ORDINANCE NO. 11-22

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES", ARTICLE XI "WRECKERS AND TOWING SERVICE" BY ADDING DIVISION 3 "NON-CONSENSUAL PRIVATE TOWING SERVICES", SECTIONS 70-701,70-702, 70-703, 70-704, 70-705, 70-706, 70-707, 70-708, 70-709 and 70-710 TO PROVIDE FOR AUTHORITY, PURPOSE AND DEFINITIONS IN ENACTING REGULATIONS GOVERNING NONCONSENSUAL TOWS; PROVIDING FOR THE ISSUANCE OF OPERATING PERMITS; PROVIDING FOR THE SETTING OF RATES AND REQUIREMENTS FOR NON-CONSENSUAL TOWS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission finds it necessary for the protection of the public's health, safety and welfare to enact regulations governing nonconsensual tows; and

WHEREAS, the City Commission is expressly authorized to enact the provisions below in accordance with Florida Statute Sections 166.043(1)(b) and 715.07.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 70-701 is hereby added to the Code of Ordinances as follows:

Sec. 70-701. - Authority.

This division is enacted pursuant to the statutory power of City of Key West to establish and enforce business

regulations necessary for the protection of the public, and pursuant to Florida Statutes, Sections 166.043(1)(b) and 715.07.

Section 2: That Section 70-702 is hereby is hereby added to the Code of Ordinances as follows:

Sec. 70-702. - Short title.

This division shall be known as "The Non-Consensual Private Towing Services Ordinance of the City of Key West."

Section 3: That Section 70-703 is hereby added to the Code of Ordinances as follows:

Sec. 70-703. Purpose.

The purpose of this division is to regulate non-consensual tows consistent with Federal and State laws and to create a mechanism for the establishment of maximum permissible rates which may be charged for the towing and storage of motor vehicles/vessels by private persons not acting at the behest of local, county, state, or federal government and without the consent of the owner.

Section 4: That Section 70-704 is hereby added to the Code of Ordinances as follows:

Sec. 70-704. - Definitions.

For purposes of this division, the following definitions shall apply:

Commission shall mean the City Commission of the City of Key West, Florida.

Custodian shall mean one lawfully authorized and entrusted to possess, guard, maintain, and/or operate the property of another.

Division (except as the context otherwise indicates) shall mean the City of Key West Parking Division. The duties of the Division hereunder may also be supplemented and/or exercised by the Key West Police Department and Licensing Department upon the direction of the City Manager.

Immobilizing shall mean rendering a vehicle incapable of being driven by means of a wheel-locking boot or other device.

Non-consent or Nonconsensual private towing services shall mean the immobilizing, towing and/or storage of a vehicle or vessel, without the prior express consent of the owner or custodian, by any

person who is not acting pursuant to a contract with a unit of local, county, state, or federal government.

Owner shall mean that person who exercises dominion and control over a vehicle, other personal property, or real property, including, but not limited to, the legal titleholder, lessee, designated representative of a condominium association, or any other person authorized to share dominion and control over the property.

Person shall mean any natural person, or any association, corporation, firm, joint venture, partnership, or other entity.

Storage shall mean the safekeeping of a vehicle which has been towed under the authority of this division.

Towing or tow shall mean taking possession of a vehicle and its contents, exercising control, supervision and responsibility over it, and changing its location by immobilizing, hauling, drawing, or pulling it by means of another vehicle, with or

without booms, car carriers, winches, or similar equipment.

Vehicle shall mean an automobile, bus, motorcycle, recreational unit primarily designed as temporary living quarters which either has its own motive power or is mounted on or drawn by another vehicle, semi-trailer, semi-trailer combination, trailer, truck, truck tractor, van, or any other mechanized conveyance used to transport persons or property and designed to operate on public roads without a fixed track.

Section 5: That Section 70-705 is hereby added to the Code of Ordinances as follows:

Sec. 70-705. Operating permit required.

a) Except as otherwise provided herein, it shall be unlawful for any person to conduct nonconsensual private towing services, or to cause or permit any other person for compensation to conduct nonconsensual private towing services in the City without first obtaining a nonconsensual tow permit under this division. It shall also be unlawful to advertise said services without first obtaining and maintaining a current non-consensual tow

permit pursuant to the provisions of this division. A person conducting non-consent tows in the City but having his/her primary place of business outside of the City shall be required to obtain non-consensual tow permit and shall be subject to all the provisions of this division.

