

LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Poughkeepsie does hereby set the **3rd day of December 2025 at 7:00 p.m.** at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as the time, date and place of a public hearing at which all parties in interest and citizens may be heard in regard to the following:

To Consider the Adoption of a Local Law amending Town Code Chapter 199, entitled "Towing"

AND PLEASE ALSO TAKE FURTHER NOTICE that said Proposed Local Law is available in full with Exhibit to preview on our website:

<https://ny-poughkeepsietown.civicplus.com/300/Public-Hearings>

Or in person @ the Town Clerk's Office, Monday – Friday, 8AM – 4PM.

Felicia Salvatore, Town Clerk
Town of Poughkeepsie
November 6, 2025

RESOLUTION 11:5 - # 5 OF 2025

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 3rd day of December, 2025 at 7:00 pm at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, as and for the time, date and place of a public hearing to consider the adoption by local law of an amendment to the Town Code, Chapter 199, entitled "Towing", and

BE IT FURTHER RESOLVED, that the proposed local law is attached hereto and incorporated herein, and the Town Board does hereby waive a verbatim reading of said local law and does direct that it be spread across the record as if it, in fact, had been read verbatim; and

BE IT FURTHER RESOLVED, that the local law is a Type II action pursuant to SEQRA requiring no further environmental review; and

BE IT FURTHER RESOLVED, that said local law, if adopted, shall take effect immediately upon filing with the Secretary of State.

Dated: November 5th 2025

Moved: Ryan Sharpe

Seconded: Anne Burger

Motion passes/ fails: Ayes 7 Nays 0

ES/mem
t-10/28/2025
m-11/5/2025

	AYE	NAY	ABSTAIN
<u>PRESENT</u> /ABSENT Councilman Reuter	<u>✓</u>	_____	_____
<u>PRESENT</u> /ABSENT Councilwoman Laird	<u>✓</u>	_____	_____
<u>PRESENT</u> /ABSENT Councilwoman Burger	<u>✓</u>	_____	_____
<u>PRESENT</u> /ABSENT Councilman Cifone	<u>✓</u>	_____	_____
<u>PRESENT</u> /ABSENT Councilman Sharpe	<u>✓</u>	_____	_____
<u>PRESENT</u> /ABSENT Councilwoman Shershin	<u>✓</u>	_____	_____
<u>PRESENT</u> /ABSENT Supervisor Edwards	<u>✓</u>	_____	_____

TOWN OF POUGHKEEPSIE

LOCAL LAW NO. __ (PROPOSED) OF THE YEAR 2025

A LOCAL LAW TO AMEND CHAPTER 199, TOWING, OF THE TOWN OF POUGHKEEPSIE CODE TO IMPROVE OPERATION OF THE ROTATIONAL TOW LIST

BE IT ENACTED by the Town Board of the Town of Poughkeepsie as follows:

SECTION 1. LEGISLATIVE INTENT

This local law amends Chapter 199 of the Code of the Town of Poughkeepsie, entitled “Towing,” to improve operation of the Town’s rotational tow list.

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the authority of the Municipal Home Rule Section 10.

SECTION 3. FINDINGS AND PURPOSE

The Town of Poughkeepsie Police Department operates a rotational tow list to safely and expeditiously remove damaged, disabled, impounded, illegally parked, or abandoned motor vehicles when necessary. The process has served the Town well, and the Police Department has requested amendments to update the procedure.

SECTION 4. AMENDMENT TO CHAPTER 199 OF THE TOWN CODE

Chapter 199 of the Town Code is hereby repealed and replaced with the version annexed hereto.

SECTION 5. SUPERSESSSION

To the extent that any provision of this Chapter is inconsistent with Town Law or any other provision of New York State law, the provisions of this Chapter are expressly intended to and do hereby supersede any such inconsistent provision under the Town’s municipal home rule powers.

SECTION 6. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION 7. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State.

Redlined

CHAPTER 199
TOWING

ARTICLE I
General Provisions

§ 199-1. Definitions.

Unless otherwise expressly provided, for the purpose of this chapter, the following words shall have the meanings 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.

NONCONSENSUAL 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.

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).

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

§ 199-2. Findings; purpose.

