CITY OF MYRTLE BEACH  
COUNTY OF HORRY  
STATE OF SOUTH CAROLINA

AN ORDINANCE TO PROVIDE FOR PHASED IMPLEMENTATION OF REGULATORY COMPLIANCE IN PART ONE; AND IN PART TWO TO AMEND CHAPTER 23, ARTICLE VI, AMENDED, DECLARED EFFECTIVE UNTIL MAY 20, 2012, WITH EFFECTIVE REPEAL ON MAY 20, 2012, AND IN PART THREE TO ENACT CHAPTER 23, ARTICLE VI, WRECKER SERVICES, DIVISION 1 WRECKERS GENEALLY SECTIONS 23-125 THROUGH 23-131 AND DIVISION 2, NON-CONSENSUAL TOWING SECTION 23-140 THROUGH 23-144 TO BE EFFECTIVE MAY 21, 2012.

Findings and Declarations:

a. While the majority of wrecker operators are reputable small businesses and service providers, some unscrupulous wrecker operators are engaged in predatory practices victimizing consumers whose vehicles are parked on private property;

b. Predatory towing practices include charging unwarranted or excessive fees, particularly in connection with contract towing vehicles from private parking lots which display inadequate or misleading warnings to the vehicle owners, or allegedly overcharging consumers for towing services provided under circumstances where the consumer has no meaningful opportunity to withhold consent or to contest the charges;

c. The legitimate business interests of tow truck operators and the needs of private property owners for relief from unauthorized parking must be balanced with the interest in providing appropriate protection to unwilling consumers;

d. Therefore, it is in the public interest to create a coordinated, comprehensive framework to establish and enforce minimum standards for wrecker operators within the City of Myrtle Beach.
PART ONE:
IMMEDIATE ENACTMENT; PHASED IMPLEMENTATION

a. City Council desires these changes in Part Three to be effective as soon as possible, but recognizes that the change over presents a logistical complication. In order for businesses to continue to operate until full compliance is achieved, it the intent of Council for property owners and wrecker services to continue to operate under the provisions of Part Two, an amended version of the current law as of this date, as set forth herein, but to provide a transition period as provided here in Part One.

b. Private property owners and wrecker services currently lawfully operating may continue to operate under the requirements of Part Two, and those property owners and wrecker services that achieve regulatory compliance and approval for operation for lawful operation under the Part Three during the transitional period are deemed to lawful in operation during such transition, notwithstanding any other provision of law, provided however any private property owner or wrecker service that is not in regulatory compliance with the entirety of Part Three by May 21, 2012 shall be prohibited from engaging in nonconsensual towing. Therefore, the provisions of Part Two as set forth herein shall remain in effect from March 28, 2012 until May 20, 2012, but shall expire and are hereby declared repealed effective May 20, 2012, and the provisions of Part Three shall be fully enforceable on May 21, 2012.
PART TWO:

ARTICLE VI. WRECKER SERVICES

Sec. 23-125. Definitions.

The following words or phrases, as used in this chapter, shall have the following respective meanings as set out in this section, unless a different meaning clearly appears from the context:

Agent of record means the person that a property owner has given authority to authorize a wrecker business to tow from their property by sending a letter of authorization to the police department naming said person. The agent of record may not be any employee or agent of any towing business.

Motor vehicle means any device in, upon, or by which any person or property is, or may be transported or drawn upon any public highway, public right of way or public or private property. Motor vehicle shall not include any device propelled solely by human power or which is used exclusively upon stationary rails or tracks.

Normal business hours means those hours during which towing is available on call.

Operator/attendant means the person driving the wrecker or any person assisting with the operation of the wrecker or storage lot.

Owner means any person owning or having any financial interest in a wrecker business licensed by the city.

Legal repossession means the act of a creditor or his duly authorized agent under contract to take possession of a vehicle under a security agreement by a lienholder.

Wrecker means any vehicle built and equipped for the purpose of towing, lifting, pulling or otherwise transferring motor vehicles from place to place.
Sec. 23-126. License--Required.

(a) Business license. Any person or entity desiring to operate a wrecker service within the city shall first obtain a city business license by filing an application, upon a form provided by the city, with the city business license inspector together with the appropriate license fee as set forth in this Code. Attached to the application shall be the following information:

(1) Business identity: Indicate whether a sole-proprietorship, partnership or corporation; list all individuals or entities having a financial interest in the company including names, addresses and telephone numbers. If the business was in operation prior to application, provide the number of years in operation and each individual's or entity's years of affiliation or ownership. Indicate whether engaged in the legal repossession business, and how may vehicles would qualify for the exemption from 23-127.

(2) Business location: Provide the street location, mailing address and telephone number of the wrecker service's primary business location and the hours of operation.

(3) Storage lot: Provide the street location, address and telephone number of the wrecker service's storage lot and hours of operation. The capacity of storage shall be indicated together with the method employed to screen the stored motor vehicles from public view as well as security measures employed.

(4) Records and other services: List all procedures and attach copies of forms used to keep records and any auxiliary services which will ensure delivery of a high level of service to the public.

(5) Vehicle identification: Provide the year, make, model, vehicle identification number, gross vehicle weight class, type and South Carolina license plate number for each vehicle to be used in the applicant's business.


Sec. 23-127. Special requirements.

