


CITY OF HAMILTON, OHIO

No. 400

ADMINISTRATIVE DIRECTIVE

Effective Date: 11/30/2018

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10/06/05, 1/15/96, 7/1/89, 1/1/85, 5/24/17

Approved by: Joshua A. Smith
City Manager 

SUBJECT: TOWING SERVICE – ELIGIBILITY, PROCEDURE & CHARGES

PURPOSE: To establish minimum standards for police-related towing service.

REFERENCE: Hamilton Police General Order TE-2.3

1. Policy.
 - a. It shall be the established policy of the Hamilton Police Department that an eligibility list of qualified towing companies be maintained. Towing companies must be approved by the City of Hamilton and sign a Towing Service Agreement with the City. After such approval, and once the agreement has been signed, the towing company will be placed on the wrecker service listing by the City Manager prior to use. Approved towing companies will be summoned when needed to impound vehicles for violations of law, to safeguard vehicles, to assist motorists, or to impound vehicles for evidentiary purposes.

2. Purpose.
 - a. The purpose of the Hamilton Police Department's policy on towing is to:
 - i. Establish working guidelines for eligibility and operations of towing services
 - ii. Ensure that responses to a tow request be as timely as possible
 - iii. Ensure that the policy addresses the best interests of the citizens of Hamilton, Ohio and establishes procedures that create the least inconvenience.

3. Requirements for Inclusion on the Wrecker Service Listing.
 - a. The Hamilton Police Department maintains a list of wrecker services approved by the City Manager as having the equipment, insurance and facilities to protect vehicles that are being towed at the request of owners, and/or on the direction of Hamilton Police Officers. To be eligible for the wrecker service listing a towing company must sign a Towing Service Agreement with the City of Hamilton.
 - i. Service
 1. All towing companies on the wrecker service listing must be located inside the corporation limits of the City of Hamilton, and must be available on a 24-hour per day basis for towing service. A Release of towed vehicles must be permitted between the hours of 6am and 10pm. No additional fees will be charged for releasing vehicles after normal business hours.
 2. The towing company must maintain sufficient insurance coverage on the storage facility to provide protection for vehicles and property under their control per the Towing and Storage Services Agreement.
 3. Storage area must consist of a minimum of 11,000 square feet and must be protected by fencing that will allow reasonable protection for the

vehicles and property.

4. Inside storage must be available when requested by police.
5. Both outside and inside storage facilities must be clean and well maintained.
6. All towing companies must comply with City Zoning, Building, Health & Fire Codes.
7. All towing companies must not be delinquent on any taxes required of a business including but not limited to; County Property Taxes, State of Ohio Sales Tax, or any fees owed to the City of Hamilton as outlined in the Towing Service Agreement.
8. All towing companies must comply with all applicable Sections of the Ohio Revised Code and Rules and Regulations from the Public Utilities Commission of Ohio.

ii. Equipment Requirements

1. The towing company must maintain insurance coverage on its vehicles sufficient to protect the property being towed, and to meet the State of Ohio insurance requirements for ownership of a vehicle. The towing company must keep documents evidencing such insurance coverage immediately available.
2. All companies on the wrecker service listing shall have at least three standard duty wreckers, and one roll-back type wrecker that at all times meet the following vehicle condition equipment requirements:
 - a) Name and telephone number of the company painted on the tow vehicle so as to be both visible and legible.
 - b) Clean up equipment, brooms, shovels, etc. for debris, all in useable and operable condition.
 - c) Follow all the PUCO rules and regulations regarding equipment.
3. Drivers employed by the towing company must be trained in:
 - a) Safe towing procedures and operation
 - b) The proper operation of all equipment required on the tow vehicle they operate
4. Wrecker companies shall have available a heavy duty wrecker that is either owned and operated by the wrecker company or is contracted by the wrecker company to provide specialized towing. Contracted wreckers must conform to the above listed rules regarding vehicle markings and operator training.

iii. Towing service – Administrative Fees and Maximum Charges

1. Administrative Fees for Impounded Vehicles
 - a) A fee of forty dollars (\$40) will be paid to the City by the owner of any vehicle impounded by the Hamilton Police Department when the impounded vehicle is taken to a towing company's lot.
 - b) Additionally, a Fee of forty-five dollars (\$45) will be charged as an administrative fee for any impounded vehicle once the owner notification process has been started by a member of the Division of Police by requesting the title to an impounded vehicle.
2. Towing Fees:
 - a) The towing/wrecker service company may charge up to one

hundred twenty-five dollars (\$125.00) for the transport of any vehicle ordered impounded by the Hamilton Division of Police or for any vehicle to be towed by a company requested by the owner thereof, but which tow is called in by the Hamilton Division of Police. This sum is in addition to the administrative fees payable to the City of Hamilton set forth in paragraph iii(1)(a) and (b) above, if applicable. In the event a towing/wrecker service company is required to have the vehicle towed by a heavy duty wrecker, the towing/wrecker service company may charge more than one hundred twenty-five dollars (\$125.00) up to the actual cost of the heavy duty wrecker not to exceed five hundred dollars (\$500.00).