- A. 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.
- B. This chapter has taken into consideration public safety needs and the needs of the Town of Poughkeepsie Police Department, responding fire department, emergency medical services, and towing personnel.
- C. It is the intent of this chapter 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.

§ 199-3. Declaration of purpose.

It is, therefore, the purpose and intent of this chapter 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.

§ 199-4. Scene safety; prohibited acts.

- A. 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 II (§ 199-11) of this chapter, in addition to any criminal and/or civil prosecution.
- B. 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.

- C. The provisions of this section shall apply to all tow trucks and tow truck companies operating in the Town of Poughkeepsie.
- D. 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.
- E. 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 500 feet of said scene.
- F. 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.
- G. 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.
- H. 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.
- I. 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 \$1,000, or imprisonment not exceeding six months, or both.

ARTICLE II Rotational Tow List

§ 199-5. Declaration of purpose.

- A. 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 nonconsensual towing of vehicles from these scenes consistent with statutory and decisional law.
- B. 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 a) the tow truck companies and the Town of Poughkeepsie Police and b) the processing of consumer concerns.

- C. The Town of Poughkeepsie Rotational Tow List shall be utilized by the Town of Poughkeepsie Police for all nonconsensual tows and for otherwise consensual tows which cannot be effectuated within 30 minutes from the time consensual tow services are requested by the owner, operator, or authorized agent.
- D. 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 nonconsensual tow. That nonconsensual tow also includes the storage of the motor vehicle, until the owner or person in control of the motor vehicle can reclaim their vehicle.

§ 199-6. 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:

- A. Each tow truck company must have been in business for one year 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.
- B. Each tow truck company may submit only one 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.
- C. 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.
- D. 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.
- E. Each tow truck company application must include the following information to be provided to the Town of Poughkeepsie Police Department:
 - (1) USDOT or NYSDOT Number.
 - (2) Federal Identification Number.
 - (3) New York State Sales Tax Identification Number.
 - (4) Proof that there is in-place and maintained NYS Workers Compensation Insurance.
 - (5) All persons and entities having an ownership interest in the company.
 - ~~(6) 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.~~
 - ~~(7) 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.~~

(8)(6) 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 including but limited to its towing enforcement history, credit worthiness and history of relevant business practices.

~~F. Each tow truck company shall add the name(s) of any new operator(s) or driver(s) to their list of drivers supplied in § 199-6E(7) above and forward a copy via mail of the updated list to the Town of Poughkeepsie Police Department within five business days of adding any such operator(s) or driver(s). Each tow truck company shall be responsible to maintain proof of mailing.~~

~~G. 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 § 199-6E(7) above within 10 business 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.~~

F. 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. If a tow truck company's insurance is going to be cancelled or changed, the Town must receive notice from the company's insurance carrier 30 days in advance so that appropriate action can be taken by the Town.

H.G. :

(1) Light duty list:

General Auto Liability (personal injury and property damage combined)	\$1,000,000 each occurrence
Garage Keepers Liability (coverage for vehicles in vehicle storage facility)	\$400,000 each occurrence
On-Hook Direct Primary (coverage when vehicle is being towed or carried)	\$400,000 each occurrence
Umbrella Coverage	\$1,000,000
NYS required Workers Compensation coverage for all listed drivers as listed in § 199-6E(7)	
NYS required Disability coverage for all listed drivers as listed in § 199-6E(7)	

(2) Heavy duty list:

General Auto Liability (personal injury and property damage combined)	\$1,000,000 each occurrence
Garage Keepers Liability (coverage for vehicles in vehicle storage facility)	\$750,000 each occurrence
On-Hook Direct Primary (coverage when vehicle is being towed or carried)	\$750,000 each occurrence

Umbrella Coverage

\$2,000,000

NYS required Workers Compensation coverage for all listed drivers as listed in § 199-6E(7)

NYS required Disability coverage for all listed drivers as listed in § 199-6E(7)

- ~~I.H.~~ 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.
- ~~I.I.~~ 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 driving miles of the Town of Poughkeepsie.
- ~~K.J.~~ 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.
- ~~L.K.~~ 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.
- ~~M.L.~~ 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 a.m. to 5:00 p.m. on regular business days. All tow truck companies may release a vehicle from their storage facility during holidays or on weekends.
- ~~N.M.~~ Should a tow truck company not be available Mondays through Fridays between the hours of 9:00 a.m. to 5:00 p.m. 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.
- ~~O.N.~~ 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 chapter 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.
- ~~P.O.~~ 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.
- ~~Q.P.~~ Tow truck companies must accept at least two major credit cards, one of which must be a bank card and not restricted to cash-only transactions.
- ~~R.Q.~~ 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.
- ~~S.R.~~ 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.