(a) Except for a vehicle while engaged in a legal repossession, every wrecker or roll back shall carry a broom, shovel and container for debris. Each shall also carry a fire
extinguisher rated for class A, B and C fires. It shall be the responsibility of the
wrecker service to perform a general clean-up of the accident area before leaving the
scene of an accident. This responsibility requires the wrecker service to remove all
debris such as broken glass, liquids and materials from an accident area by sweeping
up such debris and removing this material from the scene in a garbage can type
container on each wrecker. In addition to the items required above, each wrecker
shall also carry commercial material and all other equipment to fulfill this
responsibility.

(b) Every wrecker shall carry as standard equipment: tow sling or wheel lift, tow bar,
safety chain and rope, wrecker bar and other equipment necessary for the safe and
efficient operation of the wrecker.

(c) Every roll back shall have a winch capacity of 8,000 pounds and other equipment
necessary for the safe and efficient operation of the roll back.

(d) Except for a vehicle while engaged in a legal repossession, at least one oscillating or
rotor beam emergency light shall be mounted on the top of the wrecker cab or boom
brace. Light bars with multiple lights are permissible. All emergency light lenses shall
be amber. The use of sirens by wreckers is prohibited.

(e) Except for a vehicle while engaged in a legal repossession, each wrecker shall display
the owner or company name and business telephone number in letters not less than 2
inches high on both vehicle doors. Temporary lettering, magnetic or otherwise, is
strictly prohibited.

(f) Each wrecker shall display a current South Carolina license plate.

Sec. 23-128. Reserved - Inspections.

(a) The City shall provide notice and schedule an annual appointment for inspection at the
business site. The police department shall have the right at any time, upon presentation of
proper identification, to enter into or upon any wrecker operating in the city for the purpose
of inspecting the wrecker and its equipment to ensure public safety and adherence to the
provisions of this chapter. Any wrecker or equipment, which is found to be unsafe or in poor
mechanical or physical condition shall be immediately taken out of service until repaired or
inspected by the police department.
(b) Every wrecker operating and doing business within the City of Myrtle Beach shall be inspected by the wrecker service an agent prescribed by the police department at least once each calendar year. The owner of each wrecker shall pay a $50.00 fee per wrecker annually. The police department shall issue each wrecker that has passed inspection an annual decal authorizing the wrecker to operate within the City of Myrtle Beach.

(1) Unsafe vehicles. If any wrecker is found to be in unsafe condition, the wrecker decal shall be immediately removed from the vehicle and the owner shall be notified of the nature of the defect and that the wrecker shall not be operated until such condition has been remedied.

(2) Unfit wreckers. If the wrecker is found to be unfit or missing equipment, but otherwise in safe condition, the agent shall give the wrecker owner and driver a reasonable time, not to exceed 72 hours, to remedy the condition, after which the agent shall re-inspect the wrecker. If the vehicle does not pass the re-inspection, the decal shall be removed and the wrecker shall not be used until all unsatisfactory conditions have been corrected.

(c) If any decal is removed because the wrecker is deemed to be unsafe or unfit it shall be unlawful to operate the wrecker within the City of Myrtle Beach until such time as the deficiencies are repaired and the wrecker passes re-inspection by the police department. Once the wrecker passes re-inspection the police department shall issue the wrecker a new decal authorizing the wrecker to operate within the City of Myrtle Beach. The wrecker shall not be charged any fee for the new decal and inspection.

Sec. 23-129. Chasing wrecks prohibited.

It shall be unlawful for the owner, operator/attendant or agent of any wrecker service to go to the scene or location of a disabled or damaged motor vehicle or the location of any accident unless summoned by the motor vehicle's owner, the owner or person in charge of the property where the vehicle is disabled, or by the police department.

Sec. 23-130. Solicitation of wrecker or towing services.

It shall be unlawful for any owner or operator/attendant of any wrecker service to drive or park along any streets or highways soliciting wrecker or towing services. It shall be unlawful for any city employee to solicit business for any wrecker service. It shall likewise be unlawful
for any owner, operator/attendant or agent of a wrecker service to entice or engage a city employee to solicit business for the wrecker service.

Sec. 23-131. Unauthorized removal of vehicle.

It shall be unlawful for any wrecker service to remove any motor vehicle that is parked on any road, highway or other public property unless summoned by the motor vehicle's owner or authorized by the police department to do so.

Sec. 23-132. Use of emergency lights.

Wrecker services shall not operate any emergency lights except at the scene of an accident while hooking up to the vehicle to be towed or while actually towing a vehicle. Emergency lights shall not be operated while on route to any accident scene or other service call.

Sec. 23-133. Towing from private property.

(a) It shall be unlawful to remove any motor vehicle from private property without authorization from the owner of the motor vehicle or of the city, except for the following circumstances:

(1) The property owner has posted the property with signs clearly stating that parking is prohibited or restricted;

(2) The posted signs were in place and clearly visible and legible to any driver approaching the private property where parking is prohibited or restricted at the time the vehicle was parked; and

(3) The posted signs contain a clear warning that violators' vehicles will be towed, at the vehicle owner's expense, and the telephone number to call to obtain release of the towed vehicle.