(b) Nothing in this division shall be construed to prohibit the discharge or storage of a vehicle lawfully recovered, towed or removed in another City or County and lawfully transported into the City; nor shall anything in this division be construed to prohibit a vehicle owner from requesting the services of a towing business not regularly doing business in the City (i.e., routinely, contracted, etc.) to tow or transport such vehicle out of the City.

(c) The provisions of this division shall not apply to governmental agencies and persons operating pursuant to a government initiated tow request.

Section 6: That Section 70-706 is hereby added to the Code of Ordinances as follows*:

Sec. 70-706. New applications/renewals and issuance of non-consensual tow permit; fees.

*(Coding: Language added at first reading is underlined; deleted language is ~~struck through~~. Language added at second reading is double underlined; deleted language is ~~double struck through~~.)

(a) Permit

(1) The Division shall issue a nonconsensual tow permit to persons that have met the requirements as provided for in this division.

(2) If the non-consensual tow applicant holds a valid towing license issued pursuant to section 70-650, the non-consensual tow permit shall be issued upon request and payment as described in 70-706(l).

(b) Every application/renewal for an operating permit shall be in writing, signed and verified by the applicant, and filed with the Division. The application/renewal shall be on a form prescribed by the Division and shall contain the same information required by Key West City Code of Ordinances 70-650(1)(e).

(c) The Division shall review and investigate each application/renewal of a non-consensual tow permit and shall deny any application/renewal that is incomplete or untrue in whole or in part, or which fails in any way to meet the requirements of this division.

(d) The Applicant must submit to a background check, and to be eligible for a nonconsensual tow permit the Division must find that:

(1) Neither the applicant, nor any officer, director or partner of the applicant, nor any stockholder owning, holding, controlling or having a beneficial interest in five percent or more of the issued and outstanding stock of a corporate general partner of a partnership applicant, has a currently suspended ~~license~~ permit, has had its ~~license~~ permit revoked by action of the licensing ~~director~~ official within two years of the date of application, or has outstanding and unsatisfied civil penalties imposed on account of violations of this article.

(2) Neither the applicant, nor any officer, director or partner of the applicant, nor any stockholder owning, holding, controlling or having a beneficial interest in five percent or more of the issued and outstanding stock of a corporate general

partner of a partnership applicant, has been convicted of one or more felonies within the preceding five years; or that three misdemeanors have been committed within the 36-month period preceding the date of the application, unless the civil rights of such individual or applicant have been restored or that such person has successfully completed all sentences of incarceration, probationary periods, required rehabilitation activities and payment of all fines and penalties imposed. For applicants requesting renewal, the licensing ~~administrator~~ official may only consider crimes committed after the date the applicant obtained his license, unless such crimes were not previously disclosed in the original application.

(3) Each corporate or partnership application is qualified under the state law to do business under the trade name or names under which it has applied for a license.

(4) No fraud or willful or knowing misrepresentation or false statement was made in the application.

(5) No judgment against the applicant arising out of the activity of recovery, towing or removing a vehicle or providing storage in connection therewith remains unsatisfied, unless a stay or reversal of the judgment is procured through the courts.

(6) No outstanding warrants of arrest against the applicant nor any officer, director or partner of the applicant, nor any stockholder owning, holding, controlling or having a beneficial interest in five percent or more of the issued and outstanding stock of a corporate general partner of a partnership applicant.

(e) If there are six (6) months or less remaining before the annual renewal period, the nonrefundable fee for the non-consensual tow permit shall be fifty (50) percent of the approved fee, otherwise all other fees are applicable.

(f) Except for the initial permit, ~~E~~each non-consensual tow permit issued pursuant to this section shall be valid and effective for a maximum of one (1) year~~,~~ Each non-consensual tow permit shall terminate~~ing~~ on June ~~December~~ 30 of each year.

(g) Persons failing to submit a complete and true application within thirty (30) calendar days after the Division's receipt and any notification of the incompleteness of the application shall be denied a non-consensual tow permit.

