; penalties; civil citation.**

19 It is unlawful to engage in the immobilization of vehicles on private property without
20 compliance with the requirements of this division. Police officers and code enforcement officers
21 ~~Law enforcement officers~~ may issue a civil citation to immobilization services or its authorized
22 representatives, immobilization operators, and property owners or their authorized
23 representatives, for violations of any section of this article.

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1 Section 3. Appendix A. ~~entitled~~ "Schedule of Fees, Rates and Charges", of the Code of
2 Ordinances of the City of Gainesville, is hereby amended as follows. Except as amended herein,
3 the remainder of Appendix A remains in full force and effect.

4 APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES

5 POLICE:

6 ~~Room~~ Trespass towing:

7 Trespass towing application process fee (section 14.5-29(a)(6))

- 8 a. Properties 1—5, each 57.00
- 9 b. Properties 6—10, each 42.50
- 10 c. Properties 11—15, each 36.50
- 11 d. Properties 16—20, each 30.50
- 12 e. Properties 20 or more, each 18.00

13 Registration—Owners, operators and vehicles:

14 (a) Trespass Towing Service permit Owners and vehicles.....~~0.00~~ 318.50

15 Late penalty, annual payment not timely filed, per month 29.00

16 (b) Trespass Towing Operators permit..... 11.50

17 (c) Replacement permits.....1/2 permit fee

18 (d) Trespass Towing vehicle registration, annually per vehicle.... 29.00

19 Immobilization:

20 a. Annual permit fee 318.50

21 b. Late penalty, annual payment not timely filed, per month 29.00

22 c. Operator permit, per year..... 11.50

23 d. Replacement permit.....1/2 permit fee

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- 1 e. Vehicle (Medallion) permit, ~~biennially~~ annually per vehicle..... 29.00
- 2 f. Removal.....69.50

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

7 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance
8 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
9 finding shall not affect the other provisions or applications of the ordinance which can be given
10 effect without the invalid or unconstitutional provisions or application, and to this end the
11 provisions of this ordinance are declared severable.

12 **Section 6.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
13 such conflict hereby repealed.

14 **Section 7.** This ordinance shall become effective immediately upon final adoption.
15 However, any permit issued pursuant to this Article III prior to the effective date of this
16 ordinance shall remain valid until October 1, 2014, unless it is suspended or revoked prior to that
17 date.

18 **PASSED AND ADOPTED** this ____ day of _____, 2014.

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EDWARD B. BRADDY
MAYOR

ATTEST:

Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

6 This Ordinance passed on first reading this ____ day of _____, 2014.
7 This Ordinance passed on second reading this ____ day of _____, 2014.