

ORDINANCE NO.: 2002-057

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina,
Chapter 24, Vehicles for Hire, Article IV, Wrecker and Towing Services,
Sec. 205 through Sec. 215*

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BE IT ORDAINED by the Mayor and Council this 5th day of March, 2003, that Chapter 24, Vehicles for Hire, Article IV, Wrecker and Towing Services, Sec. 205 through Sec. 215 of the 1998 Code of Ordinances of The City of Columbia, South Carolina, are amended to read as follows:

Sec. 24-205. Authority of police to have vehicles towed and impounded.

Whenever a police officer finds a motor vehicle or other vehicle that has been abandoned or wrecked upon the public streets or ways of the city, or upon city property, or that has been parked in violation of a city ordinance or state law, or that has been or is being used in the commission of a crime, such officer may have the vehicle removed by a wrecker to the storage lot or garage operated by such wrecker. Vehicles removed under these conditions shall be held until claimed by the legal owner or lienholder or otherwise disposed of as provided by statute.

Sec. 24-206. Right of vehicle owner or operator to designate wrecker service; other wrecker service.

The emergency services dispatcher shall call any wrecker service having a business license issued by the city requested by the owner or operator of a vehicle damaged or disabled in a street or public place. If no wrecker service is designated by the vehicle owner or operator, and in any situation in which a vehicle is towed at the direction of city personnel without the prior authorization or consent of the owner or operator of the vehicle, the emergency services dispatcher shall call the wrecker service as provided in section 24-207.

Sec. 24-207. Zone service generally.

(a) The city manager, upon the recommendation of the director of public works, shall have prepared a map of the city, divided into not less than three nor more than six zones, and shall provide that each zone be serviced by one or more firms meeting the eligibility requirements of this article. A firm may apply for zone service only for the zone within which it has its primary business location. Zones serviced by firms without heavy duty equipment may be further serviced by firms having heavy duty wreckers.

(b) If more than one wrecker firm is participating in a zone, the city manager shall set up a rotation list for the performance of wrecker services in that zone. The city manager shall determine when each wrecker service shall be subject to call pursuant to the rotation list.

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Sec. 24-208. Eligibility for participation in zone service.

Any firm having its main business operation within the city shall become eligible to participate in zone service as provided in section 24-207 if it has a valid license to do business in the city and if it conforms to the rules and requirements established in this article. Any deviation from the requirements of the policies established in this article or failure to provide reasonable, quick and efficient service at the rates prescribed may result in the suspension for a specified time or termination of the contract with such company by the city manager upon recommendation of the director of public works. A suspension or termination shall be subject to appeal to the city council upon written request within ten days after notice of suspension or termination.

Sec. 24-209. Application to participate in zone service.

Any firm meeting the minimum eligibility requirements may apply to the director of public works of the city to participate in zone service towing operations. The application shall contain the following information:

- (1) Business operation.
 - a. Name of firm: Indicate whether the firm is a corporation or partnership, and list all parties having a financial interest in the towing firm, including names and addresses, the number of years the business has been established in the city and the number of years that those persons holding financial interest in the firm have been residents of the city.
 - b. Attendants and drivers: List names and addresses of all attendants and drivers who will conduct the police towing service, as well as the number of years employed, training received by those attendants and drivers and experience of the personnel in the conduct of the business.
 - c. Equipment: Describe available equipment to be used in police towing services, particularly in terms of comparative qualities or capacities as related to minimum eligibility requirements.
 - d. Communications: Describe the method of operation of the communications system between place of business and operating tow trucks, as well as the means utilized for ensuring prompt dispatch of trucks upon receipt of calls from the police department.
 - e. Other facilities and personnel available: List all provisions for recordkeeping, backup personnel and auxiliary services which might be required to effectively carry out a high level of service to the public in the business of tow truck operations.
- (2) Business location and storage lot.
 - a. Primary business location: List the location of primary business operation within the city, including dimensions and type of facilities available.
 - b. Storage lot: List the location of storage lots, dimensions thereof, relationship to the primary business operation, type of protection afforded, screening and maintenance provided at the lots, and theft insurance providing protection to the owners of vehicles stored.

Sec. 24-210. New applications to participate in zone service.

Any firm otherwise meeting the eligibility requirements of sections 24-208 and 24-209 may apply and begin participation in zone coverage at any time. An aggrieved applicant may, upon written notice, appeal to the city council within ten (10) days after notice that its application

was disapproved.

Sec. 24-211. Equipment for emergency wreckers; 24-hour service required.

(a) Generally. Every emergency wrecker proposed to be used by an applicant shall be subject to inspection in a manner determined by the chief of police, and every such wrecker, other than an emergency heavy duty wrecker, shall comply with the following minimum requirements:

(1) Each applicant shall have at least two wreckers, one of which may be a carrier. Each unit shall be not less than one ton in size with dual rear wheels.

