



AN ORDINANCE TO
PART II - CODE OF ORDINANCES
Chapter 16 - MOTOR VEHICLES AND TRAFFIC
ARTICLE VII. WRECKER/TOWING SERVICES AND IMPOUNDMENT

ARTICLE VII. WRECKER/TOWING SERVICES AND IMPOUNDMENT AND STORAGE

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)

Sec. 16-240. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Highway means the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms "highway" and "street" and their cognates are synonymous.

Private parking only means the parking lot is for private use only and is not open for use by the general public.

Customer parking only means the parking lot is for private use of customers to the identified business only and is not open for use by the general public.

Pay for parking only means the parking lot is operated by a profit making company and is open to the general public and a fee will be charged.

Tow in any of its forms means to remove a vehicle by any means including towing and to store the vehicle.

Winching fee means a charge when a vehicle leaves the street or highway or overturns and requires use of winch and a cable to recover the vehicle to the highway for removal.

Private/Trespass Towing means any person or company that provides private property towing services within the town.

Garage means persons, firms, corporations or businesses.

Eligible list means a list of garages within the town who apply and are approved to tow and store vehicles at the request of the police.

Towing/Wrecker applicant means any garage person, firm or corporation ~~company~~ that can provide wrecker and towing service within the town.

Tower/Driver means the person who towed the vehicle.

Towing fee means the fee charge for towing and storing.

(Code 1986, § 9-140; Ord. No. 07-711, 10-9-2007; Ord. No. 10-826, 4-13-2010; Ord. No. 16-1032, 11-1-2016)

Sec. 16-241. Administrative responsibility.

The Chief of Police or his designee is hereby designated as a responsible agent for maintaining a list of all eligible wrecker/towing services who have applied and been approved to conduct towing services and ensuring that criteria as set out in this chapter is strictly adhered to both initially and following execution of the agreement.

(Code 1986, § 9-141; Ord. No. 07-711, 10-9-2007)

Sec. 16-242. Towing/Wrecker service application/agreement.

It is the policy of the town that any applicant desiring to perform wrecker/towing services within the town limits of the town shall submit a towing/wrecker service application/agreement to the town on an annual basis, no later than January 15 each year. The application form shall be obtained from the town hall and will be evaluated by the Chief of Police or his designee. Failure to comply with this chapter and N.C.G.S. statutes dealing with towing services at any time shall enable the Town Manager or his designee to rescind or nullify this agreement and issue a notice of violation to the property owner and tow company. A non-refundable annual application fee pursuant to the town's annually adopted rate and fee schedule will be charged.

(Code 1986, § 9-142; Ord. No. 07-711, 10-9-2007; Ord. No. 16-1032, 11-1-2016)

Sec. 16-243. Duties and requirements of Towing/wrecker ~~tow~~ services

It will be the responsibility of any applicant to assure continued compliance with all provisions and requirements set forth in the agreement, this article and N.C.G.S. statutes dealing with towing services.

(Code 1986, § 9-143; Ord. No. 07-711, 10-9-2007; Ord. No. 16-1032, 11-1-20)

Sec. 16-24~~5~~⁶. Towing/Wrecker equipment.

- (a) Each wrecker shall be a truck chassis having a minimum gross vehicle weight of 6,500 pounds and boom assembly having a lift capacity of not less than 8,000 pounds as rated by the manufacturer and equipped with dollies on each tow truck.

