

Chapter 15

POLICE*

Sec. 15-1. Participation in state-wide information access system.

(a) The police department is authorized to participate in the state-wide information access system currently being developed by the state director of data processing with LEAA funds.

(b) The mayor and chief of police are authorized to sign, file and complete whatever application, waivers and budget forms are necessary to include the town in the state-wide information access system.

(Ord. of 4-17-72, §§ 1, 2)

Sec. 15-2. Authority to pursue applications under Title 21 U.S. Code Section 881 et seq. and 19 U.S. Code 1616 et seq.

(a) *Scope and purpose.* The purpose of this section is to promote the general safety and well being of the citizens of the Town of East Haven and State of Connecticut, by making it possible for the police department of the Town of East Haven to pursue forfeitures pursuant to Title 21 U.S. Code Section 881 et seq. and 19 U.S. Code Section 1616 et seq., and to cooperate with other law enforcement agencies, including the U.S. Department of Justice, in their attempts to uphold the law as it relates to persons trafficking narcotic substances and illegal drugs of any description.

(b) *Application for proceeds of property.* The police department of the Town of East Haven, through its chief of police or his authorized agent, is hereby authorized to make application to the United States Department of Justice to share with other law enforcement agencies pursuant to the provisions of Title 21 U.S. Code, Section 881 et seq. and 19 U.S. Code Section 1616 et seq. in the proceeds of property, forfeitures of such property used or intended to be used in any manner or part to facilitate the commission of violation of Title 21 U.S. Code Section 841 et seq.

(c) *Disposition of funds.* The disposition of said funds shall be in accordance with federal regulations requiring that all [such] transferred property, including cash or proceeds, be used for law enforcement purposes as they are from time to time amended. Funds received pursuant thereto shall be deposited with the finance director of the Town of East Haven in accordance with the provisions of this section. The town attorney of the Town of East Haven is authorized to cooperate with the police department in the preparing and filing of the necessary claim forms with the Justice Department to accomplish the purpose of this section.

(Ord. No. 424, §§ 1—3, 9-6-88)

Editor's note—Inclusion of §§ 1—3 of nonamendatory Ordinance No. 424, enacted Sept. 6, 1988, as § 15-2 was at the editor's discretion.

***Charter reference**—Police department, Ch. VI, § 7.

Cross references—Reserve fund for heart and hypertension claims by policemen and firemen, § 2-7; motor vehicles and traffic, Ch.11; alarm systems, § 12-41 et seq.

Sec. 15-3. Tow policy.

The Town of East Haven currently enjoys a police department tow policy, dated May 28, 2008, as the same has historically been administered by the board of police commissioners, acting by and through its chief.

East Haven is desirous of rendering said policy more fair and equitable to those businesses who wish to be, and remain, on said tow list, as part of said policy, on a going forward basis.

East Haven also wishes to identify the list of eligible businesses who wish to be part of the town's tow list by requiring that said businesses respond to a request for proposal (RFP) on an as-needed basis, which complies with all of the requirements set forth therein, with said towing list to be capped at four (4) businesses. The finance director shall continue to exercise discretion in the award of said (RFP) to East Haven based businesses.

Said businesses shall continue to comply with state DMV fee schedules for towing and storage and shall not pass along any fees imposed by their participation in East Haven's towing scheme to the consumer. Any fees paid to the Town of East Haven shall be for the privilege of remaining on the town's tow list. The chief and or other administering party, shall have the authority to remove a business from the tow list within the year should it be found by him not to be in compliance with this section. Said tower shall be entitled to notice and a hearing before the town council within ten (10) days of receipt of notice by the chief prior to said removal.

Any tower shall comply with the following conditions:

- (1) That all towing companies shall provide twenty-four-hour-a-day and seven-day-a-week towing service to the East Haven Police Department.
- (2) That all towing companies shall provide the East Haven Police Department with both day and night telephone numbers.
- (3) That all towing companies give priority to calls received by the East Haven Police Department and respond to the scene within twenty-five (25) minutes.
- (4) That all tow companies will tow police vehicles on a rotation basis and shall pay to the Town of East Haven an annual administration fee of two hundred fifty dollars (\$250.00) which fee shall not be passed onto the consumer in imposing DMV mandated storage or towing fees.
- (5) Tow companies will not be credited with a tow against tow log. A separate log sheet will be kept for these tows, allowing an equal distribution of these assignments.
- (6) If a tow company fails to answer a request, does not show, or is unavailable, that company will be credited with the tow and proceed to the next available tow company. Any tow company towing a police vehicle will not lose their position in the rotation list.
- (7) Officer's discretion will prevail regarding vehicles that are to be towed. If vehicle is not hazard or obstructing traffic the officer may contact AAA, etc. However, if vehicle is hazard or obstructing, the tow log is to be used.

