

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Town Board of the Town of Poughkeepsie, having conducted a public hearing on Wednesday the 21st day of April, 2021 at 7:00 P.M., to consider amendments to the Town Code, specifically the addition of Chapter 199, entitled “Towing”, does hereby withdraw and takes no action on said proposed amendment; and whereas the Town Board has received a further modified version of the proposed Chapter 199, entitled “Towing” it does hereby set a public hearing on this proposed local law, Wednesday, June 16th, 2021 at 7:00 P.M. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, to afford all interested parties an opportunity to be heard and seek public comment concerning the adoption of Local Law amending Town of Poughkeepsie Code, by adding Chapter 199, entitled “Towing”, which proposed modified Local Law amendments are available for review on our Town Website at www.townofpoughkeepsie.com, in the Public Hearings Section.

* Given the global COVID-19 pandemic, Town Hall is now open to the public, but with limited space and with special requirements (social distancing, and sign-in) for public attendance. However, the Town Board meeting, inclusive of this public hearing, will also be accessible to the public through the media platform called Zoom in order to proceed with Town business while safely maintaining social distancing requirements.

Members of the community can access the Town Board meeting through Zoom by entering the

Meeting ID: 939 6896 3628

Password: 259332

; or by following this link:

<https://zoom.us/j/93968963628?pwd=OEg5TEZ6dHdxbUIRY0V5akUwTXYvUT09>

Through Zoom members of the community will be able to participate in the Town Board meeting via computer or phone audio. Members of the community can also simply call into the meeting using the following phone number: 1-929-205-6099 and the meeting ID and meeting password above. The meeting is also broadcast live on Cablevision Channel 22 and Verizon Fios Channel 38.

Members of the public may also submit comments via email to the Town Clerk prior to the public hearing@ fsalvatore@townofpoughkeepsie-ny.gov

Felicia Salvatore, Town Clerk
Town of Poughkeepsie
June 2nd, 2021

RESOLUTION 6:2 - # 8 OF 2021

WHEREAS, the Town Board of the Town of Poughkeepsie, having conducted a public hearing on April 21, 2021 at 7:00 p.m., to consider amendments to the Town Code, specifically the addition of Chapter 199, entitled "Towing", does hereby withdraw and takes no action on said proposed amendment; and

WHEREAS, the Town Board has received a further modified version of the proposed Chapter 199, entitled "Towing"; and

WHEREAS, Chapter 199, "Towing", with those further modifications included is attached hereto and incorporated herein, and the Town Board does hereby waive a verbatim reading of said version and does direct that it be spread across the record as if it, in fact, had been read verbatim;

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed local law amendment to the Town Code to add the annexed Chapter 199, "Towing" for June 16, 2021, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and
2. The Town Board, after reviewing the Environmental Assessment form Part 1 dated May 28, 2021, determines that the adoption of the annexed local law is an Unlisted Action for SEQRA purposes, as to which the Town Board will conduct an uncoordinated environmental review; and
3. That said local law, if adopted, shall take effect 20 days after filing with the Secretary of State, or on such other date as maybe designated in this local law as adopted.

Dated: June 2nd, 2021

Moved: Stephan Krakower

Seconded: Michael Cifone

Motion passes/ fails: Ayes 6 Nays 0

JEN/mem
t-5/25/2021
m-6/2/2021

	AYE	NAY	ABSTAIN
<u>PRESENT/ABSENT</u> Councilman Renihan	<u>✓</u>	___	___
<u>PRESENT/ABSENT</u> Councilman Carlos	<u>✓</u>	___	___
<u>PRESENT/ABSENT</u> Councilwoman Lopez	<u>Absent</u>	___	___
<u>PRESENT/ABSENT</u> Councilman Cifone	<u>✓</u>	___	___
<u>PRESENT/ABSENT</u> Councilman Krakower	<u>✓</u>	___	___
<u>PRESENT/ABSENT</u> Councilwoman Shershin	<u>✓</u>	___	___
<u>PRESENT/ABSENT</u> Supervisor Baisley	<u>✓</u>	___	___

Chapter 199

TOWING

ARTICLE 1

Section 1 Definitions

Unless otherwise expressly provided, for the purpose of this Chapter the following words shall have the meaning herein indicated:

ACCIDENT

Any accident or occurrence in which one or more vehicles come into contact with a person, each other, or other objects, thereby causing personal injury or property damage.

ACCIDENT SCENE

Any area of a street or public or private property where a vehicular accident has occurred and from which a vehicle is removed to prevent obstruction of traffic, which area will remain an accident scene until the vehicle or vehicles are removed either under its/their own power or by a properly licensed tow truck.

AUTHORIZED AGENT

An individual, excluding a tow truck owner or operator, authorized by the property owner to act on the property owner's behalf to authorize a tow.

CONSENSUAL TOW

Any tow performed with the prior consent or authorization of the owner, authorized agent or operator of the motor vehicle, including but not limited to emergency situations and/or when tows are made from private property.

DRIVER

Any person driving a tow truck within the enforcement jurisdiction of the Town of Poughkeepsie.

NON-CONSENSUAL TOW

Any tow performed without the prior consent or authorizations of the owner, authorized agent, or operator of the motor vehicle, including but not limited to emergency situations and/or when tows are made from private property. The Town of Poughkeepsie Police Department shall use the Town of Poughkeepsie Rotational Tow List to select a towing service for nonconsensual tows. Nonconsensual tows include the storage of the damaged and/or disabled motor vehicle until the owner, operator or authorized agent claims the vehicle from storage.

OPERATE

The control and direction of the use of a vehicle for towing from places within the enforcement jurisdiction of the Town of Poughkeepsie.

OPERATOR

A person or entity that controls, drives, or directs the use of a vehicle for towing from places within the enforcement jurisdiction of the Town of Poughkeepsie.

OWNER

A person owning, leasing, or controlling one or more tow trucks and driving, operating or causing any such vehicle to be operated within the enforcement jurisdiction of the Town of Poughkeepsie.

PERSON

An individual, firm, (co)partnership, unincorporated association, corporation or other entity.

POLICE ACTIVITY

Any activity involving police officers on a roadway, road shoulder, public property, or private property. Activity by police officers where a motor vehicle may be impounded and towed away.

SOLICIT

To approach with a request or plea, to urge, to accost or to try to obtain by asking.

TOWING

The moving or removing of a damaged, disabled, impounded, illegally parked or abandoned motor vehicle by another vehicle.

TOW TRUCK

A motor vehicle that tows or carries a damaged, disabled, impounded, illegally parked or abandoned motor vehicle or a motor vehicle involved in an accident, emergency, or other police activity incident.

TOW TRUCK COMPANY

Any business entity engaged in towing services which may be organized under a firm, (co)partnership, limited liability partnership, limited liability company, corporation, or other form of organization or business entity or operating as a DBA, inclusive of the company owner(s), operator(s), and driver(s).

Section 2 Findings; Purpose.

- 2.1 It is hereby declared and found that delay in removal of damaged and disabled motor vehicles from accident scene(s), police activity scene(s) and/or other emergency scene(s) may result in congestion of traffic and may cause additional accidents; that the slowing or stopping of motor vehicle traffic on a highway can create safety risk(s); and that the towing of damaged and/or disabled motor vehicles from the highways, streets and rights of way of the Town of Poughkeepsie is a matter affecting the public interest and safety, and consequently, should be subject to supervision and administrative control for the purpose of safeguarding the public

against traffic problems and confusion at the scene of accidents, fraud and excessive rates and similar abuses.

Once members of the Town of Poughkeepsie Police Department arrive at the scene of an accident, or other emergency or police activity, that requires towing a motor vehicle, our Police Officers are responsible for the safety of that scene. This local law gives them the authority to manage the safety at any scene.

- 2.2 This local law has taken into consideration public safety needs and the needs of Town of Poughkeepsie Police Department, responding Fire Department, Emergency Medical Services, and towing personnel.
- 2.3 It is the intent of this local law to provide for the safety of the motoring public and all police officers, firefighters, emergency medical personnel and tow truck operators responding to or working at the scene of a vehicle accident, emergency or other police activity on any highway, street, roadway or right of way in the Town of Poughkeepsie; and to establish a fair and uniform policy for the towing of motor vehicles from accident and other incident scenes inclusive of the surrounding immediate area(s) where other motorists and members of the public may be traveling, walking and/or standing.

Section 3 Declaration of Purpose

- 3.1 It is, therefore, the purpose and intent of this Article to establish an orderly system for the safe and expeditious removal of damaged, disabled, impounded, illegally parked, or abandoned motor vehicles from the streets, highways and rights of way and property, in the Town of Poughkeepsie and to ensure that they are removed and towed safely and quickly from the scene by towing services operating in the Town of Poughkeepsie consistent with statutory and decisional law.

Section 4 Scene Safety; Prohibited Acts.

- 4.1 All Tow Truck Companies must comply with all applicable rules and regulations of Federal Motor Carrier Safety Law, the New York State Vehicle and Traffic Law, the New York State Penal Law, the Regulations of the New York State Commissioner of Motor Vehicles, and the Town of Poughkeepsie Town Code. A Tow Truck Company's failure to abide by the foregoing rules, regulations and statutory laws may result in suspension or removal from the Town of Poughkeepsie Rotational Tow List and subject to the Violation and Penalties provisions as provided for in Article 2 (Section 6) of this Chapter, in addition to any criminal and/or civil prosecution.
- 4.2 Tow Trucks are not emergency vehicles and cannot violate any section of the New York State Vehicle and Traffic Law while being driven to the scene of an accident, parked at the scene of an accident, or towing a vehicle from an accident/incident scene; or other emergency; or police activity.