~~F.S.~~ 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.

~~H.T.~~ 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.

~~V.U.~~ 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.

~~W.V.~~ 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)(1)~~ If there is a tow truck company transfer of 10% or more in company ownership interests; and/or

~~(3)(2)~~ 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.

~~X.W.~~ 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.

~~Y.X.~~ The Town Board, with input from the Chief of Police, shall, by resolution, set the number of tow companies that are listed on the active Rotational Tow List.

(1) The number of tow companies to start the new rotational tow list will be 15.

(2) 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.

(3) Should a vacancy occur the Chief of Police is authorized to appoint a replacement tow company.

§ 199-7. Tow truck driver requirements.

A. 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:

(1) All tow truck operators and drivers must have one year of verifiable work experience in the operation of tow trucks and the towing of vehicles.

(2) With respect to the Light Duty Rotational Tow List:

(a) Each tow truck company on the Light Duty List shall have a minimum of two drivers available, either full-time or part-time, to respond with a tow truck and/or flatbed truck when necessary.

(b) 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.

(3) With respect to the Heavy Duty Rotational Tow List:

- (a) Each tow truck company on the Heavy Duty List shall have a minimum of two drivers available, either full-time or part-time, to respond with tow trucks and/or support vehicle when necessary.
- (b) 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.

B. 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.

§ 199-8. Tow truck company equipment required.

A. 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.

B. Light Duty List for towing vehicles up to 9,999 pounds.

(1) Light Duty List tow truck companies shall have the following equipment:

- (a) 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 three-eighths-inch wire or synthetic rope. Tow trucks shall have a gross vehicle weight rating (GVWR) over 10,000 pounds; and/or
- (b) A flatbed truck with a minimum gross vehicle weight rating (GVWR) of at least 15,000 pounds with at least 50 feet of three-eighths-inch wire or synthetic rope.
- (c) 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° that comply with New York State Law, specifically NYSVTL § 375-41(3) Colored and Flashing Lights.
 - [7] Auxiliary mounted rear tail and stop lights.

C. Heavy duty for towing vehicles 10,000 pounds and over.

(1) Heavy Duty List Towing companies shall have the following equipment.

(2) Tow trucks with tow and recovery capacities for Class 3 through Class 8 vehicles. All trucks are to be equipped with:

- (a) A broom.
- (b) A shovel.

- (c) Speedi dry or equivalent oil absorbent product.
 - (d) Minimum Grade 7 recovery chains, straps, and safety chains.
 - (e) Minimum one snatch block per wire or synthetic rope line.
 - (f) Warning lights or strobes visible 360° that comply with New York State Law, specifically NYSVTL § 375-41(3) Colored and Flashing Lights.
 - (g) Auxiliary mounted rear tail and stop lights.
- D. 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 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.

§ 199-9. Towing list procedures.

- A. The Town of Poughkeepsie Police Department shall maintain two Rotational Tow Lists as follows:
- (1) A Light Duty List shall be for normal passenger vehicles, SUVs, vans, light trucks, and motorcycles; and
 - (2) A Heavy Duty List shall be used for tow truck companies capable of towing commercial-type vehicles (GVRW of 10,000 pounds or more).
- B. The Town of Poughkeepsie Police Department shall contact tow truck companies in the following priority:
- (1) 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 30 minutes.
 - (2) For nonconsensual 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.
 - (3) 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.
 - (4) Subcontracting is not allowed.
 - (5) In the event of a multivehicle accident scene, where more than one 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.
- C. Response time Monday through Friday 7:00 a.m. to 6:00 p.m. shall be 20 minutes. All other hours the response time shall be 30 minutes, weather permitting.
- D. 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.

