

Chapter 199

TOWING

ARTICLE 1

(Section 1) Definitions

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

ACCIDENT

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

ACCIDENT SCENE

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

AUTHORIZED AGENT

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

CONSENSUAL TOW

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

DRIVER

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

NONSENSUAL TOW

Any tow performed without 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. 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 where a motor vehicle may be impounded or towed.

SOLICIT

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

TOWING

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

TOW TRUCK

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

TOW TRUCK COMPANY

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

(Section 2) Findings; Purpose.

- 2.1 It is hereby declared and found that delay in removing 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.

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

Section 3 Declaration of Purpose

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

Section 4 Scene Safety; Prohibited Acts.

- 4.1 All Tow Truck Companies must comply with all applicable rules and regulations of the 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 codes and laws may result in suspension or removal from the Town of Poughkeepsie Rotational Tow List and subject Listed Companies to the Violation and Penalties provisions as provided for in Article 2 (Section 6) of this Chapter, in addition to any criminal and/or civil prosecution.
- 4.2 Tow Trucks are not emergency vehicles and cannot violate any section of the New York State Vehicle and Traffic Law while being driven to the scene of an accident, parked at the scene of an accident, or while towing a vehicle from any accident, police activity or other emergency scene.
- 4.3 The provisions of this Article shall apply to all Tow Trucks and Tow Truck Companies operating in the Town of Poughkeepsie.
- 4.4 Tow Trucks operating in the Town of Poughkeepsie may only display colored and flashing lights as prescribed by New York State Vehicle and Traffic Law Section and regulations.

- 4.5 No Tow Truck Company or Tow Truck, other than the Tow Truck Company, which has been called to an accident, emergency or other police activity scene by the Town of Poughkeepsie Police Department from the Town's Rotational Tow List or the Tow Truck Company requested by the vehicle owner, operator or authorized agent, shall respond to, drive past the scene multiple times, nor park, stop or stand within five hundred (500) feet of said scene.
- 4.6 Tow Truck(s) that have been called to the scene by the Town Police Department from the Town's Rotational Tow List or by the owner, authorized agent or operator of the vehicle shall park where directed by the Town of Poughkeepsie Police Officers at the scene.
- 4.7 All Tow Truck Companies, drivers and operators shall be required to remove and properly dispose of all debris, including but not limited to speedy dry, antifreeze, oil, broken vehicle parts, glass and plastic from the scene they are towing from in accordance with the New York State Vehicle and Traffic Law Section 1219(c). A Tow Truck Company called to the scene of a crash involving serious injury or death, or where a police investigation is ongoing, shall not remove or otherwise cause to be disturbed any debris or move or reposition any vehicles until directed to do so by police personnel at the scene.
- 4.8 No Tow Truck Operator or any person at an accident scene or other scene shall solicit towing services, repair services or storage services from any person involved or injured in the accident or at the scene of any incident within the Town of Poughkeepsie.
- 4.9 All Tow Trucks must comply with New York State Vehicle and Traffic Law Section 397 which provides that a person, not a police officer or peace officer, acting pursuant to his special duties, who equips a motor vehicle with a radio receiving set capable of receiving signals on the frequencies allocated for police use by mounting such radio in the tow truck or carry such portable radio also capable of receiving transmission on radio frequencies on their person while operating or riding in a tow truck is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both.

ARTICLE 2

Town of Poughkeepsie Rotational Tow List

Declaration of Purpose

In order to provide for the safety of the motoring public, the safety of all police officers, firefighters, emergency medical personnel and towing personnel responding to or working at the scene of any vehicle accident, police activity or other emergency on any highway, street, road, right of way, 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 towing of vehicles from these scenes consistent with statutory and decisional law.

The safety needs of the public, police officers, firefighters, 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 the Tow Truck Companies and the Town of Poughkeepsie Police and to process consumer concerns.

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 thirty (30) minutes from the time consensual tow services are requested by the owner, operator, or authorized agent.