- 4.3 The provisions of this Section shall apply to all Tow Trucks and Tow Truck Companies operating in the Town of Poughkeepsie.
- 4.4 Tow Trucks operating in the Town of Poughkeepsie may display colored and flashing lights as prescribed by New York State Vehicle and Traffic Law Section 375(41). Tow Trucks are hazard vehicles and, other than statutorily required lights, Tow Trucks may display one or more amber flashing lights while engaged in a hazardous operation. Hazardous operation does not include responding to a call from any law enforcement agency to provide tow services in the Town of Poughkeepsie.
- 4.5 No Tow Truck Company or Tow Truck, other than the Tow Truck Company which has been called to an accident, emergency, or other police activity scene by the Town of Poughkeepsie Police Department from the Town's Rotational Tow List, shall respond to, drive past the scene multiple times; nor park, stop or stand within five hundred (500) feet of said scene.
- 4.6 Tow Truck(s) that have been called to the scene by the Town Police Department from the Town's Rotational Tow List or by the owner, authorized agent or operator of the vehicle shall park where directed by the Town of Poughkeepsie Police Officers at the scene.
- 4.7 All Tow Truck Companies, drivers and operators who are removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway. In accordance with the New York State Vehicle and Traffic Law Section 1219(c).
A Tow Truck Company called to the scene of a crash involving serious injury or death, or where a police investigation is ongoing, shall not remove or otherwise cause to be disturbed any debris or move or reposition any vehicles until directed to do so by police personnel at the scene.
- 4.8 No Tow Truck operator or any person at an accident scene or other scene shall solicit towing services, repair services or storage services from any person involved or injured in the accident or at the scene of any incident within the Town of Poughkeepsie.
- 4.9 All Tow Trucks must comply with New York State Vehicle and Traffic Law Section 397 which provides that a person, not a police officer or peace officer, acting pursuant to his special duties, who equips a motor vehicle with a radio receiving set capable of receiving signals on the frequencies allocated for police use by mounting such radio in the tow truck or carry such portable radio also capable of receiving transmission on radio frequencies on their person while operating or riding in a tow truck is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both.

ARTICLE 2

Town of Poughkeepsie Rotational Tow List

Declaration of Purpose

In order to provide for the safety of the motoring public, the safety of all police officers, firefighters and emergency medical personnel responding to or working at the scene of any vehicle accidents, or police activity, or other emergency on any highway, road, parking lot, public way, public or private property in the Town of Poughkeepsie. It is the intent of the Town Board of the Town of Poughkeepsie to establish a fair and equitable uniform policy for the **non-consensual** towing of vehicles from these scenes consistent with statutory and decisional law.

The public safety needs; the safety needs of police officers, firefighters and emergency medical personnel and the interests of the tow industry will be met by providing Tow Truck Companies on the Town of Poughkeepsie Rotational Tow List with 1) a consistent program for the equitable distribution of tow calls within the Town of Poughkeepsie; 2) Tow Truck requirements for continued participation and placement on the Town of Poughkeepsie Rotational Tow List and service to the Town of Poughkeepsie Police; and 3) fair and equitable means to resolve disputes between 1) the Tow Truck Companies and the Town of Poughkeepsie Police and 2) the processing of consumer concerns.

The Town of Poughkeepsie Rotational Tow List shall be utilized by the Town of Poughkeepsie Police for all **non-consensual** tows and for otherwise consensual tows which cannot be effectuated within thirty (30) minutes from the time consensual tow services are requested by the owner, operator, or authorized agent.

It follows then, that the Town of Poughkeepsie must set the criteria, requirements, minimum levels of experience among other conditions for a tow company to be placed on the Town of Poughkeepsie's Rotational Tow list. This is done to protect the Town of Poughkeepsie from liability and legal action by the owner or person in control of the motor vehicle which has been the subject of a non-consensual tow. That non-consensual tow also includes the storage of the motor vehicle, until the owner or person in control of the motor vehicle can reclaim their vehicle.

Section 1 Criteria required for Tow Companies to be on the Town's Rotational Tow List

The Town of Poughkeepsie requires that any Tow Truck Company applicant for participation and placement on the Town of Poughkeepsie Rotational Tow List must meet the following standards:

- 1.1 Each Tow Truck Company must have been in business for the last three (3) years under its current Company name and shall have an established commercial address, no PO Boxes or office fronts at the time of application submission to the Town of Poughkeepsie Police Department.
- 1.2 Each Tow Truck Company may submit only one (1) application for participation and placement on the Town of Poughkeepsie Rotational Tow List. All Tow Truck Companies organized as a limited liability partnership, limited liability company, corporation or other form of organization must provide evidence of good standing with the NYS Department of State,

confirm the validity of the applicant's license and insurance information, and avoid duplication of Tow Truck Companies participating and being placed on the Town of Poughkeepsie Rotational Tow List.

- 1.3 The Town of Poughkeepsie Police Department shall provide written notice to an applicant of its approval to be on the rotational tow list or the reason or reasons for denial of their application.
- 1.4 The Town of Poughkeepsie Rotational Tow List shall remain valid and in effect until such time as the list is disbanded by action of the Town of Poughkeepsie Town Board.
- 1.5 Each Tow Truck Company application must include the following information to be provided to the Town of Poughkeepsie Police Department:
 - a) USDOT or NYSDOT Number.
 - b) Federal Identification Number.
 - c) New York State Sales Tax Identification Number.
 - d) Proof that there is in-place and maintained NYS Workers Compensation Insurance
 - e) All persons and entities having an ownership interest in the Company.
 - f) A list of all Tow Truck(s) to be operated in the Town of Poughkeepsie together with a copy of valid inspection, NYS Registration Number(s) and Vehicle Identification Number(s) for each Tow Truck. All inspections and registrations shall be kept current during all times of participation and placement on the Town of Poughkeepsie Rotational Tow List.
 - g) A list of all drivers who will be operating each Tow Truck, including the driver's name, address, date of birth and copies of each driver's license and driving abstract;
 - h) Any other information the Chief of Police or his/her designee determines to be necessary regarding the applicant's background and suitability for participation and placement on the Town of Poughkeepsie Rotational Tow List.
- 1.6 Each Tow Truck Company shall add the name(s) of any new operator(s) or driver(s) to their list of drivers supplied in 1.5 (g) above and forward a copy via mail of the updated list to the Town of Poughkeepsie Police Department within five (5) business days of adding any such operator(s) or driver(s). Each Tow Truck Company shall be responsible to maintain proof of mailing.
- 1.7 Each Tow Truck Company must notify the Town of Poughkeepsie Police Department in writing via mail to remove any driver or operator's name from their list supplied in 1.5 (g) above within ten business (10) days of a driver and/or operator no longer being employed by their Company. Each Tow Truck Company shall be responsible to maintain proof of mailing.
- 1.8 Each Tow Truck Company must provide the Town of Poughkeepsie Police Department with a valid Certificate of Insurance naming the Town of Poughkeepsie as certificate holder and as the additional insured with the following minimum coverage required:

(i) Light Duty List:

General Auto Liability	\$ 1,000,000. each occurrence
(Personal Injury and Property Damage combined)	
Garage Keepers Liability	\$ 400,000. each occurrence
(Coverage for vehicles in Vehicle Storage Facility)	
On-Hook Direct Primary	\$ 400,000. each occurrence
(Coverage when vehicle is being towed or carried)	
Umbrella Coverage	\$ 1,000,000.

NYS required Workers Compensation coverage for all listed drivers as listed in 1.5 (g)

NYS required Disability coverage for all listed drivers as listed in 1.5 (g)

(ii) Heavy Duty List:

General Auto Liability	\$ 1,000,000. each occurrence
(Personal Injury and Property Damage combined)	
Garage Keepers Liability	\$ 750,000. each occurrence
(Coverage for vehicles in Vehicle Storage Facility)	
On-Hook Direct Primary	\$ 750,000. each occurrence
(Coverage when vehicle is being towed or carried)	
Umbrella Coverage	\$ 2,000,000.

NYS required Workers Compensation coverage for all listed drivers as listed in 1.5 (g)

NYS required Disability coverage for all listed drivers as listed in 1.5 (g)

- 1.9 Each Tow Truck Company on the Town of Poughkeepsie Rotational Tow List shall agree to defend, indemnify, and hold harmless the Town of Poughkeepsie from any claims or liabilities which may occur as a result of performing service at the request of the Town of Poughkeepsie Police Department.
- 1.10 All Towing Truck Companies must own, lease or sublease either a lighted, fenced, and locked outdoor area or an indoor locked vehicle storage facility in which to store towed vehicles. The facility shall prevent unauthorized access to the towed/stored vehicles. The storage facility shall be in compliance with all applicable zoning and building code requirements and shall be located within the Town of Poughkeepsie or within two (2) driving miles of the Town of Poughkeepsie.
- 1.11 The Vehicle Storage Facility shall be under the control of the Tow Truck Company applicant and shall not be used by any other tow company. Multiple Tow Truck Companies may use the same storage location if each tow company has an individually fenced, locked, controlled, and separate storage area.

