

SANDY TOWNSHIP RESOLUTION NO. 8 - 2021

WHEREAS: the Sandy Township Police Department encounters situations in which a vehicle(s) must be towed due to a violation of law or ordinance or because the vehicle(s) is being seized as evidence, or because of an accident, disabled vehicle, or similar circumstance; and

WHEREAS: Pennsylvania Statute Title 75 Pa C.S.A. Vehicles § 6109 provides specific powers of department and local authorities; and

WHEREAS: the Board of Supervisors desire a rapid response to the removal of roadway obstructions and cleanup of debris, dirt, and leaked fluids within the Township; and


WHEREAS: the Board of Supervisors desire to establish an equitable and fair method for requesting and obtaining towing services; and

WHEREAS: the Board of Supervisors desire to protect the evidentiary value and security of towed vehicles during storage.

NOW THEREFORE, BE IT RESOLVED that the Sandy Township Board of Supervisors hereby adopts the Towing Service Policy in Exhibit 1 and authorizes the Sandy Township Police Department to implement this policy.

RESOLVED AND ENACTED this 15th day of March 2021.

ATTEST:


Secretary

SANDY TOWNSHIP
BOARD OF SUPERVISORS:


Chairperson

16.03.00 TOWING SERVICE

Patrol and Traffic Operations

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16.03.01 Police Authorized Towing Request

Officers may encounter situations in which a vehicle(s) must be towed due to a violation of law or ordinance or because the vehicle(s) is being seized as evidence. In these cases a Township approved towing agency shall be requested using the rotational system.

16.03.02 Citizen Towing Requests

Officers involved in incidents in which a vehicle(s) requires towing due to an accident, disabled vehicle, or similar circumstances, the custodian of the vehicle shall be asked which towing service they prefer. The towing service they request should be notified through the Communication Center as long as the agency can respond in a timely manner. Officers are not permitted to recommend a towing service. When the vehicle custodian does not have a towing preference, a Township approved towing agency shall be requested using the rotational system as described in 16.03.03.

16.03.03 Towing Rotation and Procedure

The Police Department will maintain two rotating lists for vehicles which the owner does not have a specific tow company he/she prefers to remove his/her vehicle. List 1: Light Cars, Trucks, SUV's, and Motorcycles and List 2: Heavy Trucks.

The Chief of Police shall maintain the list of towing companies that meet the requirements of this policy and are awarded a proposal based upon their response to any Township issued Request for Proposals, listed alphabetically, requested by Police Officers on a rotating basis. "Rotating Basis" means the towing company appearing at the top of the list shall be requested as the first due to tow. Once the towing company on the top of the list is request, the name shall be placed on the bottom of the lists. Thereafter for each subsequent request the process shall be repeated. The towing company listed at the top shall be requested and that name then moved to the bottom. When a towing company on the top of the list is called and fails to answer the phone that company shall be moved to the bottom and the next due Tow Company will be requested.

16.03.04 Tow Company Requirements

The Purpose of this policy is to ensure the safety of the motoring public and to provide necessary assistance to individuals in need in a timely, efficient, and safe manner. When a traffic crash or other highway incident occurs a damaged or disabled vehicle must be removed expeditiously to ensure the safe, free and efficient movement of the motoring public, and timely and safe removal of abandoned or illegally parked vehicles, which contribute to a hazardous road condition and impact the safety of motorists.

Towing companies must operate in a safe and professional manner and the owners, employees, and equipment must meet required local, state, and federal laws.

GENERAL

1. Read the application and regulations carefully. Ensure each block or questions is completed before you submit the application.
2. All questions on the application are subject to verification. False or inaccurate information may result in the suspension of the application from the opportunity to provide services or prosecution under 4904 of Title 18 (relating to unsworn falsification to authorities).
3. Type or print in ink. If more space is needed, attach additional 8 ½" X 11" sheet of paper.

