

**STATE OF SOUTH CAROLINA
TOWN OF SPRINGDALE
ORDINANCE NO. O-24-08**

**AN ORDINANCE OF THE TOWN OF SPRINGDALE REPEALING AND REPLACING
CHAPTER 21: WRECKERS AND WRECKER SERVICES**

WHEREAS, the Town of Springdale Town Council has found it necessary to continue to provide for the removal of vehicles related to accidents, non-accident mechanical breakdown, or obstructing streets, and to provide for vehicle assistance, towing, and storage in an effective and efficient manner;

WHEREAS, the current Wreckers and Wrecker Services Ordinance of Chapter 21 are no longer adequate to effectively provide for towing services within the Town.

WHEREAS, the contents herein are in pursuance of, and for the purpose of safety, welfare, prosperity, and quiet of the municipality and its inhabitants;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Springdale, SC that:

The following regulations shall be followed by all wrecker services utilized by the Springdale Police Department.

A. GENERAL

1. No commissioned Springdale employee will hold any financial interest in any wrecker service.
2. No commissioned Springdale employee will recommend any wrecker service to the owner or driver of a wrecked or disabled vehicle during their duties.

B. QUALIFICATION CRITERIA

1. All wreckers shall have appropriate safety equipment, fire extinguishers, warning devices, flashing lights, and all other equipment necessary to protect the motoring public and be equipped with amber flashing lights visible in all directions for a distance of 500 feet in normal sunlight. Such equipment shall be maintained in good working order. All authorized amber flashing lights shall be activated and wrecker operators shall wear reflective traffic safety vests while performing recovery operations or when circumstances are such that the vehicle(s) being transported create a potentially hazardous condition for other motorists.
2. Each wrecker service on the rotation list must place a sign on each of its wreckers' driver and front passenger doors indicating the company name, address, and telephone number. This sign shall be painted on the doors of the wrecker or otherwise permanently affixed to the doors. The

letters of the sign must be no less than two inches high. If the wrecker is registered in a name other than the wrecker service, the owner's name must also appear in letters no less than one inch high on the doors. All lettering on wreckers shall be plainly visible and in a color contrasting with the wreckers.

3. Each wrecker service on the rotation list must place a clearly visible sign on the exterior of its business location indicating the company name, telephone number, and business hours.

4. Each wrecker service on the rotation list shall carry liability insurance on its wreckers and its premises in an amount not less than Three Hundred Thousand and no/100 (\$300,000.00) Dollars for a class A wrecker, Five Hundred Thousand and no/100 (\$500,000.00) Dollars for a class B wrecker and Seven Hundred Fifty Thousand and no/100 (\$750,000.00) Dollars for a class C wrecker.

5. Each wrecker service on the rotation list shall carry insurance that covers vehicles, cargo, and other property in or on the vehicle during transit in an amount of not less than Seventy-Five Thousand and no/100 (\$75,000.00) for a class A wrecker, One Hundred and Fifty Thousand and no/100 (\$150,000.00) for a class B wrecker and Two Hundred Fifty Thousand and no/100 (\$250,000) for a class C wrecker.

6. Each wrecker service on the rotation list shall carry garage keeper's liability insurance covering the customer's vehicles in an amount not less than One Hundred Thousand and no/100 (\$100,000.00) for a class A wrecker, Two Hundred Thousand and no/100 (\$200,000.00) for a class B wrecker and Two Hundred Thousand and no/100 (\$200,000.00) for a class C wrecker.

7. Wrecker operators must display professional behavior when conducting business at the request of the Springdale Police Department.

8. Wrecker services and operators shall be familiar with and comply with the laws regarding solicitation from the highway. (Section 56-5-3180 of the South Carolina Code of Laws)

9. A new rotation list will be created each business license year (May 1st through April 30th). A wrecker service desiring to be on the rotation list in the next year must apply in writing by April 1st and be inspected and qualified before May 1st. On May 1st of each year, the Springdale Police Department will publish the wrecker rotation list, which will be effective May 1st of that year.

10. A wrecker service not currently on the Springdale Police Department wrecker rotation list and desiring to be added may apply in writing at any time but must first be inspected and qualified.