In order to do so, the Town of Poughkeepsie hereby sets the criteria, requirements, minimum levels of experience and other conditions for a tow company to be placed on the Town of Poughkeepsie's Rotational Tow list.

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

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

- 1.1 Each Tow Truck Company must have been in business for the last three (3) years under its current Company name and shall have an established commercial address within two (2) driving miles of the Town of Poughkeepsie, not including PO Boxes or office fronts.
- 1.2 Each Tow Truck Company may submit only one (1) application for participation and placement on the Town of Poughkeepsie Rotational Tow List. All Tow Truck Companies organized as a limited liability partnership, limited liability company, corporation or other form of organization must provide evidence of good standing with the NYS Department of State, confirm the validity of the applicant's license and insurance information, and avoid duplication of Tow Truck Companies participating and being placed on the Town of Poughkeepsie Rotational Tow List.
- 1.3 The Town of Poughkeepsie Police Department shall provide written notice to an applicant of the reason or reasons for denial of their application, if applicable.
- 1.4 Vacancies on the Rotational Tow List and additions thereto shall be filled from eligible applicants subject to the discretion of the Chief of Police or his/her designee.
- 1.5 The Town of Poughkeepsie Rotational Tow List shall remain valid and in effect until such time as the List is disbanded by action of the Town of Poughkeepsie Town Board.
- 1.6 Each Tow Truck Company application must include the following information to be provided to the Town of Poughkeepsie Police Department:
 - a) USDOT or NYSDOT Number.
 - b) Federal Identification Number.
 - c) New York State Sales Tax Identification Number.
 - d) All persons and entities having an ownership interest in the Company.
 - e) 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;

- f) 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;
- g) Any other information the Chief of Police or his/her designee determines to be necessary regarding the applicant's background and suitability for participation and placement on the Town of Poughkeepsie Rotational Tow List.

1.7 Each Tow Truck Company shall add the name(s) of any new operator(s) or driver(s) to their list of drivers supplied per 1.6(f) above and forward a copy via mail of the updated list to the Town of Poughkeepsie Police Department within five (5) business days of adding any such operator(s) or driver(s). Each Tow Truck Company shall be responsible to maintain proof of mailing.

1.8 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 per 1.6(f) above within ten business (10) days of a driver and/or operator no longer being employed by their Company. Each Tow Truck Company shall be responsible to maintain proof of mailing.

1.9 Each Tow Truck Company must provide the Town of Poughkeepsie Police Department with a valid Certificate of Insurance naming the Town of Poughkeepsie as certificate holder and as the additional insured with the following minimum coverage required:

(i) **Light Duty List:**

General Auto Liability	\$1,000,000	each occurrence
Garage Keepers Legal Liability	\$ 400,000	each occurrence
On-Hook Direct Primary	\$ 400,000	each occurrence
Umbrella:	\$1,000,000	
NYS required Workers Compensation coverage		
NYS required Disability coverage		

(ii) **Heavy Duty List:**

General Auto Liability	\$1,000,000	each occurrence
Garage Keepers Direct Primary	\$ 750,000	each occurrence
On-Hook Direct Primary	\$ 750,000	each occurrence
Umbrella	\$2,000,000	
NYS required Workers Compensation coverage		
NYS required Disability coverage		

1.10 Each Tow Truck Company on the Town of Poughkeepsie Rotational Tow List shall defend, indemnify, and hold harmless the Town of Poughkeepsie from any claims or liabilities which may occur as a result of performing service at the request of the Town of Poughkeepsie Police Department.