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- (b) A car carrier or rollback is defined as a vehicle designed to tow or carry vehicles damage free. The truck chassis shall have a minimum gross vehicle weight rating (GVWR) of 14,500 pounds. Two lift cylinders, minimum 2½-inch bore; individual power winch pulling capacity of not less than 10,000 pounds; 50 feet of 5/16-inch cable on winch drum; and four tie-down hook safety chains. The carrier bed shall be a minimum of 18 feet in length and a minimum of 84 inches in width inside side rails. A cab protector constructed of aluminum or steel must extend a minimum of ten inches above the height of the bed.
- (c) The following equipment shall be on the wrecker, carrier or rollback:
- (1) Brakes (G.S. 20-124).
 - (2) Glasses (G.S. 20-127, 20-135).
 - (3) Horn (G.S. 20-125).
 - (4) Lights (G.S. 20-129, 20-129.1, 20-130, 20-131).
 - (5) Mirrors (G.S. 20-126, 20-117.1).
 - (6) Mufflers (G.S. 20-128).
 - (7) Reflectors (G.S. 20-129.1).
 - (8) Turn signals (G.S. 20-125.1).
 - (9) Windshield wipers (G.S. 20-127).
 - (10) Tires (G.S. 20-122.1).
- (d) Each wrecker, carrier or rollback must be equipped with the following:
- (1) Ax.
 - (2) Large broom.
 - (3) Fire extinguisher; five-pound multi-purpose dry chemical.
 - (4) Shovel.
 - (5) Flares, eight or traffic cones, 28 inches in height.
 - (6) Two snatch blocks.
 - (7) Two scotch blocks.
 - (8) Dollies (except rollback wreckers).
 - (9) 20 pounds of StayDry or similar type of absorbent material.
 - (10) Cable; one spool having at least 100 feet and measuring three-eighths inches in diameter.
 - (11) Bolt cutters.
 - (12) Safety vest.
- (e) In general, an applicant must assure the town that they will ~~keep their equipment~~ ~~have available equipment capable of towing any automobile or truck from the streets and other public or private places upon request by the police department or private property owner or lessee. All wreckers must be kept~~ in good working condition and meet the minimum safety requirements, not only as specified above and elsewhere, but in all applicable sections of G.S. Ch. 20, motor vehicles. A safety vest will be worn at all times when out at the scene of a collision.

(Code 1986, § 9-146; Ord. No. 07-711, 10-9-2007; Ord. No. 10-826, 4-13-2010; Ord. No. 16-1032, 11-1-2016)

Sec. 16-2467. Inspections.

The applicant will agree to permit periodic inspections by the Chief of Police or his designee to assure that all criteria of this article are met.

(Code 1986, § 9-147; Ord. No. 07-711, 10-9-2007)

Sec. 16-2478. Regulations governing towing/wrecker operations.

- (a) *Driver's license.* Any individual operating a towing/wrecker must have in his possession a valid Class A, B or C driver's license applicable to the truck weight plus the weight of the vehicle being towed based on the requirements set out by Nc statute 20-37.10. ~~and meet the minimum age requirements set by North Carolina general statute~~ must be 18 years of age or older.
- (b) *Registration plate.* Each wrecker vehicle must conform to G.S. 20-50 or 20-79 in that each wrecker is required to have a proper registration plate. No dealers' plates may be displayed on wreckers.
- (c) *Applicant's name on both sides of vehicle; cleanup.* All wreckers must have the name of the towing service (applicant) clearly printed on both sides of the wrecker. The wrecker operator or driver will be responsible for clearing debris from the street or highway. This not only means large obstacles but also glass and small fragments. Wreckers must be at the scene within 30 minutes from the time called.
- (d) *Chasing or running wrecks.* Wreckers are specifically prohibited from chasing or running wrecks or soliciting business at accident scenes.
- (e) *[Forms of payment.]* Tow truck operators and towing companies shall accept all major forms of payment to include, but not limited to cash, and major credit or debit cards.
- (f) *[Receipt.]* The towing or storage firm shall provide a receipt for each payment at the time the payment is made. Each receipt shall be legible and shall contain the following information:
 - (1) The name, address and telephone number of the tow company.
 - (2) Sufficient information to allow the employee who towed the vehicle to be identified.
 - (3) A total fee with a breakdown of towing and storage fees.
 - (4) A clear and accurate reason for the towing and the date and time of the towing. Receipts shall not use descriptions that might cause individuals to associate private property towing with municipal action.
- (g) *[Fee schedule.]* The tow operator must provide a fee schedule to the police department. Any changes in fees must be provided to the police.

(Code 1986, § 9-148; Ord. No. 07-711, 10-9-2007; Ord. No. 10-826, 4-13-2010; Ord. No. 16-1032, 11-1-2016)

Sec. 16-2489. Reserved.