11. A wrecker service that fails to pass inspection and qualification as prescribed by regulation will be notified of the deficiencies. When the wrecker service corrects the deficiencies, it may request a new inspection.

12. A wrecker service must obtain a yearly Town of Springdale business license. The business license must be obtained before the inspection. Failure to obtain a yearly business license will result in that wrecker service being removed from the wrecker rotation list.

13. The Town of Springdale has the right to refuse admission to the wrecker rotation list for any reason deemed necessary by the Town Administrator and/or the Chief of Police.

C. WRECKER SERVICE ROTATION LIST/RESPONSIBILITIES

1. A wrecker service requesting to be on the rotation list must physically have a business within 15 miles of the Town of Springdale. The wrecker service must be housed at that location during normal business hours. "Normal business hours" or "business hours" in this regulation means at least 8:30 a.m. to 5:00 p.m., Monday through Friday, and additional hours designated and posted by the company. The vehicle towed must be towed to the same business location where the wrecker is housed during normal business hours unless the vehicle owner or operator requests that the vehicle be towed to another location. Normal business hours must be clearly posted. Storage lots are not considered as a separate business. A wrecker service or owner can only be on the list once. There will only be one telephone number for one wrecker service at any address on rotation. A wrecker service must immediately notify the Springdale Police Department upon address or telephone number change.

2. The wrecker service must have a wrecker of sufficient size and strength to handle the job. The Springdale Police Department will have the right not to call a wrecker service that, in its opinion, fails to meet this qualification for a specific job. Under these conditions, the wrecker service not called will remain on the top of the rotation list.

3. Wreckers shall respond only upon the request of the Springdale Police Department.

4. Wrecker services will be called from the rotation lists in the order in which they appear on the lists. If a particular wrecker service is unavailable when called, it will be passed over, and the next wrecker service on the list will be called to the scene.

5. Wrecker services shall be located within the established wrecker zone available (paragraph 1) to the Springdale Police Department to respond to rotation calls and requests by the Department for the immediate release of personal property on a twenty-four-hour, seven-day-a-week basis. The wrecker service location shall have an agent present during business hours, and at the request of the owner of the towed vehicle or his designee, the wrecker service must immediately release personal items such as medicines, medical equipment, keys, clothing, and tools of the trade, child restraint systems, and perishable items. The wrecker service shall also be available to release the towed vehicle to the vehicle owner or vehicle owner's designee on a reasonable after-hours basis, including weekends.

6. The wrecker service must be willing to accept calls from the Springdale Police Department or its designated dispatch center. If a call is refused or unanswered, the wrecker service will lose that rotation call.

7. When a wrecker service or driver cannot answer a call, the Springdale Police Department shall be promptly notified of the reason for the unavailability. A wrecker service or driver cannot refuse a call without prior notification of unavailability or without cause.

8. Unless the owner or driver of a vehicle is incapacitated or unavailable, the investigating officer at the scene will decide on the owner or driver's preference for a wrecker service. The investigating officer will use his/her discretionary authority to deny a request for a specific wrecker service whenever the request will impair the timely restoration of safe traffic movement. If the owner or driver of the vehicle does not have a preference or preference cannot be determined, the investigating officer will utilize a wrecker from the rotation list. In responding to such calls, the wrecker service shall provide the vehicle operator with a card containing the wrecker service name, address, telephone number, and business hours.

9. Under normal conditions, a wrecker service shall respond promptly, not to exceed 30 minutes. Failure to respond promptly may result in a second rotation wrecker being requested. If the second wrecker is requested before the arrival of the first rotation wrecker, the initially requested wrecker will forfeit the call and immediately leave the collision/incident scene.

10. A wrecker service may respond with a wrecker of a higher class than requested. However, wrecker service is limited to the rates of the requested classification.

11. The wrecker service shall be responsible for performing a general clean-up of the accident area before leaving the scene of any 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. All wreckers shall be equipped with brooms, shovels, commercial absorbent, and all other equipment necessary to fulfill this responsibility.

12. Each wrecker service shall be responsible for securing personal property in a vehicle at an accident scene and preserving personal property in a vehicle towed from an accident scene.