- 1.11 All Tow 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 codes requirements and shall be located within the Town of Poughkeepsie or within two (2) driving miles of the Town of Poughkeepsie.
- 1.12 The vehicle storage facility shall be under the control of the Tow Truck Company applicant and shall not be used by any other towing company. Multiple Tow Truck Companies may use the same storage location if each tow company has an individually fenced, locked, controlled and separate storage area.
- 1.13 Each Tow Truck Company must maintain all records required by this Chapter at their office or their vehicle storage facility. Each Tow Truck Company must maintain copies of all New York State Driver's Licenses with Tow endorsements for all Tow Truck Company driver(s) as well as current valid registrations, inspections and insurance cards for all Tow Trucks operated in the Town of Poughkeepsie.
- 1.14 All Tow Truck Companies shall have staff available at the vehicle storage facility or available by telephone, for vehicle redemption on Mondays through Fridays between the hours of 9:00 am to 5:00 pm on regular business days. All Tow Truck Companies may release a vehicle from their storage facility during holidays or on weekends.
- 1.15 A Tow Truck Company shall not charge any storage charges for any regular business weekday (9:00 am to 5:00 pm), weekend or holiday if it is unavailable to release a vehicle a vehicle to its owner or authorized agent.
- 1.16 In the event the Town of Poughkeepsie Police Department receives consumer complaints indicating they have been unreasonably or exorbitantly charged for the release of their towed vehicle, the Town Board may revisit this local law and take action to protect the public from such unreasonable or exorbitant charges by fixing the charge(s) for the release of vehicles towed by a Tow Truck Company on the Rotational Tow List.
- 1.17 Tow Truck Companies shall list their charges for impound towing, accident towing, winching, cleanup, and storage fees for Light Duty and Heavy-Duty tow lists, which lists shall be provided to the Town of Poughkeepsie Police during annual inspection(s) of each Tow Truck Company on the Rotational Tow List. Such submitted list is a public record and subject to release to the public under the Freedom of Information Law.
- 1.18 Tow Truck Companies must accept at least two (2) major credit cards, one of which must be a bank card and not restricted to cash-only transactions. Towing Truck Companies on the Town of Poughkeepsie Rotational Tow List are not required to release a vehicle from storage when the owner, operator or authorized agent pays the tow/storage invoice by credit card. The Tow Truck Company may hold that vehicle until the credit card payment clears but for no longer than five (5) business days from the date of credit card payment.

- 1.19 Any reports or complaints regarding excessive fees or additional fees for towing services should be brought to the attention of the Chief of Police or his/her designee.
- 1.20 All Tow Truck Companies placed on the Town of Poughkeepsie's Rotational Tow List must make their facilities, vehicle storage areas and equipment available for scheduled inspections by the Town of Poughkeepsie Police Department.
- 1.21 In addition to scheduled inspections of Tow Truck Company facilities, the Town of Poughkeepsie Police Department has the right to inspect, at any time, all Tow Trucks operated by any Tow Truck Company in the Town of Poughkeepsie, including but not limited to each Tow Truck's insurance documentation, vehicle registration and any owner, operator, or driver's license(s) and endorsements.
- 1.22 The placement of, or participation by, a Tow Truck Company on the Town of Poughkeepsie's Rotational Tow List does not create a property right or interest of the Tow Truck Company in the Rotational Tow List position. A Tow Truck Company's position on the Rotational Tow List is not transferable.
- 1.23 Tow Truck Companies are not permitted to transfer, assign or subcontract any tow call to another Tow Truck Company. Tow Truck Companies must have their own Tow Truck available and able to respond in order to fulfill a request for service by the Town of Poughkeepsie Police Department.
- 1.24 Each Tow Truck Company currently on the Rotational Tow List must reapply to the Town of Poughkeepsie Police Department to continue to participate on the Rotational Tow List if 1) there is a Tow Truck Company transfer of ten (10%) percent 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.
- 1.25 A Tow Truck Company shall not have control or own an interest in more than one (1) company placed on the Town of Poughkeepsie Rotational Tow List without having reapplied or submitting a new application to the Town of Poughkeepsie Police Department. The Chief of Police and/or his/her designee, in their discretion, shall determine whether the application meets the requirements of this Chapter, and shall have the authority to determine the number of Tow Truck Companies needed to be placed on the Town of Poughkeepsie Rotational Tow List based upon safety considerations and the frequency of towing services calls received by the Town of Poughkeepsie.