- 1.12 Each Tow Truck Company must maintain all records required by this Chapter at their office or their vehicle storage facility. Each Tow Truck Company must maintain copies of all New York State Driver's Licenses with Tow endorsements for all Tow Truck Company driver(s) as well as current valid registrations, inspections and insurance cards for all Tow Trucks operated in the Town of Poughkeepsie.
- 1.13 All Tow Truck Companies shall have staff available at the vehicle storage facility or available by telephone, for vehicle redemption on Mondays through Fridays between the hours of 9:00 am to 5:00 pm on regular business days. All Tow Truck Companies may release a vehicle from their storage facility during holidays or on weekends.
- 1.15 Should a Tow Truck Company not be available Mondays through Fridays between the hours of 9:00 am to 5:00 pm or on Weekends and holidays to release a vehicle. That Towing Company cannot charge for storage to the vehicle owner or authorized agent in control of the vehicle for those days.
- 1.16 If complaints are received by the Town of Poughkeepsie or the Town of Poughkeepsie Police Department. Indicating the charge for release of the towed vehicle has been unreasonable or exorbitant. The Town Board may revisit this local law and take an action to protect the public from such unreasonable or exorbitant charges, by fixing the charge that can be made, for release/storage of vehicles towed by a tow company on the Rotational tow list
- 1.17 Tow Truck Companies shall list their charges for impound towing, accident towing, winching, cleanup, and storage fees for Light Duty and Heavy-Duty tow lists, which lists shall be provided to the Town of Poughkeepsie Police during annual inspection(s) of each Tow Truck Company on the Rotational Tow List. Such submitted lists are a public record and subject to release to the public under the Freedom of Information Law.
- 1.18 Tow Truck Companies must accept at least two (2) major credit cards, one of which must be a bank card and not restricted to cash-only transactions. Towing Truck Companies on the Town of Poughkeepsie Rotational Tow List are not required to release a vehicle from storage when the owner, operator or authorized agent pays the tow/storage invoice by credit card. The Tow Truck Company may hold that vehicle until the credit card payment clears but for no longer than five (5) business days from the date of credit card payment. The Tow Truck Company that accepts a credit card in payment, can not charge for storage after the date of the Credit Card transaction, unless the credit card company indicates that the charge will not be paid. In that case the Tow Truck Company may continue to charge for storage, until payment is received.
- 1.19 Any reports or complaints regarding excessive fees or additional fees for towing services should be brought to the attention of the Chief of Police or his/her designee.
- 1.20 All Tow Truck Companies placed on the Town of Poughkeepsie's Rotational Tow List must make their facilities, vehicle storage areas and equipment available for scheduled inspections by the Town of Poughkeepsie Police Department.

- 1.21 In addition to scheduled inspections of Tow Truck Company facilities, the Town of Poughkeepsie Police Department has the right to inspect, at any time, all Tow Trucks operated by any Tow Truck Company in the Town of Poughkeepsie, including but not limited to each Tow Truck's insurance documentation, vehicle registration and any owner, operator, or driver's license(s) with endorsements, at any time the tow truck is being operated, stopped, standing, or parked on any roadway in the Town of Poughkeepsie.
- 1.22 The placement of, or participation by, a Tow Truck Company on the Town of Poughkeepsie's Rotational Tow List does not create a property right or interest of the Tow Truck Company in the Rotational Tow List position. A Tow Truck Company's position on the Rotational Tow List is not transferable.
- 1.23 Tow Truck Companies are not permitted to subcontract any tow call to another Tow Truck Company. Tow Truck Companies must have their own Tow Truck available and able to respond in order to fulfill a request for service by the Town of Poughkeepsie Police Department.
- 1.24 Each Tow Truck Company currently on the Rotational Tow List must reapply to the Town of Poughkeepsie Police Department to continue to participate on the Rotational Tow List:
 - 1) Every year at the anniversary date of their initial application acceptance.
 - 2) If there is a Tow Truck Company transfer of ten (10%) percent or more in Company ownership interests.
and/or
 - 3) if the Company purchases, acquires or takes control of another Tow Truck Company whether or not such acquired Tow Truck Company is currently participating and/or placed on the Town of Poughkeepsie Rotational Tow List.
- 1.25 A Tow Truck Company on the Rotational Tow List shall not have control or own an interest in more than one (1) company placed on the Town of Poughkeepsie Rotational Tow List.
- 1.26 Should a new Tow Company want to be considered to be placed on the Rotational Tow List, that company must file a full and complete application with the Town Police. The Chief of Police and/or his/her designee, in their discretion, shall determine whether the application meets the requirements of this Chapter.
- 1.27 The Town Board, with input from the Chief of Police, shall set the number of tow companies that are listed on the active Rotational Tow List.
 - (i) The number of tow companies to start the new rotational tow list will be 15
 - (ii) The numerical order for the rotational tow will be set by the Town Board after the application period for the new rotational tow list expires. A lottery may be used.
 - (iii) Should a vacancy occur where a Tow Company takes itself off the Rotational Tow List, the Chief of Police is authorized to appoint a replacement Tow Company

(Section 2) Tow Truck Driver Requirements

- 2.1 To be qualified to respond to a call from the Town of Poughkeepsie Police Department, all Tow Truck Companies, drivers and operators must comply with the following requirements:
- A) All Tow Truck operators and drivers must have one (1) years of verifiable work experience in the operation of Tow Trucks and the towing of vehicles.
 - B) With respect to the Light Duty Rotational Tow List:
 - i. Each Tow Truck Company on the Light Duty List shall have a minimum of two (2) drivers available, either full time or part time, to respond with a Tow Truck and/or flatbed truck when necessary.
 - ii. Each Tow Truck operator and driver shall maintain a valid license with applicable Tow Endorsements for the classification of Tow Truck or vehicle being driven or operated at an accident, emergency, or other police activity scene.
 - C) With respect to the Heavy-Duty Rotational Tow List:
 - i. Each Tow Truck Company on the Heavy-Duty List shall have a minimum of two (2) drivers available, either full time or part time, to respond with Tow Trucks and/or support vehicle when necessary.
 - ii. Each Tow Truck operator and driver shall maintain a valid CDL-A license with applicable Tow Endorsements for the classification of Tow Truck or vehicle being driven or operated at an accident, emergency, or other police activity scene.
- 2.2 The Town of Poughkeepsie Police Department reserves the right to require or conduct criminal background checks on any Tow Truck Company applicant or Tow Truck Company owner, driver or operator placed on the Town of Poughkeepsie Police Rotational Tow List at any time.

(Section 3) Tow Truck Company Equipment Required

- 3.1 All Tow Truck Companies participating and placed on the Town of Poughkeepsie Rotational Tow List must comply with all applicable New York State and Federal laws and regulations governing equipment requirements, and must further comply with the following:
- 3.2 Light Duty List for towing vehicles up to 9,999 pounds
- a. Light Duty List Tow Truck Companies shall have the following equipment:
 - i. A minimum of one tow truck with a minimum 6,000-pound lifting boom on the rear of the truck and a 6,000-pound power winch equipped with a minimum of 75 feet of 3/8” wire or synthetic rope. Tow Trucks shall have a gross vehicle weight rating (GVWR) over 10,000 pounds.

and/or

- ii. A flatbed truck with a minimum gross vehicle weight rating (GVWR) of at least 15,000 pounds with at least 50' of 3/8" wire or synthetic rope.
- iii. All trucks are to be equipped with:
 - 1. A broom.
 - 2. A shovel.
 - 3. Speedi dry or equivalent oil absorbent product.
 - 4. Minimum Grade 7 recovery chains, straps, and safety chains.
 - 5. Minimum one snatch block per wire or synthetic rope line.
 - 6. Warning lights or strobes visible 360 degrees that comply with New York State Law, specifically NYSVTL § 375-41 (3) Colored and Flashing Lights
 - 7. Auxiliary mounted rear tail and stop lights.

3.3 Heavy Duty for towing vehicles 10,000 pounds and over

- a. Heavy Duty List Towing companies shall have the following equipment:
- b. Tow Trucks with tow and recovery capacities for Class 3 through Class 8 vehicles
All trucks are to be equipped with:

- 1. A broom.
- 2. A shovel.
- 3. Speedi dry or equivalent oil absorbent product.
- 4. Minimum Grade 7 recovery chains, straps, and safety chains.
- 5. Minimum one snatch block per wire or synthetic rope line.
- 6. Warning lights or strobes visible 360 degrees that comply with New York State Law, specifically NYSVTL §375-41 (3) Colored and Flashing Lights
- 7. Auxiliary mounted rear tail and stop lights

- 3.4 All Tow Truck Companies must have their Tow Trucks and flatbeds permanently lettered with the Tow Company name and must display their NYSDOT and USDOT numbers for such Company. Tow Trucks may not have more than one (1) company name listed thereon to be eligible to be placed on the Town of Poughkeepsie Rotational Tow List. The full business name lettered on the Tow Truck must match the Tow Truck Company name, as approved by the Town of Poughkeepsie Police Department at the time of application to be placed on the Rotational Tow List.

(Section 4) Towing List Procedures

- 4.1 The Town of Poughkeepsie Police Department shall maintain two (2) Rotational Tow lists as follows:
- a. A Light Duty List shall be for normal passenger vehicles, SUVs, vans, light trucks, and motorcycles; and
 - b. A Heavy-Duty List shall be used for Tow Truck Companies capable of towing commercial-type vehicles (GVRW of 10,000 pounds or more).

- 4.2 The Town of Poughkeepsie Police Department shall contact Tow Truck Companies in the following priority:
- a. For **Consensual Tows**, the Tow Truck Company requested by the owner, operator or authorized agent shall be contacted by the Town Police. The Town Police Officers at the scene may in their discretion call a Tow Truck Company from the Rotational Tow List should the requested Tow Truck Company be unable to respond to the scene within thirty (30) minutes.
 - b. For **Non-Consensual Tows**, If the owner, operator, or authorized agent have no preference or are unable to consent to a Tow Truck Company being utilized the Police Department shall contact the next Tow Truck Company on the Rotational Tow list to respond to the scene.
 - c. If the Town Police Officer at the scene determines in his/her discretion that there is imminent danger to public safety, the Tow Truck Company from the Rotational Tow List with the shortest response time may be utilized and respond to the scene.
 - d. Sub-contracting is not allowed.
 - e. In the event of a multi-vehicle accident scene, where more than one (1) Tow Truck is determined to be needed by the Town Police Officer at the scene, the Town of Poughkeepsie Police Department dispatch will make additional calls to Tow Truck Companies on the Rotational Tow List in order, and once a Tow Truck Company has responded to a call, or failed to respond, the Company shall be marked accordingly in the dispatch log, and the next Company on the list will be contacted and utilized.
- 4.2 Response time Monday through Friday 7 am to 6 pm shall be 20 minutes. All other hours the response time shall be 30 minutes, weather permitting.
- 4.3 The Town of Poughkeepsie Police Department's Dispatch shall maintain a log of all Rotational Tow List requests to Tow Truck Companies for tow services. The log shall include the name of the Tow Truck Company, the time the dispatch call was made and whether the Company responded. Upon the Tow Truck Company's arrival at the scene, the Town Police Officer at the scene shall advise dispatch of the Tow Truck's arrival. The arrival time shall then be noted on the Rotational Tow List log.
- 4.4 In the case of **non-consensual** tows, Tow Truck drivers and operators shall tow all motor vehicles to their vehicle storage facility, or to a New York State Registered Repair Shop or New York State Registered Autobody Shop, or such other location as designated by the owner, operator, or authorized agent. In the case that the owner, operator, or authorized agent, of the vehicle wants the vehicle towed to a location other than as noted above, the Tow Truck operator must tow the vehicle to the location requested. The tow truck operator / driver is then entitled to be paid for the tow of the vehicle, to the owner's requested location, at the time the vehicle is dropped off the tow truck.
- 4.5 Tow Truck Companies placed on the Town of Poughkeepsie Rotational Tow List must provide one (1) permanent day and/or night telephone number to be utilized by the Town of Poughkeepsie Police Department when calling the Company to respond to an accident, emergency, or other police activity scene.