(h) All non-consensual tow permits shall be renewed annually. As a part of the renewal process, the original application shall be updated and verified by the applicant. Each updated renewal application shall be accompanied by a nonrefundable fee. All non-consensual tow permits which are not renewed shall automatically expire upon the expiration date of the permit, and all non-consensual tows shall cease immediately. The Division shall deny each renewal application that is not timely, is incomplete, is untrue in whole or in part, is unaccompanied by the required fees, or results in a determination by the Division that the applicant has failed to satisfy the requirements of this article.

(i) After initial application and upon renewal, the applicant shall submit to a background investigation every other year.

(j) Each non-consensual tow permit shall be printed on a certificate containing, at a minimum, the name and address of the company, the name of the principal, the dates the operating permit is in effect, and any identifying number assigned by the Division to the company. The non-consensual tow permit certificate issued by the Division shall remain the property of the City of Key West and shall be used only under the authority of the division.

(k) A non-consensual tow permit issued or renewed pursuant to the provisions of this section shall not be transferable, nor shall the ownership structure of the operating permit be so modified as to constitute a change in the control or ownership of the operating permit. If the business changes its name or ownership structure, a new business permit application and the business application permit fee shall be submitted to the division within forty-five (45) days of said change. In cases where the name of the business changes, the new business will be required to have each vehicle inspected and must also pay decal/vehicle fees.

(l) An initial application fee of $200.00 shall contemporaneously be submitted to the licensing division. Annual renewal fee shall be $150.00

(m) Failure to comply with the provisions of this division shall result in denial of a non-consensual tow permit, revocation or suspension of the permit, a denial of renewal of such permit, issuance of a civil citation, a criminal conviction and/or other such remedies available to the Division as specified herein.

Section 7: That Section 70-707 is hereby added to the Code of Ordinances as follows:

Sec. 70-707. - Maximum rates for nonconsensual towing services.

(a) The maximum rate for ~~a~~ nonconsensual private towing services shall be as follows:

(1) $100.00 for mopeds, motorcycles, cars and vehicles/vessels weighing 10,000 pounds or less.

(2) $150.00 for vehicles/vessels weighing between 10,001 and 20,000 pounds.

(3) $360.00 for vehicles/vessels weighing in excess of 20,000 pounds.

~~one hundred dollars ($100.00). The Commission may by resolution alter this maximum rate for non-consent towing services from time to time.~~

(b) Storage fees may be charged only after the vehicle has been in the storage facility for at least six (6) hours. If the vehicle is not recovered by the vehicle/vessel owner after the six-hour time period has elapsed, then storage charges shall accrue in twenty-four-hour increments from the time the vehicle/vessel arrived in the storage facility at the rate of twenty five dollars ($25.00) per day.

(c) An administrative/lien fee in the maximum amount of twenty-five dollars ($25.00) shall only be charged after the vehicle/vessel has been in the storage facility for at least twenty-four hours (24) hours and:

The non-consent tow truck company must show proof that lien letter(s) have been prepared with the appropriate names/addresses (i.e., U.S. Mail Certification Number, correspondence copies, etc.) and that actual fees for obtaining required ownership information have been expended. Failure to document and provide all of the above required information will result in administrative/lien fee charges being removed from the total cost of the

service/invoice and is a violation of this division. Prior to instituting such charge, the tow company must provide such documentation to the vehicle/vessel owner.

(d) After-hour gate fees may not be applied between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday (excluding federal holidays) and not for six (6) hours after a vehicle has been impounded. The maximum amount of such after hours gate fee shall be thirty dollars ($30.00). An after hours gate fee may also not be applied during such period of time that the business is open for towing purposes. A business shall be considered open for towing purposes if it has vehicles engaged in towing services at the time.

(e) Persons who provide services pursuant to this division shall not charge in excess of the maximum allowable rates established by the Commission. No person providing services pursuant to this section shall charge any type of fee other than the rates the Commission has specifically established. Persons who provide nonconsensual tow services from the City to a location outside the City shall abide by the terms of this division including all rates and charges adopted by the Commission.

