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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Woodbury

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STATE RECORDS

DEC 15 2016

DEPARTMENT OF STATE

Local Law No. 6 of the year 2016

A local law creating Chapter 283 of the Village Code entitled "Towing"
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Woodbury

as follows:

please see attached page: 1-8

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW NO 6 OF 2016

A LOCAL LAW CREATING CHAPTER 283 OF THE VILLAGE CODE ENTITLED, "TOWING"

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WOODBURY AS FOLLOWS:

Section 1 Chapter 283 of the Code of the Village of Woodbury is hereby adopted as follows:

CHAPTER 283 - TOWING

§283-1	Legislative intent; purpose.
§283-2	Definitions.
§283-3	Cruising prohibited.
§283-4	License required; exception.
§283-5	Application for license.
§283-6	Investigation of applicant.
§283-7	Standards for license approval; impounded vehicles; license fee.
§283-8	Issuance of license; expiration; licenses nontransferable.
§283-9	Identification of towing vehicle; display of license.
§283-10	Insurance.
§283-11	Towing rates and fees.
§283-12	Driver qualifications.
§283-13	Equipment on wreckers.
§283-14	Schedule of rates and fees.
§283-15	Rotating call list.
§283-16	Information supplied to towed vehicle's operator/owner.
§283-17	Police power to remove vehicles.
§283-18	Responsibility to clean up debris.
§283-19	Suspension or revocation of license.
§283-20	Hearings.
§283-21	Penalties for offenses.

§283-1 Legislative intent; purpose.

The Village of Woodbury hereby determines that providing regulations for the prompt and safe removal of disabled, abandoned, and impounded vehicles from public roadways within the Village is necessary for the public health, safety and general welfare of the residents and traveling public within the Village. This Chapter will not supersede any specific orders issued by police agencies addressing specific situations (such as vehicles impounded for criminal investigation purposes).

§283-2 Definitions

Whenever used in this Chapter, the following terms shall have the meanings indicated:

ACCIDENT/COLLISION Any incident or occurrence in which one or more vehicles contact each other or other objects, thereby causing personal injury or property damage.

CRUISING The driving of a wrecker along any Village road, street or highway for the purpose of soliciting business in the Village.

DRIVER Any person driving a tow truck for hire upon public roadways.

FOR HIRE Any incident where a fee, charge or other consideration is directly or indirectly imposed for towing, carrying or removing a vehicle, including any case where any person makes repairs on a towed vehicle for compensation, even if no charge is expressly imposed for towing such vehicle.

IMPOUND/STORAGE FACILITY A secured fenced-in area for at least five towed or impounded vehicles. A holder of a license for towing must have the ability to store at least two vehicles inside a building or garage on the facility premises.

OWNED Belonging to, rented or leased.

PERSON Any individual, sole proprietorship, firm, partnership, association, corporation, or other organization, and the singular or plural, masculine, feminine, or neuter thereof, unless the contrary is clearly expressed.

RECOVERY The retrieval of a disabled or abandoned motor vehicle from off the paved portion of a street or off of a Village right-of-way by a vehicle for hire.

SERVICE CALL A request for assistance from a tow truck that does not involve towing, but is limited to rendering emergency assistance for such categories as battery charges, flat tires, lockouts or gasoline.

TOWING The moving or removing of disabled motor vehicles or abandoned motor vehicles by a vehicle for hire.

WRECKER A vehicle registered with New York State as a tow truck and used for the purpose of towing or carrying another vehicle that has been or is involved in an accident, or is disabled, abandoned or illegally parked.

§283-3 Cruising prohibited.

Cruising shall be prohibited within the Village of Woodbury.

§283-4 License required; exception.

- a) It shall be unlawful for any person to engage in the business of towing (including the use of a wrecker) within the Village of Woodbury unless a license shall have first been obtained from the Village. The Village Clerk's office shall be responsible for the issuance of such licenses.
- b) Tow operators without a license from the Village of Woodbury may enter the Village of Woodbury to remove a motor vehicle:
 - a. When a situation exists and no licensed tow truck operator is available; or
 - b. When a licensed tow truck operator's wrecker does not have the capacity to handle the vehicle to be removed; or
 - c. Upon owner request at the scene of an accident or disabled vehicle; or
 - d. In response to a request of the New York State Police or pursuant to a New York State Thruway license; or
 - e. When a vehicle is already in tow when entering the Village of Woodbury.

§283-5 Application for license.

