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**2019-54 (2<sup>ND</sup> READING): AN ORDINANCE TO AMEND CHAPTER 23, ARTICLE VI, DIVISION 1, WRECKER SERVICES; NONCONSENSUAL TOWING, AND INCORPORATE PERSONAL CLOTHING, INCLUDING SHOES, PERSONAL COMMUNICATION DEVICES SUCH AS CELL PHONES, SMART PHONES, LAPTOPS, & TABLETS INTO THE DEFINITION OF PERSONAL PROPERTY.**

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**Applicant/Purpose:** Staff /to amend the towing ordinance to add personal clothing, cell phones, smart phones, laptops & tablets to the definition of personal property.

**Brief:**

- State code section 56-5-5635 speaks to towing & storage procedures; notification or registered owner; disposition of vehicles & personal property
- State code allows the vehicle's owner to retrieve "personal property" from a vehicle after it has been towed, but does not define what is included in that term.
- City Code defines personal property, but the current definition does not include personal clothing, cell phones, smart phones, laptops, or tablets.
- No changes since 1<sup>st</sup> reading.

**Issues:**

- This proposed City Code amendment will allow owners to get their clothing, cell phones, smart phones, laptops & tablets from impounded vehicles, and help protect their identity.
- Further, many students keep school work on laptops & tablets & including these in the definition may help prevent students from falling behind in school.

**Public Notification:** Normal meeting notification.

**Alternatives:**

- Modify the ordinance
- Deny the ordinance

**Financial Impact:** None

**Manager's Recommendation:**

- I recommend 1<sup>st</sup> reading (11/12/19).
- I recommend approval (11/26/19).

**Attachment(s):** Proposed ordinance.

CITY OF MYRTLE BEACH  
COUNTY OF HORRY  
STATE OF SOUTH CAROLINA

AN ORDINANCE TO AMEND CHAPTER 23,  
ARTICLE VI, DIVISION 1, WRECKER SERVICES;  
NONCONSENSUAL TOWING, AND INCORPORATE  
PERSONAL CLOTHING, INCLUDING SHOES,  
PERSONAL COMMUNICATION DEVICES SUCH AS  
CELL PHONES, SMART PHONES, LAPTOPS, AND  
TABLETS INTO THE DEFINITION OF PERSONAL  
PROPERTY.

WHEREAS, Section 23-140 of the Code of Ordinances of the City of Myrtle Beach establishes the duties, requirements and restrictions of nonconsensual towing within the City; and,

WHEREAS, item (k) of Sec. 23-140 states, "the wrecker service shall allow the vehicle owner to retrieve personal property without a requirement for that the towing and storage fees be paid before releasing the personal property"; and

WHEREAS, the definition of Personal Property included in Sec. 23-125 currently defines personal property as, Personal property means health and human care related devices such as child care related items such as strollers, car seats, diaper bags and children's clothing, and/or personal mobility assistance devices such as walkers, crutches and the like, health related items such as medicine delivery systems and devices, medications, prescriptions: and wallets, personal handbags and identity papers such as a person's drivers licenses, identity cards, social security cards, tax records, or other documents that are recognized as subjecting one to identity theft when misused. The vehicle, the other property contained therein not related to health and human care, or that is attached thereto to the vehicle as radios, speaker, and the like may be subject to lien as set forth in S.C. Code, § 29-15-10; provided however the inclusion of articles left in a vehicle which may statutorily subject to sale to satisfy a lien when left in the vehicle is not interpreted to grant a *towing* entity authority to withhold personal property, as defined herein, from its owner; and .

WHEREAS, allowing vehicle owners access to personal clothing and shoes is the right thing to do; and

WHEREAS, personal cell phones, laptops, and other electronic communication devices often contain sensitive personal information that if in the wrong hands can result in identity theft; and

WHEREAS, many schools are now requiring students to carry laptops to class, and if a laptop is in a nonconsensual towed vehicle a student may be inadvertently harmed in the classroom.

NOW THEREFORE, the City Council of the City of Myrtle Beach, in Council duly assembled, hereby amends the definition of Personal Property in Chapter 23, Article VI, Wrecker Services; Nonconsensual Towing Division 1 as follows:

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2 **Sec. 23-125. - Definitions applicable for article VI.**

3 Personal property means health and human care related devices such as child care  
4 related items such as strollers, car seats, diaper bags and children's clothing, personal  
5 clothing, including shoes, and/or personal mobility assistance devices such as walkers,  
6 crutches and the like, health related items such as medicine delivery systems and  
7 devices, medications, prescriptions: and wallets, personal communication devices such  
8 as cell phones, smart phones, laptops, and tablets, personal handbags and identity  
9 papers such as a person's drivers licenses, identity cards, social security cards, tax  
10 records, or other documents that are recognized as subjecting one to identity theft  
11 when misused. The vehicle, the other property contained therein not related to health  
12 and human care, or that is attached thereto to the vehicle as radios, speaker, and the  
13 like may be subject to lien as set forth in S.C. Code, § 29-15-10; provided however the  
14 inclusion of articles left in a vehicle which may statutorily subject to sale to satisfy a  
15 lien when left in the vehicle is not interpreted to grant a *towing* entity authority to  
16 withhold personal property, as defined herein, from its owner.

17 All other portions of Article VI remain unchanged. This ordinance shall become  
18 effective upon second reading.  
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24 BRENDA BETHUNE, MAYOR

25 ATTEST:  
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29 JENNIFER STANFORD, CITY CLERK  
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31 1<sup>ST</sup> READING: 11-12-19

32 2<sup>ND</sup> READING: 11-26-19