Editor's note(s)—Ord. No. 16-1032, adopted Nov. 1, 2016, repealed § 16-249, which pertained to responsibility for charges and derived from Code 1986, § 9-419; Ord. No. 07-711, adopted Oct. 9, 2007; Ord. No. 09-806, adopted Sept. 8, 2009; and Ord. No. 10-826, adopted April 13, 2010.

Sec. 16-249~~50~~. Reserved.

Editor's note(s)—Ord. No. 16-1032, adopted Nov. 1, 2016, repealed § 16-250, which pertained to Duties and responsibilities of police officers—Wrecker and tow services and derived from Code 1986, § 9-150; Ord. No. 07-711, adopted Oct. 9, 2007; and Ord. No. 10-826, adopted April 13, 2010.

Sec. 16-250~~3~~. Private/Trespass tow—towing procedures unauthorized vehicles from private lots.

- (a) It shall be unlawful to tow or remove or immobilize, by the use of a wheel lock or other method, a vehicle which is parked on private property without the permission of the owner or lessee of that private property unless the following requirements are met by the towing operator. In the event that a towing operator has the permission to periodically trespass tow vehicles from a private lot by contract or other arrangement, the towing operator shall file a written request or contract from the private property owner with the police department for each property in which they have been given the authority to trespass tow vehicles.
- (1) When towing a vehicle pursuant to this article, the tow truck operator who is removing the vehicle shall report by telephone within 30 minutes of removing the vehicle to the New Hanover County 911 Non-Emergency Dispatch the following minimum information:
- a. Description of the vehicle being towed.
 - b. The vehicle license number.
 - c. The vehicle identification number.
 - d. The date, time and location from which the vehicle was towed.
 - e. The location to which the vehicle was towed.

An additional written report containing the same information shall be emailed to Carolina Beach Police Department. This report to the police department shall be within 3 hours of the vehicle being towed.(email and form provided to applicant once approved) ~~made before the tow truck towing the vehicle leaves the private property from which the vehicle is towed.~~

- (2) Notice shall be posted on the private property from which the towing or removal is made. Each towing company shall receive a sign permit from the Police Chief or his designee, at which time, the requirements of the sign standards will be discussed with the applicant and a list of properties shall be identified by the towing company in which they will be performing towing activities. A sign permit is required for each property under contract with the towing company for towing services. Such notice shall fulfill the following requirements:
- a. A notice, in the form of a sign structure, shall be not less than two feet by two feet in size, shall be prominently placed on the private property within 5 feet of all entrances allowing vehicular access to the property and within five feet of the street right-of-way line and shall face the public street. If there are no curb or access barriers, signs shall be posted not less than one sign each 50 feet of the frontage to the public street. The maximum size for any sign shall be four square feet.
 - b. The sign structure displaying the required notices shall be permanently installed with the bottom of the sign not less than four feet above ground level and not more than six feet above ground level. Pedestrian safety should be taken into consideration when locating freestanding signs.
 - c. The sign structure displaying the required information shall be clearly displayed in letters not less than 1½-inch in height on a contrasting background.