- E. In the case of nonconsensual tows, evidence vehicles or police-impounded vehicles, when directed by a Town of Poughkeepsie police officer, must be towed to the police evidence vehicle storage area or the police impound vehicle storage area.

Should the vehicle, other than identified as above (evidence or police impound - Subsection E(1) and (2) below) in a nonconsensual tow, (2 c- below) the vehicle should be towed to a New York State registered repair shop or New York State registered autobody shop, or to the tow company's own vehicle storage facility, or such other location as designated by the owner, operator, or authorized agent of the vehicle. 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.

- (1) Nonconsensual towing - evidence vehicle(s) at the direction of our Police Department to the evidence vehicle area at our Police Station.
 - (2) Nonconsensual towing - impounded vehicle(s) at the direction of our Police Department to the impounded vehicle area at our Police Station.
 - (3) Nonconsensual towing - other than Subsection E(1) and (2) as noted above, at the direction of our Police Department to the secured vehicle storage area at your business location.
- F. Tow truck companies placed on the Town of Poughkeepsie Rotational Tow List must provide one 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.
 - (1) 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.
 - G. 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 § 199-11 of this chapter.
 - H. No tow truck company, tow truck owner, or tow truck operator may equip their tow truck, or allowed it to be equipped, with a radio receiving set capable of receiving signals on the frequencies allocated for police use.
 - (1) Police officers who find any tow truck equipped with a radio receiving set capable of receiving signals on the frequencies allocated for police use (mounted in the vehicle or carried as a portable radio by an occupant of the tow truck) may, if applicable, charge the operator of said tow truck with a violation of New York State Vehicle and Traffic Law § 397, a misdemeanor.
 - (2) The processing of any evidence following the arrest shall follow the current procedures in the Town of Poughkeepsie Police Department, including the logging in and holding of any evidence supporting the charge.

§ 199-10. Inspections.

- A. 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.

- ~~B. 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 (§ 199-6W).~~
- ~~C. Annual inspections shall be scheduled with the tow truck company owner(s) at least two weeks in advance of the inspection date, whenever possible.~~
- ~~D. 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.~~
- ~~E. 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 weeks to ensure that any noted deficiencies or violations have been remedied.~~
- ~~F. 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 § 199-11, Violation and penalties, set forth below.~~
- ~~G. Within 10 days of the completion of the annual inspection the Town of Poughkeepsie Sergeant or 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 fees/inspection/reinspection and completion. The Town of Poughkeepsie Office of the Comptroller shall bill the towing company for the inspection and reinspection.~~
- ~~H. Annual Fees will be paid to the Town of Poughkeepsie by the tow truck company.
 - ~~(1) The first such payment will be attached to the application for a position on the Town's Rotational Tow List. Thereafter, on the anniversary date of the acceptance of their application or the annual inspection to be on the Town's Rotational Tow List. Payment is due upon receiving an invoice from the Town of Poughkeepsie Comptroller's Office, in the following fee schedule:
 - ~~(a) A yearly fee of \$150 per tow company.~~
 - ~~(b) A yearly fee of \$55 per tow truck.~~
 - ~~(c) A yearly fee of \$77 per heavy duty tow truck.~~
 - ~~(d) A yearly fee of \$55 per driver/operator.~~
 - ~~(e) A yearly fee of \$150 per site visit (vehicle storage facility) including travel time.~~~~
 - ~~(2) These fees are to cover the costs to the Town of Poughkeepsie for the use of our police officers to do the required inspections and personnel checks of the tow companies on the Town's Rotational Tow List.~~~~
- ~~I. A reinspection fee of \$75 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.~~
- ~~J. Failure to pay any fees within 30 days of the invoice date will result in the immediate suspension of the towing agency from the Rotational Tow List.~~
- ~~K. A tow truck company may have its suspension lifted due to nonpayment of fee(s), after the company~~

pays the original fee (as noted above), plus any reinspection fees, plus a late payment charge of \$75 in full to the Town of Poughkeepsie. These fees must be paid within 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.

~~L. The amount of the annual 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 fees at their annual reorganization Town Board meeting, the current fee schedule remains in full force and effect.~~

§ 199-11. Violation and penalties.

A. 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.

(1) 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 or a jail sentence of not more than 15 days, or both, for each violation, which shall constitute a separate offense within the meaning of this chapter.