- (i) If a Tow Truck Company on the Rotational Tow List failed to respond, is not available, or refuses to respond the Town of Poughkeepsie Police Department will reflect same in its dispatch records and the next Tow Truck Company on the Rotational Tow List will be called to respond to the scene.
- 4.6 A Tow Truck Company may use a telephone answering service to receive calls from the Town of Poughkeepsie Police Department. However, in order to provide for the safety of the motoring public and all police officers, firefighters and emergency medical personnel responding to or working at an accident, emergency or other police activity scene, the Tow Truck Company must return the Town of Poughkeepsie dispatch call within five (5) minutes to confirm that the Company can respond within thirty (30) minutes, from the time of the first call. If the tow company called from the rotational tow list does not call back within (5) minutes, that call will be recorded as a Failure to Respond and the next Tow Company on the Rotational Call List will be called. Section 4.5 above will control, and the second call tow company will not lose their spot on the list.
- 4.7 Any Tow Truck Company listed on the Town's Rotational Tow List that refuses calls by the Town of Poughkeepsie Police Department from the Rotational Tow List or fails to answer calls from the Police Department are subject to the Violations and Penalties set forth in Section 6 of this Chapter.

(Section 5) Inspections

- 5.1 Town of Poughkeepsie Police Officers at the scene of accidents, emergencies or other incidents may periodically inspect Tow Truck Company registration, insurance, inspection, and license documentation to ensure its validity and compliance with federal and state regulations.
- 5.2 The Town Police Department shall schedule annual inspections of the Tow Truck Companies placed on the Town of Poughkeepsie Rotational Tow List including their vehicle storage facility and all the vehicles operated by the Tow Truck Company in the Town of Poughkeepsie. The date of said annual inspection shall be as close as possible but not prior to the Tow Company's anniversary date § 1.24 (1)
- 5.3 Annual inspections shall be scheduled with the Tow Truck Company owner(s) at least two (2) weeks in advance of the inspection date, whenever possible.
- 5.4 During annual inspections, Town Police Officers will inspect and review each Tow Truck and its NYS registration, NYS inspection, and insurance documentation and the secured storage area required by this Chapter.
- 5.5 If the Town Police Officer determines there are deficiencies or violations of this Chapter during the initial inspection. The Police Officer will advise the Tow Company of the violation or deficiencies before leaving the inspection. The Police Officer shall reinspect the Tow Truck, Company its documentation and/or the secure storage area, as may be applicable, within two (2) weeks to ensure that any noted deficiencies or violations have been remedied.

- 5.6 If the deficiencies or violations have not been remedied by the Tow Truck Company upon reinspection, the matter may be dealt with as provided for in the Section 6 Violations and Penalties set forth below.
- 5.7 Within ten (10) days of scheduled annual inspection and/or of a reinspection, the Town of Poughkeepsie Police Officer conducting the inspection/reinspection shall notify the Town of Poughkeepsie Comptroller's Office, on a form provided by the Comptroller's Office, of the inspection/reinspection and completion. The Town of Poughkeepsie Office of the Comptroller shall bill the Towing Company for the inspection and reinspection.
- 5.8 An Inspection Fee of \$150.00 (One Hundred and Fifty Dollars) per site visit will be paid to the Town of Poughkeepsie by the Tow Truck Company upon receiving an invoice from the Town of Poughkeepsie Comptroller's Office.
- 5.9 A reinspection fee of \$75.00 (Seventy-Five Dollars) shall be paid to the Town of Poughkeepsie by the Tow Truck Company upon receiving an invoice from the Town of Poughkeepsie Comptroller's Office for each reinspection.
- 5.10 Failure to pay any inspection/reinspection fees within 30 days of the invoice date will result in the immediate suspension of the towing agency from the Rotational Tow List.
- 5.11 A Tow Truck Company may have its suspension lifted due to non-payment of inspection/reinspection fee(s), after the Company pays the original inspection fee of \$150.00 (One Hundred and Fifty Dollars), plus any reinspection fees, plus a late payment charge of \$ 75.00 (Seventy-five Dollars) in full to the Town of Poughkeepsie. These fees must be paid within thirty (30) days or the tow company will be removed from the rotational tow list and a full application process and application fees will be required.
- 5.12 The amount of the annual (re)inspection fees shall be determined and set by the Town of Poughkeepsie Town Board at their annual reorganizational meeting. If the Town of Poughkeepsie Town Board does not make any change(s) to the annual (re)inspection fees at their annual reorganization Town Board meeting, the current fee schedule remains in full force and effect.

(Section 6) Violation and Penalties

- 6.1 Any person who shall resist or obstruct any police officer, authorized officer, agent, or employees of the Town of Poughkeepsie in the enforcement of the provisions of this Chapter may be charged under the appropriate section of the New York State Penal Law.
 - (i) The Tow Company or the tow truck driver, for violations of this Chapter, upon conviction, may be subject to a fine not to exceed \$1,000.00 or a jail sentence of not more than fifteen (15) days, or both, for each violation, which shall constitute a separate offense within the meaning of this Chapter.

- 6.2 Further, all Tow Truck Companies must comply with all applicable rules and regulations of Federal Motor Carrier Safety Law, the New York State Vehicle and Traffic Law, the New York State Penal Law, the Regulations of the New York State Commissioner of Motor Vehicles, and the Town of Poughkeepsie Town Code. A Tow Truck Company’s failure to abide by the foregoing rules, regulations and statutory laws may result in suspension or removal from the Town of Poughkeepsie Rotational Tow List if it is a Listed Company and are subject to the Violation and Penalties set forth in this Section, in addition to any criminal and/or civil prosecution.
- 6.3 The Town of Poughkeepsie Police Department and any other law enforcement officer with proper jurisdiction, are authorized to issue appearance tickets, as defined in New York State Criminal Procedure Law Section 150.10 for violations of this Chapter.
- 6.4 The following administrative violations are listed here to insure the safe and proper operation of Tow Trucks and Tow Truck Companies on the Town of Poughkeepsie Rotational Tow List when called by the Town of Poughkeepsie Police Department to respond to or operate at any accident, emergency, or other police activity scene:

	First	Second	Third
Late response late to a call	A	B	C
Failure to clean up debris	A	B	C
Failure to maintain required vehicle storage facility	A	C	E
Rudeness to customers	A	B	C
Refusal to accept a credit card	B	C	D
Failure to respond to a call	C	D	E
Refusal to provide service	B	C	D
Refusal to release a vehicle	B	C	D
Refusal to release property in a vehicle	B	C	D
Refusal to follow police directives	B	C	D
Violation of Local, State or Federal Law	E	E	E
Unsafe practices	B	C	D
Overcharging	B	C	D
Soliciting or allowing soliciting at accident scene	E		
Equipping tow truck with radio receiving sets (4.8 above)	E		

A = Letter of Reprimand

B = One (1) Week Suspension from Rotational Tow List

C = Four (4) Week Suspension from Rotational Tow List

D = Six (6) Month Suspension from Rotational Tow List

E = Removal from the Rotational Tow List.

(Section 7) Administrative Procedures

- 7.1 The Chief of Police or his/her designees are charged with ensuring compliance with this Chapter.
- 7.2 A Tow Truck Company's placement on the Town of Poughkeepsie Rotational Tow List may be suspended or revoked if the Company or its driver(s) or operator(s) violate any Federal, New York State, or local law, ordinance, rule, or regulation regarding the operation of the towing business or the fitness to conduct such business.
- 7.3 For an administrative violation of this Chapter, as noted in section 6.4, the Town of Poughkeepsie Police Department shall issue written notice to the Tow Truck Company containing a statement of the manner in which the Company or its driver(s) and operator(s) are in violation of this local law, and the penalty under Section 6 for violation(s) The Company or its driver(s) or operator(s) will be offered an opportunity to be heard.
- 7.4 The list of any administrative violations on the record of any tow company listed on the Town's Rotational Tow List shall be remove, starting with the date of the third annual reapplication/inspection of that Tow Company, after the last violation date, only if there have been no subsequent violations.