(b) The owner of the vehicle towed from private property shall be responsible for paying all applicable towing and storage charges provided that the private property owner has complied with all of the requirements contained in subsection (a) above. If a vehicle is towed as a result of a property owner's request and the property owner has not complied with the requirements of subsection (a) above, or if the vehicle is shown to have been legally parked, the property owner shall be guilty of a misdemeanor and may, in the discretion of the
municipal judge as provided in S.C. Code 1976, § 14-25-75, be subject to reimburse the owner
of the vehicle for all towing and storage charges which the owner of the vehicle paid.

(c) Before towing a vehicle from private property without authorization from the vehicle
owner, the property owner or agent of record on site shall call the wrecker service, and the
wrecker service operator shall obtain from the property owner or their agent of record a
contemporaneously executed written authorization which shall set forth the name and
signature of the property owner/agent the address from which the motor vehicle is being
towed; the reason for the removal; and the year, make, model, vehicle identification
number, state and license plate number of the motor vehicle being towed. An employee or
agent of the wrecker service may not be the agent of record authorizing a tow. These
authorization forms shall be provided by each wrecker service providing such towing services
and will be kept on file by the wrecker service for inspection by the city for not less than
three years. In addition, any wrecker service removing a motor vehicle from private property
without the consent of the owner of the vehicle shall, within 30 minutes of the removal,
telephone the police department to verbally report the tow by providing the information on
the authorization form as well as the location where the motor vehicle may be claimed by its
owner. A property owner may authorize persons as their agent of record by sending a letter to
the police department giving authority to said persons and detailing the person’s name,
address, phone number and other information that may be required by the police
department. The giving of any person authority as an agent of record does not relieve any
property owner of their responsibility under this ordinance or any other law. It shall be
unlawful for any towing business/ towing operator to financially reward any property owner
or agent of record and also for any property owner or agent of record to accept any financial
reward from any towing business/ towing operator.

(d) At any time a vehicle is towed without the authorization of the vehicle owner or person
lawfully in possession of the vehicle (hereinafter, the vehicle owner), the following fees shall
be the maximum to be charged by any wrecker operator or company and no other fees or
charges of any kind shall be required to be paid by the vehicle owner of the vehicle in order
to recover the vehicle:

Class A Wrecker/Car Carrier:

Towing (any motor vehicle or trailer 10,000 lbs. GVW or less), per tow: $90.00.
Dollies or Go-Jacks (if actually required), per tow: $30.00.

Towing (any vehicle or trailer over 10,000 lbs. GVW, per tow: $210.00.

Storage (after first 12 hours), per 24 hours: $18.00.

No tow, per call: $30.00.

Vehicle release (between midnight and 7:00 a.m. only), per release: $25.00.

Towing (any motor vehicle or trailer 10,000 pounds GVW or less), per tow: $160.00.

Storage (after 12 hours) $25.00 per day

No tow fee: $30.00

After hours vehicle redemption or release of personal property, if offered: $30.00

---

Class D Wrecker:

Towing, per tow: $210.00.

Storage (after first 12 hours), per 24 hours: $30.00.

No tow, per call: $60.00.

Vehicle release (between midnight and 7:00 a.m. only), per release: $25.00.

Towing, per tow: $250.00.

Storage (after 12 hours), $30.00 per 24 hour period

No tow fee: $60.00

After hours vehicle redemption or release of personal property, if offered: $30.00

---

If a vehicle owner returns to reclaim his or her vehicle while the tow truck is on the scene but before the vehicle is physically connected to the tow truck, the tow truck operator may charge no more than the no tow fee to release the vehicle. If the vehicle owner refuses or is unable to pay the no tow fee, the tow truck operator may tow the vehicle. If the vehicle is connected to the tow truck when the vehicle owner returns to reclaim the vehicle, the tow truck operator shall disconnect the vehicle and return it to the vehicle owner upon payment
of no more than the maximum towing charge listed above. If the owner refuses to or is unable to pay the towing fee, the vehicle may be towed.

(e) A wrecker service operator is not required to return the vehicle to the person after the company’s normal business hours, per state law 56-5-2525. Should the operator elect to provide for after hour requests, no additional fee or charge may be required other than those established in (d) above.

(f) The city shall prepare and provide a sign which shall outline public expectations and service providers obligations and duties. Any wrecker service located within the city limits or holding a city business license shall be required to post in a conspicuous location the sign as prepared by the city. It shall be unlawful to intentionally or negligently fail to post sign, or alter or obscure the sign in any way.

(g) It shall be unlawful for any operator or attendant to omit, fail or neglect any duty or obligation imposed by this chapter. The chief of police shall inform the city business license inspector as to any violations under this chapter so the business license administrator may revoke or suspend any business license issued for towing service if he determines that the public interest so requires and when it is found, after investigation, that the license has been mistakenly or improperly issued or issued in violation of a city ordinance; or the licensee has breached any condition upon which his license was issued or has failed to comply with the provisions of this article; or the licensee has obtained his license through any fraud or misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in his application; or the licensee has been convicted of an offense under a law or ordinance regulating businesses; or the licensee has engaged in an unlawful activity or nuisance related to the business, including violations of applicable zoning laws.