(f) Persons who provide non-consensual tow services pursuant to this division shall provide a City of Key West, Florida Maximum Non-Consent Towing Rates sheet to the vehicle or vessel owner at the time of payment. The non-consensual towing company shall obtain a signed acknowledgement that the vehicle/vessel owner has received such Rate sheet

(g) Upon payment of the fees specified herein, persons who provide non-consensual tow services in areas where the speed limit exceeds 35 mph shall make reasonable arrangements to return any non-commercially owned moped, electric car and similar reduced speed vehicle to the Key West city limit without charge to the vehicle owner.

Section 8: That Section 70-708 is hereby added to the Code of Ordinances as follows:

Sec. 70-708. Non-consent tow truck company requirements.

(a) Non-consent tow truck companies which provide services pursuant to this division shall advise any vehicle/vessel owner who calls by telephone prior to arriving at the storage facility of the following:

(1) Each and every document or other item which must be produced to retrieve the vehicle/vessel;

(2) The exact charges as of the time of the telephone call, and the rate at which charges accumulate after the call;

(3) The acceptable methods of payment; and

(4) The hours and days the storage facility is open for regular business.

(b) Persons providing nonconsensual tow services pursuant to this division shall allow every vehicle/vessel owner to inspect the interior and exterior of the towed vehicle upon his or her arrival at the storage facility before payment of any charges (except for "after-hour gate fee"). With the exception of vehicle being held pursuant to the specific request or "hold order" of a law enforcement agency, the vehicle/vessel owner or authorized driver/agent shall be permitted to remove the vehicle license tag and any and all personal property inside but not affixed to the vehicle/vessel. A vehicle/vessel owner who shows a government issued photo identification shall be given access to view ownership documents stored in the vehicle/vessel. The vehicle/vessel and/or personal property shall be released to the vehicle/vessel owner if the ownership documents are consistent (name and address) with the photo identification. When a vehicle/vessel owner's

government issued identification and ownership documents are stored inside the impounded vehicle due to unforeseen circumstances, the tow truck company shall be required to recover the ownership documents stored in the impounded vehicle (i.e., glove compartment, sun visors, etc.) upon receipt of a vehicle/vessel key, vehicle access code, or electronic device from the vehicle/vessel owner that would allow entry. The vehicle/vessel and/or personal property shall be released to the vehicle/vessel owner if the ownership documents are consistent with the photo identification.

(c) Persons providing nonconsensual tow services pursuant to this division shall accept payment for charges from the vehicle/vessel owner in all the following forms:

(1) Cash, money order or valid traveler's check; and

(2) Valid bank debit/credit card, which shall include, but not be limited to, MasterCard or VISA~~, that is in the name of the vehicle/vessel owner or authorized driver/agent~~;

(d) Persons providing nonconsensual tow services pursuant to this division shall not store or impound a towed vehicle/vessel at a distance which exceeds a ten (10)

mile radius of the location from which the vehicle/vessel was recovered, towed or removed unless no towing company providing services under this division is located within a ten-mile radius, in which case a towed or removed vehicle/vessel must be stored at a site within twenty (20) miles of the point of removal.

(e) Persons providing nonconsensual tow services pursuant to this division shall maintain one or more storage facilities, each of which shall maintain a current business tax receipt and when applicable a municipal business tax receipt. The storage facility must be secured and fenced with a minimum of six (6) feet fencing, lighted and equipped with a lock or enclosed building and otherwise comply with the City of Key West Code of Ordinances. The business shall be open for the purpose of redemption of vehicles/vessels by owners on any day that the tow truck company is open for towing purposes. A business shall be considered open for towing purposes if it has vehicles engaged in towing services at the time. At a minimum, each business operating pursuant to a non-consensual tow permit shall be open from at least 8:00 a.m. to 6:00 p.m., Monday through Friday. When closed, each business shall have posted prominently on the exterior of the storage facility

and place of business, if different, a notice indicating a telephone number where the tow truck company can be reached at all times. Upon request of the vehicle/vessel owner or authorized driver/agent, the tow truck company shall release the vehicle/vessel to the vehicle/vessel owner or authorized driver/agent within one (1) hour.

