

BOARD OF TRUSTEES  
KARL B. SCHULTZ  
KENDAL A. TRACY  
MARY MAKLEY WOLFF



ADMINISTRATION  
248-3725  
248-3730 (FAX)  
COMMUNITY DEVELOPMENT  
248-3731  
SERVICE DEPARTMENT  
248-3728  
POLICE DEPARTMENT  
248-3721  
FIRE/EMS  
248-3700  
PARKS / RECREATION  
248-3727

FISCAL OFFICER  
ERIC C. FERRY

## MIAMI TOWNSHIP

6101 MEIJER DRIVE • MILFORD, OH 45150-2189

ADMINISTRATOR  
JEFFREY A. WRIGHT

### RESOLUTION 2021-17

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Center on May 18, 2021 with the following members present: Mary Makley Wolff, Karl Schultz and Ken Tracy.

A motion was made to adopt the following Resolution:

#### **RESOLUTION ESTABLISHING FEES FOR TOWING OPERATIONS CONDUCTED IN CONNECTION WITH THE TOWNSHIP WRECKER AND TOWING RULES AND REGULATIONS AND DECLARING AN EMERGENCY**

**WHEREAS**, the Board of Trustees (“Board”) has previously adopted Rules and Regulations for Wrecker use and Towing when services are requested by the Township Police Department;

**WHEREAS**, the Board is authorized to establish maximum fines that may be charged for services under the rules and regulation by authority of Section 4921.25 of the Ohio Revised Code;

**NOW, THEREFORE, BE IT RESOLVED** that by the Board of Trustees of Miami Township, Clermont County, Ohio that the following maximum fees may be charged by wrecker and towing companies when services are requested by the township police department:

**SECTION 1:** Towing vehicles of up to 10,000 gross vehicle weight (GVW) per the request of the Township Police Department or by rotation assignment by the Clermont County Communications Center, shall be governed by and not to exceed the following:

- a. The maximum charge for a straight tow shall not exceed \$170.00.
- b. The maximum charge for an accident tow shall not exceed \$195.00. This charge does not apply when the owner of a vehicle requests a specific tow company that is able to respond within 30 minutes.
- c. When removing a vehicle not on the travel portion or berm of the highway, such as over an embankment or in deep mud or snow, an additional charge may be made on a time basis. The charge shall not exceed \$150 per hour, in addition to the charge permitted for a straight tow or accident tow. Increments within the hour shall be assessed at the rate of \$37.50 per fifteen-minute increment. This charge is also permissible for the righting of over-turned vehicles and removing debris from the roadway.

- d. A charge not to exceed \$100.00 may be made when it is necessary to use dollies.
- e. There will be no fuel surcharge added without the written consent of the Chief of Police.
- f. In cases where vehicles are not subject to immobilization or forfeiture, the owner or driver of a vehicle may request his or her vehicle to be towed to a location other than that of the registered towing operator. In such cases, an additional extra mileage charge may be made of \$3.00 or less per mile for the first ten miles, and \$1.00 per mile thereafter. These surcharges are in addition to the charges permitted for a straight tow or an accident tow as well as any time-based charges. The additional mileage charges permitted will only be allowed on any extra distance the tow must travel, as compared to the distance to the wrecker company's own lot. If it is no farther from the tow location to the tow company's own lot, no additional charge may be made. The actual additional miles traveled in one direction shall determine the permissible additional mileage charge. All such tows must be made by the most direct and best legal route.
- g. No additional charge will be made for the use of a rollback (flatbed) type truck.
- h. Any charge requested for delays created by awaiting the arrival or action of utility companies where retrieval and removal of the vehicle to be towed are delayed by lines down, etc. must be approved in writing by the Chief of Police. If approved by the Chief of Police, the rate shall not exceed \$150 per hour. Increments within the hour shall be assessed at the rate of \$37.50 per fifteen-minute increment.
- i. The maximum charge for the outdoor storage shall not exceed \$35.00 per day, or part thereof. The maximum charge for indoor storage shall not exceed \$50.00 per day. No storage charge will be made from the time of the tow until twenty-four hours after the tow or until that timeframe would be available for the vehicle to be released if the towing business is not available to allow retrieval of the vehicle. This provision does not apply if the vehicle is being held pursuant to a law enforcement holder unless the vehicle has been approved for release.
- j. No additional charge may be made for any other work required that is not specifically mentioned in this Resolution, the Miami Township Towing Rules and Regulations, or without the written consent of the Chief of Police.