The intent here is that no administrative violation and penalty should be permanent. They should be removed after three years unless there are more violations committed during that time period. Should a Tow Company or Tow Truck Driver have a history of multiple administrative violations, they will be removed from their record after three years without another violation.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

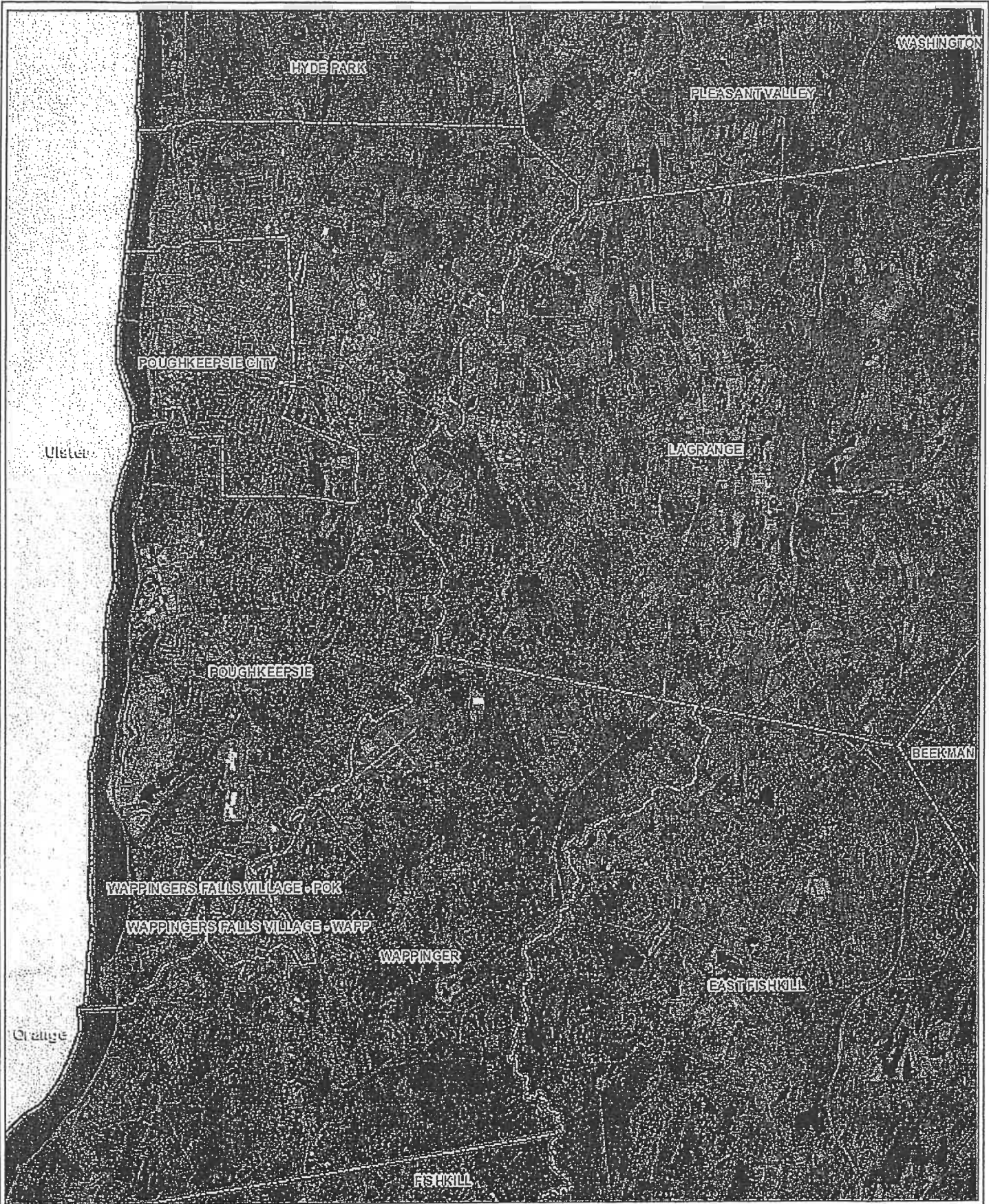
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Town of Poughkeepsie Town Board			
Name of Action or Project: Adoption of new Police Department Rotational Vehicle Tow List policy by Local Law and regulates some tow company activity.			
Project Location (describe, and attach a location map): See Parcel Access and Local Law annexed			
Brief Description of Proposed Action: Town to adopt a local law regarding Rotational Tow List of qualified vehicle towing companies for Police Department to call to vehicle accident, police activity and emergency scenes. It also regulates some tow company activities.			
Name of Applicant or Sponsor: Town of Poughkeepsie Town Board		Telephone: 845-485-3607	
		E-Mail: jbaisley@townofpoughkeepsie-ny.gov	
Address: 1 Overocker Road			
City/PO: Poughkeepsie		State: NY	Zip Code: 12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. Law attached.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres		Law involves no physical project, or activity or policy that may effect the environment. Effective Town-wide, but not site specific, relates only to Rotational Tow List and certain tow company activities.	
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): See Parcel Access map attached.			
<input checked="" type="checkbox"/> Parkland			

Exhibit B

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: <u>Local Law involves no physical project, or activity or policy that may effect the environment. It is effective Town-wide, but not specific to any site, and relates only to the Rotational Tow List and some towing company activities. Town does have some Critical Environmental Areas.</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Town has listed and eligible historical and archaeological sites. See par. 3 response above.	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Town has wetlands, but this Local Law involves no physical project, or activity or policy that may effect the environment. It is effective <u>Town-wide, but not specific to any site, and relates only to the Rotational Tow list and some towing company activities.</u> _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



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Dutchess County, NY

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Exh. B

Chapter 199

TOWING

ARTICLE 1

Section 1 Definitions

Unless otherwise expressly provided, for the purpose of this Chapter the following words shall have the meaning herein indicated:

ACCIDENT

Any accident or occurrence in which one or more vehicles come into contact with a person, each other, or other objects, thereby causing personal injury or property damage.

ACCIDENT SCENE

Any area of a street or public or private property where a vehicular accident has occurred and from which a vehicle is removed to prevent obstruction of traffic, which area will remain an accident scene until the vehicle or vehicles are removed either under its/their own power or by a properly licensed tow truck.

AUTHORIZED AGENT

An individual, excluding a tow truck owner or operator, authorized by the property owner to act on the property owner's behalf to authorize a tow.

CONSENSUAL TOW

Any tow performed with the prior consent or authorization of the owner, authorized agent or operator of the motor vehicle, including but not limited to emergency situations and/or when tows are made from private property.

DRIVER

Any person driving a tow truck within the enforcement jurisdiction of the Town of Poughkeepsie.

NON-CONSENSUAL TOW

Any tow performed without the prior consent or authorizations of the owner, authorized agent, or operator of the motor vehicle, including but not limited to emergency situations and/or when tows are made from private property. The Town of Poughkeepsie Police Department shall use the Town of Poughkeepsie Rotational Tow List to select a towing service for nonconsensual tows. Nonconsensual tows include the storage of the damaged and/or disabled motor vehicle until the owner, operator or authorized agent claims the vehicle from storage.

OPERATE

The control and direction of the use of a vehicle for towing from places within the enforcement jurisdiction of the Town of Poughkeepsie.

OPERATOR

A person or entity that controls, drives, or directs the use of a vehicle for towing from places within the enforcement jurisdiction of the Town of Poughkeepsie.

OWNER

A person owning, leasing, or controlling one or more tow trucks and driving, operating or causing any such vehicle to be operated within the enforcement jurisdiction of the Town of Poughkeepsie.

PERSON

An individual, firm, (co)partnership, unincorporated association, corporation or other entity.

POLICE ACTIVITY

Any activity involving police officers on a roadway, road shoulder, public property, or private property. Activity by police officers where a motor vehicle may be impounded and towed away.

SOLICIT

To approach with a request or plea, to urge, to accost or to try to obtain by asking.

TOWING

The moving or removing of a damaged, disabled, impounded, illegally parked or abandoned motor vehicle by another vehicle.

TOW TRUCK

A motor vehicle that tows or carries a damaged, disabled, impounded, illegally parked or abandoned motor vehicle or a motor vehicle involved in an accident, emergency, or other police activity incident.

TOW TRUCK COMPANY

Any business entity engaged in towing services which may be organized under a firm, (co)partnership, limited liability partnership, limited liability company, corporation, or other form of organization or business entity or operating as a DBA, inclusive of the company owner(s), operator(s), and driver(s).

Section 2 Findings; Purpose.

- 2.1 It is hereby declared and found that delay in removal of damaged and disabled motor vehicles from accident scene(s), police activity scene(s) and/or other emergency scene(s) may result in congestion of traffic and may cause additional accidents; that the slowing or stopping of motor vehicle traffic on a highway can create safety risk(s); and that the towing of damaged and/or disabled motor vehicles from the highways, streets and rights of way of the Town of Poughkeepsie is a matter affecting the public interest and safety, and consequently, should be subject to supervision and administrative control for the purpose of safeguarding the public

against traffic problems and confusion at the scene of accidents, fraud and excessive rates and similar abuses.

Once members of the Town of Poughkeepsie Police Department arrive at the scene of an accident, or other emergency or police activity, that requires towing a motor vehicle, our Police Officers are responsible for the safety of that scene. This local law gives them the authority to manage the safety at any scene.

- 2.2 This local law has taken into consideration public safety needs and the needs of Town of Poughkeepsie Police Department, responding Fire Department, Emergency Medical Services, and towing personnel.
- 2.3 It is the intent of this local law to provide for the safety of the motoring public and all police officers, firefighters, emergency medical personnel and tow truck operators responding to or working at the scene of a vehicle accident, emergency or other police activity on any highway, street, roadway or right of way in the Town of Poughkeepsie; and to establish a fair and uniform policy for the towing of motor vehicles from accident and other incident scenes inclusive of the surrounding immediate area(s) where other motorists and members of the public may be traveling, walking and/or standing.

Section 3 Declaration of Purpose

- 3.1 It is, therefore, the purpose and intent of this Article to establish an orderly system for the safe and expeditious removal of damaged, disabled, impounded, illegally parked, or abandoned motor vehicles from the streets, highways and rights of way and property, in the Town of Poughkeepsie and to ensure that they are removed and towed safely and quickly from the scene by towing services operating in the Town of Poughkeepsie consistent with statutory and decisional law.

Section 4 Scene Safety; Prohibited Acts.

- 4.1 All Tow Truck Companies must comply with all applicable rules and regulations of Federal Motor Carrier Safety Law, the New York State Vehicle and Traffic Law, the New York State Penal Law, the Regulations of the New York State Commissioner of Motor Vehicles, and the Town of Poughkeepsie Town Code. A Tow Truck Company's failure to abide by the foregoing rules, regulations and statutory laws may result in suspension or removal from the Town of Poughkeepsie Rotational Tow List and subject to the Violation and Penalties provisions as provided for in Article 2 (Section 6) of this Chapter, in addition to any criminal and/or civil prosecution.
- 4.2 Tow Trucks are not emergency vehicles and cannot violate any section of the New York State Vehicle and Traffic Law while being driven to the scene of an accident, parked at the scene of an accident, or towing a vehicle from an accident/incident scene; or other emergency; or police activity.