WHO MAY APPLY

Any person, partnership, or corporation engaged in the removal, recovery, or transportation of damaged or disabled vehicles, provided:

1. No principal or the organization has been convicted of, or the subject or prosecution for, the commission or a misdemeanor or greater offense that would be inconsistent with providing professional towing service.
2. The business complies with the definition of "Emergency Towing Service" Of the Departments emergency towing policy.
3. The business is properly equipped for the category of towing indicated on the application as required by the Departments Emergency Towing Policy

DEFINITIONS

For the purpose of this regulation, these phrases shall have the following meaning, unless the context clearly indicates otherwise"

Emergency Towing Service:

A provider of road service, vehicle and cargo recovery, and/or towing light, medium, and heavy vehicles as defined herein, who operates in accordance with the following requirements:

- a. Is regularly open for the conduct of business, receiving of payment due, release of vehicles, etc. minimum of 40 hours, Monday through Friday, between 7:00 AM and 5:00 PM.
- b. Maintains and collect sales tax
- c. Uses vehicles to provide service that are properly titled and registered with the appropriate sales tax paid
- d. Display business name and phone number as required by the vehicle code.
- e. Equip vehicles with appropriate safety equipment (fire extinguisher, warnings devices etc.) and any other equipment necessary to perform the function.

- f. Maintains liability insurance, ensuring compliance with the vehicle Code and Federal Motor Carrier safety Regulations, as appropriate, and garage keepers insurance in the amount specified for that classification of towing service and for vehicles in tow.
- g. Maintains workers compensation insurance as required by statute.
- h. Charges fees that are reasonable and customary for the service provided in the emergency towing services geographic area in accordance with the awarded proposal. Fees must be posted for public inspection in the place of business of the emergency towing service.

Established Place of Business/Facility:

A single location of an emergency towing service, not a subcontractor or substitute service, equipped with the following:

1. Sign with the name of the business prominently displayed.
2. Business telephone number published and active
3. The business shall be directly accessible 24 hours a day, by no more than two telephone numbers.
4. Provide for Secure storage meeting the mandatory requirements.
5. Comply with the requirements of the Vehicle Code, in regard to the removal of a vehicle to the nearest place of safety, Emergency Towing Service must have a storage area located within 10 Miles.
6. The place of business, storage facility, and lot shall be one location and shall be owned or lease by the towing company and shall comply with zoning regulations applicable in the jurisdiction where the facility is located.
7. The Place of Business, Storage Facility, and Lot shall be reasonably lit to provide the ability for Police/Towers/Customers to inspect, release, pick up vehicles, and to provide a safe environment during hours of darkness.
8. **The Emergency Towing Service is responsible for the security of the stored vehicle and their contents.**

Secure Storage Facility/Lot:

The location of the storage facility must be a minimum of 1500 square feet enclosed by a secure fence or building with the capacity to store a minimum of 6 vehicles. When enclosed by a fence, the fence shall be a minimum of 6 feet in height. All gates shall be secured with locks or other security mechanism or reasonably prevent entry by unauthorized persons. All secure storage facilities must be approved by the Chief of Police prior to use.

Heavy-duty Service: An emergency towing service which possesses the equipment required to perform emergency towing of vehicles weighing in excess of 17,000 pounds including, but not limited to, two heavy duty wreckers. Each required wrecker must have a GVWR of not less than 50,000 pounds and be equipped with a 25-ton winching capability. One wrecker must be equipped with at least a 25,000 pound under-wheel lift. Garage-keeper's insurance in the minimum of \$200,000 must be maintained.

Medium-duty Service: An emergency towing service which possesses the equipment required to perform emergency towing of multiple vehicles, weighing 7,000 pounds respectively, or less, or vehicles weighing between 7,001 and 17,000 pounds. The equipment shall have a GVWR of not less than 22,000 pounds. Garage-keeper's insurance in the minimum of \$150,000 must be maintained.

