



ERNEST F. MARTINEAU
CHIEF OF POLICE

CITY OF FITCHBURG POLICE DEPARTMENT

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CHIEF OF POLICE
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Private Property Towing

Case # _____

I, _____ Date of Birth: _____

(#) (Street) (APT.) (City or Town) (State) (ZIP)

(Telephone # Home) (Telephone # Work) (Telephone# Cell)

In Compliance with Chapter 266-120D, I am notifying the Chief of Police of Fitchburg MA. That on _____, (Date)

I will tow from _____ (Location)

Property of Which I Am The Owner, Or Have Lawful Control

A Motor Vehicle described as follows:

Make: _____ YR: _____ Model: _____ Color: _____

REG #: _____ State: _____ VIN# _____

Owner Name: _____ (If Known)

Vehicle will be towed by: _____

Vehicle will be towed to: _____

Vehicle will be stored at: _____

(Date)

(Signature of Property Owner)

Note: When completed, this form along with a photo of the vehicle on the property will be submitted to the Fitchburg Police Department using the towing requirement guidelines.

Private Property Towing Guidelines

Prior to towing of any vehicle the owner of said property must complete the City Of Fitchburg private property tow form as required by Massachusetts general law chapter 266 section 120D. It is the responsibility of the private property owner to submit a completed private property tow form to the City of Fitchburg Police department prior to the removal of any vehicle from private property. Photo of the vehicle on the property must also be submitted with the form.

Property owners may also fill out this form and have it submitted by a towing agency under the following guidelines.

All towing agencies requesting to remove a vehicle under the Fitchburg Police Departments tow guidelines must contact the Police Department by phone prior to removing any vehicle on private property.

When contacted by phone towing agencies must provide Fitchburg Police Department dispatchers the following:

- Location of vehicle
- Registration plate number on vehicle or VIN number
- Make, Model, Color & year (if possible)
- Dispatch will provide a Fitchburg Police Department incident number to the towing company.

Completed private tow form will immediately be submitted to the Police department. Towing agency will be required to drive to the Police department with the vehicle still attached to the tow truck.

Photo of the vehicle on the property will be submitted by the tow company with the completed private tow form.

Chapter 266 Section 120D: Removal of motor vehicles from private ways or property; penalties; liability for removal and storage charges; release of vehicle

Section 120D. No person shall remove a motor vehicle which is parked or standing on a private way or upon improved or enclosed property unless the operator of such vehicle has been forbidden so to park or stand, either directly or by posted notice, by the person who has lawful control of such way or property. No vehicle shall be removed from such way or property without the consent of the owner of such vehicle unless the person who has lawful control of such way or property shall have notified the chief of police or his designee in a city or town, or, in the city of Boston the police commissioner, or a person from time to time designated by said police commissioner, that such vehicle is to be removed. Such notification shall be made before any such vehicle shall be removed, and shall be in writing unless otherwise specified by such chief of police or police commissioner and shall include the address from which the vehicle is to be removed, the address to which the vehicle is to be removed, the registration number of the vehicle, the name of the person in lawful control of the way or property from which such vehicle is being removed, and the name of the person or company or other business entity removing the vehicle. Vehicles so removed shall be stored in a convenient location. Neither the city or town, nor its chief of police or police commissioner or his designee, shall be liable for any damages incurred during the removal or storage of any such vehicle removed under this section. Any person who, without notifying the chief of police or his designee, or the police commissioner or his designee, or without obtaining the consent of the owner, removes a vehicle from a private way or from improved or enclosed property as aforesaid, shall, in addition to any other penalty of law, be punished by a fine of not more than one hundred dollars. The employer of such person if any, shall also be punished by a fine of not more than one hundred dollars.

Any person who purports to authorize the removal of a vehicle from a way or property as aforesaid without having fully complied with the provision of this section shall be punished by a fine of not more than one hundred dollars.

In addition to any other penalty provided by law, the registered owner of a vehicle illegally parked or standing on a private way or upon improved or enclosed property shall be liable for charges for the removal and storage of such vehicle; provided, however, that the liability so imposed shall not exceed the following, and provided, further, that the vehicle has been removed after compliance with the provisions of this section:

- (1) the maximum amount for towing or transportation of motor vehicles established by the department of telecommunications and energy for motor vehicles towed away when such towing is ordered by the police or other public authority under the provisions of section six B of chapter one hundred and fifty-nine B; and
- (2) the maximum charge for storage of non-commercial passenger motor vehicles with a maximum capacity of nine persons, shall be not more than the maximum storage charge allowed under the provisions of said section six B of said chapter one hundred and fifty-nine B.

A person lawfully holding a vehicle removed under the provisions of this section may hold such vehicle until the registered owner pays the removal and storage charges.

Any person who is called to remove by towing a vehicle illegally parked or standing on a private way or upon improved or enclosed property may, at his discretion, if the owner appears to remove said vehicle before the towing is completed, charge said owner one half of the fee usually charged for such towing.

Any person who removes a vehicle illegally parked or standing on a private way or upon improved or enclosed property, or holds such a vehicle after its removal, and who has not complied in full with the provisions of this section, shall release such vehicle to its owner without assessing any charges for its removal or storage.