- (8) Motor vehicle violations, such as unregistered motor vehicles, misuse of plates and no insurance are to be towed. Operators of these vehicles are not allowed to park vehicles or leave same in private parking areas.
- (9) Tow companies are only to release towed vehicles upon permission from the East Haven Police Department.
- (10) All tow companies shall provide the East Haven Police Department with a list of their equipment and capabilities on a biannual basis. This includes heavy duty, medium duty, light duty, flatbed, motorcycle slings and storage facilities. This is a list only, and not to be interpreted as required items.
- (11) All tow companies agree that all wreckers used will be inspected by the East Haven Police Department at any time and must at all times be fully equipped as per the requirements of the motor vehicle department and state statute.
- (12) Tow companies shall also be removed from this list if there is any charging in excess of the state authorized rate for towing or storage or if the company is found to be in violation of state statute or ordinance.
- (13) The tow companies agree that local residents will only be charged [an] eighty dollar (\$80.00) fee for towing and shall tow town-owned vehicles at no charge. The rate applies only if the vehicles remain in the confines of the Town of East Haven.
- (14) The tow companies agree that they will clean all debris from roadway at all accident scenes or situations where they are called upon to tow a vehicle. This task must be performed to the satisfaction of the investigating officer. Failure to do so may result in the suspension of the tow company from the rotation list or other appropriate discipline may occur as prescribed by the chief of police.
- (15) The tow companies agree that they will provide in-town transportation for operator and occupants, with respect to the tow truck occupant capacity.
- (16) That all tow companies agree that during any police investigation or emergency situation determined by the police, the East Haven Police Department reserves the right at any time to call a tow company without regard to the tow rotation list.
- (17) That the tow company shall be responsible for the preservation, condition, and safety of all vehicles towed and its contents therein and agrees to hold the Town of East Haven, its officers, agents, and/or employees harmless from any and all losses arising out of the same.
- (18) That the tow company shall be responsible to respond to any part of town when requested regardless of the distance within the confines of the Town of East Haven.
- (19) That any tow company that refuses three service calls offered to them by the East Haven Police Department in a thirty-day monthly period, the company will be notified in writing and suspended from the town list for the remainder of the month. If this occurs two (2) months consecutively in any calendar year, the company will be removed

from the list and the chief of police notified. The company will be notified in writing of the removal and it will be the company's responsibility to notify the chief of police in writing that the company wishes to be reinstated on the rotating list.

- (20) If a customer makes a reasonable and responsible request for towing, said company would be credited with tow on the East Haven Police Log.
- (21) That all companies agree not to sub-contract any tow work if they are unavailable to handle an assigned job. The East Haven Police Department will utilize only towing companies that have been awarded a request for proposal and are on the tow list.
- (22) The tow company agrees to produce and keep in effect for the duration of this agreement, a certificate of insurance in the amount of one million, five hundred thousand dollars (\$1,500,000.00) and which name the Town of East Haven, its officers, agents, and/or employees as an additional named insured's.
- (23) The tower agrees to hold the Town of East Haven harmless from any and all actions, causes of actions, suits, claims, controversies, damages of every nature and name, in law or equity, including attorney's fees and costs, which it may have, arising out of its own negligence of its agents, servants, and/or employees concerning the contemplated activities. The tower shall be responsible for paying all real estate taxes with respect to the tower's real estate in order to comply with all other town ordinances. Each tower agrees to submit to the town on an annual basis, a conflict of interest letter to the town clerk evidencing any financial or pecuniary interest it has in any other town activity/employment.

The town's tow policy dated May 28, 2008, shall cease, and shall be superseded by said tow ordinance which shall take effect on or before January 31, 2011, with the award of the RFP. (Ord. No. 866, 12-9-10)

Editor's note—Ord. No. 866, adopted Dec. 9, 2010, did not specify manner of inclusion; however, said provisions have been included in this Code as § 15-3 at the direction of the city.