(2) Each wrecker shall be equipped with a power-operated winch, winch line and boom, with a factory-rated lifting capacity or a city-tested capacity of not less than 8,000 pounds, single line capacity. Each wrecker shall carry as standard equipment a towing device (wheel lift or sling), towing dollies and safety chains.

(3) Each carrier shall be a minimum of 17 feet in length, equipped with a power-operated winch with a factory-rated lifting capacity of not less than 8,000 pounds, tiedown chains and hooks.

(4) Each wrecker and/or carrier shall be equipped with a fire extinguisher, wrecking bar, broom, shovel and approved warning devices.

(5) Each wrecker and/or carrier and all of its equipment shall be in a safe working condition and must also display a current state department of highways and public transportation inspection sticker.

(6) Each wrecker and/or carrier shall be equipped with a two-way radio which shall be on the frequency allocated to wrecker operators.

(b) Heavy duty wreckers. Every emergency heavy duty wrecker of not less than 2 1/2 tons in size shall meet the requirements in subsection (a) of this section and, in addition thereto, shall be equipped with a power-operated winch, winch line and boom with a factory-rated lifting capacity or a city-tested capacity of not less than 32,000 pounds, single or double line capacity, and a tow sling.

(c) Twenty-four-hour service required. Each applicant shall maintain 24-hour wrecker service and operate a two-way radio base station on a 24-hour basis.

Sec. 24-212. Agreements with city.

Approved applicants under this article shall enter into agreements with the city, executed by the city manager or his designee, which agreements shall be binding contracts to perform services for the calendar year or portion thereof in which application is made.

Sec. 24-213. Insurance.

(a) An applicant under this article shall procure and keep in full force and effect a policy of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the state and in the standard form approved by the insurance commissioner of the state, with the insured provision of such policy including the city as an insured, and the coverage provision insuring the public from any loss or damage that may arise

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to any person or property by reason of the operation of any emergency wrecker of such applicant and providing that the amount of recovery on each emergency wrecker shall be in limits of not less than the following sums:

- (1) For damages arising out of bodily injury to or death of one person in any one accident, \$100,000.00;
 - (2) For damages arising out of bodily injury to or death of two or more persons in any one accident, \$300,000.00; and
 - (3) For injury to or destruction of property in any one accident, \$25,000.00.
- (b) An applicant shall procure liability insurance in the amount of \$100,000.00 to cover damages arising out of bodily injury or death to persons and in the amount of \$25,000.00 for damages for injury to or destruction of property caused by vehicles in tow, under possession of, or in control of a wrecker operated and maintained by the applicant.
- (c) Every policy mentioned in subsection (a) of this section shall contain an endorsement providing for 30 days' notice to the city in the event of any material change or cancellation of the policy.

Sec. 24-214. Storage lots.

- (a) Location; size; fencing and security. Each applicant under this article shall have a storage lot in close proximity to the place of business and within the city limits, with adequate storage, at least 50 feet by 100 feet, or equivalent area either under cover or fenced with a six-foot chainlink fence topped with three strands of barbed wire, except that if other ordinances or regulations of the city require a fence that is opaque, an opaque fence shall be installed. Stored vehicles and contents must be kept safe from pilfering.
- (b) Hours. There shall be an attendant on call, capable of responding to police requests for towing, as well as an attendant being present or available for the release of vehicles to the public, 24 hours a day, seven days a week.
- (c) Records. Each garage shall keep a record of the vehicle and license number, the date and time it was towed and the location from which it was towed, the name of the officer ordering the towing, and whether the vehicle was impounded or towed at the owner's request.

Sec. 24-215. Towing and storage charges.

In all cases in which a vehicle is towed at the direction of city personnel or without the prior authorization or consent of the owner or operator of the vehicle, the following shall apply:

- (a) *Towing charges.* A maximum charge of \$125.00 shall be made for the use of a wrecker when a vehicle is disabled as the result of an accident. A corresponding additional charge may be made if the automobile flipped over and must be righted or is on a bank or sloping terrain. If the vehicle is being towed for a parking violation or abandonment, a maximum charge of \$75.00 shall be made for the use of the wrecker. If the owner of such vehicle appears before his vehicle is towed away and makes claim to his vehicle after the wrecker has been ordered to remove such vehicle, the vehicle may be released to the owner upon payment of \$25.00 to the wrecker service, provided the owner shall satisfy all charges against the vehicle at police headquarters. A maximum charge of \$125.00 per hour shall be made for each heavy duty

wrecker.

(b) *Storage charges.* Maximum storage charges on stored or impounded vehicles shall be \$10.00 per day;

(c) *Release of impounded vehicles.* No stored or impounded vehicle shall be released until proper evidence of ownership is exhibited and all towing and storage charges have been paid. The towing and storage charges shall be collected by the wrecker service as provided by law.

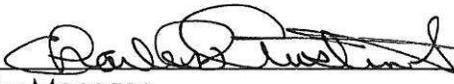
(d) *Posting of rates; additional charges.* All rates approved by the city shall be posted in a conspicuous place in each office of the wrecker service. All towing and storage charges will be itemized on an invoice or receipt when charges are paid. No charges other than towing and storage charges will be made on any vehicle without prior written approval from the owner or his agent.

