

## Chapter 16

### ARTICLE VII. - WRECKER/TOWING SERVICES AND IMPOUNDMENT



#### Sec. 16-239. - Findings and intent.



- (a) The Town Council of the town has a significant governmental interest in protecting the health, safety, and welfare of the general public and preserving the public order.
- (b) North Carolina General Statute 160A-174 allows a town by ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public, and the peace and dignity of the Town.
- (c) Some practices related to the non-consensual towing of motor vehicles from private property have resulted in the public and members of the towing industry being exposed to harm.
- (d) The Carolina Beach Town Council desires to minimize and control the harmful and adverse effects that occur during the non-consensual towing of motor vehicles.

(Ord. No. [16-1032](#), 11-1-2016)

## Chapter 18

### Sec. 18-78. - Vehicle towing and storage—Police department eligible list.



- (a) The Chief of Police shall prepare and maintain an eligible list of those persons, firms, or corporations (hereinafter called garages) having businesses in the town who apply and qualify to tow and store automobiles and trucks from the streets and other public places in the town at the request of the police department. To qualify for the eligible list the applicant must:
  - (1) Have available at all times equipment in good condition capable of towing any automobile or truck, regardless of size or weight, from the streets and other public or private places in the town when called to do so;
  - (2) At or in the immediate vicinity of his garage, have sufficient storage space and facilities to protect from the elements vehicles damaged by exposure and a sufficient amount of additional storage space to store undamaged vehicles.
- (b) The applicant must agree to assume the following obligations:
  - (1) To promptly tow and store all vehicles to be removed from the public streets or other public places or private property upon request of the police department;
  - (2) To issue a receipt to the police department for each vehicle towed and stored and keep the vehicle until its release is authorized by the police department;
  - (3) To store damaged automobiles in such manner as to secure their protection against further damage by the elements;
  - (4) To collect towing and storage fees, from the owner of the vehicle or by the sale of the vehicle without recourse on the town;
  - (5) To pay all damages to vehicles entrusted to his custody as the result of his negligence and to maintain, for the protection of the vehicle owners, garage keepers' legal liability insurance of not less than \$5,000.00 while performing any of the services provided for in this section;
  - (6) To remove from the scene of a motor vehicle accident in which the vehicle to be towed was involved all glass, metal, or debris caused by the accident.

(Code 1977, § 8-3005; Code 1986, § 10-46)