(h) Signs permitted for leased parking (Hybrid Parking Program):

(1) Signs shall be no larger than 12 × 18 inches; and

(2) Signs shall have name of lessee, Private Parking, No Parking Between Signs with an arrow at the bottom of the sign showing the direction of the spaces to be included in the tow away area; and

(3) Sign shall be required at either end of the parking area; and
(4) Signs shall be required at intervals of five parking spaces between the end signs (spaces six, 11, etc). If there are less than four spaces remaining then no additional signage will be allowed. If there are four remaining then one extra sign shall be required; and

(5) Sign height shall be four feet high at the start of the signage.

(6) Information regarding control and required towing information in section 23-133 shall be on one sign only.

Sec. 23-134. Return of personal property not attached to vehicle.

a. As to law enforcement towing, after the vehicle is in the possession of the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop, the owner of the vehicle as demonstrated by providing a certificate of registration, or other acceptable proof has one opportunity to remove from the vehicle any personal property not attached to the vehicle. The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must release any personal property that does not belong to the owner of the vehicle to the owner of the personal property.

b. As to private towing and to law enforcement towing, and notwithstanding the above, the tow truck operator will permit the vehicle owner to remove at all times health and human care related devices such as carseats, strollers, walkers, crutches and the like, medications, prescriptions, personal handbags and personal and identity papers from the vehicle without charge and without regard to any towing or storage charge owed on the vehicle. If the tow truck operator has removed this personal property from the vehicle, he will return it to the vehicle owner when requested without charge and without regard to any towing or storage charge owed on the vehicle.

Sec. 23-135. Removal of disabled or abandoned vehicles.

The city manager shall be responsible for insuring that disabled or abandoned vehicles are removed from the public rights-of-way or other public property in a timely manner to serve the health, safety and general welfare of the public. In order to accomplish this purpose, the city manager shall have the authority to contract with one or more private companies to provide wrecker services to the city or may, within budgetary constraints, provide such
services with city equipment and personnel. Any such contract for wrecker services shall contain, but not be limited to, provisions for the following:

(1) Full compliance with the provisions of this chapter.

(2) Standards for response times to calls for services and requirements for 24-hour service and availability for release of towed vehicles.

(3) Storage area requirements.

(4) Insurance and indemnification requirements to protect the city's interests.

(5) Record keeping requirements.

(6) Special equipment requirements.

Sec. 23-136. City council approval.

Before entering into any contract pursuant to section 23-134 for continuing wrecker services, the city manager shall submit the contract to city council for approval; provided, however, that the city manager shall retain the right to enter into short term agreements for removal of vehicles from city rights-of-way and other public property when necessary to ensure the public health and safety.
PART THREE:
ENACTED AND EFFECTIVE MAY 21, 2012

ARTICLE VI. WRECKER SERVICES; NONCONSENSUAL TOWING
DIVISION 1: WRECKER SERVICES
Sec. 23-125. Definitions applicable for Article VI
The following words or phrases, as used in this Article, shall have the following respective meanings as set out in this section, unless a different meaning clearly appears from the context:

Advertise(s) or advertisement shall mean any representation made in connection with the solicitation of a wrecker service company and includes without limitation, those made in or through any newspaper, telephone directory, publication, radio, television, electronic medium, notice, handbill, business card, sign, catalog, billboard, brochure, poster or letter, or upon any application or form required to be submitted under law or contract.

Consensual towing means a tow authorized by the vehicle owner, authorized operator or authorized agent of the owner.

Coupling or coupled means the initial physical connection made between the wrecker vehicle and vehicle to be towed by means of moving jack, dolly, skate, strap, chain, line, bar or some other form of couplings; or with at least one half of the wheel lift apparatus surrounding a tire, of the winch hook being properly hooked to the vehicle in an appropriate place on the vehicle so that the vehicle can be safely towed or winched. Coupling does not include the positioning of the wrecker to begin the act of coupling the vehicles, commonly known as “blocking”.

Decoupling fee means a charge by a towing company for releasing a motor vehicle to its owner or operator when the vehicle has been coupled by a wrecker, but has not completely removed the vehicle from private property.
**Legal repossession** means the act of a creditor or his duly authorized agent under contract to take possession of a vehicle under a security agreement by a lienholder; and may be referred to as an automobile recovery action, and constitutes a non-consensual tow.

**Normal business hours** means

a. for those business that engage in a non-consensual towing operation, those hours during which non-consensual towing is available as declared by the towing service in either advertisement or in its licensing application, and excepting the act of legal repossession, their normal business hours will include the time of one (1) hour time period that immediately begins when the wrecker operator notifies the police department that a non-consensual tow has been accomplished, pursuant to South Carolina Code § 56-5-2525.

b. for those business that do not engage in non-consensual towing operating, those hours during which service or repairs are available to be performed or as declared by the towing service in either advertising or its licensing application, which are presumed to be from 9:00 a.m. until 6:00 p.m. at least five days a week, excluding Saturdays, unless the business has advertised differently.

**Non-consensual tow** means a tow authorized by a person of authority or directed by a person other than the vehicle owner, authorized operator or authorized agent of the owner; and include a legal repossessio. Non-consensual tows also include those directed by law enforcement.

**No-tow fee** means a charge by a towing company which has been summoned to the private property by the private property owner, and has actually entered the boundary of the property, but has not yet accomplished coupling the vehicle for towing.