- a) Applications for licenses issued hereunder shall be made upon forms prepared and made available by the Village Clerk's Office and shall state:
- 1) The name, home address and proposed or actual business address of the applicant and whether he or she is the owner or lessee of that business address.
 - 2) A description of the wrecker and/or flatbed for which the license is desired, including the year, make, model, type, registration number, type of registration, VIN, length of service as a tow vehicle, highway usage permit number, and DOT number (if applicable).
 - 3) The names, dates of birth, endorsements/restrictions and client identification number of all wrecker operators.
 - 4) Proof of insurance in the form approved by the Board of Trustees and in accordance with § 283-10 of this Chapter.
 - 5) Any other relevant information which the Village Board or Chief of Police may require from time to time as they deem appropriate.
- b) All applicants must be a New York State licensed repair shop, and the licensed shop must be located at the same site as the impound/storage facility.
- c) All license holders are required to take credit cards and/or cash for all tow list services except impounds, for which cash is required.

§283-6 Investigation of applicant.

Within fourteen days after receipt of an application as herein provided, the Chief of Police shall cause an investigation to be made of the applicant and of his proposed business operation requesting a license. The Chief of Police may delegate the inspection of the wrecker(s) to an independent person, who may not be engaged in business in the Village, who shall be qualified by experience and training to make such inspection and who shall report to the Chief of Police whether the wrecker(s) is/are in a thoroughly safe and sanitary condition. Within 14 days after completion of the inspection and investigation, the Chief of Police shall provide a recommendation to the Board of Trustees, recommending either the approval or denial of the application.

§283-7 Standards for license approval; impounded vehicles; license fee.

- a) The Chief of Police shall recommend approval of a license by the Board of Trustees, upon making the following findings:
- 1) That there has been total compliance with the requirements of this Chapter and all other governing laws, statutes and ordinances.
 - 2) That the tow or wrecker vehicle has been properly registered and inspected by the State of New York and has the necessary stickers affixed. No tow vehicle which is using dealer license plates shall be licensed as a wrecker.
 - 3) That the insurance policies or certificates required herein have been procured and supplied.
 - 4) The required impound/storage facility shall have the capacity to store five motor vehicles outside within a secured area surrounded by a fence with a minimum height of six feet; as well as space to accommodate two vehicles in an indoor secured area.
 - 5) That the applicant is capable of collecting impound and storage fees at the impound facility where such vehicles are stored.
 - 6) That the licensee agrees to record the details of each vehicle towed, serviced or transported by him, his agents or employees, together with full information concerning the details surrounding the hire/tow, the name of the owner of the towed vehicle, when

available, and the name of the patron engaging him, which records shall be kept open for inspection at all times to a duly authorized representative of the Board of Trustees or the Woodbury Police Department. Records as described above need only be kept with respect to tows made off the tow rotating call list in accordance with § 283-15.

- b) An impound storage list must be completed and returned to the Woodbury Police Department within five business days following the end of every month.
- c) Impounded vehicles shall not be released unless authorized in writing by the Woodbury Police Department.
- d) Access to personal property inside a vehicle which is stored in impound shall be permitted with the written approval of the Woodbury Police Department during normal business hours. A licensee shall not withhold personal property or access thereto in order to obtain satisfaction of towing or impound fees.
- e) The fee for the license is provided in the Village's fee schedule, which is reviewed by the Board of Trustees annually as part of their organization meeting, and may be modified at that time, or at any other time, by a resolution of the Board of Trustees.

§283-8 Issuance of license; expiration; licenses nontransferable.

Upon the approval of the Board of Trustees, with the recommendation of the Chief of Police, the Village Clerk shall issue a license to the applicant, a copy of which must be kept in all towing vehicles while conducting operations under the license. All licenses issued hereunder shall expire on the 31st day of December next succeeding the date of issuance, unless sooner suspended or revoked by the Board of Trustees as hereinafter provided. Licenses are not transferable, delegable or assignable.

§283-9 Identification of towing vehicle; display of license.

- a) On each side of every tow vehicle, the license holder shall display, or cause to be displayed by painting, magnetic sign, or other similar means, the name, address, and phone number of the licensee by letters and numbers of not less than three inches in height and of contrasting color to the tow vehicle.
- b) The owner shall also display or cause to be displayed the towing license in a location easily observed from the rear of the tow vehicle.

§283-10 Insurance.