- 4.3 The provisions of this Section shall apply to all Tow Trucks and Tow Truck Companies operating in the Town of Poughkeepsie.
- 4.4 Tow Trucks operating in the Town of Poughkeepsie may display colored and flashing lights as prescribed by New York State Vehicle and Traffic Law Section 375(41). Tow Trucks are hazard vehicles and, other than statutorily required lights, Tow Trucks may display one or more amber flashing lights while engaged in a hazardous operation. Hazardous operation does not include responding to a call from any law enforcement agency to provide tow services in the Town of Poughkeepsie.
- 4.5 No Tow Truck Company or Tow Truck, other than the Tow Truck Company which has been called to an accident, emergency, or other police activity scene by the Town of Poughkeepsie Police Department from the Town's Rotational Tow List, shall respond to, drive past the scene multiple times; nor park, stop or stand within five hundred (500) feet of said scene.
- 4.6 Tow Truck(s) that have been called to the scene by the Town Police Department from the Town's Rotational Tow List or by the owner, authorized agent or operator of the vehicle shall park where directed by the Town of Poughkeepsie Police Officers at the scene.
- 4.7 All Tow Truck Companies, drivers and operators who are removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway. In accordance with the New York State Vehicle and Traffic Law Section 1219(c).
A Tow Truck Company called to the scene of a crash involving serious injury or death, or where a police investigation is ongoing, shall not remove or otherwise cause to be disturbed any debris or move or reposition any vehicles until directed to do so by police personnel at the scene.
- 4.8 No Tow Truck operator or any person at an accident scene or other scene shall solicit towing services, repair services or storage services from any person involved or injured in the accident or at the scene of any incident within the Town of Poughkeepsie.
- 4.9 All Tow Trucks must comply with New York State Vehicle and Traffic Law Section 397 which provides that a person, not a police officer or peace officer, acting pursuant to his special duties, who equips a motor vehicle with a radio receiving set capable of receiving signals on the frequencies allocated for police use by mounting such radio in the tow truck or carry such portable radio also capable of receiving transmission on radio frequencies on their person while operating or riding in a tow truck is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both.

ARTICLE 2

Town of Poughkeepsie Rotational Tow List

Declaration of Purpose

In order to provide for the safety of the motoring public, the safety of all police officers, firefighters and emergency medical personnel responding to or working at the scene of any vehicle accidents, or police activity, or other emergency on any highway, road, parking lot, public way, public or private property in the Town of Poughkeepsie. It is the intent of the Town Board of the Town of Poughkeepsie to establish a fair and equitable uniform policy for the **non-consensual** towing of vehicles from these scenes consistent with statutory and decisional law.

The public safety needs; the safety needs of police officers, firefighters and emergency medical personnel and the interests of the tow industry will be met by providing Tow Truck Companies on the Town of Poughkeepsie Rotational Tow List with 1) a consistent program for the equitable distribution of tow calls within the Town of Poughkeepsie; 2) Tow Truck requirements for continued participation and placement on the Town of Poughkeepsie Rotational Tow List and service to the Town of Poughkeepsie Police; and 3) fair and equitable means to resolve disputes between 1) the Tow Truck Companies and the Town of Poughkeepsie Police and 2) the processing of consumer concerns.

The Town of Poughkeepsie Rotational Tow List shall be utilized by the Town of Poughkeepsie Police for all **non-consensual** tows and for otherwise consensual tows which cannot be effectuated within thirty (30) minutes from the time consensual tow services are requested by the owner, operator, or authorized agent.

It follows then, that the Town of Poughkeepsie must set the criteria, requirements, minimum levels of experience among other conditions for a tow company to be placed on the Town of Poughkeepsie's Rotational Tow list. This is done to protect the Town of Poughkeepsie from liability and legal action by the owner or person in control of the motor vehicle which has been the subject of a non-consensual tow. That non-consensual tow also includes the storage of the motor vehicle, until the owner or person in control of the motor vehicle can reclaim their vehicle.

Section 1 Criteria required for Tow Companies to be on the Town's Rotational Tow List

The Town of Poughkeepsie requires that any Tow Truck Company applicant for participation and placement on the Town of Poughkeepsie Rotational Tow List must meet the following standards:

- 1.1 Each Tow Truck Company must have been in business for the last three (3) years under its current Company name and shall have an established commercial address, no PO Boxes or office fronts at the time of application submission to the Town of Poughkeepsie Police Department.
- 1.2 Each Tow Truck Company may submit only one (1) application for participation and placement on the Town of Poughkeepsie Rotational Tow List. All Tow Truck Companies organized as a limited liability partnership, limited liability company, corporation or other form of organization must provide evidence of good standing with the NYS Department of State,

confirm the validity of the applicant's license and insurance information, and avoid duplication of Tow Truck Companies participating and being placed on the Town of Poughkeepsie Rotational Tow List.

- 1.3 The Town of Poughkeepsie Police Department shall provide written notice to an applicant of its approval to be on the rotational tow list or the reason or reasons for denial of their application.
- 1.4 The Town of Poughkeepsie Rotational Tow List shall remain valid and in effect until such time as the list is disbanded by action of the Town of Poughkeepsie Town Board.
- 1.5 Each Tow Truck Company application must include the following information to be provided to the Town of Poughkeepsie Police Department:
 - a) USDOT or NYSDOT Number.
 - b) Federal Identification Number.
 - c) New York State Sales Tax Identification Number.
 - d) Proof that there is in-place and maintained NYS Workers Compensation Insurance
 - e) All persons and entities having an ownership interest in the Company.
 - f) A list of all Tow Truck(s) to be operated in the Town of Poughkeepsie together with a copy of valid inspection, NYS Registration Number(s) and Vehicle Identification Number(s) for each Tow Truck. All inspections and registrations shall be kept current during all times of participation and placement on the Town of Poughkeepsie Rotational Tow List.
 - g) A list of all drivers who will be operating each Tow Truck, including the driver's name, address, date of birth and copies of each driver's license and driving abstract;
 - h) Any other information the Chief of Police or his/her designee determines to be necessary regarding the applicant's background and suitability for participation and placement on the Town of Poughkeepsie Rotational Tow List.
- 1.6 Each Tow Truck Company shall add the name(s) of any new operator(s) or driver(s) to their list of drivers supplied in 1.5 (g) above and forward a copy via mail of the updated list to the Town of Poughkeepsie Police Department within five (5) business days of adding any such operator(s) or driver(s). Each Tow Truck Company shall be responsible to maintain proof of mailing.
- 1.7 Each Tow Truck Company must notify the Town of Poughkeepsie Police Department in writing via mail to remove any driver or operator's name from their list supplied in 1.5 (g) above within ten business (10) days of a driver and/or operator no longer being employed by their Company. Each Tow Truck Company shall be responsible to maintain proof of mailing.
- 1.8 Each Tow Truck Company must provide the Town of Poughkeepsie Police Department with a valid Certificate of Insurance naming the Town of Poughkeepsie as certificate holder and as the additional insured with the following minimum coverage required:

(i) Light Duty List:

General Auto Liability	\$ 1,000,000. each occurrence
(Personal Injury and Property Damage combined)	
Garage Keepers Liability	\$ 400,000. each occurrence
(Coverage for vehicles in Vehicle Storage Facility)	
On-Hook Direct Primary	\$ 400,000. each occurrence
(Coverage when vehicle is being towed or carried)	
Umbrella Coverage	\$ 1,000,000.

NYS required Workers Compensation coverage for all listed drivers as listed in 1.5 (g)

NYS required Disability coverage for all listed drivers as listed in 1.5 (g)

(ii) Heavy Duty List:

General Auto Liability	\$ 1,000,000. each occurrence
(Personal Injury and Property Damage combined)	
Garage Keepers Liability	\$ 750,000. each occurrence
(Coverage for vehicles in Vehicle Storage Facility)	
On-Hook Direct Primary	\$ 750,000. each occurrence
(Coverage when vehicle is being towed or carried)	
Umbrella Coverage	\$ 2,000,000.

NYS required Workers Compensation coverage for all listed drivers as listed in 1.5 (g)

NYS required Disability coverage for all listed drivers as listed in 1.5 (g)

- 1.9 Each Tow Truck Company on the Town of Poughkeepsie Rotational Tow List shall agree to defend, indemnify, and hold harmless the Town of Poughkeepsie from any claims or liabilities which may occur as a result of performing service at the request of the Town of Poughkeepsie Police Department.
- 1.10 All Towing Truck Companies must own, lease or sublease either a lighted, fenced, and locked outdoor area or an indoor locked vehicle storage facility in which to store towed vehicles. The facility shall prevent unauthorized access to the towed/stored vehicles. The storage facility shall be in compliance with all applicable zoning and building code requirements and shall be located within the Town of Poughkeepsie or within two (2) driving miles of the Town of Poughkeepsie.
- 1.11 The Vehicle Storage Facility shall be under the control of the Tow Truck Company applicant and shall not be used by any other tow company. Multiple Tow Truck Companies may use the same storage location if each tow company has an individually fenced, locked, controlled, and separate storage area.