- b) If the tow involves a wrecked vehicle, there will be an additional twenty-five dollars (\$25.00) wrecked vehicle service fee assessed in addition to the towing fees set forth above.
- c) If the vehicle is submerged in water located within the municipality the towing/wrecker service may charge a maximum of two hundred and fifty dollars (\$250.00). This sum is in addition to the administrative fees payable to the City of Hamilton set forth in paragraph iii(1)(a) and (b) above.
- d) No Additional Fees are Permitted.

3. Towing Storage Fees:

- a) A twenty-five dollars (\$25.00) per day storage fee will be assessed when the impounded vehicle is stored at the towing company's lot. Of that twenty-five dollars (\$25.00) per day fee, the City of Hamilton will be paid ten dollars (\$10.00) per day for the first nine (9) days with one (1) day fee automatically assessed and the towing company will receive fifteen dollars (\$15.00). For day ten (10) and thereafter, the towing company will receive the full twenty-five dollars (\$25.00) per day storage fee.
- b) A twenty-five dollars (\$25.00) per day storage fee will be assessed when the Hamilton Police Department calls in a request for tow on behalf of the vehicle's owners. The towing company will receive the full twenty-five dollars (\$25.00) per day storage fee.
- c) If the impounded vehicle is stored at the City Garage a twenty dollars (\$20.00) per day storage fee (unlimited number of days) will be assessed and will be paid to the City of Hamilton.

4. Procedures.

- a. The following procedures will be followed by the Hamilton Police Department relative to the towing of vehicles.
 - i. Wreckers summoned by rotation
 - 1. The first available wrecker service on the rotation list will be contacted for the tow. In an emergency as determined by the City, when it is necessary to summon the closest wrecker(s), the officer on the scene will have the discretion to do so.
 - 2. This procedure shall be used in the following circumstances:



- a) Vehicle Impoundment (Police Tow)
 - b) Owner's request (vehicle owner or operator does not indicate a preference for a particular towing company)
 - c) Owner's request (vehicle owner or operator is injured or for some reason is incapable of asking that a towing company be called).
3. In an incident involving a crash of several vehicles, the first wrecker called is given the option to take as many vehicles as it can. Each vehicle counts as a separate vehicle in the rotation.
- ii. Owner's particular request
 1. In the case of an owner's request for towing services, the owner or operator may request a particular towing company through the investigating police officer, provided that the requested towing company is on the approved wrecker service listing. The investigating police officer shall request dispatch of a towing company, indicating the requested towing company by name. The request will be counted as a turn on the rotation list for that particular towing service.
 - iii. Heavy-Duty Request
 1. If the vehicle to be towed requires a heavy duty wrecker, the responding towing company shall hire a subcontractor to provide the tow.
 2. In no event shall the subcontractor's response time extend more than thirty-five (35) minutes past the time that the call was made to the towing company.
 3. The subcontractor need not have an operation within the corporate limits of the City, but must be able to respond within the time set forth above. All sums owed to the subcontractor shall be paid by the towing company.
 - iv. General Procedures
 1. In all instances, the County dispatcher shall record the appropriate information. This information will include: the towing company name, the location of the tow, the requesting officer's name, type of tow, time and date of tow.
 2. Should the towing company not arrive at the scene within the required twenty (20) minute limit, the on-scene officer may request the dispatcher to disregard the originally dispatched towing company, and dispatch the next available towing company on the rotation list. If the tow company cannot respond in the required twenty (20) minutes, they are to pass on the call; however this will count as a turn on the rotation list.
 3. The responding towing company will be responsible for the removal of any debris that is in the roadway as the result of the vehicle that is being towed, as required by the Codified Ordinance of the City of Hamilton and the Ohio Revised Code. When two (2) or more wrecker services are summoned to a location, all wrecker service employees are required to work together to remove debris.
 4. Police officers will advise their supervisors of any problems observed concerning the performance of any towing company, and the complaint shall be forwarded to the Chief of Police, or his designee through the

regular chain of command. The Chief of Police or his designee will maintain a file of problems and complaints about each towing company.

5. Inspections.

- a. Representatives of the Hamilton Police Division will conduct inspections at a minimum annually, no later than August 31 of each year. Periodically unannounced inspections will also occur of the towing company's premises, equipment, and facilities for the purpose of determining whether or not the operator of the towing company complies with this directive. Any operator who refuses to admit representatives of the Hamilton Police Department for the purpose of conducting such an inspection is subject to immediate removal from the wrecker service listing.
- b. At the time of inspection, all requirements mentioned within this policy will be inspected with specific attention to detail of the items listed within the "equipment required" section.
- c. Officers inspecting tow services will also maintain a photograph file of the marking and condition of wrecker equipment. After the initial photographs are taken of the tow equipment, only new tow equipment will need to be photographed for the annual inspection.