

# **Town of Springdale**

## **Administrative Policy**

### **Wrecker and Towing Services Rotation List**

#### **I. Purpose**

To provide administrative guidelines and regulations on wrecker and towing services who desire to be placed on the Town of Springdale wrecker services rotation list.

#### **II. Policy**

Per sec. 21-4 of the Town of Springdale Code of Ordinances, whenever a police officer finds a motor vehicle or other vehicle that has been abandoned upon the public streets or ways of the town or upon town property, or that has been parked in violation of a town ordinance or state law; or the vehicle 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 the above conditions shall be held until claimed by the legal owner or otherwise disposed of as provided by statute.

For those drivers who either have no preference or who are unable, for any reason, to choose a towing service, the Town of Springdale has established a wrecker rotation list. With the establishment of this list, it is in the best interest of our citizens, the motoring public and public safety to enact certain administrative guidelines to regulate the rotation list.

#### **III. Procedure**

##### **A. Definitions**

1. Class – a wrecker capability based upon size and weight handling characteristics. The term “class” is synonymous with the term “category” and shall be used interchangeably.
2. Business Hours – hours of the day when business is normally conducted.
3. Fee – a monetary amount charged for a service provided. The term “fee” is synonymous with terms “rate” and “charge” and shall be used interchangeably.
4. Hazardous Materials – comprises all toxic chemicals that are flammable, explosive, caustic, corrosive, radioactive, biologic, or infectious waste.
5. Motor Vehicle – every vehicle or tractor-trailer combination, which is self-propelled by which any person or property is or may be transported or drawn upon a highway, except vehicles used exclusively upon stationary rails or tracks.
6. Police Department – the Springdale Police Department
7. Rotation Towing Service – any person, firm, partnership or corporation which has been approved by the Springdale Police Chief as being authorized to respond for wrecker or towing service and to participate on the police rotation.
8. Storage – the custody and control of a vehicle by a tow truck or wrecker operator as a result of a police requested tow.

9. Towing – the moving or removing or the preparation of a motor vehicle for which a service charge is made, either directly or indirectly of a motor vehicle.
10. Wrecker Service – any truck operation used for the purpose of towing, winching, carrying or otherwise removing another vehicle from a given location for commercial purposes.
11. Town – the Town of Springdale, South Carolina

B. Eligibility for police requested towing

Each service must apply to the Police Department. The application for the rotation service is attached to this policy and shall be returned to the Chief of Police. The application must be renewed every calendar year.

In order to be eligible to bid on towing, the wrecker or towing service must have been in business for 12 calendar months before being considered. The business must also be licensed to operate in the town. The service must comply with Chapter 21 of Springdale Code of ordinances, all rules listed and any other additional rules the police department deems necessary to safeguard vehicles in its custody.

C. Rotation for police requested towing

1. The Chief of Police shall prepare a list of all Towing Service Companies meeting the requirements of this policy which shall be used by the dispatcher for rotation service calls. Towing Service Companies on the list will be ordered by seniority and in the event of equal seniority, then alphabetically. New additions to the list will be made in a like manner. Calls for heavy duty wreckers shall be rotated among those Towing Service Companies having heavy duty equipment without regard to the normal rotations for regular calls.
2. A police officer shall call or have the dispatcher call any wrecker service as requested by the owner or responsible party of a damaged or disabled vehicle that is located in a street or other public place. If no wrecker service is designated by the owner or responsible party, then the officer will instruct the dispatcher to notify the next available firm on the rotation list.
3. The number of Towing Service Companies placed on the rotation list will be determined by the amount needed for safe and efficient service and will be based on what is current in surrounding agencies of similar size.

D. Minimum standards for equipment

1. Each company on the rotation list must have at least two wreckers available for call which meets the minimum standards.
2. Every wrecker proposed to be used by a Towing Service Company on the list shall be subject to inspection in a manner determined by the Chief of Police and every such wrecker, shall comply with the following minimum requirements:
  - a. Each wrecker shall be equipped with a power operated winch, winch line and boom, with a factory rated lifting capacity of not less than 8,000 pounds single line capacity.

- b. Each wrecker shall carry as standard equipment: a tow cling, tow bar, towing dollies, safety chains, fire extinguisher, wreck bar, broom, shovel and approved emergency warning devices. Warning devices shall include amber flashing warning lights or any additional devices that may be required by state law or regulation.
  - c. All wreckers must be marked with the name of the business and a telephone number for the business.
  - d. Each wrecker and all of its equipment must be in a safe, clean and good working condition.
3. Every heavy duty wrecker of not less than two and one-half (2 ½) tons in size shall meet the requirements in subsection 2 and in addition thereto, shall be equipped with a power operated winch, winch line and boom with factory rated lifting capacity of not less than 32,000 pounds, single or double line capacity and a tow sling.
4. A rollback truck may also be approved as a wrecker.

#### E. INSURANCE REQUIREMENTS

1. An applicant shall procure and keep in full force and effect a policy of public liability and property damage insurance issued by a causality insurance company authorized to do business in the state of South Carolina and in the standard form approved by the Insurance Commissioner of the State the entire time that the company is on the police rotation list. The coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of a wrecker belonging to the applicant and providing that the amount of recovery on each wrecker shall be in limits of not less than the following sums:
  - a. For damage resulting in bodily injury or death on one (1) person in and one (1) accident - \$250,000
  - b. For any damages arising out of any one (1) occurrence - \$500,000
  - c. For injury to or destruction of property in any one (1) accident - \$25,000
2. An applicant shall procure and keep in full force liability insurance in the amount of \$1,000,000 to cover damages arising out of bodily injury or death to a person, and in the amount of \$300,000 for damages, injury to or destruction of property caused by vehicles in tow, under possession of or in control of a wrecker operated by the applicant.
3. An applicant shall procure and keep in full force garage keeper's direct basis insurance covering the customer's vehicles in an amount not less than \$100,000.
4. It is the wrecker firm's duty to provide thirty (30) days notice to the Police Department of any material change or cancellation of the above policy/policies.
5. The applicant shall provide proof of the above referenced insurance when they apply to provide tow services for the Town of Springdale. The proof will be through a certificate of insurance attached to their renewal form with the Police Department.