Light-duty Service: An emergency towing service which possesses the equipment required to perform emergency towing of vehicles weighing 7,000 pounds or less including, but not limited to, one conventional wrecker with a GVWR of at least 10,000 pounds and one rollback wrecker with a GVWR of at least 11,000 pounds. The conventional wrecker must be equipped with twin, four-ton winches, or greater, and a 6,000 pound, or greater, under-wheel lift. The rollback must be equipped with an 8,000 pound, or greater winch. Garage-keeper's insurance in the minimum amount of \$100,000 must be maintained.

Recovery Service:

A light-, medium-, or heavy-duty towing service which, by virtue of its specialized equipment, experience and training, is capable of removing vehicles and cargo from unique locations. Examples include, but are not limited to, commercial vehicles that have rolled over or are hanging over a bridge, passenger cars at the bottom of a deep ravine, etc. A recovery service must maintain a minimum of \$250,000 garage-keeper insurance.

GENERAL REQUIRMENTS:

1. Emergency Towing Services shall comply with all Local, State, and federal Laws and regulations and are responsible for insuring that all employees of the Emergency Towing Service adhere to the Police Department policy.
2. Emergency Towing Services shall allow Police access to inspect records during business hours.
3. When contacted by Police for towing service, the Emergency Towing Service shall respond to the location generally within 20 minutes of the request. If an Emergency Towing Service fails to respond within 20 minutes after being requested the next

available service on the list will be requested. The Police department does recognize that there are circumstance beyond the Emergency Towing Services control such as adverse weather conditions. In these situation the Police will allow additional time to respond. Nothing in the policy is intended to permit or encourage the Emergency Towing Service to violate any provisions of the Pennsylvania Motor vehicle Code or to operate a vehicle in an unsafe manner but is intended to place police request tows at the highest level of priority for public safety reasons.

4. When towing a vehicle from the scene of an accident, it is the responsibility of the Emergency Towing Service to remove any and all debris, dirt, leaked fluids, etc. from the scene per the Pennsylvania Vehicle Code.
5. All Emergency Towing Service Vehicles shall display the company name and phone number and any other information required by state or federal law.
6. If a vehicle involved in a crash needs to be towed, the Emergency Towing Service operators at the scene shall transport a vehicle to any location requested by the owner/driver only after notifying and receiving approval by Police. Vehicles at accident scenes shall not be moved prior to police arrival.
7. In situations requiring towing of an abandoned vehicle, as defined by the Pennsylvania Motor Vehicle Code, only approved "Salvors" will be used to tow such vehicles.
8. In situations involving hazardous materials which require the response by a specifically trained hazardous material unit, towing services will be limited to those towing companies.
9. In situations requiring the towing of a truck, truck tractor, or combination having a gross weight or registered gross weight in excess of 17,000lbs, only those towing companies equipped to tow such vehicles will be requested.
10. All fees for towing services and storage shall be levied against the owner of the vehicle unless determined otherwise by the Chief of Police or private property owner from which the vehicle was towed.
11. No Emergency Towing Service or employee shall respond to the scene of an accident to circumvent the towing rotation by soliciting a tow directly from an involved party to the accident.
12. Emergency Towing Services are prohibited from Towing or moving a vehicle from within public right of way or public property without the consent of the property owner, vehicle operator, or Police. Furthermore Emergency Towing Service are prohibited from towing or moving a vehicle from within private property without the authorization from the property owner.
13. Emergency Towing Service shall be responsible for the conduct of all drivers and employees. Emergency Towing Service owners shall ensure employees operate in a

safe manner. Misconduct of Emergency Towing Service employee may subject a Emergency Towing Service being removed from the tow rotation list.

