

ORDINANCE NO. 2024-03

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE AMENDING CHAPTER 26 OF THE TOWN CODE, TRAFFIC AND MOTOR VEHICLES, BY AMENDING ARTICLE VII, TOWING AND WRECKER SERVICES, FOR THE PURPOSE OF REGULATING THE SAFE AND EFFICIENT REMOVAL, STORAGE, AND SAFEKEEPING OF CERTAIN TOWED VEHICLES

WHEREAS, the Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and,

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Bluffton has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to Section 5-7-30 of the South Carolina Code of Laws, 1976, as amended; and,

WHEREAS, the Town of Bluffton Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest amendments as Town Council deems appropriate; and,

WHEREAS, the Town of Bluffton Town Council desires to amend Chapter 26, Traffic and Motor Vehicles, by amending Article VII, Towing and Wrecker Services, to enable the Town of Bluffton to better regulate, supervise and provide consistent treatment throughout the Town for businesses and citizens alike.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton as follows:

SECTION 1. AMENDMENT. The Town of Bluffton hereby amends Chapter 26 of the Code of Ordinances for the Town of Bluffton, South Carolina, by amending Chapter 26, Article VII, Towing and Wrecker Services, as shown on Exhibit "A" attached hereto and fully incorporated herein by reference.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

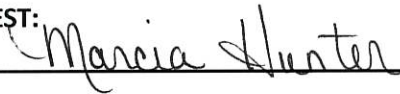
SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED this 9th day of April, 2024.

This Ordinance was read and passed at first reading on March 12, 2024.

A handwritten signature in black ink, appearing to read "Larry Toomer", written over a horizontal line.

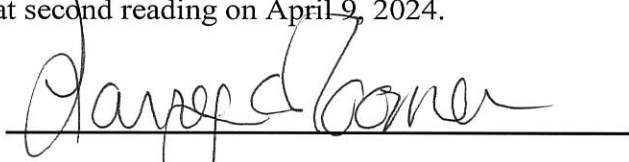
Larry Toomer, Mayor
Town of Bluffton, South Carolina

ATTEST: 

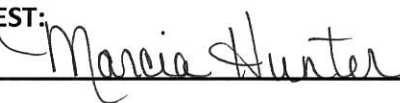
A handwritten signature in black ink, appearing to read "Marcia Hunter", written over a horizontal line.

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

This Ordinance was read and passed at second reading on April 9, 2024.

A handwritten signature in black ink, appearing to read "Larry Toomer", written over a horizontal line.

Larry Toomer, Mayor
Town of Bluffton, South Carolina

ATTEST: 

A handwritten signature in black ink, appearing to read "Marcia Hunter", written over a horizontal line.

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina



Sec. 26-171. - Purpose.

The purpose of this article is to establish policies, procedures, and regulations over towing and wrecker service operations within the corporate limits of the Town of Bluffton to ensure (i) the safe and efficient removal, storage and safekeeping of any and all vehicles being towed by and placed into the custody of any towing and wrecker services company, (ii) the equitable distribution of calls to towing and wrecking services companies to accommodate requests from the Town of Bluffton Police Department; and, (iii) that wrecker and towing services are conducted in such a manner that is fair and equitable and which mutually protects the interests of the residents of and visitors to the Town of Bluffton.

Sec. 26-172. - Definitions.

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:

After normal business hours means between the hours of 6:01 p.m. and 7:59 a.m. Monday through Friday, weekends, and State and National holidays.

Building means sole business consisting of brick and mortar at listed business license address with occupiable heated space containing working bathroom facilities. (If a new structure is built or bathroom is added to an existing structure, the bathrooms must be compliant with the Americans with Disabilities Act of 1990 as amended ("ADA"). For existing structures with an existing bathroom, the Town will not require a remodel of the bathroom to become ADA approved unless otherwise required by the Town building code.

Lot means the storage parking area in which a towing and wrecker services company keeps and protects the towed vehicle.

Motor vehicle means any motorized 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.

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

Owner means any person owning or having any financial interest in a tow and wrecker services company licensed by the Town of Bluffton.

Town limits means current municipal boundary.