(f) Persons providing nonconsensual tow services pursuant to this division shall not, as a condition of release of the vehicle/vessel, require a vehicle/vessel owner or authorized driver/agent to sign any release or waiver of any kind which would release the tow truck company from liability for damages noted by the vehicle/vessel owner or authorized driver/agent at the time of the vehicle's/vessel's release. A detailed, signed receipt showing the legal name of the tow truck company removing the vehicle/vessel shall be given to the vehicle/vessel owner or authorized driver/agent at the time of payment, whether requested or not.

(g) Persons providing nonconsensual tow services pursuant to this division shall release vehicles/vessels towed or removed to the vehicle/vessel owner or authorized driver/agent provides proof of ownership documents. Proof of ownership documents shall include:

(1) Current vehicle registration;

(2) Vehicle title;

(3) An authorized driver/agent with a notarized release from the vehicle/vessel owner or lien holder. Vehicle/vessel owners have the right to identify/approve designated agents to claim vehicles on their behalf. A facsimile or electronic transfer of a notarized release statement from the vehicle/vessel owner shall be accepted;

(4) Insurance card with the vehicle/vessel owner's information and vehicle description;

(5) Licensed dealer in possession of an auction buyer's sales invoice; and/or

(6) A notarized bill of sale for non-titled vehicles or vessels.

(h) Persons providing nonconsensual tow services pursuant to this division shall make a "good faith effort" to locate the vehicle/vessel owner or lien holder. For the purposes of this paragraph and subsection, a "good faith effort" means that the required steps have been performed by the tow truck company according to Florida Statutes, § 713.78(4)(d). Failure to make a "good faith effort" to comply with the notification requirements of this section

shall preclude the imposition of any storage charges against such vehicle or vessel.

(i) Persons providing nonconsensual tow services pursuant to this division and found to be in violation of this division relating to a specific non-consent tow shall be required to immediately reimburse the vehicle/vessel owner all illegal or over charges related to that towing incident. Failure to reimburse the owner of the vehicle/vessel in such cases is a violation of this division.

(j) It shall be a violation of this division for any person providing nonconsensual tow services to fail to respond in writing within ten (10) business days to any written inquiry or request for information from the division or any law enforcement agency.

Section 9: That Section 70-709 is hereby added to the Code of Ordinances as follows:

Sec. 70-709. Non-consent towing with prior express instruction of real property owner or duly authorized agent and/or law enforcement agency.

In addition to the other requirements of this division, no person shall engage in no-consensual towing services or provide storage in connection therewith without the prior express instruction of the vehicle/vessel owner

or authorized driver, except in accordance with the following:

(a) Persons providing non-consensual tow services in accordance with applicable provisions of the Code of Ordinances of the City of Key West, may for compensation recover, tow or remove a vehicle/vessel based upon a police directed tow without the prior express instruction of the vehicle/vessel owner.

(b) Persons may provide nonconsensual tow services without the authorization of the vehicle/vessel owner upon the prior express instruction of the real property owner or his duly authorized agent on whose property the vehicle/vessel is disabled, abandoned or parked without authorization or whose vehicle/vessel owner or authorized agent is unwilling or unable to remove the vehicle/vessel, provided that the requirements of this division are satisfied. The non-consent tow truck company recovering, towing or removing a vehicle/vessel shall, within thirty (30) minutes of completion of such towing or removal, notify the appropriate law enforcement agency in which jurisdiction the vehicle/vessel was parked of the nature of the service rendered, the name and address of the storage facility where the vehicle/vessel will be stored, the time

the vehicle was secured to the towing vehicle, and the make, model, color and vehicle/vessel license plate number (if any). The person providing non-consensual tow services shall obtain the name of the person at the law enforcement agency to whom such information was reported and note that name on the trip record.

(c) No person providing non-consensual tow services shall pay or rebate money, or solicit or offer the rebate of money, or other valuable consideration in order to obtain the privilege of rendering towing services.