## F. STORAGE LOT REQUIREMENTS

1. The wrecker service shall maintain a safe area for all vehicles towed which shall be approved by the Police Department. This may be a locked building or a secured fenced in area or a combination of the two where the stored vehicles and other property shall not be accessible to unauthorized people. Such storage areas must be capable of accommodating a minimum of eight (8) vehicles.
2. Approved facilities shall be located within the Town limits or within ten (10) miles adjacent to the Town limits. Those storage facilities within the Town limits shall have proof of compliance with Town zoning regulations
3. The Town of Springdale, the Police Department and its employees shall assume no liability for storage of any vehicle.

## G. WRECKER AND STORAGE CHARGES

1. Only the companies on the Police Department rotation list shall be subject to the regulations of this section regarding fees.
- 2 (a) The current prevailing rate shall be made for the use of the wrecker when a vehicle is disabled as the result of an accident. If the vehicle is being towed for parking violation or abandonment, or any other violation that would require towing, the current bid rate shall be made for the use of wrecker.  
  
(b) Storage charges on stored or impounded vehicles shall be at the current prevailing rate.
3. Wrecker services may raise or lower rates at any time for non-Police Department calls at any time.
4. Pursuant to §56-5-5630(c) of the South Carolina Code of Laws as amended, a wrecker company may only charge actual tow and recovery fees for the recovery of a stolen vehicle. Storage fees on a recovered stolen vehicle do not accrue until after 7 days of storage. The Town of Springdale will assume NO liability for the towing or storage of a stolen vehicle that is recovered by the Police Department.
5. Motorists whose vehicles are towed utilizing the Springdale Police Department Wrecker Rotation List will have the option of paying by major credit card. The wrecker service may request, prior to dispatching, if the motorist intends to pay by major credit card. If the wrecker service does not accept major credit cards, the next wrecker or towing service that does accept credit cards will be utilized. Any wrecker or towing service called that does not accept credit cards will remain on the top of the rotation list.

## H. SOLICITATION OF BUSINESS/ENTICEMENT TO SOLICIT PROHIBITED

1. No town employee shall solicit business for any wrecker or towing service. Any employee violating this provision may be subject to disciplinary action.
2. No owner, agent or driver of a towing service shall entice or engage a town employee to solicit business for the service in exchange for payment, whether money, a gift or gratuity and the offending service shall forfeit its eligibility on the rotation list.

## I. REQUIREMENTS AND PROCEDURES FOR WRECKER SERVICES

1. Wrecker services shall arrive at the scene within a reasonable amount of time after being notified by the police dispatcher. Reasonable time is twenty (20) minutes providing that weather and traffic conditions allow that response time. If a service is unable to comply with this time requirement because of weather or traffic conditions, they will not be penalized if they notify the police dispatcher of the new response time.
2. Drivers shall obey lawful orders and direction given by police officers while at the incident location.
3. It shall be the duty of the wrecker driver picking up wrecked or disabled vehicles to clear the roadway of any and all debris, parts and/or glass.
4. Wrecker services shall respond to collision scenes or to disabled vehicles requiring police presence only when properly called by the Springdale Police Department.
5. No owner or agent of any wrecker or towing service shall drive along or park on any streets, bridges, or highways for the purpose of soliciting wrecker or towing services.
6. The owner or agent of any wrecker service will conduct themselves in a business like and civil manner when dealing with the public.
7. The owner/agent shall obey all applicable laws and ordinances while engaged in providing wrecker/towing services.

## J. COMPLAINTS

1. Complaints from or about wrecker services regarding an incident involving the police department or its operation of the wrecker rotation list must be received, in writing, within fifteen (15) days of the alleged incident. All written complaints shall be directed to the Chief of Police. All wrecker companies are required to notify citizens of the complaint process at the wrecker/tow company's place of business.
2. The Chief of Police will refer the complaint to the Investigator for review.
3. The Chief will make a determination on the complaint based on the Investigator's findings. The determination by the Chief of Police is final.

## K. FAILURE TO COMPLY WITH REGULATIONS/PENALTIES/SUSPENSION OR REMOVAL FROM ROTATION LIST

1. Any wrecker or towing firm which fails to perform according to these administrative regulations may, at the discretion of the Chief of Police, have its privilege to be on the rotation list suspended or revoked.
2. The Chief of Police will meet with the wrecker/towing service in violation prior to making a ruling on an infringement. The Chief will furnish the service with a written notice of action within five (5) working days of the meeting.
3. Any actions by any wrecker driver that adversely affect the reputation of the police department may result in immediate removal of that wrecker service from the rotation list.
4. The violation of any traffic laws while responding to or returning from a call may result in the immediate removal of the wrecker service from the rotation list.

L. LIABILITY

The Town of Springdale, its agents, officers or employees shall not be liable for any personal injury or property damage caused by negligence or failure of the wrecker or towing service to exercise reasonable prudent care in responding to a call or in towing a vehicle for storage or in any damage or loss which may occur while the vehicle is in storage.

APPROVED: Chief of Police \_\_\_\_\_

Authorized representative of the firm \_\_\_\_\_

Date \_\_\_\_\_