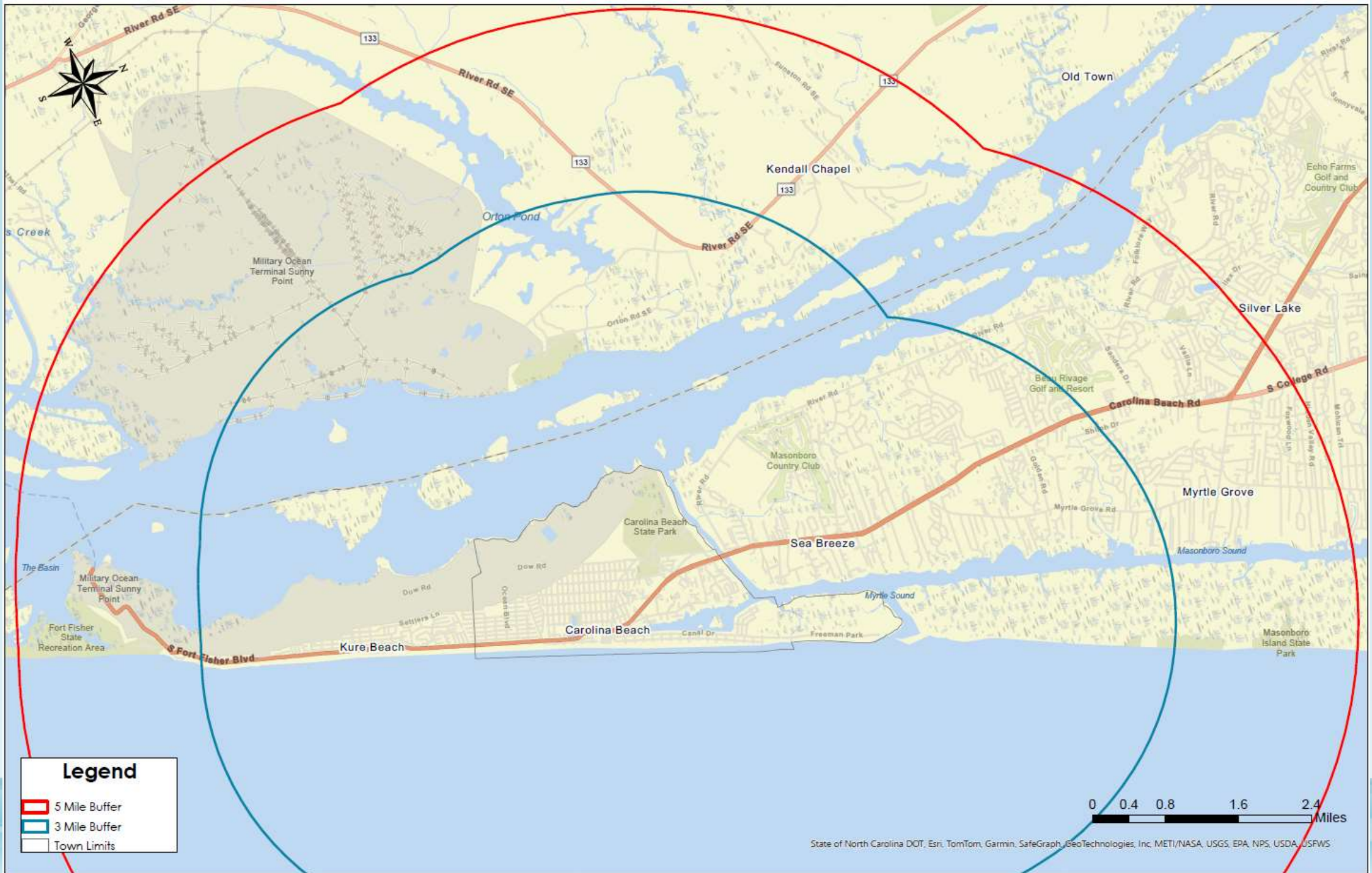
## The following is an overview for discussion on changes to the proposed towing regulations.

Organized the ordinance based on.

1. Regulations that apply to all towing/wrecker operators
2. Regulations that apply to private/trespass towing procedures
3. Regulations for operators providing towing for public property/impoundment purposes.

### To address

- Combined Article VII. - Wrecker/towing services and impoundment and Sec. 18-78. - Vehicle towing and storage—Police department eligible list.
- Changed age of Individual operating a towing/wrecker consistent with state statute.
- Clarified policy for the police eligibility list.
- Changed from towing any automobile or truck regardless of size or weight to capable of towing the type of automobile or truck requested to be towed.
- Changed from to have facilities to protect from the elements vehicles damaged by exposure to take the appropriate precautions to protect damaged vehicles from the exposure of weather elements and have sufficient fenced storage space with security lighting to protect vehicles from break-ins, theft, and damage.
- Added to rates and fee schedule a \$200 towing/wrecker application fee and approval process.
- Change from having a garage located for police impoundment within the Town of Carolina Beach to within New Hanover County located three miles from the Town of Carolina Beach town limits.



**Legend**

- 5 Mile Buffer
- 3 Mile Buffer
- Town Limits



## **ACTION REQUESTED:**

Consider recommending approval or denial of the text amendment.

## **MOTION:**

Approval – to amend

- Ordinance # 24-1241 the rates and fees schedule.
- Ordinance # 24-1242 Article VII wrecker towing services and impoundment
- Ordinance # 24-1243 repeal Vehicle towing and storage- Police department eligible list, Sec 18-78- Sec 18-79 and Sec 18-80.

Denial – to amend

- Ordinance # 24-1241 the rates and fees schedule.
- Ordinance # 24-1242 Article VII wrecker towing services and impoundment
- Ordinance # 24-1243 repeal Vehicle towing and storage- Polic department eligible list, Sec 18-78- Sec 18-79 and Sec 18-80.