B. 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.

C. 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.

D. 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

	First	Second	Third
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 (§ 199-9H above)	E		

A	=	Letter of reprimand
B	=	One-week suspension from Rotational Tow List
C	=	Four-week suspension from Rotational Tow List
D	=	Six-month suspension from Rotational Tow List
E	=	Removal from the Rotational Tow List

- (1) The first instance of a violation from the list above shall be penalized by a letter of reprimand.
- (2) The second instance shall be penalized by a six-month suspension from the Rotational Tow List.
- (3) The third instance, within one year after the six-month suspension, shall be penalized by removal from the Rotational Tow List.

§ 199-12. Administrative procedures.

- A. The Chief of Police or his/her designees are charged with ensuring compliance with this chapter.

- B. 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.
- C. For an administrative violation of this chapter, as noted in § 199-11D, 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 chapter, and the penalty under § 199-11 for violation(s). The company or its driver(s) or operator(s) will be offered an opportunity to be heard.
- ~~D. 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.~~

§ 199-13. Effective date.

This chapter shall take effect 90 days after filing with the Department of State and when effective will supersede and replace all current tow list laws and policies.

CHAPTER 199
TOWING

Clean

ARTICLE I
General Provisions

§ 199-1. Definitions.

Unless otherwise expressly provided, for the purpose of this chapter, the following words shall have the meanings 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.

NONCONSENSUAL 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.

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).

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

§ 199-2. Findings; purpose.

- A. 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.
- B. This chapter has taken into consideration public safety needs and the needs of the Town of Poughkeepsie Police Department, responding fire department, emergency medical services, and towing personnel.
- C. It is the intent of this chapter 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.

§ 199-3. Declaration of purpose.

It is, therefore, the purpose and intent of this chapter 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.

§ 199-4. Scene safety; prohibited acts.

- A. 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 II (§ 199-11) of this chapter, in addition to any criminal and/or civil prosecution.
- B. 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.

- C. The provisions of this section shall apply to all tow trucks and tow truck companies operating in the Town of Poughkeepsie.
- D. 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.
- E. 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 500 feet of said scene.
- F. 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.
- G. 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.
- H. 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.
- I. 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 \$1,000, or imprisonment not exceeding six months, or both.

ARTICLE II
Rotational Tow List

§ 199-5. Declaration of purpose.

- A. 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 nonconsensual towing of vehicles from these scenes consistent with statutory and decisional law.
- B. 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 a) the tow truck companies and the Town of Poughkeepsie Police and b) the processing of consumer concerns.

- C. The Town of Poughkeepsie Rotational Tow List shall be utilized by the Town of Poughkeepsie Police for all nonconsensual tows and for otherwise consensual tows which cannot be effectuated within 30 minutes from the time consensual tow services are requested by the owner, operator, or authorized agent.
- D. 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 nonconsensual tow. That nonconsensual tow also includes the storage of the motor vehicle, until the owner or person in control of the motor vehicle can reclaim their vehicle.

§ 199-6. 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:

- A. Each tow truck company must have been in business for one year 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.
- B. Each tow truck company may submit only one 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.
- C. 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.
- D. 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.
- E. Each tow truck company application must include the following information to be provided to the Town of Poughkeepsie Police Department:
 - (1) USDOT or NYSDOT Number.
 - (2) Federal Identification Number.
 - (3) New York State Sales Tax Identification Number.
 - (4) Proof that there is in-place and maintained NYS Workers Compensation Insurance.
 - (5) All persons and entities having an ownership interest in the company.
 - (6) 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 including but limited to its towing enforcement history, credit worthiness and history of relevant business practices.
- F. 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. If a tow truck company's insurance is going to be cancelled or changed, the Town must receive notice from the company's insurance carrier 30 days in advance so that appropriate action can be taken by the Town.

G.