(e) *Payment methods.* Every firm providing zone services shall accept major credit cards in addition to cash for towing and storage charges. There shall be no additional fee charged for the use of credit cards.

This ordinance is effective as of final reading.

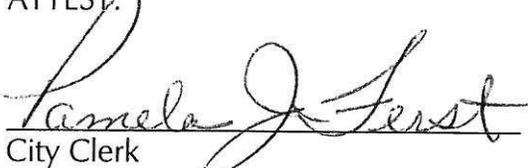
Requested by:
Wanda Dunn, Public Works


MAYOR

Approved by:

City Manager

Approved as to form:

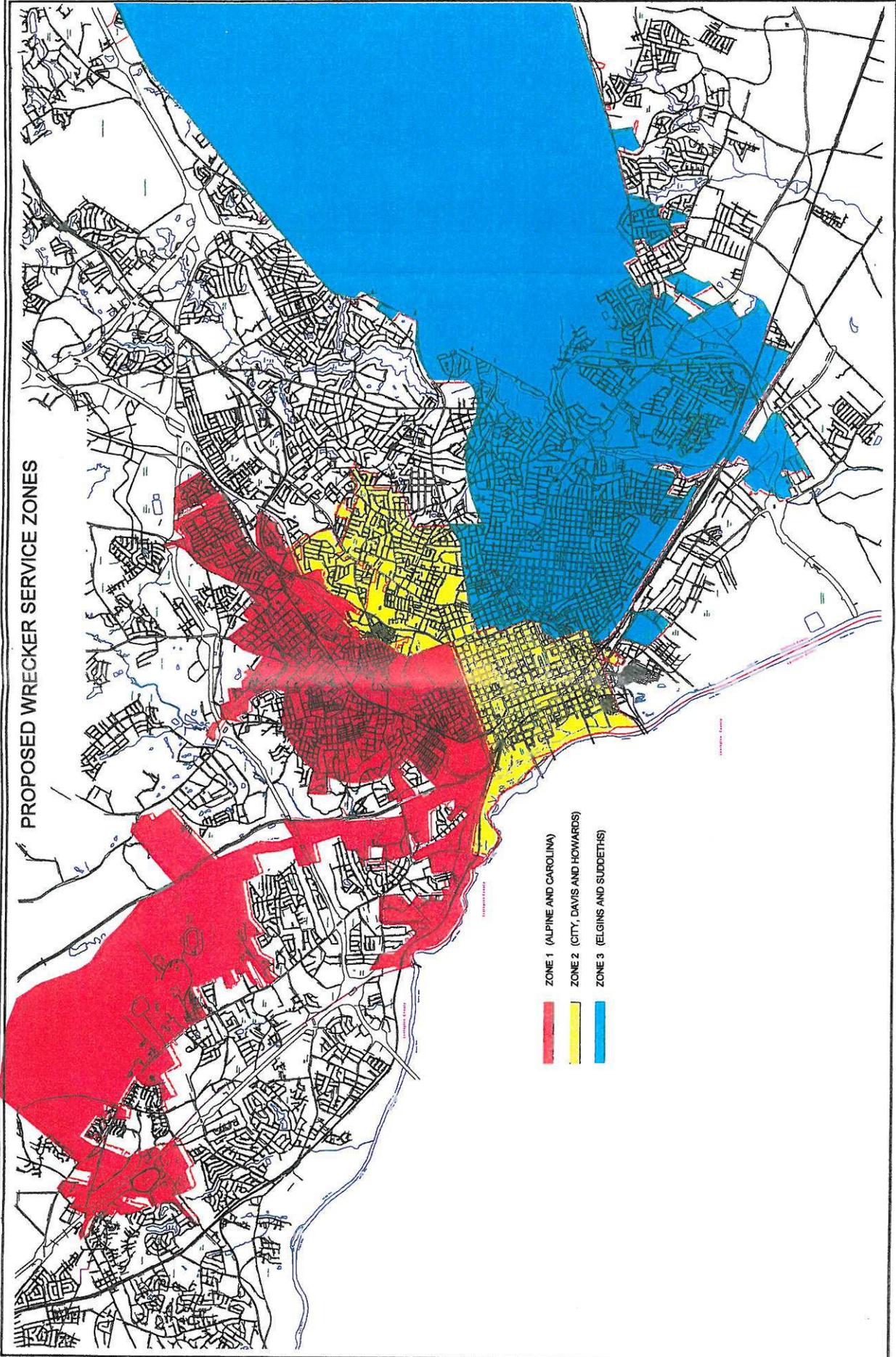
City Attorney

ATTEST:

City Clerk

Introduced: 2/5/2003
Final Reading: 3/5/2003

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PROPOSED WRECKER SERVICE ZONES



- ZONE 1 (ALPINE AND CAROLINA)
- ZONE 2 (CITY, DAVIS AND HOWARDS)
- ZONE 3 (ELGINS AND SUDDETHS)