13. The wrecker service shall maintain the towed vehicle in a safe storage area that would prohibit further damage and ensure the protection of personal property. This may be a locked building or a secured fenced-in area where the stored vehicles and other property will not be accessible to the public. Wrecker services may charge a daily storage fee, commencing 12 hours after the vehicle is towed to the storage area and terminating when the vehicle owner or vehicle owner's designee offers or attempts to pick up the vehicle and offers to pay the wrecker service's legitimate accrued charges.

a. Outside storage facilities must be sufficiently lighted, fenced, and locked to protect vehicles and property.

b. Fencing around storage facilities must be adequate in size to discourage theft of vehicles and property stored within and may not be less than six feet in height.

c. Covers, tarpaulins, or other devices must be available inside storage to protect vehicles or personal property.

14.A wrecker service may secure assistance from another wrecker service when necessary to complete the recovery; however, this does not supersede paragraph 3 of this section, nor does it permit wrecker services to accept a rotation call and dispatch the call to secondary wrecker services. Only one bill will be submitted to the owner or operator for the work performed.

15.Motorists utilizing the Springdale Police Department Wrecker Rotation List can pay by major credit card or cash (at a minimum).

D.COMPLAINTS/DISCIPLINARY PROCEDURES

1. Complaints from or about wrecker services regarding an incident involving the Springdale Police Department or its operation of the wrecker lists must be received within thirty days of the alleged incident. Complaints should be directed to the Captain/Operations Commander. Complaints will be forwarded along with a report to the Chief or his designee.

2. According to the Springdale Police Department, any wrecker service that fails to comply with this regulation will be subject to disciplinary action. This could result in suspending services or removal from the Wrecker Rotation List.

3.If the Department has reason to believe that a wrecker service has failed to remain in compliance with qualification criteria set out in Section B, that the non-compliance continues, and that the non-compliance will be detrimental to the public, the Department may initiate immediate suspension procedures.

E.WRECKER CLASSIFICATION

1.Class A: Light Duty Wrecker

Class A Wreckers, for towing vehicles weighing seven thousand (7,000) pounds or less (passenger cars, pickup trucks, motorcycles, small trailers, and similar vehicles) shall meet the following minimum requirements:

a.Conventional Wrecker

(1)Minimum gross vehicle weight rating (GVWR) of not less than ten thousand (10,000) pounds.

(2)Individual boom capacity of not less than eight thousand (8,000) pounds as rated by the manufacturer.

(3) The Individual PTO or hydraulic power winch must have a capacity of not less than eight thousand (8,000) pounds as rated by the manufacturer and at least one hundred (100) feet of three-eighths (3/8) inch cable drum.

(4) A manufactured wheel lift with a retracting lifting capacity of not less than three thousand five hundred (3,500) pounds, as rated by the manufacturer, with safety chains.

(5) Come-A-Longs, chains, or similar devices shall not be used as substitutes for winch and cable.

(6) Dual rear wheels.

(7) Additional safety equipment as specified by the regulations.

b. Rollback Wrecker

(1) Minimum gross vehicle weight rating (GVWR) of not less than eleven thousand (11,000) pounds.

(2) Must have at least an eight thousand (8,000) pound winch as rated by the manufacturer with at least fifty (50) feet of three-eighths (3/8) inch cable or larger.

(3) Come-A-Longs, chains, or similar devices shall not be used as substitutes for winch and cable.

(4) Additional safety equipment as specified by the regulations.

2. Class B: Medium Duty Wrecker

Class B Wreckers, for towing vehicles weighing between seven thousand one (7,001) and seventeen thousand (17,000) pounds or multiple vehicles weighing seven (7,000) pounds respectively (medium-sized trucks, road tractors/trailers, and similar vehicles), shall meet the following requirements:

a. The tow truck chassis shall have a minimum gross vehicle weight rating (GVWR) of not less than twenty-two thousand (22,000) pounds.

b. Must have at least a twelve-ton boom assembly as rated by the manufacturer.

c. Two winches, each of ten thousand pounds capacity or more as rated by the manufacturer.

d. A manufactured wheel lift with a retracting lifting capacity of not less than six thousand five hundred pounds, as rated by the manufacturer, with safety chains.

e. Come-A-Longs, chains, or similar devices shall not be used as substitutes for winch and cable.

f. Additional safety equipment as specified by the regulations.