(1) Light duty list:

General Auto Liability (personal injury and property damage combined)	\$1,000,000 each occurrence
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Garage Keepers Liability (coverage for vehicles in vehicle storage facility)	\$400,000 each occurrence
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On-Hook Direct Primary (coverage when vehicle is being towed or carried)	\$400,000 each occurrence
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Umbrella Coverage	\$1,000,000
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NYS required Workers Compensation coverage for all listed drivers as listed in § 199-6E(7)

NYS required Disability coverage for all listed drivers as listed in § 199-6E(7)

(2) Heavy duty list:

General Auto Liability (personal injury and property damage combined)	\$1,000,000 each occurrence
-----------------------------------------------------------------------------	-----------------------------

Garage Keepers Liability (coverage for vehicles in vehicle storage facility)	\$750,000 each occurrence
------------------------------------------------------------------------------------	---------------------------

On-Hook Direct Primary (coverage when vehicle is being towed or carried)	\$750,000 each occurrence
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Umbrella Coverage	\$2,000,000
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NYS required Workers Compensation coverage for all listed drivers as listed in § 199-6E(7)

NYS required Disability coverage for all listed drivers as listed in § 199-6E(7)

H. 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.

I. 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 driving miles of the Town of Poughkeepsie.

J. 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.

- K. 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.
- L. 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 a.m. to 5:00 p.m. on regular business days. All tow truck companies may release a vehicle from their storage facility during holidays or on weekends.
- M. Should a tow truck company not be available Mondays through Fridays between the hours of 9:00 a.m. to 5:00 p.m. 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.
- N. 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 chapter 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.
- O. 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.
- P. Tow truck companies must accept at least two major credit cards, one of which must be a bank card and not restricted to cash-only transactions.
- Q. 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.
- R. 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.
- S. 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.
- T. 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.
- U. 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.
- V. 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) If there is a tow truck company transfer of 10% or more in company ownership interests; and/or

- (2) 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.
- W. 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.
- X. The Town Board, with input from the Chief of Police, shall, by resolution, set the number of tow companies that are listed on the active Rotational Tow List.
- (1) The number of tow companies to start the new rotational tow list will be 15.
 - (2) 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.
 - (3) Should a vacancy occur the Chief of Police is authorized to appoint a replacement tow company.

§ 199-7. Tow truck driver requirements.

- A. 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:
- (1) All tow truck operators and drivers must have one year of verifiable work experience in the operation of tow trucks and the towing of vehicles.
 - (2) With respect to the Light Duty Rotational Tow List:
 - (a) Each tow truck company on the Light Duty List shall have a minimum of two drivers available, either full-time or part-time, to respond with a tow truck and/or flatbed truck when necessary.
 - (b) 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.
 - (3) With respect to the Heavy Duty Rotational Tow List:
 - (a) Each tow truck company on the Heavy Duty List shall have a minimum of two drivers available, either full-time or part-time, to respond with tow trucks and/or support vehicle when necessary.
 - (b) 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.
- B. 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.

§ 199-8. Tow truck company equipment required.

- A. 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.

B. Light Duty List for towing vehicles up to 9,999 pounds.

(1) Light Duty List tow truck companies shall have the following equipment:

- (a) 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 three-eighths-inch wire or synthetic rope. Tow trucks shall have a gross vehicle weight rating (GVWR) over 10,000 pounds; and/or
- (b) A flatbed truck with a minimum gross vehicle weight rating (GVWR) of at least 15,000 pounds with at least 50 feet of three-eighths-inch wire or synthetic rope.
- (c) 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° that comply with New York State Law, specifically NYSVTL § 375-41(3) Colored and Flashing Lights.
 - [7] Auxiliary mounted rear tail and stop lights.

C. Heavy duty for towing vehicles 10,000 pounds and over.

(1) Heavy Duty List Towing companies shall have the following equipment.

- (2) Tow trucks with tow and recovery capacities for Class 3 through Class 8 vehicles. All trucks are to be equipped with:
 - (a) A broom.
 - (b) A shovel.
 - (c) Speedi dry or equivalent oil absorbent product.
 - (d) Minimum Grade 7 recovery chains, straps, and safety chains.
 - (e) Minimum one snatch block per wire or synthetic rope line.
 - (f) Warning lights or strobes visible 360° that comply with New York State Law, specifically NYSVTL § 375-41(3) Colored and Flashing Lights.
 - (g) Auxiliary mounted rear tail and stop lights.

D. 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 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.

§ 199-9. Towing list procedures.