**Pay per use parking lots** means real property on which a business entity collects a fee for parking a defined period of time, either by attendant or device that identifies the pay for use spaces and collects the payment instantaneously on the scene. Pay per use lots that engage in non-consensual towing are regulated herein.
Person means an individual, a sole proprietorship, partnership, corporation, limited liability company or any other business entity.

Personal property means health and human care related devices such as child care related items such as strollers, car seats, diaper bags and children’s clothing, and/or personal mobility assistance devices such as walkers, crutches and the like, health related items such as medicine delivery systems and devices, medications, prescriptions: and wallets, personal handbags and identity papers such as a person’s drivers licenses, identity cards, social security cards, tax records, or other documents that are recognized as subjecting one to identity theft when misused. The vehicle, the other property contained therein not relatd to health and human care, or that is attached thereto to the vehicle as radios, speaker, and the like may be subject to lien as set forth in S. C. Code 29-15-10; provided however the inclusion of articles left in a vehicle which may statutorily subject to sale to satisfy a lien when left in the vehicle is not interpreted to grant a towing entity authority to withhold personal property, as defined herein, from its owner.

Police directed tow shall mean the removal and storage of a wrecked or disabled vehicles at the direction of police/law enforcement from an accident scene, or removal arising from arrest, or the removal and storage of a vehicles in the event the vehicle owner or authorized driver is incapacitated, unavailable, or otherwise does not consent to the removal of the vehicle, excepting, however, all incidents of non-consensual towing from private parking lots, and acts of legal repossession, as herein defined.

Private parking lot means any private parking lot or area owned by a business entity, or a apartment complex, or other recognized group parking entity who has the legal right to exclude persons not in membership or association with the entity, or that have not paid or has parked beyond the paid time.

Private property owner shall mean the person, unconnected with the towing or wrecker business, who has deed title or leasehold interest, or those duly authorized agents, managers security personnel and other employees to whom authority has been delegated to manage a pay per use lot, or a private parking lot and to sign the towing authorization for:

1. a business related private property lot associated with a business license holder, or
2. a licensed business operation of pay per use parking lot, or
3. a parking lot serving an apartment complex, condominium complex and like primarily residential uses

*Towing* shall mean the consensual or non-consensual engagement or act of moving one vehicle from one point to another (including hook-up, lift, and transport) using what is commonly referred to as a tow, wrecker, or a car carrier, for which a service charge is made, either directly or indirectly

*Vehicle* means a conveyance of any kind, whether or not motorized, which is designed to transport people or property.

*Vehicle owner* means the person or business in whom the vehicle is registered, or the person to whom the vehicle has been entrusted or allowed to operate by the title owner, or an authorized agent of the owner.

*Wrecker* means any vehicle built and equipped for the purpose of towing, lifting, pulling or otherwise transferring vehicles from place to place.

*Wrecker service* means the business, its officers, agents, employees and vehicle operators towing a vehicle located in the city limits, or storing a vehicle in a lot within the city limits.

No person employed by, appointed by or affiliated with a wrecker service may be an agent for a private property owner.

Sec. 23-126 License and Decal Required.

(a) *Business license required.* Any person or entity desiring to operate a wrecker service or engage in the act of towing, including repossessions, within the city shall first obtain a city business license by filing an application, upon a form provided by the city, with the city business license inspector together with the appropriate license fee as set forth in this Code. Apart from the application, the applicant will attach the following information under affirmation and signature:

(1) *Business identity:*
a. Indicate the nature of the business identity, such as a sole-proprietorship, partnership or corporation; list all individuals or entities having a financial interest in the company including names, physical addresses and telephone numbers.

b. Indicate whether business is the legal repossession business, consensual towing arising from an vehicle repair/storage business; or in non-consensual towing arising from acts of legal repossession or removal of illegally parked vehicles on private property either on an on-call or contractual basis. Any act of nonconsensual towing disqualifies a business from claiming that it only engages in consensual towing.

c. The business shall declare if it offers “after hour” redemption, and under what circumstances.

(2) Business location: Provide the street location, mailing address and telephone number of the wrecker service’s primary business location, if different from the storage or redemption location. The business location shall display a notice to the public which provides the rates permitted for a non-consensual tow, the physical address of the storage lot if different from the business location, and a contact number for the Police Department.

(3) Normal business hours: Declare the normal business hours based on the classification of business as consent only towing or nonconsensual towing.

(4) Storage lot(s): Provide the street location, address and telephone number of the wrecker service’s storage lot(s), or location for redemption or retrieval, if different from the business location.

a. The capacity of storage shall be indicated together with the method employed to screen the stored motor vehicles from public view as well as security measures employed.

b. In order to be licensed to engage in non-consensual towing within the City limits, the wrecker service is required to have its storage lot within the City limits.

c. An attendant must be on premises on duty during normal business hours

d. Storage lot signage must prominently display the normal business hours as declared defined and required herein, towing and storage rates as established by the City, a contact number for the Police Department, and if the wrecker service advertises an “after hours” redemption or release, a telephone number where the owner, manager or attendant of the towing storage lot may be reached at any time so that after normal business hours redemption and release can occur.

e. If after hours redemption and storage is available to consumers, the owner, manager or attendant of the towing storage lot shall respond within one (1) hour of contact.
f. If it is an outdoor storage facility, it must be lighted from dusk to dawn, sufficiently illuminated to enable a vehicle owner to inspect a vehicle prior to redemption or release.