**SECTION 2:** Towing vehicles over 10,000 gross vehicle weight (GVW), commonly referred to as a heavy-duty tow, per the request of the Township Police Department or by rotation assignment by the Clermont County Communications Center, shall be governed by and not to exceed the following:

- a. The maximum charge for a straight heavy-duty tow shall not exceed \$350.00.
- b. The maximum charge for a heavy-duty accident tow shall not exceed \$500.00.
- c. The maximum charge for a heavy-duty rotator straight or accident tow shall not exceed \$850 per hour.

- d. An additional charge may be made on a time basis in cases where extensive clean-up is involved following an accident involving a heavy-duty vehicle. The charge shall not exceed \$150 per hour, in addition to the charges permitted for an accident tow. Increments within the hour shall be assessed at the rate of \$37.50 per fifteen-minute increment. This charge is also permissible for the righting of over-turned vehicles, removing debris from the roadway, and the use of extra equipment (e.g. skid-steer) needed to remove the vehicle.
- e. An additional extra mileage charge may be made of \$7.00 or less per mile. These surcharges are in addition to the charges permitted for a straight tow or an accident tow as well as any time-based charges. All tows must be made by the most direct and best legal route.
- f. A singular charge not to exceed \$50 may be made for preparing the vehicle to tow (e.g. securing the steering wheel or removing the drive shaft).
- g. There will be no fuel surcharge added without the written consent of the Chief of Police.
- h. Any charge requested for delays created by awaiting the arrival or action of utility companies where retrieval and removal of the vehicle to be towed are delayed by lines down, etc. must be approved in writing by the Chief of Police. If approved by the Chief of Police, the rate shall not exceed \$150 per hour. Increments within the hour shall be assessed at the rate of \$37.50 per fifteen-minute increment.
- i. The maximum charge for the storage of a heavy-duty vehicle shall not exceed \$50 per day, or part thereof. The maximum charge for storing a tractor trailer shall not exceed \$100. No storage charge will be made from the time of the tow until twenty-four hours after the tow or until that timeframe would be available for the vehicle to be released if the towing business is not available to allow retrieval of the vehicle. This provision does not apply if the vehicle is being held pursuant to a law enforcement holder unless the vehicle has been approved for release.
- j. No additional charge may be made for any other work required that is not specifically mentioned in this Resolution, the Miami Township Towing Rules and Regulations, or without the written consent of the Chief of Police.

**SECTION 3:** All charges in excess of the rates described in this Resolution will be reported in writing to the Chief of Police stating in detail all charges and reasons for same. Overcharges or unjustified extra charges can result in suspension or removal from the township rotation system.

**SECTION 4:** Towing operators are reminded that the established rates in this Resolution are the maximum charges permitted and should not be construed as the amount that must be collected. Charges of less than the maximum rate are in order in all cases where such tows are simple and not time consuming.

**SECTION 5:** The fees in this Resolution shall not apply when the owner or the operator of the vehicle makes a request for a specific towing operator.

**SECTION 6:** This Resolution is declared to be an emergency measure necessary for the preservation of the health, safety and well-being of the residents of the Township and in order to ensure standard and equitable tow fee charges.

**SECTION 7:** That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 8:** This Resolution shall take effect at the earliest period allowed by law.

First Reading:	<u>May 18, 2021</u>
Second Reading:	<u>N/A</u>
Effective:	<u>May 18, 2021</u>

This motion was seconded. On the roll call being called, the vote for this Resolution resulted as follows:

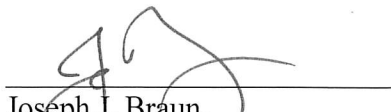
Ms. Wolff	<u>Aye</u>
Mr. Schultz	<u>Aye</u>
Mr. Tracy	<u>Aye</u>

Resolution 2021-17 adopted May 18, 2021.

ATTEST:

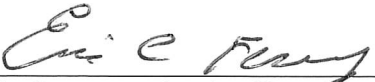
  
Eric C. Ferry, Fiscal Officer

APPROVED AS TO FORM:

  
Joseph J. Braun,  
Township Law Director

CERTIFICATION

I, Eric C. Ferry, Fiscal Officer of Miami Township, Clermont County, Ohio, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Miami Township; that the same has been a true and correct copy of Resolution 2021-17 duly passed by the Board of Trustees of Miami Township, Clermont County, Ohio on the 18<sup>th</sup> day of May 2021.

  
Eric C. Ferry, Fiscal Officer