- A. The Town of Poughkeepsie Police Department shall maintain two Rotational Tow Lists as follows:
- (1) A Light Duty List shall be for normal passenger vehicles, SUVs, vans, light trucks, and motorcycles; and
 - (2) A Heavy Duty List shall be used for tow truck companies capable of towing commercial-type vehicles (GVRW of 10,000 pounds or more).
- B. The Town of Poughkeepsie Police Department shall contact tow truck companies in the following priority:
- (1) 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 30 minutes.
 - (2) For nonconsensual 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.
 - (3) 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.
 - (4) Subcontracting is not allowed.
 - (5) In the event of a multivehicle accident scene, where more than one 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.
- C. Response time Monday through Friday 7:00 a.m. to 6:00 p.m. shall be 20 minutes. All other hours the response time shall be 30 minutes, weather permitting.
- D. 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.
- E. In the case of nonconsensual tows, evidence vehicles or police-impounded vehicles, when directed by a Town of Poughkeepsie police officer, must be towed to the police evidence vehicle storage area or the police impound vehicle storage area.

Should the vehicle, other than identified as above (evidence or police impound - Subsection E(1) and (2) below) in a nonconsensual tow, (2 c- below) the vehicle should be towed to a New York State registered repair shop or New York State registered autobody shop, or to the tow company's own vehicle storage facility, or such other location as designated by the owner, operator, or authorized agent of the vehicle. 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.

- (1) Nonconsensual towing - evidence vehicle(s) at the direction of our Police Department to the evidence vehicle area at our Police Station.
 - (2) Nonconsensual towing - impounded vehicle(s) at the direction of our Police Department to the impounded vehicle area at our Police Station.
 - (3) Nonconsensual towing - other than Subsection E(1) and (2) as noted above, at the direction of our Police Department to the secured vehicle storage area at your business location.
- F. Tow truck companies placed on the Town of Poughkeepsie Rotational Tow List must provide one 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.
- (1) 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.
- G. 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 § 199-11 of this chapter.
- H. No tow truck company, tow truck owner, or tow truck operator may equip their tow truck, or allowed it to be equipped, with a radio receiving set capable of receiving signals on the frequencies allocated for police use.
- (1) Police officers who find any tow truck equipped with a radio receiving set capable of receiving signals on the frequencies allocated for police use (mounted in the vehicle or carried as a portable radio by an occupant of the tow truck) may, if applicable, charge the operator of said tow truck with a violation of New York State Vehicle and Traffic Law § 397, a misdemeanor.
 - (2) The processing of any evidence following the arrest shall follow the current procedures in the Town of Poughkeepsie Police Department, including the logging in and holding of any evidence supporting the charge.

§ 199-10. Inspections.

- A. 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.

§ 199-11. Violation and penalties.

- A. 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.
- (1) 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 or a jail sentence of not more than 15 days, or both, for each violation, which shall constitute a separate offense within the meaning of this chapter.
- B. 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.

- C. 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.
- D. 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:
- Late response late to a call
 - Failure to clean up debris
 - Failure to maintain required vehicle storage facility
 - Rudeness to customers
 - Refusal to accept a credit card
 - Failure to respond to a call
 - Refusal to provide service
 - Refusal to release a vehicle
 - Refusal to release property in a vehicle
 - Refusal to follow police directives
 - Violation of local, state or federal law
 - Unsafe practices
 - Overcharging
 - Soliciting or allowing soliciting at accident scene
 - Equipping tow truck with radio receiving sets (§ 199-9H above)
- (1) The first instance of a violation from the list above shall be penalized by a letter of reprimand.
- (2) The second instance shall be penalized by a six-month suspension from the Rotational Tow List.
- (3) The third instance, within one year after the six-month suspension, shall be penalized by removal from the Rotational Tow List.

§ 199-12. Administrative procedures.

- A. The Chief of Police or his/her designees are charged with ensuring compliance with this chapter.
- B. 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.
- C. For an administrative violation of this chapter, as noted in § 199-11D, 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 chapter, and the penalty under § 199-11 for violation(s). The company or its driver(s) or operator(s) will be offered an opportunity to be heard.

§ 199-13. Effective date.

This chapter shall take effect 90 days after filing with the Department of State and when effective will supersede and replace all current tow list laws and policies.