(5) Records and other services: List all procedures and attach copies of forms used to keep records and any auxiliary services which will ensure delivery of a high level of service to the public.

(6) Contracts for towing: Copies of all contracts for non-consensual towing with private property owners.

(7) Vehicle identification: Provide the year, make, model, vehicle identification number, gross vehicle weight class, type and South Carolina license plate number for each vehicle to be used in the applicant's business.


(9) Towing decal:
A towing decal shall be issued with the business license. The City’s final refusal to issue a decal, or the suspension or revocation of a decal shall not be made except upon reasonable notice of not less than thirty (30) days after application to the applicant or registrant, and an opportunity for the applicant or registrant to be heard. The City may refuse to issue or may suspend or revoke, any decal issued upon proof that the applicant or holder of the decal, if the applicant is an entity, a person with a substantial interest in the applicant or holder of a registration, or any towing company in which such person was a person with a substantial interest and was serving in such capacity at the time the conduct or conviction required to be disclosed pursuant to this subsection occurred:

(1) has obtained a decal through fraud, deception or misrepresentation;
(2) has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in exercising the authority to tow granted by the decal;
(3) has engaged in gross negligence causing or gross incompetence resulting in personal injury to a person or property damage while exercising the authority to tow granted by the decal;
(4) has engaged in repeated acts of negligence or incompetence;
(5) has engaged in professional or occupational misconduct arising from the exercise of authority granted by the decal;
(6) has had the authority to engage in the activity regulated by this ordinance revoked or suspended by any other state, agency or authority for reasons consistent with this section;
(7) has been convicted of motor vehicle burglary or theft.

Sec. 23-127  Special requirements.
a. Every wrecker or roll back shall carry a broom, shovel and container for debris. Each shall also carry a fire extinguisher rated for Class A, B and C fires.
b. After being summoned to the scene of an accident, it shall be the responsibility of the wrecker service to perform a cleanup of the accident area before leaving. This responsibility requires the wrecker service to remove all debris such as broken glass, liquids and materials from an accident area by sweeping up such debris and removing this material from the scene in a garbage can type container on each wrecker.
c. In addition to the items required above, each wrecker shall also carry commercial material and all other equipment to fulfill this responsibility.
d. Each wrecker shall display the owner or company name and business telephone number in letters not less than two inches high on both vehicle doors. Temporary lettering, magnetic or otherwise, is strictly prohibited.
e. Each wrecker shall affix on the front windshield a City issued decal which evidences a business license and police inspection, and authorizing the wrecker to operate within the City of Myrtle Beach.

Sec. 23-128  Prohibitions:
a. It shall be unlawful for any person to offer to perform, or engage, or attempt to engage in the wrecker service business or the act of towing within the city limits of Myrtle Beach, except under the authority of a current business license and a towing decal issued by the City of Myrtle Beach.
b. It shall be unlawful for a wrecker service to go to the scene or location of a disabled or damaged motor vehicle or the location of any accident unless summoned by the vehicle's owner, the owner or person in charge of the property where the vehicle is disabled, or by the police department.
c. It shall be unlawful for a wrecker service to enter the vehicle, whether locked or unlocked, except under police directed tows.
d. Excepting lawful repossession, it shall be unlawful to remove any vehicle that is parked on any road, highway or other public property unless summoned by the vehicle’s owner or authorized by the police department to do so.

e. It shall be unlawful for vehicles used for legal repossession to be used in other non-consensual towing unless they are made to be in compliance with Sec. 23-127.

f. It shall be unlawful for a wrecker service to operate any emergency lights except at the scene of an accident while hooking up to the vehicle to be towed or while actually towing a vehicle. Emergency lights shall not be operated while on route to any accident scene or other service call.

g. It shall be unlawful to tow a motor vehicle from within the city limits to a storage facility or store such vehicle at a storage facility unless the storage facility is in compliance with Sec. 23-126, as inspected and approved by the Police Department.

h. It shall be unlawful for a person to take or receive any benefit or advantage, including a pecuniary benefit, kickback, or reward from a wrecker service for providing information about motor vehicles parked for unauthorized purposes on privately owned property or otherwise in connection with towing from privately owned property motor vehicles parked without authorization. This prohibition does not prevent private property owners and wrecker services from contracting for towing services.

i. It shall be unlawful for a wrecker service to offer or make any benefit or advantage, including a pecuniary benefit, kickback, or reward to a private property owner or any person for providing information about motor vehicles parked for unauthorized purposes on privately owned property or otherwise in connection with towing from privately owned property motor vehicles parked without authorization. This prohibition does not prevent private property owners and wrecker services from contracting for towing services.

j. It shall be unlawful for anyone to obstruct or interfere with a wrecker service that is carrying out a tow on private property or a tow conducted pursuant to a contract with the City. Occupying the vehicle after the vehicle has been coupled, or positioning oneself or another vehicle to block the wrecker’s exit is an obstruction and interference, and may be subject arrest or the issuance of an ordinance summons or uniform traffic ticket upon observation by law enforcement.

k. It shall be unlawful for a wrecker service, or any employee, agent or person acting on behalf of the wrecker service, either as a pedestrian or as a driver or passenger in an
vehicle, to patrol or park along or in any streets, highways or a private parking lots in scouting, soliciting or in anticipation of wrecker or towing services being summoned.

l. It shall be unlawful for any wrecker service or any employee, agent or person acting on behalf of the wrecker service to refuse to release personal property, as defined herein, upon request during normal business hours, or in an after hours release event, if the wrecker service has after hours release.

m. It shall be unlawful for any private property owner or wrecker service to omit, fail or neglect to perform any duty or obligation imposed by this Article.