(Section 2) Tow Truck Driver Requirements

- 2.1 To be qualified to respond to a call from the Town of Poughkeepsie Police Department, all Tow Truck Companies, drivers and operators must comply with the following requirements:

- A) All Tow Truck operators and drivers must have three (3) years of verifiable work experience in the operation of Tow Trucks and the towing of vehicles.
- B) With respect to the Light Duty Rotational Tow List:
- i. Each Tow Truck Company on the Light Duty List shall have a minimum of two (2) drivers available, either full time or part time, to respond with a Tow Truck and/or flatbed truck when necessary.
 - ii. Each Tow Truck operator and driver shall maintain a valid license with applicable Tow Endorsements for the classification of Tow Truck or vehicle being driven or operated at an accident, emergency, or other police activity scene.
- C) With respect to the Heavy-Duty Rotational Tow List:
- i. Each Tow Truck Company on the Heavy-Duty List shall have a minimum of two (2) drivers available, either full time or part time, to respond with Tow Trucks and/or support vehicle when necessary.
 - ii. Each Tow Truck operator and driver shall maintain a valid CDL-A license with applicable Tow Endorsements for the classification of Tow Truck or vehicle being driven or operated at an accident, emergency, or other police activity scene.
- 2.2 The Town of Poughkeepsie Police Department reserves the right to require or conduct criminal background checks on any Tow Truck Company applicant or Tow Truck Company owner, driver or operator placed on the Town of Poughkeepsie Police Rotational Tow List at any time.

(Section 3) Tow Truck Company Equipment Required

3.1 All Tow Truck Companies participating and placed on the Town of Poughkeepsie Rotational Tow List must comply with all applicable New York State and Federal laws and regulations governing equipment requirements, and must further comply with the following:

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

a. Light Duty List Tow Truck Companies shall have the following equipment:

- i. A minimum of one tow truck with a minimum 6,000-pound lifting boom on the rear of the truck and a 6,000-pound power winch equipped with a minimum of 75 feet of 3/8" wire or synthetic rope. Tow Trucks shall have a gross vehicle weight rating (GVWR) over 10,000 pounds.
and/or
- ii. A flatbed truck with a minimum gross vehicle weight rating (GVWR) of at least 15,000 pounds with at least 50' of 3/8" wire or synthetic rope.
- iii. All trucks are to be equipped with:
 1. A broom.
 2. A shovel.
 3. Speedi dry or equivalent oil absorbent product.
 4. Minimum Grade 7 recovery chains, straps, and safety chains.

5. Minimum one snatch block per wire or synthetic rope line.
6. Warning lights or strobes visible 360 degrees that comply with New York State Law, specifically NYSVTL § 375-41 (3) Colored and Flashing Lights
7. Auxiliary mounted rear tail and stop lights

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

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

All trucks are to be equipped with:

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

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

(Section 4) Towing List Procedures

4.1 The Town of Poughkeepsie Police Department shall maintain two (2) Rotational Tow lists as follows:

- a. A Light Duty List shall be for normal passenger vehicles, SUVs, vans, light trucks, and motorcycles; and
- b. A Heavy-Duty List shall be used for Tow Truck Companies capable of towing commercial-type vehicles (GVRW of 10,000 pounds or more).

4.2 The Town of Poughkeepsie Police Department shall contact Tow Truck Companies in the following priority:

- a. For Consensual Tows, the Tow Truck Company requested by the owner, operator or authorized agent shall be contacted by the Town Police. The Town Police Officers at the scene may in their discretion call a Tow Truck Company from the Rotational Tow List should the requested Tow Truck Company be unable to respond to the scene within the required response time.

