

AN ORDINANCE

AN ORDINANCE TO AMEND THE GREENVILLE COUNTY CODE TO ADD A RATE SCHEDULE FOR NON-CONSENT TOWING FROM PRIVATE PROPERTY IN GREENVILLE COUNTY.

WHEREAS, Greenville County Council recognizes that towing companies provide a necessary service to the citizens of Greenville County; and

WHEREAS, Section 16-11-760 of the Code of Laws of South Carolina 1976, as amended, provides authority for a property owner to prohibit parking on his property and further requires the owner of commercial property to post a notice in a conspicuous place on the borders of the property near each entrance prohibiting such parking; and

WHEREAS, Section 16-11-760 of the Code of Laws of South Carolina 1976, as amended, further states that a vehicle found parked on private property may be towed away and stored at the expense of the vehicle owner; and

WHEREAS, Greenville County Council finds that while the free market adequately regulates the rates that towing companies charge for consent tows (where the tow is performed with the vehicle owner or legal operator's approval), establishing maximum rates that may be charged for non-consent towing from commercial private property alleviates concern over the potential for predatory towing practices.

NOW THEREFORE, BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:

Section 1. Rates. The following maximum rates shall be established for all non-consent towing from commercial private property in the unincorporated area of Greenville County. For purposes of this ordinance, these rates only apply to the towing, removal and storage of a vehicle without the authorization of the owner or authorized driver. These rates do not apply to tows directed by law enforcement or any tow requested by the owner or authorized driver of the vehicle. Furthermore, these rates do not apply to the towing of an abandoned vehicle as defined in Section 56-5-5810 of the Code of Laws of South Carolina, 1976.

Maximum rates for towing, removing, and storing vehicles with a gross vehicle weight rating of less than 10,000 pounds removed from commercial private property:

Towing: \$75.00

Storage: \$10.00 per day

Maximum rates for towing, removing, and storing vehicles with a gross vehicle weight rating of 10,000 pounds but less than 15,000 pounds from commercial private property:

Towing: \$100.00

Storage: \$25.00 per day

Maximum rates for towing, removing, and storing vehicles with a gross vehicle weight rating of 15,000 pounds but less than 30,000 pounds from commercial private property:

Towing: \$200.00

Storage: \$40.00 per day

Maximum rates for towing, removing, and storing vehicles with a gross vehicle weight greater than 30,000 pounds from commercial private property:

Towing: \$300.00

Storage: \$50.00 per day

No charges, other than documented expenses incurred by the towing company, such as mailing registered letters or wrapping vehicles, shown on an invoice, may be charged to the owner of a towed vehicle. Items including, but not limited to: gate/yard fees, administrative office fees, repositioning fees, absorbent material fees, license plate removal fees, vehicle cleaning fees, will not be allowed and must not be shown on a tow invoice or other form.

Section 2. Signage. (a) A vehicle may not be towed from a commercial parking facility unless a sign prohibiting unauthorized vehicles on a parking facility is:

(1) facing and conspicuously visible to the driver of a vehicle who enters the facility;

(2) located:

(A) on the right or left side of each driveway or curb-cut through which a vehicle can enter the facility, including an entry from an alley abutting the facility; or

(B) at intervals along the entrance so that no entrance is farther than 25 feet from a sign if:

(i) curbs, access barriers, landscaping, or driveways do not establish definite vehicle entrances onto a parking facility from a public roadway other than an alley; and

(ii) the width of the entrance exceeds 35 feet;

(3) permanently mounted on a pole, post, permanent wall, or permanent barrier;

(4) installed on the parking facility; and

(5) installed so that the bottom edge of the sign is no lower than five feet and no higher than eight feet above ground level.

(b) An unauthorized vehicle may be towed from a parking facility only if each sign prohibiting unauthorized vehicles:

(1) is made of weather-resistant material;

(2) is at least 18 inches wide and 24 inches tall;

(3) contains the international symbol for towing vehicles;

(4) contains a statement describing who may park in the parking facility and prohibiting all others;

(5) bears the words "Unauthorized Vehicles Will Be Towed at Owner's or Operator's Expense";

(6) contains a statement of the days and hours of towing enforcement; and

(7) contains a number, including the area code, of a telephone that is answered 24 hours a day to enable an owner or operator of a vehicle to locate the vehicle.

For purposes of this ordinance, a "parking facility" means any privately owned place which is used for parking motor vehicles while leaving them unattended. The term includes places which customarily make per use charges or require lease payments from users, and it also includes places where no charges or payments are ordinarily assessed, whether the places are associated with a particular building or stand alone.

Section 3. Prohibition. It shall be unlawful for any vehicle to be towed beyond Greenville County boundary lines without the vehicle owner's consent.

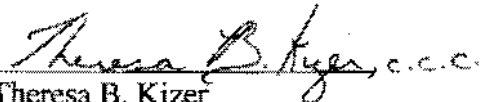
Section 4. Penalty. A violation of this Ordinance shall constitute a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court.

Section 5. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

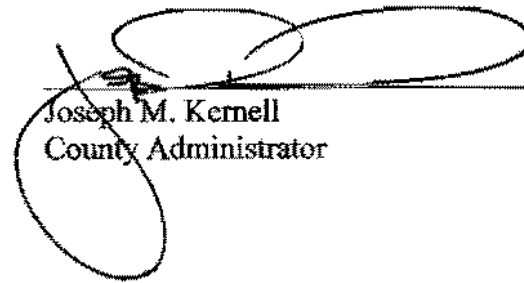
Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after the date of its adoption.

DONE IN REGULAR MEETING THIS 21st DAY OF APRIL, 2009.

ATTEST:


Theresa B. Kizer
Clerk to Council


Herman G. Kirven, Jr., Chairman
Greenville County Council


Joseph M. Kernell
County Administrator