(d) Each person providing nonconsensual tow services shall enter into a written contract with every owner or duly authorized agent of private property that authorizes nonconsensual tow services on or from its property. This written contract shall include the beginning date of said contract, the names of all persons who can authorize prior express instruction to the tow truck company to remove, recover or tow any vehicle/vessel on or from its property. The written contract shall include the name and current telephone number of the tow truck company performing the towing service, and the name, address and telephone number for any duly authorized agents acting on behalf of the real property owner. The written contract for non-consent towing

shall also include a clear understanding of liability for the real property owner as stated in Florida Statutes, § 715.07~~(4)~~, which statute shall be included as an exhibit to the contract. No such contract shall state that the person providing nonconsensual tow services assumes the liability for improperly towed vehicles/vessel, contrary to Florida Statutes, § 715.07(4). The person providing nonconsensual tow services must keep on file each contract and addendum (if applicable) with the property owner. Such contract shall be maintained for at least twelve (12) months after termination. The Division and law enforcement officers may inspect and request a copy of any and all such contracts from the person providing nonconsensual tow services during normal business hours. The person providing nonconsensual tow services may not withhold production of the contract upon demand by the Division or law enforcement. Failure to enter into or keep on file a contract with the property owner shall be a violation of this division. All contracts which were entered into prior to the effective date of this division, shall accomplish the requirements of this subsection by entering into an addendum to the current contract within three (3) months following the enactment of this division.

(e) Real property owners or authorized representatives shall not request the recovery, tow or the removal of vehicles/vessels that are reasonably identifiable from markings or equipment as law enforcement, fire fighting, rescue squad, ambulance, or other emergency vehicles/vessels which are marked as such.

(f) Any person who improperly causes a vehicle/vessel to be recovered, towed, removed or stored shall be liable to the vehicle owner or authorized representative for the costs of the services provided, any damages resulting from the recovery, towing, removal or storage and attorney's fees and court costs in accordance with Florida Statutes.

Section 10: That Section 70-710 is hereby added to the Code of Ordinances as follows:

Sec. 70-710. Enforcement and penalties for violations.

(a) All law enforcement officials are hereby authorized to assist in the enforcement of this division to the extent that it is within their respective jurisdictions to do so.

(b) It shall be unlawful for any person or entity to violate or fail to comply with any provision of this

division. Any such violation shall be punishable in accordance with section 1-15 of the Code of Ordinances for the City of Key West, including a fine of not more than $500.00 or a term of imprisonment not to exceed 60 days or both a fine and term of imprisonment. Each day that any of the towing or storage rates provisions of this division are violated shall constitute a separate offense hereunder.

(c) The penalties described in subsection (b) of this section shall be in addition to the abatement of the violating condition, any other equitable relief, or revocation of any permit or license by any governmental entity. Should any person violate or fail to comply with any provision of this division, the office of the city attorney may make application to the circuit court for the Sixteenth Judicial Circuit of Florida for an order to enjoin such violation or failure of compliance.

(d) In addition to the penalties described above, any owner who is found to have violated this division on two or more occasions shall be subject to the suspension or revocation of its nonconsensual tow permit. Within ten (10) days of a finding that an owner has violated two or more provisions of this division the City Manager shall schedule a hearing with the violator. The City Manager

shall hear testimony and/or evidence of the nature of the violations and any circumstances associated therewith. After such hearing the City Manager may suspend or revoke the violator's nonconsensual tow permit for a period of up to one year based upon the gravity and frequency of the violations. The violator may appeal the City Manager's decision to the City Commission by filing written notice with the City Clerk within three (3) days of the City Manager's written determination. The City Commission shall set the matter for hearing with appropriate public notice for the next regularly scheduled Commission meeting. By majority vote, the Commission may affirm, reverse or modify the decision of the City Manager based upon the factors considered by the City Manager and those brought before the Commission at hearing.

Section 14: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 15: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 16: ~~The application and permitting requirements of Sections 70-705 and 70-706 of~~ ~~t~~This Ordinance shall go into effect ~~January 1, 2012 and all remaining provisions shall go into effect~~ immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a meeting held this 15th day of November, 2011.

Read and passed on final reading at a meeting held this 6th day of December, 2011.

Authenticated by the presiding officer and Clerk of the Commission on 7th day of December, 2011.

Filed with the Clerk December 7, 2011.

CRAIG CATES, MAYOR

Attest:

CHERYL SMITH, CITY CLERK