Sec. 23-129. Violations to serve as grounds for business license suspension or revocation.
The chief of police shall inform the city business license inspector as to any violations under this chapter so the business license administrator may revoke or suspend any business license issued for towing service if he determines that the public interest so requires and when it is found, after investigation, that the license has been mistakenly or improperly issued or issued in violation of a city ordinance; or the licensee has breached any condition upon which his license was issued or has failed to comply with the provisions of this article; or the licensee has obtained his license through any fraud or misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in his application; or the licensee has been convicted of an offense under a law or ordinance regulating businesses; or the licensee has engaged in an unlawful activity or nuisance related to the business, including violations of applicable zoning laws.

Sec. 23-130 Removal of disabled or abandoned vehicles; police directed tows.
The city manager shall be responsible for insuring that disabled or abandoned vehicles and police directed tows are removed from the public rights-of-way or other public property in a timely manner to serve the health, safety and general welfare of the public. In order to accomplish this purpose, the city manager shall have the authority to contract with one or more private companies to provide wrecker services to the city or may, within budgetary constraints, provide such services with city equipment and personnel. Any such contract for wrecker services shall contain, but not be limited to, provisions for the following:

(1) Full compliance with the provisions of this chapter.
(2) Standards for response times to calls for services and requirements for 24-hour service and availability for release of towed vehicles.
(3) Storage area requirements.
(4) Insurance and indemnification requirements to protect the city's interests.
(5) Recordkeeping requirements.
(6) Special equipment requirements.

Sec. 23-131  City council approval.
Before entering into any contract pursuant to section 23-130 for continuing wrecker services, the city manager shall submit the contract to city council for approval; provided, however, that the city manager shall retain the right to enter into short term agreements for removal of vehicles from city rights-of-way and other public property when necessary to ensure the public health and safety.

Sec. 23-132  Payment methods for services rendered for all tows.
a. For services rendered, or for any fee, or to redeem a motor vehicle from storage, the operator shall accept in payment either cash, a check issued by an insurance company, a valid debit card, or a valid major credit card or charge card subject to the provisions of subsection b. of this section.
b. With any type of payment card, the wrecker operator may request additional identification by the presentation of state issued driver’s license. Unless the motorist is unable to produce such identification, or the operator has a bona fide reason to believe the card or other identification is fictitious, altered, stolen, expired or revoked or not valid for any other cause or is clearly offered with intent to defraud the issuer, the debit card, charge card or credit card shall be deemed an acceptable form of payment in lieu of cash if the operator ordinarily accepts the card at his place of business. The wrecker operator shall notify the police when payment is declined due to a determination that the card or other identification is fictitious, altered, stolen, expired or revoked or not valid for any other cause or is clearly offered with intent to defraud the issuer. Nothing in this ordinance shall preclude payment by a motorist in the form of cash, check or money order, if this form of payment is acceptable to the operator.

SEC. 23-133 THROUGH 23-139  RESERVED.
DIVISION 2: NON-CONSENSUAL TOWING

Sec. 23-140  Non-consensual towing requirements and restrictions; duties and obligations.

a. Excepting the act of legal possession, a wrecker service shall not engage in towing from a pay per use lot or private property unless the private property owner has personally summoned the wrecker service to perform an act of towing of a particular vehicle.

b. The private property owner shall verify that proper signage is in place prior to summoning the wrecker service.

c. The wrecker service shall not block the exit of a vehicle from a parking lot, or begin the act of coupling the vehicles, until after the private property owner has written the time of the towing and then signed a fully executed authorization for such removal, within thirty (30 ) minutes immediately prior to the towing.

d. The written authorization shall contain the location and reason for the tow, the authorizing person’s name, the exact time of the tow, the make, model, year, color, vehicle identification (VIN) and license plate number.

e. Authorization forms shall be provided by each wrecker service providing such towing services and will be kept on file by the wrecker service for inspection by the city for not less than three years.

f. Except for legal repossession and police directed tows, any wrecker service that has entered the boundaries of the private property but has not initiated coupling, shall upon the request of the vehicle owner, release said vehicle upon payment of the “no-tow fee” on the scene. If the vehicle owner refuses or is unable to pay the no tow fee, the wrecker service may tow the vehicle. Personal property as defined herein may be retrieved without cost or fee on the scene at any time prior to the wrecker leaving the lot, without regard to payment on the scene.

g. Except for legal repossession and police directed tows, any wrecker service that has initiated coupling, but has not completely removed the vehicle from the private property, shall upon the request of the vehicle owner, release said vehicle upon payment of the “decoupling fee” on the scene. If the vehicle owner refuses or is unable to pay the decoupling fee, the wrecker service may tow the vehicle. Personal property as defined herein may be retrieved without cost or fee on the scene at any time prior to the wrecker leaving the lot, without regard to payment on the scene.
h. Excepting police directed tows, upon exiting the private property, the wrecker service must proceed directly to the final storage location. No vehicle may be stored temporarily, or staged at any other location prior to removal to the identified final storage location.