- b. If the owner, operator, or authorized agent have no preference or are unable to consent to a Tow Truck Company being utilized (Nonconsensual Tow), the Police Department shall contact the next Tow Truck Company on the Rotational Tow list to respond to the scene.
 - c. If the Town Police Officer at the scene determines in his/her discretion that there is imminent danger to public safety, the Tow Truck Company from the Rotational Tow List with the shortest response time may be utilized and respond to the scene.
 - d. In the event of a multi-vehicle accident scene, where more than one (1) nonconsensual 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/or utilized.
- 4.3 Response time to the scene shall be 20 minutes during Mondays through Fridays between 7 am to 6 pm. During all other hours the response time shall be 30 minutes, weather permitting.
- 4.4 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 and when 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 Police Department's incident log.
- 4.5 In the case of non-consensual tows, Tow Truck drivers and operators shall tow all motor vehicles to their vehicle storage facility, or to a New York State Registered Repair Shop or New York State Registered Autobody Shop, or such other location as designated by the owner, operator or authorized agent. In the case that the owner, operator or authorized agent, of the vehicle wants the vehicle towed to a location other than as noted above, the Tow Truck operator must tow the vehicle to the location requested. The tow truck operator / driver is then entitled to be paid for the tow of the vehicle to the owner's requested location at the time the vehicle is dropped off the tow truck.
- 4.6 A copy of the Rotational Tow List log is public record and will be provided to the Town Clerk and made available to the public.
- 4.7 Tow Truck Companies placed on the Town of Poughkeepsie Rotational Tow List must provide one (1) permanent day and/or night telephone number to be utilized by the Town of Poughkeepsie Police Department when calling the Company to respond to an accident, emergency, or other police activity scene. A Tow Truck Company may not cover or respond to an accident, emergency, or other police activity scene for another Tow Truck Company on the Rotational Tow List. If a Tow Truck Company is not available, the Town of Poughkeepsie Police Department will reflect same in its dispatch records and the next Tow Truck Company on the Rotational Tow List will be called to respond to the scene.

- 4.8 A Tow Truck Company may use a telephone answering service to receive calls from the Town of Poughkeepsie Police Department. However, in order to provide for the safety of the motoring public and all police officers, firefighters and emergency medical personnel responding to or working at an accident, emergency or other police activity scene, the Tow Truck Company must return the Town of Poughkeepsie dispatch call within five (5) minutes to confirm that the Company can respond within the required response time. If the tow company called from the Rotational Tow List does not call back within (5) minutes, that call will be recorded in the Police Department's tow dispatch log as a Failure to Respond and the next Tow Truck Company on the Rotational Tow List will be called.
- 4.9 Any Tow Truck Company listed on the Town's Rotational Tow List which fails to answer calls from the Police Department is subject to the Violations and Penalties set forth in Section 6 of this Article.

(Section 5) Inspections

- 5.1 Town of Poughkeepsie Police Officers at the scene of accidents, emergencies or other incidents may periodically inspect Tow Truck Company registration, insurance, inspection, and license documentation to ensure its validity and compliance with federal and state regulations.
- 5.2 The Town Police Department shall schedule annual inspections of the Tow Truck Companies placed on the Town of Poughkeepsie Rotational Tow List including their vehicle storage facility and all the vehicles operated by the Tow Truck Company in the Town of Poughkeepsie.
- 5.3 Annual inspections shall be scheduled with the Tow Truck Company owner(s) at least two (2) weeks in advance of the inspection date, whenever possible.
- 5.4 During annual inspections, Town Police Officers will inspect and review each Tow Truck and its NYS registration, NYS inspection, and insurance documentation and the secured storage area required by this Chapter.
- 5.5 If it is determined that 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, its documentation and/or the secure storage area, as may be applicable, within two (2) weeks to ensure that any noted deficiencies or violations have been remedied.
- 5.6 If the deficiencies or violations have not been remedied by the Tow Truck Company upon reinspection, the matter may be dealt with as provided for in the Section 6, Violations and Penalties set forth below.
- 5.7 Within ten (10) days of a scheduled inspection or reinspection, the Town of Poughkeepsie Police Officer conducting the inspection or reinspection shall notify the Town of Poughkeepsie

Comptroller's Office, on a form provided by the Comptroller's Office, of the inspection/reinspection and completion. The Town of Poughkeepsie Office of the Comptroller shall bill the Towing Company for the inspection and reinspection.

