

# Seabrook Police Department



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Brett J. Walker  
Chief of Police

Kevin M. Gelineau  
Deputy Chief of Police

## MEMORANDUM

**TO:** Town Manager  
**FROM:** Chief of Police  
**DATE:** September 15, 2020  
**RE:** Request for review of Selectmen's Policy P470-4, A 2 in the Town Code

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I am requesting a review/reconsideration of the restrictions listed in Selectmen's Policy P470-4, A 2 in the Town Code which states that tow companies must "Maintain an acceptable lot for the storage of vehicles within the Town of Seabrook." Pat's Towing has been good to us over the years but they are the only company meeting the requirements and our officers are often waiting an extended time for tow trucks to arrive, often at the scene of an accident where an officer(s) is tied up until the vehicle(s) is removed. There are several tow companies in the area but none of them meet all the criteria. Pat's assistance over the years is greatly appreciated and they would still be part of the rotation but we need more availability and timely responses when requesting a tow company.

Thank you for considering this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Walker', with the number '700' written to the right of the signature.

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Brett J. Walker, Chief of Police

## Chapter P470

### TOWING SERVICES

**§ P470-1. Purpose.**

**§ P470-3. Procedures.**

**§ P470-2. Policy.**

**§ P470-4. Towing services.**

**[HISTORY: Adopted by the Board of Selectmen of the Town of Seabrook 11-13-2004. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Vehicles and traffic — See Ch. 249.

Permits for vehicles — See Ch. 250.

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**§ P470-1. Purpose.**

It is the purpose of this policy to explain guidelines regarding the towing or removal of vehicles from public areas (e.g., streets, highways, sidewalks, parks or other publicly maintained land). This includes vehicles in violation for parking ordinances or laws, stolen or abandoned vehicles, and those vehicles of persons who are unable to care for them due to illness, injury, arrest, and motor vehicle accidents; removal of vehicles on private property at the request of the owner or person in lawful possession of any private property.

**§ P470-2. Policy.**

It is the policy of the Seabrook Police Department to recognize that it has the authority and the responsibility to ensure the safe and efficient flow of vehicular traffic on its streets as well as the orderly and safe environment of its public areas. All members shall become familiar with RSA 262:32 through 262:40-a.

**§ P470-3. Procedures.**

**A. Towing vehicles/removing vehicles.**

- (1) An officer who finds a vehicle left unattended and/or in violation of laws regarding parking, standing or stopping, which is a hazard or impediment to the normal flow of traffic, should do the following:
  - (a) Attempt to locate the registered owner or other person in charge of the vehicle and arrange for its removal.
  - (b) Request that Dispatch check to determine if the vehicle has been reported stolen or is wanted due to involvement in a crime.
  - (c) Request that a wrecker on the Department's rotating list be contacted for removal if the owner or person in charge of the vehicle cannot be located.

- (2) An officer may cause the removal and storage of a vehicle if he has reasonable grounds to believe one of the following situations exists and the owner or person in charge of the vehicle cannot be located in a timely manner:
  - (a) A vehicle has been left unattended on the paved portion of a toll road, turnpike, or interstate for a period of greater than four hours.
  - (b) A vehicle has been left unattended on any way or right-of-way for a period of greater than 24 hours.
  - (c) A vehicle is obstructing any way or the access thereto, or access to a public building or is or will be a menace to traffic if allowed to remain.
  - (d) The vehicle is obstructing snow removal or highway maintenance operations.
  - (e) The owner or legal occupant of private property has complained that a vehicle is obstructing the passage of vehicles from a public street or highway onto the driveway of such property.
  - (f) The vehicle is reported stolen, or is apparently abandoned, or without proper registration or apparently unsafe to be driven.
  - (g) The owner or custodian of the vehicle is under arrest or otherwise incapacitated.
  - (h) The owner or persons in lawful possession of private property in which a vehicle is parked or abandoned without permission from the owner can request the police to remove the vehicle from the property. Any charges from the request will be charged to the last known owner of said vehicle.
- (3) Whenever a vehicle is towed or removed at the direction of an officer, the dispatcher will be advised of the following information:
  - (a) Description of the vehicle, to include plate number.
  - (b) Location of the removal.
  - (c) Reason for removal.
  - (d) The towing company used.
  - (e) The officer will request a NCIC check of the vehicle.
- (4) The dispatcher will create a case number and list information pertaining to the removal of said vehicle, listing location of tow, reason for tow, and towing company used. The Dispatcher will then fill out the towing book listing all required information.
- (5) All reasonable costs incurred as a result of removal and storage of a vehicle will be paid by the owner or person claiming ownership of said vehicle. The owner or person claiming said vehicle can request a hearing to challenge whether there was sufficient grounds for towing. This hearing will be conducted in conformance with procedures set forth in RSA 262:33.