Towing and wrecker services company means a company owned and licensed for the purpose of towing vehicles. May also be referred to as *tow company* or *tow service* in this ordinance.

Wrecker means any vehicle built and equipped for the purpose of towing, lifting, pulling or otherwise transferring motor vehicles from place to place including, but not limited to, those vehicles that are commonly referred to as "roll-back" or "flatbed" type tow trucks. For the purposes of this ordinance, tow truck and wrecker shall be used interchangeably.

Sec. 26-173. - Wrecker and towing services by rotation.

The Town of Bluffton Police Department shall maintain a rotation list of towing and wrecker services companies who have met the requirements of this article and are qualified to respond to calls from Town of Bluffton Police Department officers.

within the corporate limits of the Town of Bluffton. This physical address must be the same as the address on the company's business license.

- (2) Each tow company must have an adequate storage lot located at the same physical location as the business operations office. A storage lot shall be deemed adequate for the purposes of this article so long as the lot is in compliance to zoning requirements or other requirements imposed by local, State or Federal law regulating the same. In no event, other than emergency situations, are towed vehicles to be kept and stored in a location not in full compliance with this paragraph, including but not limited to a temporary location or staging area, but rather shall be towed directly to a storage lot in full compliance with this article.
 - (3) Principal places of business and storage lots must have signage for identifying the place of business or storage that is visible from the street. Principal places of business and storage lots must have signage with the procedure and phone number to retrieve the vehicle from the storage lot.
 - 4) Only one tow company per storage lot and building may be qualified to be placed on the rotation list.
- C. *Ownership prohibition.* No Town of Bluffton Police Department employee may hold any financial interest or any form of ownership interest in a tow company or an applicant. No individual holding any financial interest or any form of ownership interest with an already qualified tow company may hold any additional financial interest or any form of ownership interest in another tow company or applicant.
- D. *Disabled vehicle owner's right to choose tow service.* Unless the owner or driver of a vehicle is incapacitated or unavailable, the owner or driver of a wrecked or disabled vehicle shall have the right to use the tow service of his/her choice. Before calling any tow service to tow a wrecked or disabled vehicle, the investigating officer on the scene shall, if practical, determine the owner's or driver's preference of tow services and the tow service designated by the owner or driver shall be called. If the roadway is blocked and the wrecker of choice cannot meet a 20-minute response, then the rotation list will be utilized to summon the next wrecker to the scene. In no event shall any Bluffton Police Department employee or personnel recommend any tow service to the owner of a wrecked or disabled vehicle nor shall any Bluffton Police Department employee or personnel ever recommend the services of a particular tow service in the performance of his/her duties. Tow services shall not encourage Bluffton Police Department employee or personnel to recommend their services.
- E. *Tow service operations.*
- (1) Wreckers shall respond only upon request of the proper police authority. Response under any other condition may result in removal from the Bluffton Police Department rotation list. No subcontracting of calls will be allowed.
 - (2) The wrecker rotation list shall be administered fairly and in a manner designed to ensure that all tow companies on the list have any equal opportunity to the towing business arising from the rotation list.
 - (3) The tow service must have a wrecker of sufficient size and strength to handle the job in accordance with Department of Transportation standards referenced in Section 26-176 below. The Town of Bluffton Police Department shall have the right to not call or use the services of a tow service that fails to meet these qualifications. Under these conditions, the tow service not called shall remain on the top of the rotation list.
 - (4) Damages to a vehicle being towed that were not involved in an accident should be pointed out to the officer so that he/she can indicate same on his/her report before the vehicle is to be moved.
 - (5) Tow services shall be available to respond to calls from the Bluffton Police Department on a 24-hour basis, and available to release vehicles with proof of ownership or with an