14. Emergency Towing Service employees working in a federal highway right-of-way are required to wear high-visibility clothing that complies with Class II or III requirements of the American National Standard for High-Visibility Safety Apparel and Headwear (ANSI/ISEA).
15. Emergency Towing Service Vehicles shall be maintained in safe operating condition, display a valid Pennsylvania Registration, Inspection, and meet all requirements of the Pennsylvania Motor Vehicle Code. Emergency Towing Service Vehicles are subject to inspection by Police to ensure these requirements are met.
16. All Emergency Towing Service Trucks must be equipped with flashing or revolving yellow lights as authorized by the Vehicle Code. In addition to the Vehicle Code limitation and requirements:
 1. The Flashing or revolving lights shall not be operated when responding to the scene
 2. The flashing or revolving lights may be operated on a tow truck when engaged in actual towing of a vehicle from the scene to the storage facility or place of repair
 3. The flashing or revolving lights shall not be operated on a roll back or carrier type vehicle unit when hauling a vehicle unless a vehicle is actually in tow.
17. Emergency Towing Services are required to file with the Police Department and keep current a list of all drivers and equipment operators, giving:
 1. Name and Address
 2. Driver's License Number
 3. License Class and Endorsement
18. Emergency Towing Services are required to file with the Police Department and keep a current list of equipment, including:
 1. Make, Model, Year
 2. Plate#, Title Number#, VIN#.
 3. Registered Gross Vehicle Weight

TOWING ROTATION AND PROCEDURES

1. The Police Department will maintain two rotating lists for vehicles which the owner does not have a specific Emergency Towing Service he/she prefers to remove his/her vehicle.
 1. List 1: Light and Medium Duty Service
 2. List 2: Heavy Duty Service.
2. The Chief of Police shall maintain the list of towing companies that meet the requirements of this policy, listed alphabetically, requested by Police Officers on a

rotating basis. "Rotating Basis" means the towing company appearing at the top of the list shall be requested as the first due to tow. Once the towing company on the top of the list is request, the name shall be placed on the bottom of the lists. Thereafter for each subsequent request the process shall be repeated. The towing company listed at the top shall be requested and that name then moved to the bottom. When a towing company on the top of the list is called and fails to answer the phone that company shall be moved to the bottom and the next due Tow Company will be requested.

EXIGENT CIRCUMSTANCES

1. Quickly restoring the free and safe movement of traffic is essential. Therefore, the Police shall use discretionary authority to deny requests for a specific Emergency Towing Service or utilize the rotation list where a specific request or use of the rotation list will impair the timely restoration of the required traffic movement.

APPLICATION PROCEDURE FOR TOWING SERVICE

- A. Towing services interested in receiving service calls from the Sandy Township Police must meet the requirements of this policy and be awarded a proposal based upon their response to any Township issued Request for Proposals.
- B. Towing services must have an established place of business and a secure storage lot, as defined in this regulation.
- C. Towing services shall indicate on the application all services it intends to provide: Heavy Duty, Medium Duty, Light Duty, or Recovery Service. The service shall be equipped for the service it intends to provide, as described in this regulation.
- D. Towing services shall advise the Department of its fees in accordance with the Fee Schedule.

SUSPENSION OF TOWING SERVICE(S)

- A. The Chief of Police shall be authorized to suspend a towing service from the rotation list. Such suspension shall not exceed three years.
- B. Notice of the suspension shall be sent to the established place of business of the towing service
- C. The following are considered to be valid reasons for the suspension of a towing service:

1. Three instances of inability to respond due to circumstances within their control during any six-month period.
 2. Failure to maintain the standards for towing services set forth in this regulation.
 3. The commission of an act by an owner or manager of a towing service involving dishonesty or corruption, when the act directly or indirectly affects the health, welfare, or safety of others. If the act constitutes a crime, conviction thereof in a criminal proceeding is not a necessary condition precedent to the suspension.
 4. Furnishing false information on the Application to Provide Emergency Towing Services.
 5. Overcharging for services rendered, as determined in conjunction with the Fee Schedule filed with the Application to Provide Emergency Towing Services or the institution of fees not listed on the Fee Schedule.
 6. Repeated conduct of a nature which, by means of the relationship the service has with the Department, tends to demean the public image of the Department.
- D. A towing service that has been suspended must take appropriate remedial action before it will become eligible to receive service calls at the end of its suspension.
- E. When an employee of a towing service has been convicted of a misdemeanor or felony, the Chief of Police reserves the right to indefinitely suspend that employee from responding to the Department's request for services.