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- d. The notice will clearly display the following:
1. The name of the property owner or lessee or individual authorizing the tow,
 2. A statement indicating that parking by unauthorized vehicles is prohibited by the use of the phrase "private parking only", "customer parking only" or "pay for parking only",
 3. A statement indicating that towing will be enforced by the use of the phrase "towing enforced",
 4. A statement of when the parking is restricted or the hours that paid parking is available, and
 5. A statement indicating that all towing expenses will be the responsibility of the vehicle owner by the use of the phrase "at vehicle owners expense",
 6. The name of the towing company, telephone number at which a person available to release the vehicle that has been towed, removed, or immobilized may be contacted at any time,
 7. A statement indicating that town parking passes are not honored in the lot by the use of the phrase "town parking passes are not honored here".
- (3) The vehicle being towed shall be adequately secured prior to towing from the private property. The vehicle shall be towed directly to the impound lot of the tow operator. The staging of vehicles in an unsecured location is prohibited.
- (4) Tow truck operators shall release a vehicle to the vehicle owner when approached by the owner on the private lot from which the vehicle is being towed from or if contact is made with the towing company prior to the owner's vehicle leaving the municipal limits of the town, provided that payment can be made at the time of the drop request.
- (5) Any tow service that is engaged in a trespass tow shall, upon the request of the vehicle operator, permit the vehicle operator to have access to the trespass vehicle for the purpose of retrieving personal property therefrom.
- (6) Vehicle storage charges for vehicles towed from private property shall not be charged until the vehicle has been stored at the premises of the towing company for a minimum of 24 hours, at which time, the standard storage fees for other towed vehicles, as typically charged by that company, shall be permissible and shall not exceed 25 percent of the base towing charge per day following the first 24-hour period.
- (b) *Applicability.* The provisions of this article shall apply to private property used for commercial or residential parking purposes in all areas of the town.
- (c) *Exceptions.* Notwithstanding any other provision of this section, no notice shall be required for the towing or removal or immobilization of a vehicle:
- (1) If the vehicle obstructs adequate ingress and egress;
 - (2) If the vehicle has been left on the private property for a period of time greater than 48 hours; or
 - (3) If the vehicle is being removed pursuant to the direction of a law enforcement officer or the Town Manager or designee in accordance with the provisions of this Code or state law.

(Code 1986, § 9-153; Ord. No. 07-689, 6-12-2007; Ord. No. 07-711, 10-9-2007; Ord. No. 09-806, 9-8-2009; Ord. No. 16-1032, 11-1-2016)

Sec. 16-25144. Private Property/trespass towing availability and storage requirements; location and towing.

- (a) The applicant shall provide continuous 24-hour on-duty or on-call service at all times for the purpose of receiving and releasing vehicles. ~~The person on call shall be capable of acknowledging requests to retrieve a towed vehicle within 15 minutes of receiving such request, and of releasing said vehicle. Any towed vehicle shall be released~~ within 45 minutes of receiving the release request.
- ~~(b) The applicant must at his garage, or in its immediate vicinity, provide sufficient fenced storage space with security lights to protect vehicles from break-ins, theft, and damage. for storage of vehicles and indoor storage for motorcycles.~~
- (c) Towing garages ~~firms~~ and wreckers must be located within New Hanover County.
- (c) In no case shall a vehicle be towed outside New Hanover County or its extra-territorial jurisdiction without prior consent of the vehicle owner or operator.
- (d) If any vehicle is removed pursuant to this section and there is a place of storage within 15 miles, the vehicle shall not be transported for storage more than 15 miles from the place of removal. For all other vehicles, the vehicle shall not be transported for storage more than 25 miles from the place of removal. ~~The vehicle shall be secured and lighted in such a manner as to keep the vehicle safe from break-ins or damage while in storage. A fenced storage yard with average surface level lighting of two foot candles shall be deemed compliant with this section.~~

(Code 1986, § 9-144; Ord. No. 07-711, 10-9-2007; Ord. No. 16-1032, 11-1-2016)

Sec. 16-2521. Police impoundments—Towing of vehicles from town right-of-way or public property.

If a vehicle is being removed pursuant to the direction of a law enforcement officer or the Town Manager or his designee in accordance with the provisions of this Code or applies to towing pursuant to G.S. 115C-46(d) or G.S. 143-340(19) then it is deemed a public health or safety threat and authorized as a police impoundment.

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

Editor's note(s)—Ord. No. 16-1032, adopted Nov. 1, 2016, repealed the former § 16-251 and enacted a new § 16-251 as set out herein. The former § 16-251 pertained to Duties and responsibilities of police officers—Impoundments and derived from Code 1986, § 9-151 and Ord. No. 07-711, adopted Oct. 9, 2007.