- B. Vehicles on private property (RSA 262:40-a). Any requests for removal of a vehicle on private property must be made by the owner or person in lawful possession of said property.
- (1) The property owner may cause removal of the vehicle in a reasonable manner, provided he gives notice of such removal to a police officer as soon as reasonably possible, providing the police officer or dispatcher the following information:
    - (a) Description of vehicle, to include plate number and VIN.
    - (b) Location and time of removal.
    - (c) Reason for removal.
    - (d) The towing company used.
    - (e) Dispatch will check to see if the vehicle is stolen or wanted through SPOTS. The officer will be notified of the name and other information concerning the registered owner and attempt to notify the same.
  - (2) If a property owner wishes to have the vehicle removed from the property the police officer shall cause the removal of such vehicle.
  - (3) If a vehicle is towed from a parking lot or parking garage, charges for removal and storage shall not be assessed against the vehicle owner unless there is posted notice that illegally parked vehicles are subject to towing at the owner's expense.
  - (4) If a vehicle is towed from the property the Dispatcher will create a case number and document this request.
- C. Vehicles of physically arrested persons.
- (1) If a person is arrested involving an offense with the vehicle he was operating, the vehicle will be removed by the arresting officer by requesting communication to have a tow truck respond to the requested location.
    - (a) The officer will advise Dispatch to call the next tow truck on the list to remove the vehicle.
    - (b) The officer will advise Dispatch of the vehicle make and model number, license plate number, location of tow, and reason for the removal.
    - (c) The Dispatcher will record this information in the case number and the towing book.
  - (2) Vehicles impounded for evidence.
    - (a) If the vehicle is to be impounded for evidence, and towed back to the station, the officer will do the following:

- [1] Notify a supervisor and explain the reasons for the request for impound.
  - [2] Advise Dispatch to record this information in a case number and towing book.
  - [3] Advise the Criminal Investigation Division the reason the vehicle was impounded, and any further work needed to be done to the vehicle
  - [4] The officer will create a property report once at the station
  - [5] Impounded vehicles should be released as soon as practical.
- (b) It is the officer's responsibility to ensure that the vehicle is released after all evidence requirements have been made.

#### § P470-4. Towing services.

- A. The Department will maintain a wrecker list to provide for the equal distribution of assignment for calls to the wrecker companies on the list. Wrecker companies must meet the following criteria in order to be placed on the list:
- (1) Complete an application form for review and approval by the Board of Selectmen. All applicants must conform with all regulations of the Department of Transportation for common carriers.
  - (2) Maintain an acceptable lot for the storage of vehicles within the Town of Seabrook.
  - (3) Be available to respond in a timely manner 24 hours a day.
  - (4) Maintain an equitable and competitive pricing system, with the Chief of Police.
  - (5) Towing service companies performing such services that wish to be utilized on a rotating call list will have a business location within the Town of Seabrook. For the purpose of this chapter there shall be only one towing service company at each business location.
  - (6) Towing service companies shall comply with all existing local ordinances, rules and regulations and state and federal laws which may apply.
  - (7) Towing service companies shall maintain liability, workers' compensation insurance and provide a certificate of insurance to the Town.
  - (8) The towing service company agrees to provide reliable, proper and timely services in its methods of towing and storage of vehicles when requested by the Seabrook Police Department.
- B. When arriving at the scene for the purpose of towing vehicles, the police officer at the scene shall provide the responding towing service company operator with the keys to the ignition and the passenger doors, provided those keys are available. All other keys shall be kept by the officer on the scene as personal property of the owner or operator of said vehicle.

- C. The responding towing service company operator arriving at the scene for service shall comply with reasonable requests by the Seabrook Police Department member on the scene. The towing service company operator shall clear and remove from the roadway material which may be hazardous to the safety of the public.
- D. All towing service companies shall respond to the Seabrook Police Department towing requests 24 hours a day, seven days a week, year round. Towing service companies agree to hold and not release vehicles once they are requested by a member of the Seabrook Police Department.
- E. The Seabrook Police Department shall maintain towing records, which shall be opened to public inspection.
- F. Companies providing towing for the Seabrook Police Department shall be called on a rotating call list. It will be the responsibility of the Chief of Police or his designee to maintain accurate records as to how the rotating call list will be distributed fairly.
- G. The Chief of Police or his designee shall have the authority to temporarily remove from the tow service list any company that violates the rules and regulations or their intent or abuses or tampers with vehicles or property entrusted to their care or for any reason the Chief deems necessary. A written letter spelling out the reasons for suspension from the tow list as well as the length of time (date stop, date start) shall be mailed to the business address of the towing service company which is in violation. The Board of Selectmen will have the final authority to remove the company from the list pending further review.
- H. All towing companies will have a proper business license issued by the Town of Seabrook, and all vehicles used by paid businesses will be registered in the Town Of Seabrook.
- I. The Board of Selectmen shall have the authority, upon recommendation of the Police Chief, to reinstate a suspended/revoked tow service company to the call list at any time. The towing service company can appeal to the Board of Selectmen if suspended/revoked.
- J. Only towing companies agreeing to the above conditions will be allowed to perform any wrecker servicing in conjunction with the Town of Seabrook for any of its public safety agencies.
- K. Once the towing company begins to tow the vehicle the towing company is responsible for the vehicle and all contents inside the vehicle.
  - (1) Whenever a highway user requires a wrecker, roadside service or repair, the officer shall first inquire from the persons requesting the service whom he desires to respond. All attempts to contact the company so named should be made, if feasible. If the person requesting the service has no preference, the officer shall request that Dispatch contact the next available wrecker on the rotating list.
  - (2) Officers who request a wrecker on their own authority will not request a wrecker which is not on the rotating list or direct that a specific wrecker service be called out of order unless they know that the particular service required is only available through the wrecker company he specifies.

- (3) It needs to be recognized that the citizen requesting the service is the one who is ultimately responsible to pay for these services. Poor quality service will not be tolerated. Officers will report to their supervisors in writing the name of any wrecker company who renders poor service or is incapable of providing quality service because of inadequate equipment or personnel.
  - (4) The Town of Seabrook will not be responsible in the collection of storage/towing fees for the towing company. The Seabrook Police will attempt to seek restitution for towing services if the reason for the tow is a criminal offense.
- L. The Chief of Police or his designee will be responsible for conducting an annual review of the wrecker list system to ensure that it is functioning properly.