- 1.12 Each Tow Truck Company must maintain all records required by this Chapter at their office or their vehicle storage facility. Each Tow Truck Company must maintain copies of all New York State Driver's Licenses with Tow endorsements for all Tow Truck Company driver(s) as well as current valid registrations, inspections and insurance cards for all Tow Trucks operated in the Town of Poughkeepsie.
- 1.13 All Tow Truck Companies shall have staff available at the vehicle storage facility or available by telephone, for vehicle redemption on Mondays through Fridays between the hours of 9:00 am to 5:00 pm on regular business days. All Tow Truck Companies may release a vehicle from their storage facility during holidays or on weekends.
- 1.15 Should a Tow Truck Company not be available Mondays through Fridays between the hours of 9:00 am to 5:00 pm or on Weekends and holidays to release a vehicle. That Towing Company cannot charge for storage to the vehicle owner or authorized agent in control of the vehicle for those days.
- 1.16 If complaints are received by the Town of Poughkeepsie or the Town of Poughkeepsie Police Department. Indicating the charge for release of the towed vehicle has been unreasonable or exorbitant. The Town Board may revisit this local law and take an action to protect the public from such unreasonable or exorbitant charges, by fixing the charge that can be made, for release/storage of vehicles towed by a tow company on the Rotational tow list
- 1.17 Tow Truck Companies shall list their charges for impound towing, accident towing, winching, cleanup, and storage fees for Light Duty and Heavy-Duty tow lists, which lists shall be provided to the Town of Poughkeepsie Police during annual inspection(s) of each Tow Truck Company on the Rotational Tow List. Such submitted lists are a public record and subject to release to the public under the Freedom of Information Law.
- 1.18 Tow Truck Companies must accept at least two (2) major credit cards, one of which must be a bank card and not restricted to cash-only transactions. Towing Truck Companies on the Town of Poughkeepsie Rotational Tow List are not required to release a vehicle from storage when the owner, operator or authorized agent pays the tow/storage invoice by credit card. The Tow Truck Company may hold that vehicle until the credit card payment clears but for no longer than five (5) business days from the date of credit card payment. The Tow Truck Company that accepts a credit card in payment, can not charge for storage after the date of the Credit Card transaction, unless the credit card company indicates that the charge will not be paid. In that case the Tow Truck Company may continue to charge for storage, until payment is received.
- 1.19 Any reports or complaints regarding excessive fees or additional fees for towing services should be brought to the attention of the Chief of Police or his/her designee.
- 1.20 All Tow Truck Companies placed on the Town of Poughkeepsie's Rotational Tow List must make their facilities, vehicle storage areas and equipment available for scheduled inspections by the Town of Poughkeepsie Police Department.

- 1.21 In addition to scheduled inspections of Tow Truck Company facilities, the Town of Poughkeepsie Police Department has the right to inspect, at any time, all Tow Trucks operated by any Tow Truck Company in the Town of Poughkeepsie, including but not limited to each Tow Truck's insurance documentation, vehicle registration and any owner, operator, or driver's license(s) with endorsements, at any time the tow truck is being operated, stopped, standing, or parked on any roadway in the Town of Poughkeepsie.
- 1.22 The placement of, or participation by, a Tow Truck Company on the Town of Poughkeepsie's Rotational Tow List does not create a property right or interest of the Tow Truck Company in the Rotational Tow List position. A Tow Truck Company's position on the Rotational Tow List is not transferable.
- 1.23 Tow Truck Companies are not permitted to subcontract any tow call to another Tow Truck Company. Tow Truck Companies must have their own Tow Truck available and able to respond in order to fulfill a request for service by the Town of Poughkeepsie Police Department.
- 1.24 Each Tow Truck Company currently on the Rotational Tow List must reapply to the Town of Poughkeepsie Police Department to continue to participate on the Rotational Tow List:
 - 1) Every year at the anniversary date of their initial application acceptance.
 - 2) If there is a Tow Truck Company transfer of ten (10%) percent or more in Company ownership interests.
and/or
 - 3) if the Company purchases, acquires or takes control of another Tow Truck Company whether or not such acquired Tow Truck Company is currently participating and/or placed on the Town of Poughkeepsie Rotational Tow List.
- 1.25 A Tow Truck Company on the Rotational Tow List shall not have control or own an interest in more than one (1) company placed on the Town of Poughkeepsie Rotational Tow List.
- 1.26 Should a new Tow Company want to be considered to be placed on the Rotational Tow List, that company must file a full and complete application with the Town Police. The Chief of Police and/or his/her designee, in their discretion, shall determine whether the application meets the requirements of this Chapter.
- 1.27 The Town Board, with input from the Chief of Police, shall set the number of tow companies that are listed on the active Rotational Tow List.
 - (i) The number of tow companies to start the new rotational tow list will be 15
 - (ii) The numerical order for the rotational tow will be set by the Town Board after the application period for the new rotational tow list expires. A lottery may be used.
 - (iii) Should a vacancy occur where a Tow Company takes itself off the Rotational Tow List, the Chief of Police is authorized to appoint a replacement Tow Company

(Section 2) Tow Truck Driver Requirements

- 2.1 To be qualified to respond to a call from the Town of Poughkeepsie Police Department, all Tow Truck Companies, drivers and operators must comply with the following requirements:
- A) All Tow Truck operators and drivers must have one (1) years of verifiable work experience in the operation of Tow Trucks and the towing of vehicles.
 - B) With respect to the Light Duty Rotational Tow List:
 - i. Each Tow Truck Company on the Light Duty List shall have a minimum of two (2) drivers available, either full time or part time, to respond with a Tow Truck and/or flatbed truck when necessary.
 - ii. Each Tow Truck operator and driver shall maintain a valid license with applicable Tow Endorsements for the classification of Tow Truck or vehicle being driven or operated at an accident, emergency, or other police activity scene.
 - C) With respect to the Heavy-Duty Rotational Tow List:
 - i. Each Tow Truck Company on the Heavy-Duty List shall have a minimum of two (2) drivers available, either full time or part time, to respond with Tow Trucks and/or support vehicle when necessary.
 - ii. Each Tow Truck operator and driver shall maintain a valid CDL-A license with applicable Tow Endorsements for the classification of Tow Truck or vehicle being driven or operated at an accident, emergency, or other police activity scene.
- 2.2 The Town of Poughkeepsie Police Department reserves the right to require or conduct criminal background checks on any Tow Truck Company applicant or Tow Truck Company owner, driver or operator placed on the Town of Poughkeepsie Police Rotational Tow List at any time.

(Section 3) Tow Truck Company Equipment Required

- 3.1 All Tow Truck Companies participating and placed on the Town of Poughkeepsie Rotational Tow List must comply with all applicable New York State and Federal laws and regulations governing equipment requirements, and must further comply with the following:
- 3.2 Light Duty List for towing vehicles up to 9,999 pounds
- a. Light Duty List Tow Truck Companies shall have the following equipment:
 - i. A minimum of one tow truck with a minimum 6,000-pound lifting boom on the rear of the truck and a 6,000-pound power winch equipped with a minimum of 75 feet of 3/8" wire or synthetic rope. Tow Trucks shall have a gross vehicle weight rating (GVWR) over 10,000 pounds.

and/or

- ii. A flatbed truck with a minimum gross vehicle weight rating (GVWR) of at least 15,000 pounds with at least 50' of 3/8" wire or synthetic rope.
- iii. All trucks are to be equipped with:
 - 1. A broom.
 - 2. A shovel.
 - 3. Speedi dry or equivalent oil absorbent product.
 - 4. Minimum Grade 7 recovery chains, straps, and safety chains.
 - 5. Minimum one snatch block per wire or synthetic rope line.
 - 6. Warning lights or strobes visible 360 degrees that comply with New York State Law, specifically NYSVTL § 375-41 (3) Colored and Flashing Lights
 - 7. Auxiliary mounted rear tail and stop lights

3.3 Heavy Duty for towing vehicles 10,000 pounds and over

- a. Heavy Duty List Towing companies shall have the following equipment:
- b. Tow Trucks with tow and recovery capacities for Class 3 through Class 8 vehicles
All trucks are to be equipped with:

- 1. A broom.
- 2. A shovel.
- 3. Speedi dry or equivalent oil absorbent product.
- 4. Minimum Grade 7 recovery chains, straps, and safety chains.
- 5. Minimum one snatch block per wire or synthetic rope line.
- 6. Warning lights or strobes visible 360 degrees that comply with New York State Law, specifically NYSVTL §375-41 (3) Colored and Flashing Lights
- 7. Auxiliary mounted rear tail and stop lights

- 3.4 All Tow Truck Companies must have their Tow Trucks and flatbeds permanently lettered with the Tow Company name and must display their NYSDOT and USDOT numbers for such Company. Tow Trucks may not have more than one (1) company name listed thereon to be eligible to be placed on the Town of Poughkeepsie Rotational Tow List. The full business name lettered on the Tow Truck must match the Tow Truck Company name, as approved by the Town of Poughkeepsie Police Department at the time of application to be placed on the Rotational Tow List.

(Section 4) Towing List Procedures

- 4.1 The Town of Poughkeepsie Police Department shall maintain two (2) Rotational Tow lists as follows:
- a. A Light Duty List shall be for normal passenger vehicles, SUVs, vans, light trucks, and motorcycles; and
 - b. A Heavy-Duty List shall be used for Tow Truck Companies capable of towing commercial-type vehicles (GVRW of 10,000 pounds or more).