- a) No tow vehicle shall be licensed hereunder, nor shall any licensed tow vehicle be operated within the Village, unless there shall be deposited with the Village Clerk the following insurance policies or certificates of insurance:
 - 1) Auto garage-keeper's legal liability policy covering fire, theft, and explosion in the minimum amount of \$50,000, with each accident deemed a separate claim, naming the Village of Woodbury as an additional insured, with waiver of subrogation. Proof of insurability shall be submitted to the Chief of Police and the Board of Trustees prior the issuance of a permit.
 - 2) Auto garage legal liability policy covering the operation of the licensee's equipment or tow vehicle for any bodily injury or property damage. This policy shall be in the amount of \$1,000,000 per person and \$3,000,000 per accident, and naming the Village of Woodbury and Woodbury Police Department as an additional insured, with waiver of subrogation. Proof of insurability shall be submitted to the Chief of Police and the Board of Trustees prior to the issuance of a license.
- b) Each policy herein must contain an endorsement providing 30 days' notice to the Village in the event of any material change therein or intention to cancel said policy for any cause. In the

event that any policy is changed so as to fail to conform to any of the above requirements or if any policy of insurance is to be canceled for any reason, the Village Clerk shall notify the person responsible for the policy, and it shall be corrected, reinstated or replaced with a conforming policy within 30 days after notice is received by the Village, but before the date of cancellation. If the policy or certificate is not corrected, reinstated or replaced within 10 days prior to the date of cancellation, the Chief of Police shall immediately suspend the towing license and shall pick up from the owner all indicia of licensing, including any stickers, cards and other means of identification.

§283-11 Towing rates and fees.

Charges for the transportation, hauling or services of disabled or impounded vehicles shall not exceed the rates established by the Board of Trustees, which rates may be reviewed periodically by the Police Department and the Board of Trustees. The Board of Trustees may modify the rates by a resolution of the Board.

§283-12 Driver qualifications.

No person who is under the age of 18 years shall drive a tow vehicle. Tow vehicle operators must possess a valid driver's license for the class of vehicle that is being operated, along with the tow truck endorsement.

§283-13 Equipment on wreckers.

- a) At all times the wreckers/flatbeds of licensees shall be equipped with:
 - 1) Emergency flashing amber lights visible from front and rear;
 - 2) A CO₂ or dry-powder fire extinguisher with a minimum capacity of 10 pounds;
 - 3) One container of oil-absorbing material with a minimum capacity of five gallons;
 - 4) A carton containing at least one dozen red railroad-type flares;
 - 5) A dolly/dolly wheels on all wreckers; and
 - 6) A shovel and a broom for clearing the highway of nonhazardous debris, if any.
- b) All equipment shall be maintained in good condition and in satisfactory working order.

§283-14 Schedule of rates and fees.

- A. No licensee may charge for towing services, clean-up or storage covered by these regulations more than the schedule of charges established and/or approved by the Board of Trustees.
- B. A licensee shall not require that a vehicle be towed to any particular shop for repairs, but may tow the vehicle to any location designated by the operator of the towed vehicle as provided in § 283-14(E)(1)(i).
- C. No licensee shall induce or require any operator of any motor vehicle being charged for towing or other services to execute a waiver of liability for damages to his vehicle caused by the licensee, and no such waiver of liability shall be legally enforced. This shall not apply in cases of off-road recovery or lockouts.
- D. No yard charges will be assessed for moving of vehicles while in the licensee's possession. Vehicles must be available for release at the rates approved by the Board of Trustees, Monday through Friday between the hours of 8:30 a.m. and 5:30 p.m. and Saturday between the hours of 8:30 a.m. and 3:00 p.m. A reasonable additional charge may be imposed for release of the vehicle after those hours as well as on Sundays and/or Federal holidays when business is not usually conducted.
- E. Rates and fees (payable by cash or credit card):
 - 1) Towing/impound rates applying to all tow call list services:

- a) Day rate (8:00 a.m. — 6:00 p.m.): \$135
- b) Night rate (6:00 p.m. — 8:00 a.m.): \$150
- c) Weekend/holiday (all hours): \$150
- d) Road service calls (non-towing):
 - 1. Day rate: \$75
 - 2. Night rate: \$100
 - 3. Weekend/holiday: \$100
 - 4. Lock-out rate: \$65
- e) Snow ordinance towing: \$175
- f) Motor vehicle accident (MVA) towing (includes impounds if involved in an accident): no set rate but cannot exceed \$200
- g) MVA storage fees:
 - 1. Outside: \$60
 - 2. Inside: \$90
- h) All impound storage fees:
 - 1. Outside: \$60
 - 2. Inside: \$90
- i) Towing to other locations at customer's request at applicable rate above plus a per-mile charge agreed to by the licensee and the customer before the tow is commenced (not to exceed \$4.00 per mile).

2) NOTE: No storage fees will be charged for vehicles released within the first 24 hours from time of tow. This shall not preclude the licensee from collecting a storage fee for the first 24 hours when a vehicle is released subsequent to that initial period.

F. A license holder may not solicit owners for permission to tow to lots or locations other than their designated impound/storage lot unless the owner agrees in writing. Without an owner's request or written permission, all tows must be to the license holder's designated lot. Failure to do so is a violation of the license requirements.

§283-15 Rotating call list.