- (2) Within ten (10) calendar days of receipt of a complaint, the Chief of Police of the Town of Bluffton Police Department, or his designee, shall determine whether an investigation into the company and/or the incident is warranted. If the Chief deems an investigation is warranted, written notice of the filed complaint and the resulting investigation by the Town of Bluffton Police Department shall be provided to the company. During the pendency of the investigation, the Chief of Police, in his/her sole discretion, may remove or suspend the company from the rotation list immediately or pending the outcome of the investigation.
- (3) In the event a company is suspended or removed from the rotation list pending an investigation by the Town of Bluffton Police Department, the company can appeal the suspension or removal by filing a written appeal with the Office of the Chief of Police, or his designee, within ten (10) calendar days of receipt of written notice of the suspension or removal.
 - (a) During the appeal process the Bluffton Police Department may accept documentary proof submitted by the towing and wrecker services company or employee, and hear any testimony of witnesses.
 - (b) During the appeal process, the rules of evidence may apply to such hearings.
- (4) The Chief of Police shall render a written decision within ten (10) calendar days once the investigation is closed.
- (5) The towing and wrecker services company can appeal the final decision of the Chief of Police to the Town Manager's Office.
- (6) Tow services that have two (2) violations of this article, including but not limited to receiving a written complaint, within a period of six (6) months may be removed from the rotation list for a period of ninety 90 days.

G.

Sec. 26-174. - Holding and releasing of vehicles.

Each towing and wrecker services company must comply with the following rules when holding a vehicle in its storage lot and/or releasing a towed vehicle to the owner or owner's designee:

- A. Vehicles towed by a towing and wrecker services company shall be released upon owner's request after financial arrangements for paying the wrecker and storage bill have been made.
- B. Towing companies must accept forms of payment other than cash at the point of transaction.
- C. The Bluffton Police Department shall not be responsible for any fee/charge associated with the removal, recovery, towing, and storage of a vehicle except in cases where the vehicle is seized.
- D. While a vehicle is in storage at a lot, no repair work shall be done on any vehicle towed without the owner's permission.
- E. Unless impounded by the Bluffton Police Department, tow service companies shall permit retrieval of personal property located within the vehicle at no charge with reasonable notice.

Sec. 26-175. - Inspections.

Periodic inspections of wreckers and facilities may be done by the Bluffton Police Department to ensure compliance with all applicable ordinances, laws and regulations concerning safety equipment, operating conditions, licenses and insurance. The Bluffton Police Department shall have the right at any

- (3) Two winches, each of ten thousand (10,000) pound capacity or more as rated by the manufacturer.
 - (4) A manufactured wheel-lift with a retracting lifting capacity of not less than six thousand five hundred (6,500) pounds as rated by the manufacturer, with safety chains.
 - (5) Come-a-longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
 - (6) Additional safety equipment as specified by the regulations.
- D. *Class C: heavy duty wrecker:* Class C wreckers, for towing vehicles in excess of seventeen thousand (17,000) pounds (large trucks, road tractor/trailers and similar vehicles), shall meet the following minimum requirements:
- (1) Truck chassis having a minimum gross vehicle weight rating (GVWR) of not less than forty-six thousand (46,000) pounds.
 - (2) Tandem axles or cab to axle length of not less than one hundred and two (102) inches.
 - (3) A single or double boom with a capacity of not less than fifty thousand (50,000) pounds as rated by the manufacturer.
 - (4) A single winch with a capacity of fifty thousand (50,000) pounds as rated by the manufacturer or an individual power winch capacity of not less than twenty-five thousand (25,000) pounds as rated by the manufacturer and a total rating with both winches of fifty thousand (50,000) pounds.
 - (5) A manufactured wheel-lift with a retracting lifting capacity of not less than twelve thousand (12,000) pounds as rated by the manufacturer, with safety chains.
 - (6) One hundred fifty (150) feet of five-eighths (5/8) inch cable or larger, plus fifty (50) feet of five-eighths (5/8) inch drop cable.
 - (7) Airbrakes constructed so as to lock wheels automatically upon failure.
 - (8) Light and air brake hookups.
 - (9) Come-a-longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
 - (10) Additional safety equipment as specified by the regulations.

Sec. 26-177. - Schedule of fees for rotation list services.

- A. Fees for towed vehicles and service calls will be set by the Town of Bluffton Police Department. Fees charged will be determined by the type of call for which the towing service is required.

Description	Fee
Request for tow of Town of Bluffton vehicles	\$ 75.00
Law enforcement requested tow	\$ 150.00
Law enforcement requested tow with collision	\$ 300.00
Tow exceeding one hour	\$ 50 per additional