- 4.2 The Town of Poughkeepsie Police Department shall contact Tow Truck Companies in the following priority:
- a. For **Consensual Tows**, the Tow Truck Company requested by the owner, operator or authorized agent shall be contacted by the Town Police. The Town Police Officers at the scene may in their discretion call a Tow Truck Company from the Rotational Tow List should the requested Tow Truck Company be unable to respond to the scene within thirty (30) minutes.
 - b. For **Non-Consensual Tows**, If the owner, operator, or authorized agent have no preference or are unable to consent to a Tow Truck Company being utilized the Police Department shall contact the next Tow Truck Company on the Rotational Tow list to respond to the scene.
 - c. If the Town Police Officer at the scene determines in his/her discretion that there is imminent danger to public safety, the Tow Truck Company from the Rotational Tow List with the shortest response time may be utilized and respond to the scene.
 - d. Sub-contracting is not allowed.
 - e. In the event of a multi-vehicle accident scene, where more than one (1) Tow Truck is determined to be needed by the Town Police Officer at the scene, the Town of Poughkeepsie Police Department dispatch will make additional calls to Tow Truck Companies on the Rotational Tow List in order, and once a Tow Truck Company has responded to a call, or failed to respond, the Company shall be marked accordingly in the dispatch log, and the next Company on the list will be contacted and utilized.
- 4.2 Response time Monday through Friday 7 am to 6 pm shall be 20 minutes. All other hours the response time shall be 30 minutes, weather permitting.
- 4.3 The Town of Poughkeepsie Police Department's Dispatch shall maintain a log of all Rotational Tow List requests to Tow Truck Companies for tow services. The log shall include the name of the Tow Truck Company, the time the dispatch call was made and whether the Company responded. Upon the Tow Truck Company's arrival at the scene, the Town Police Officer at the scene shall advise dispatch of the Tow Truck's arrival. The arrival time shall then be noted on the Rotational Tow List log.
- 4.4 In the case of **non-consensual** tows, Tow Truck drivers and operators shall tow all motor vehicles to their vehicle storage facility, or to a New York State Registered Repair Shop or New York State Registered Autobody Shop, or such other location as designated by the owner, operator, or authorized agent. In the case that the owner, operator, or authorized agent, of the vehicle wants the vehicle towed to a location other than as noted above, the Tow Truck operator must tow the vehicle to the location requested. The tow truck operator / driver is then entitled to be paid for the tow of the vehicle, to the owner's requested location, at the time the vehicle is dropped off the tow truck.
- 4.5 Tow Truck Companies placed on the Town of Poughkeepsie Rotational Tow List must provide one (1) permanent day and/or night telephone number to be utilized by the Town of Poughkeepsie Police Department when calling the Company to respond to an accident, emergency, or other police activity scene.

- (i) If a Tow Truck Company on the Rotational Tow List failed to respond, is not available, or refuses to respond the Town of Poughkeepsie Police Department will reflect same in its dispatch records and the next Tow Truck Company on the Rotational Tow List will be called to respond to the scene.
- 4.6 A Tow Truck Company may use a telephone answering service to receive calls from the Town of Poughkeepsie Police Department. However, in order to provide for the safety of the motoring public and all police officers, firefighters and emergency medical personnel responding to or working at an accident, emergency or other police activity scene, the Tow Truck Company must return the Town of Poughkeepsie dispatch call within five (5) minutes to confirm that the Company can respond within thirty (30) minutes, from the time of the first call. If the tow company called from the rotational tow list does not call back within (5) minutes, that call will be recorded as a Failure to Respond and the next Tow Company on the Rotational Call List will be called. Section 4.5 above will control, and the second call tow company will not lose their spot on the list.
- 4.7 Any Tow Truck Company listed on the Town's Rotational Tow List that refuses calls by the Town of Poughkeepsie Police Department from the Rotational Tow List or fails to answer calls from the Police Department are subject to the Violations and Penalties set forth in Section 6 of this Chapter.

(Section 5) Inspections

- 5.1 Town of Poughkeepsie Police Officers at the scene of accidents, emergencies or other incidents may periodically inspect Tow Truck Company registration, insurance, inspection, and license documentation to ensure its validity and compliance with federal and state regulations.
- 5.2 The Town Police Department shall schedule annual inspections of the Tow Truck Companies placed on the Town of Poughkeepsie Rotational Tow List including their vehicle storage facility and all the vehicles operated by the Tow Truck Company in the Town of Poughkeepsie. The date of said annual inspection shall be as close as possible but not prior to the Tow Company's anniversary date § 1.24 (1)
- 5.3 Annual inspections shall be scheduled with the Tow Truck Company owner(s) at least two (2) weeks in advance of the inspection date, whenever possible.
- 5.4 During annual inspections, Town Police Officers will inspect and review each Tow Truck and its NYS registration, NYS inspection, and insurance documentation and the secured storage area required by this Chapter.
- 5.5 If the Town Police Officer determines there are deficiencies or violations of this Chapter during the initial inspection. The Police Officer will advise the Tow Company of the violation or deficiencies before leaving the inspection. The Police Officer shall reinspect the Tow Truck, Company its documentation and/or the secure storage area, as may be applicable, within two (2) weeks to ensure that any noted deficiencies or violations have been remedied.

- 5.6 If the deficiencies or violations have not been remedied by the Tow Truck Company upon reinspection, the matter may be dealt with as provided for in the Section 6 Violations and Penalties set forth below.
- 5.7 Within ten (10) days of scheduled annual inspection and/or of a reinspection, the Town of Poughkeepsie Police Officer conducting the inspection/reinspection shall notify the Town of Poughkeepsie Comptroller's Office, on a form provided by the Comptroller's Office, of the inspection/reinspection and completion. The Town of Poughkeepsie Office of the Comptroller shall bill the Towing Company for the inspection and reinspection.
- 5.8 An Inspection Fee of \$150.00 (One Hundred and Fifty Dollars) per site visit will be paid to the Town of Poughkeepsie by the Tow Truck Company upon receiving an invoice from the Town of Poughkeepsie Comptroller's Office.
- 5.9 A reinspection fee of \$75.00 (Seventy-Five Dollars) shall be paid to the Town of Poughkeepsie by the Tow Truck Company upon receiving an invoice from the Town of Poughkeepsie Comptroller's Office for each reinspection.
- 5.10 Failure to pay any inspection/reinspection fees within 30 days of the invoice date will result in the immediate suspension of the towing agency from the Rotational Tow List.
- 5.11 A Tow Truck Company may have its suspension lifted due to non-payment of inspection/reinspection fee(s), after the Company pays the original inspection fee of \$150.00 (One Hundred and Fifty Dollars), plus any reinspection fees, plus a late payment charge of \$ 75.00 (Seventy-five Dollars) in full to the Town of Poughkeepsie. These fees must be paid within thirty (30) days or the tow company will be removed from the rotational tow list and a full application process and application fees will be required.
- 5.12 The amount of the annual (re)inspection fees shall be determined and set by the Town of Poughkeepsie Town Board at their annual reorganizational meeting. If the Town of Poughkeepsie Town Board does not make any change(s) to the annual (re)inspection fees at their annual reorganization Town Board meeting, the current fee schedule remains in full force and effect.

(Section 6) Violation and Penalties

- 6.1 Any person who shall resist or obstruct any police officer, authorized officer, agent, or employees of the Town of Poughkeepsie in the enforcement of the provisions of this Chapter may be charged under the appropriate section of the New York State Penal Law.
 - (i) The Tow Company or the tow truck driver, for violations of this Chapter, upon conviction, may be subject to a fine not to exceed \$1,000.00 or a jail sentence of not more than fifteen (15) days, or both, for each violation, which shall constitute a separate offense within the meaning of this Chapter.

- 6.2 Further, all Tow Truck Companies must comply with all applicable rules and regulations of Federal Motor Carrier Safety Law, the New York State Vehicle and Traffic Law, the New York State Penal Law, the Regulations of the New York State Commissioner of Motor Vehicles, and the Town of Poughkeepsie Town Code. A Tow Truck Company’s failure to abide by the foregoing rules, regulations and statutory laws may result in suspension or removal from the Town of Poughkeepsie Rotational Tow List if it is a Listed Company and are subject to the Violation and Penalties set forth in this Section, in addition to any criminal and/or civil prosecution.
- 6.3 The Town of Poughkeepsie Police Department and any other law enforcement officer with proper jurisdiction, are authorized to issue appearance tickets, as defined in New York State Criminal Procedure Law Section 150.10 for violations of this Chapter.
- 6.4 The following administrative violations are listed here to insure the safe and proper operation of Tow Trucks and Tow Truck Companies on the Town of Poughkeepsie Rotational Tow List when called by the Town of Poughkeepsie Police Department to respond to or operate at any accident, emergency, or other police activity scene:

	First	Second	Third
Late response late to a call	A	B	C
Failure to clean up debris	A	B	C
Failure to maintain required vehicle storage facility	A	C	E
Rudeness to customers	A	B	C
Refusal to accept a credit card	B	C	D
Failure to respond to a call	C	D	E
Refusal to provide service	B	C	D
Refusal to release a vehicle	B	C	D
Refusal to release property in a vehicle	B	C	D
Refusal to follow police directives	B	C	D
Violation of Local, State or Federal Law	E	E	E
Unsafe practices	B	C	D
Overcharging	B	C	D
Soliciting or allowing soliciting at accident scene	E		
Equipping tow truck with radio receiving sets (4.8 above)	E		

A = Letter of Reprimand

B = One (1) Week Suspension from Rotational Tow List

C = Four (4) Week Suspension from Rotational Tow List

D = Six (6) Month Suspension from Rotational Tow List

E = Removal from the Rotational Tow List.

(Section 7) Administrative Procedures

- 7.1 The Chief of Police or his/her designees are charged with ensuring compliance with this Chapter.
- 7.2 A Tow Truck Company's placement on the Town of Poughkeepsie Rotational Tow List may be suspended or revoked if the Company or its driver(s) or operator(s) violate any Federal, New York State, or local law, ordinance, rule, or regulation regarding the operation of the towing business or the fitness to conduct such business.
- 7.3 For an administrative violation of this Chapter, as noted in section 6.4, the Town of Poughkeepsie Police Department shall issue written notice to the Tow Truck Company containing a statement of the manner in which the Company or its driver(s) and operator(s) are in violation of this local law, and the penalty under Section 6 for violation(s) The Company or its driver(s) or operator(s) will be offered an opportunity to be heard.
- 7.4 The list of any administrative violations on the record of any tow company listed on the Town's Rotational Tow List shall be remove, starting with the date of the third annual reapplication/inspection of that Tow Company, after the last violation date, only if there have been no subsequent violations.

The intent here is that no administrative violation and penalty should be permanent. They should be removed after three years unless there are more violations committed during that time period. Should a Tow Company or Tow Truck Driver have a history of multiple administrative violations, they will be removed from their record after three years without another violation.