- A. A licensee performing towing services for the Village or as requested by a Woodbury police officer shall perform on a per incident rotating basis. When the owner or operator of a disabled vehicle requests a particular tow company, that tow company shall be called and no tow vehicle shall be assigned from the rotating tow list. No licensee shall respond to the scene of an accident except upon notification by the police officer in charge, police headquarters, or upon the request of the owner or operator of a disabled vehicle.
- B. Such additional rules and regulations regarding the rotation of towed vehicles as may be hereafter promulgated by the Board of Trustees after an opportunity to comment by the Chief of Police, and shall take effect five (5) days after mailing a copy thereof to the holders of licenses issued in accordance with this Chapter by sending, via first-class mail, a copy of such additional rules and regulations to said licensee's business address.
- C. A licensee shall be required to respond to the scene within a maximum of 20 minutes from the time the licensee is notified by the Police Department.
- D. A licensee who does not answer a call for assistance, fails to arrive at the designated location where assistance is requested within the 20-minute response time, or is otherwise unavailable when called, shall lose his/her/its turn on the towing roster and must wait for the roster to be called in its entirety before becoming eligible to be called again.

§283-16 Information supplied to towed vehicle's operator/owner.

Each towing firm responding for a call for service must supply the owner/operator of the vehicle who is at the scene with a card containing the tow firm's business name, address, telephone number, hours of operation, a written estimate of the expected charges, and the accepted manner of payment.

§283-17 Police power to remove vehicles.

The Woodbury Police Department shall have the power to require tow vehicles to remove vehicles where:

- A. There is obstruction of a public right-of-way or private property pursuant to vehicle and traffic laws.
- B. A vehicle has been vandalized, presents a fire or safety hazard, or is an attractive nuisance.
- C. An abandoned vehicle bears no discernible registration or identification data.
- D. An abandoned vehicle is not licensed or operable.
- E. A vehicle is violating any emergency no-parking provisions as set forth in the Village Code.
- F. Any other condition where permitted or required by law.

§283-18 Responsibility to clean up debris.

Licensees called to the scene of an accident must, in accordance with the New York State Vehicle and Traffic Law, sweep away or clean up any nonhazardous debris at the scene, provided that they are furnished with police protection against moving vehicles at the scene. There shall be no charge by the licensee for the clean-up of nonhazardous debris resulting from the accident.

§283-19 Suspension or revocation of license.

- A. Any license issued hereunder may be suspended immediately by the Chief of Police or Board of Trustees for up to 30 days if the licensee violates any provision of this chapter, any rule or regulation adopted hereunder, or any local law of the Village, after an investigation by the Police Department, including input from the licensee. If the license holder does not accept the suspension, the license holder may request a hearing with the Board of Trustees, to be held within 10 days. If the licensee is convicted of any felony or crime, or is guilty of making a false statement or misrepresentation relating to a license application, any license issued hereunder may be suspended pending a hearing for revocation by the Board of Trustees.
- B. No license shall be revoked by the Board of Trustees hereunder without a hearing thereon.

§283-20 Hearings.

- A. The Village Clerk shall give notice of the hearing, stating the name and address of the applicant or licensee concerned, the subject matter of the hearing and the date, place and hour designated therefor, by mailing the copy of the notice of hearing to the applicant or licensee concerned at the address shown upon the most recent application of such applicant or licensee at least 15 days before such hearing, by certified mail. The hearing shall take place within 30 days of the suspension.
- B. Upon any hearing, the applicant or licensee involved shall be entitled to be represented by legal counsel and to present such competent and material testimony or other evidence on their own behalf as may be relevant to the subject matter of the hearing.
- C. All witnesses shall be sworn and examined under oath.
- D. Within 45 days after the hearing, the Village Board shall render its decision, which may be to reinstate, suspend or revoke any license issued hereunder. Such decision and the reasons therefor, shall be in writing, and shall be mailed to the parties involved by certified mail.

§283-21 Penalties for offenses.

Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be punished by a fine no less than \$1000 but not to exceed \$5000. Each violation of any of the provisions of this Chapter and each day there is a violation thereof shall be deemed and taken to be a separate and distinct offense. In addition, the Board of Trustees, after a hearing, may suspend or revoke any license issued hereunder for violation of any of the provisions of this Chapter for such period of time as found appropriate after the hearing.

SECTION 2 Savings Clause

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 3 Superseding Provision

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4 Effective date

This local law shall take effect immediately upon filing with the Secretary of State in Albany or January 1, 2017, whichever is later.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2016 of the (County)(City)(Town)(Village) of Woodbury was duly passed by the Board of Trustees on December 8 2016, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

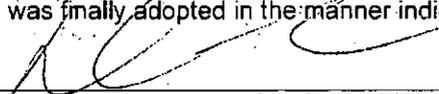
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/9/12

(Seal)