~~**Sec. 16-2532. Duties and responsibilities of wrecker garages firms providing towing for impoundment purposes.**~~

~~Any individual or wrecker firm (applicant) providing impoundment services for the town under this chapter will execute a wrecker service application/agreement with the following additional requirements:~~

- ~~(1) The applicant will agree to work closely and cooperatively with the town police department, and if error is made in the impoundment of a vehicle, to promptly release such vehicle at the order of the police department without financial liability to either the individual vehicle owner or the town.~~
- ~~(2) If an owner of a stored vehicle requests a hearing by a magistrate, and the magistrate does not find probable cause for the vehicle to be stored, the towing firm must release the vehicle to the owner or person in charge of possession of the stored vehicle without any financial liability to the officer or the town or the owner or legal possessor of the vehicle.~~

~~(3) Any vehicle seized by the police department as evidence in a crime scene shall be towed to the town storage lot. The towing firm shall release any vehicle that is awarded to the police department by the courts without any financial liability to the police department or the town.~~

~~(Code 1986, § 9-152; Ord. No. 07-711, 10-9-2007; Ord. No. 10-826, 4-13-2010; Ord. No. 16-1032, 11-1-2016)~~

Sec. 16-254 Duties and Requirements for Police Department Eligible List Towing Service Companies.

The Chief of Police shall prepare a policy 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.

Sec. 16-255. To Qualify for the Police Department Eligible List the Applicant Shall:

(1) Have a garage located within New Hanover County and located three miles from the Town of Carolina Beach town limits that provides sufficient fenced storage space with security lighting to protect vehicles from break-ins, theft, and damage.

(3) Have available at all times the required equipment in good working condition capable of towing the type of automobile or truck, requested to be towed. If for some reason the tow company called is unable to perform the tow request the next person on the approved eligible list will be called. If there is no one on the eligible list that can perform the towing service requested, it will be up to the acting supervisor by the need of necessity to coordinate with New Hanover County dispatch to facilitate the towing request.

(4) Agree 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.

(5) Agree to work closely and cooperatively with the town police department, and if error is made in the impoundment of a vehicle, to promptly release such vehicle at the order of the police department without financial liability to either the individual vehicle owner or the town.

(6) Take the appropriate precautions to protect damaged vehicles from the exposure of weather elements to prevent further damage.

(7) Agree 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.

(8) Agree 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.

(9) Agree to collect towing and storage fees, from the owner of the vehicle or by the sale of the vehicle without recourse on the town.

(10) Agree 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.

(11) If an owner of a stored vehicle requests a hearing by a magistrate, and the magistrate does not find probable cause for the vehicle to be stored, the towing firm must release the vehicle to the owner or person in charge of possession of the stored vehicle without any financial liability to the officer or the town or the owner or legal possessor of the vehicle.

(12) Any vehicle seized by the police department as evidence in a crime scene shall be towed to the town storage lot. The towing firm shall release any vehicle that is awarded to the police department by the courts without any financial liability to the police department or the town.

(Code 1986, § 9-152; Ord. No. 07-711, 10-9-2007; Ord. No. 10-826, 4-13-2010; Ord. No. 16-1032, 11-1-2016)

Ordinance 24-1242

Town of Carolina Beach
Town Council

Sec. 16-~~245~~ 256. Liability; insurance.

The applicant shall assume all liability and shall indemnify and save the town harmless from such liability for damages sustained by vehicles while being towed or stored and for all personal injuries occurring to any of the applicant's employees and other persons and maintain a minimum of \$45,000.00, or other amount as determined by the Chief of Police, liability insurance to cover damage, personal injury, or loss of property while the vehicles are in the applicant firm's custody.

(Code 1986, § 9-145; Ord. No. 07-711, 10-9-2007; Ord. No. 16-1032 , 11-1-2016)

Sec. 16-2574. Penalty.

- (a) Any violation of the provisions of this article or a failure to comply with any of its requirements shall subject the offender to a civil penalty pursuant to the town's annually adopted rate and fee schedule.
- (b) This article may also be enforced by an appropriate equitable action.
- (c) Any violation of the provisions of this article shall be a misdemeanor punishable as provided by G.S. 14-4.
- (d) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this article.

(Code 1986, § 9-154; Ord. No. 09-806, 9-8-2009; Ord. No. 16-1032, 11-1-2016)

Adopted this 10th day of December, 2024.

Albert L. Barbee, Mayor

Attest: Kimberlee Ward, Town Clerk