i. In compliance with S. C. Code § 56-5-2525, any wrecker service performing a non-consensual tow shall, immediately telephone the police department, not later than one (1) hour of the time of the tow as set forth by the private property owner on the authorization, and the location of the tow, the authorizing private property manager, the towing service and wrecker operator and the address of the storage location.

j. After payment of all fees and in any event of release, possession of the keys to the vehicle together with a valid state issued driver’s license shall constitute a prima facie presumption that the person presenting such evidence is authorized to accept release. The wrecker service may make a photocopy of the license.

k. The wrecker service shall allow the vehicle owner to retrieve personal property without a requirement for that the towing and storage fees be paid before releasing the personal property.

l. The wrecker service is not required to return the vehicle or their personal property to the person after the company’s normal business hours as declared in the application for license and decal per Sec. 23-126 and per state law S.C. Code, § 56-5-2525. Should the wrecker service elect to provide for after hour redemptions, an additional fee is allowed only as set forth herein. All payments are to be receipted.

m. Should the operator of the vehicle seek information on the towing from the private property owner, the private property owner is required to provide a copy of this ordinance, and the contact information for the wrecker service and the Police Department.

n. If a vehicle is towed as a result of a private property owner’s request and the private property owner has not complied with the requirements provided in this Article, or if the vehicle is shown to have been legally parked, the private property owner shall be guilty of a misdemeanor and may, in the discretion of the municipal judge as provided in S.C. Code 1976, § 14-25-75, be subject to reimburse the vehicle owner for all towing and storage charges which the vehicle owner paid.

o. If a vehicle is towed as a result of a private property owner’s request and the wrecker service has not complied with the requirements provided in this Article, the wrecker service...
service operator shall be guilty of a misdemeanor and may, in the discretion of the
municipal judge as provided in S.C. Code 1976, § 14-25-75, be subject to reimburse
the vehicle owner for all towing and storage charges which the vehicle owner paid.

Sec. 23-141 Uniform signage requirements for notice of towing

a. Private property owners shall post notice if signage indicating that non-consensual
towing may occur. This notice signage is not required to be posted by individual single
family homeowners or renters. In addition to the notice signs regarding towing, pay
per use parking lots and private parking lots must post the rate of parking fees, if any.

b. The sign shall be constructed of metal, plastic or other type of material that is
enduring in nature. Signage on a property shall be consistent in appearance and
content. Notwithstanding other ordinance provisions, smaller signs that otherwise
required can be approved by the Police Chief when the larger sign is not practicable.
Signage content, appearance and placement must be inspected and approved by the
Police Department, which shall have broad discretion in directing the placement in the
most obvious and visible manner. The date of inspection and approval shall be
included in the police records. The Police Department shall provide a template for
such signs for use by the private property owners indicating requirements for size,
materials, placements and wording. Any exceptions to this template must be
approved in writing by the Police Chief.

Sec. 23-142 Limited non-consensual towing fees

a. At any time a vehicle is towed without the authorization of the vehicle owner from a
pay per use parking lot or private parking lot or private property, the following fees shall be
the maximum to be charged by any wrecker operator or company and no other fees or
charges of any kind shall be required to be paid by the vehicle owner of the vehicle in order
to recover the vehicle.

1. The fee for each tow is a flat fee and shall be all inclusive. There shall not be
any additional fees assessed by the towing service for using dollies, trailers,
lifts, slim jims or any other equipment or service, including release or retrieval
fees.

2. No private property owner or wrecker service may assess any additional cost or
fee, nor characterize any further recourse as being in the nature of a fine.
3. The assessment of storage fee shall not commence for twenty four (24) hours from the time the Police Department is contacted as required by S. C. Code 56-5-2525. For that time, there shall be no assessment of a storage fee, and only the towing fee shall be assessed for release.

b. **Class A Wrecker/Car Carrier fees:**
   - Towing (any motor vehicle or trailer 10,000 pounds GVW or less), per tow: $160.00.
   - Storage (after 12 hours), $25.00 per 24 hour period
   - No tow fee: $30.00
   - Decoupling fee: $45.00
   - After hours vehicle redemption or release of personal property, if offered: $30.00

c. **Class D Wrecker fees:**
   - Towing, per tow: $250.00.
   - Storage (after 12 hours), $30.00 per 24 hour period
   - No tow fee: $60.00
   - Decoupling fee: $120.00
   - After hours vehicle redemption or release of personal property, if offered: $30.00

Sec. 23-143. If any section, subsection, clause or provision of this act shall be adjudged unconstitutional or to be ineffective in whole or in part, to the extent that it is not adjudged unconstitutional or is not ineffective it shall be valid and effective and no other section, subsection clause or provision of this act shall on account thereof be deemed invalid or ineffective, and the applicability or invalidity of any section, subsection, clause or provision of this act in any one or more instances or under any one or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance or under any other circumstances.

Sec. 23-144. Reserved
JOHN RHODES, MAYOR

ATTEST:

__________________________
JOAN GROVE, CITY CLERK

1st Reading: March 13, 2012
2nd Reading: