

**TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA**

RESOLUTION NO. 439

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THIS TOWNSHIP
REVISING THE TOWNSHIP'S POLICE DEPARTMENT TOWING POLICY.**

WHEREAS, the Washington Township Supervisors on September 21, 1987, adopted Resolution No. 129 which established the Township's Police Department Towing Policy; and

WHEREAS, the Police Department and the Supervisors would like to update and amend the established towing Policy.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of this Township, that Resolution No. 129 is hereby rescinded and replaced by Resolution No. 439 as follows:

WASHINGTON TOWNSHIP TOWING POLICY

I. Effective Date

1. The effective date of this policy shall be May 1, 2007.
2. All prior policies are hereby voided.
3. For year November 1, 2006 through October 31, 2007, a full year of participation fees and the application shall be due by May 1, 2007.

II. This towing policy shall be in effect when a police officer determines that a damaged vehicle or unattended vehicle constitutes an obstruction or hazard upon the highway, or when a police officer otherwise determines that a vehicle requires removal, except that

1. When an emergency situation exists which requires the immediate presence of a tow truck for the purpose of extricating an injured person from a position of peril, the police officer has the discretion of obtaining the closest available qualified tow truck; and
2. The towing policy does not apply to towing and storage of abandoned, impounded, or recovered stolen vehicles.

III. Statement of Policy

1. If the owner or operator of the vehicle in question requests a specific towing service, the police officer shall have the communications center notify that service. Any towing service so requested by the owner or operator, for the purpose of timely response must be located within a radius not to exceed fifteen (15) miles of the vehicles' location.

2. In situations set forth below, the police officer shall have the communications center contact the answering service or other agency which has been authorized by Washington Township to maintain and dispatch approved towing services on a rotating basis.

A. When the owner or operator fails, refuses or is unable by reason of injury or absence to request a specific towing service dispatched.

B. When the towing service requested is unavailable upon notification or when so notified fails to arrive on the scene within thirty (30) minutes of being notified.

C. In any case where a tow truck is requested from the approved rotating tow list, the towing service responding as a result of the notification shall tow the vehicle in question regardless of any other tow service called to the scene without the officer's knowledge or who happened upon the scene.

D. Tow trucks responding to any scene without notification by the owner, operator, or police officer shall not be allowed to tow any vehicle.

IV. Participation and Annual participation fee

1. All towing services within the boundaries of Washington Township or Waynesboro Borough and who can arrive on the scene within 30 minutes of receiving a call may apply to participate in the Township's rotating tow service by submitting an application and fee to the township on form (WTPD 4018) to be provided by the township. Any changes to this form shall be provided to the township as they occur.

2. The participation period shall be one year beginning November 1 each year and ending October 31 the following year. A new application for approved tow status (form WTPD 4018) must be completed and signed for each participation period and must be submitted along with participation fee and certificate of insurance to the township office between October 1 and October 24. The township reserves the right to accept such application in a month other than October for any new towing service, in which case the participation fee may be prorated.

3. The participation fee to cover the cost of maintaining the rotating list and answering service shall be set by the township on a yearly basis and tow operators shall be notified of the fee at the time of application. The fee shall be paid to Washington Township prior to October 24 each year. The yearly fee is non-refundable if the service is removed from or chooses to drop out of the rotating tow service, but shall be refunded in full if application is disapproved.

V. Qualification Criteria

1. Each tow service shall maintain minimum liability insurance coverage in an aggregate amount of \$300,000 or any greater amount as stipulated by law and at least \$50,000 in garage keepers' legal liability or "on-hook" coverage. The policy must be specifically written for that towing service.
2. Tow truck utilized must have a minimum gross vehicle weight of 10,000 pounds. Rollback must have a gross vehicle weight of at least 14,500. Total weight of truck, including lifted load, shall fall within the GVWR and not exceed either front axle weight ratings or rear axle weight ratings. All tow vehicles must meet all requirements for registration as required by Federal, Commonwealth or township statutes.
3. The fee schedule as set forth on the application for approved tow status must reflect reasonable and customary rates generally charged in the community. Fees must be posted at the business where customers may see it.
4. Trucks utilized in response to the towing list are to be minimally equipped as follows:
 - A. Tow Trucks: Combination boom and winch with a lifting capacity of no less than 8,000 pounds operated either by power take off unit or by hydraulics. Cable length must be no less than 50 feet.
 - B. Rollback Trucks: Minimum bed length of 17 feet with a loading winch with a capacity of no less than 8,000 pounds.
 - C. All trucks must be equipped with flashing or rotating lights in compliance with the Pennsylvania Vehicle Code.
 - D. The name of the tow service or name of the operator as listed on the application must be displayed on both sides of the truck.
 - E. In addition to standard trade tools, i.e., wrecking bar, hammers, screwdrivers, and maps, all wreckers shall carry at least one (1) shovel, one (1) broom, a serviceable (properly rated) 10 lb. dry chemical fire extinguisher, and a container of oil absorbent to absorb any oil deposited on the roadway as a result of an accident. All equipment must comply with the Vehicle Code regarding removal of debris.

VI. Place of Business

The towing service shall maintain a properly licensed place of business where their wreckers / rollbacks are principally garaged.

1. Tow operator's place of business shall have a sign with the name of the tow service

that clearly identifies it to the public. The sign shall have letters that are clearly visible to the public from the street.

2. Business hours shall be posted. Each operator is required to have a person available at reasonable times, so that owners or operators may claim their vehicles.
3. Towing service must have provision for 24 hour notification, dispatch and response.
4. Towing service must provide one telephone number to the answering service by which they can be dispatched 24 hours a day.
5. Each tow service shall be required to maintain a license to collect sales tax and shall provide the sales tax number assigned to the individual towing service on the Washington Township Police Department application form.

VII. Fee schedule

1. The fee schedule as provided by each tow service on the application for approved tow status form (WTPD 4018) is the maximum fee that may be charged for any service as a result of being called by the township and must be all inclusive. Fees not listed on the application cannot be charged. Rates being charged in excess of the submitted fee schedule shall result in removal from the township's rotating towing service list.
2. A new fee schedule may be submitted with each new participation period which begins in November of each year.
3. During a participation period the fee schedule may be amended only upon request and documentation of need to the Washington Township Police Department and then approval by the Board of Supervisors.

VIII. Business records

The towing service shall keep records of vehicles that have been towed under this Agreement and have been disposed of and/or retained. Form WTPD 4020 (towing record) shall be completed for each vehicle towed and shall include the following: name of the responding officer, tow truck operator, the date and time of tow-in, vehicle tag number and state, vehicle identification number, location from where towed, equipment used, make, model, color, and year of vehicle, charges to owner of vehicle, disposition of vehicle and date thereof. Form WTPD 4020 shall be kept on file by the towing service for a minimum of two years.

IX. Inspections

1. All records required by this Agreement shall be made available for inspection by the Washington Township Police Department during normal business hours.

2. The towing service hereby grants to the Washington Township Police Department permission to periodically inspect all equipment and storage facilities at the convenience of the Washington Township Police Department. If the Washington Township Police Department determines that any storage facility or equipment is unacceptable, the Washington Township Police Department shall notify the towing service of its determination. Such equipment or storage facility shall not be used by the towing service in the performance of its obligations until corrected.

X. Miscellaneous Provisions

1. In the event a tow service is notified to respond as a result of his position on the rotating list and his tow truck is out of service or none of the approved drivers on his application are available the tow service shall have to decline the tow and shall move to the end of the rotation. A tow service may NOT utilize another service or the equipment of another service to fulfill its turn on the list.

2. If a police officer at the scene requires a specific type of truck (tow/rollback) the tow service next on the list shall be required to provide the truck needed. If that tow service is unable to provide the required type of truck, they shall forfeit their call and the next service shall be called.

3. The vehicle shall be towed only to the tow service's place of business unless specified otherwise by a Washington Township Police Officer, the owner of the vehicle, or the operator of the vehicle.

XI. Wrecker Operators

All wrecker drivers / operators employed by the towing service shall be properly licensed as required by the Pennsylvania Vehicle Code and shall have such license in their possession at all times when they operate wreckers and other equipment pursuant to these guidelines.

XII. Charges to Customers

Charges incurred for towing and storage shall not be the responsibility of the Washington Township Police Department or Washington Township, unless the Washington Township Police Department or Washington Township owns the vehicle involved. The towing service shall present to the owner or operator of any motor vehicle towed or stored pursuant to these guidelines and an itemized bill of each charged levied and the reasons for such charge. The charges listed on the itemized bill shall be fair and reasonable and shall reflect the customary and usual fees for the services provided. No business should deviate from, or add additional charges to, the charges prescribed on the Washington Township Police Department application form.

XIII. Hold Harmless

1. The towing service shall defend, indemnify, and hold the Police Chief, his employees, the Township of Washington, its agents, officials, employees, and the Board of Supervisors harmless for any and all claims, casualties, damages, or injuries arising out of or asserted by reason of the negligence or omission of the towing service or its employees, in performance of the towing agreement or the storage of the vehicle, resulting in bodily injury or damage to the vehicle or contents thereof.
2. The towing service shall be responsible for the vehicle and its contents from the time it is towed until:
 - A. The vehicle is delivered to a location specified by the owner or operator;
 - B. The vehicle is released to and accepted by the owner; or
 - C. The vehicle is otherwise disposed of according to law.

XIV. Removal from the rotating list - A tow service shall be removed from the approved list for the remainder of the participation year for one or more of the following reasons:

1. Failure to meet any of the requirements as set forth in paragraphs V through IX..
2. Failure to maintain 24 hour service or failure to respond when notified without proper notification to the answering service.
3. Falsification of any item listed on the application WTPD 4018 or failure to update an application with any changes.
4. Failure to respond to the scene within 30 minutes of notification.
5. Utilization of unqualified and/or unapproved tow truck operators.
6. Charging rates in excess of those set forth in the approved application for tow status form.
7. Failure to provide valid certification of insurance.
8. Use of offensive conduct toward any owner/operator or police officer on the scene of an accident.
9. Failure to clear an accident scene within a reasonable time frame based upon the circumstances of the accident.

A tow service may submit an application for approved tow status form (WTPD 4018) during the application period (October 1 to October 24) to be put back on the towing list for the next participation year.

XV. Complaints

The Chief of Police or his designee shall investigate all complaints made by the owners or operators of vehicles that have been towed and/or stored pursuant to these guidelines. If the Chief of Police or his designee determines that the towing service should take remedial measures to address the issues raised in the complaint, he shall prepare a written report outlining the corrective steps to be taken by the service.

The Chief of Police shall have the authority to adopt any and all administrative procedures that shall ensure towing service compliance with these guidelines or that are necessary due to any new legislation which may be applicable. Such administrative procedures may address, but shall not be limited to, the following areas:

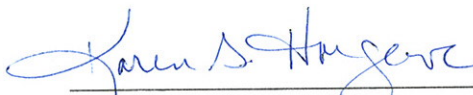
1. Adjustment of reporting procedures for services rendered; and
2. Complaint evaluation and resolution.

The Washington Township Police shall notify towing services of changes in administrative procedures no less than ten (10) days prior to their effective date.

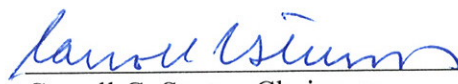
DULY RESOLVED, this 16th day of April 2007 by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, in lawful session duly assembled.

Attest:

**TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA**



Karen S. Hargrave, Secretary



Carroll C. Sturm, Chairman

Washington Township Police Department
Application for Approved Tow Status

Sales tax number

Company name	Address	Business telephone
Owner or principal officer's name	Address	24 hour dispatch #
		Home telephone

Equipment to be utilized

Make	Model	Serial # (VIN)	Gross vehicle weight	Registration plate #

Tow Truck Operators

Full name	D.O.B.	Address	Telephone #	OLN

Fee Schedule

Flat fee for tow truck \$	Flat fee for roll back \$
Fee for use of tow dolly \$	Mileage fee to other location \$
Hourly fee for winch service \$ _____ after hours \$ _____ business hours	Storage charge per day \$

Insurance Coverage - Certificate of insurance must be submitted

Insurance company name	Policy #	Amount of liability coverage
Agent	Address	Telephone #
		Amount of on hook coverage

I certify in accordance with Section 4904 of the crimes code (relating to unsworn falsification to authorities) that all information contained in this application and its attachments is true and correct. I further certify that those persons listed as tow truck operators are qualified operators. I agree to abide by all of the requirements as set forth in the towing policy of Washington Township and fully understand that my towing service may be removed from the approved list for non-compliance. I also agree to hold harmless the Washington Township Police Department or Washington Township for any errors in the dispatching procedure.

Owner or principal officer _____ title _____

<input type="checkbox"/> Approved <input type="checkbox"/> Not approved	Date	By	Title
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WASHINGTON TOWNSHIP POLICE DEPARTMENT TOWING RECORD

Date and time of tow:		Tow truck operator:		WTPD officer:	
Location towed from:			Equipment used:		
Vehicle make:	Vehicle model:	Vehicle color:	Vehicle year:		
Vehicle tag number:	Vehicle tag state:	Vehicle identification number (VIN):			
Vehicle owner:				Total charges to owner for tow:	
Disposition of vehicle:					Disposition date:
Notes:					

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