3. Class C: Heavy Duty Wrecker

Class C Wreckers, for towing vehicles over seventeen thousand pounds (large trucks, road tractor/trailers, and similar vehicles), shall meet the following minimum requirements:

- a. Truck chassis having a minimum gross vehicle weight rating (GVWR) of not less than forty-six thousand pounds.
- b. Tandem axles or cab-to-axle lengths of not less than one hundred two inches.
- c. A single or double boom with a capacity of not less than fifty thousand pounds as rated by the manufacturer.
- d. A single winch with a capacity of fifty thousand pounds as rated by the manufacturer or an individual power winch capacity of not less than twenty-five thousand pounds as rated by the manufacturer and a total rating with both winches of fifty thousand pounds.
- e. A manufactured wheel lift with a retracting lifting capacity of not less than twelve thousand pounds, as rated by the manufacturer, with safety chains.
- f. One hundred fifty feet of five-eighths inch cable or larger, plus fifty feet of five-eighths inch drop cable.
- g. Airbrakes constructed to lock wheels automatically upon failure.
- h. Light and air brake hookups.
- i. Come-A-Longs, chains, or similar devices shall not be used as substitutes for winch and cable.
- j. Additional safety equipment as specified by the regulations.

F. RATES

- 1. Only wrecker services on the Springdale Police Department wrecker rotation list shall be subject to these regulations governing fees.
- 2. Fees charged for rotation list calls shall be reasonable and not above those rates charged for similar services provided in response to requests initiated by any other public agency or private person. The reasonableness of the fees charged will be determined in the following manner:
 - a. A wrecker service shall submit proposed fees along with its annual application. Separate fee schedules shall be submitted for each class of wrecker, and, for each class, the fee for standard towing, heavy-duty towing, storage, and special operations.

(1) A standard tow is defined as responding to the scene, hooking up the vehicle, performing a general clean-up if the call involves responding to a collision scene and providing responsible assistance to the owner to get to a safe location.

(2) Special operations are operations involving the process of uprighting an overturned vehicle or returning a vehicle to a normal position on the roadway, which requires the use of auxiliary equipment due to the size or location of the vehicle, the recovery of a spilled load, or the off-loading and reloading of a load from an overturned vehicle performed to right the vehicle.

b. The Chief or designee will determine the reasonableness of the fees based upon the average of the proposed fees submitted and comparing Springdale's industry standards by wrecker zone for similar operations.

c. A copy of the approved fees will always be kept in the wrecker. It will be presented upon request to the person for whom the tow services were provided, their agent, any Springdale Police Department officer at the scene, or any Springdale Police Department officer inspecting the wrecker or wrecker service.

d. A wrecker service shall submit proposed fees with the annual application.

e. Failure to submit proposed fees with the annual application will result in utilizing the last proposed fees submitted.

f. Wrecker services that submit fees determined to be excessive or unreasonable will be notified and allowed to resubmit fees within five business days of notification. A wrecker service will be allowed to resubmit fees once. Failure to resubmit reasonable fees will disqualify the wrecker service from the Springdale Police Department rotation list until May 1st of the following year.

3. The Chief or designee will complete a review of the fees for Springdale Police Department rotation wrecker services during inspection and qualification to determine its validity and reasonableness.

Validity will be based on telephone quotes, posted rates, charges to retail customers, etc. Reasonableness will be determined as compared to other rates.

4. Wrecker services may lower rates and raise rates anytime for non-Springdale Police Department calls.

Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Effective Date. This ordinance shall become effective immediately after second reading.

DULY ADOPTED THIS 7th day of January, 2025 under the corporate seal of the Town of Springdale.

First Reading: December 3, 2024

Second Reading: January 7, 2025

Introduced by: Mayor Juston Ricard

Juston Ricard, Mayor

Attest:

Leeann Kelly, Municipal Clerk