- 5.8 An Inspection Fee of \$150.00 (One Hundred and Fifty Dollars) per site visit will be paid to the Town of Poughkeepsie by the Tow Truck Company upon receiving an invoice from the Town of Poughkeepsie Comptroller's Office.
- 5.9 A reinspection fee of \$75.00 (Seventy-Five Dollars) shall be paid to the Town of Poughkeepsie by the Tow Truck Company upon receiving an invoice from the Town of Poughkeepsie Comptroller's Office for each reinspection.
- 5.10 Failure to pay any inspection or reinspection fees within thirty (30) days of the invoice date will result in the immediate suspension of the towing agency from the Rotational Tow List.
- 5.11 A Tow Truck Company may have its suspension based upon non-payment of inspection and/or reinspection fee(s) lifted if the Company pays the original inspection fee of \$150.00 (One Hundred and Fifty Dollars), together with any reinspection fees and a late payment charge of \$75.00 (Seventy-five Dollars) in full to the Town of Poughkeepsie. These fees must be paid within thirty (30) days from the date of the Notice of Suspension. If such fees are not timely paid, the Tow Truck Company will be removed from the Rotational Tow List and a full application will thereafter be required by the Town of Poughkeepsie Police Department for placement on the Rotational Tow List.
- 5.12 The amount of the annual (re)inspection fees shall be determined and set by the Town of Poughkeepsie Town Board at their annual reorganizational meeting. If the Town of Poughkeepsie Town Board does not make any change(s) to the annual (re)inspection fees at their annual reorganization Town Board meeting, the current fee schedule remains in full force and effect.

(Section 6) Violation and Penalties

- 6.1 Any person who shall violate Article 1, Sections 4.5 (500 ft., unrequested tow), 4.6 (Parking as directed at the scene), 4.7 (debris removal) and 4.8 (no solicitation) or who shall resist or obstruct the duly authorized officer, agent or employees of the Town of Poughkeepsie in the enforcement of the provisions of this Article shall be guilty of a violation and upon conviction shall be subject to a fine not to exceed \$1,000.00 or a jail sentence of not more than fifteen (15) days, or both. Each violation shall constitute a separate offense within the meaning of this Chapter.
- 6.2 All Tow Truck Companies must comply with all applicable laws, rules and regulations including the 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, codes and laws may result in suspension or removal from the Town of Poughkeepsie Rotational Tow List if it is a Listed Company, and subject it to

the Violation and Penalties set forth in this Section, in addition to any criminal and/or civil prosecution.

- 6.3 Town of Poughkeepsie Police Officers and any other law enforcement officers are authorized to issue appearance tickets, as defined in New York State Criminal Procedure Law Section 150.10 for violations listed in 6.1 above.
- 6.4 The following administrative violations and penalties are listed here to insure the safe and proper operation of Tow Trucks and Tow Truck Companies on the Town of Poughkeepsie Rotational Tow List when called by the Town of Poughkeepsie Police Department to respond to or operate at any accident, emergency, or other police activity scene:

	First	Second	Third
Late response late to a call	A	B	C
Failure to clean up debris	A	B	C
Failure to maintain required vehicle storage facility	A	C	E
Rudeness to customers	A	B	C
Refusal to accept a credit card	B	C	D
Failure to respond to a call	C	D	E
Refusal to provide service	B	C	D
Refusal to release a vehicle	B	C	D
Refusal to release property in a vehicle	B	C	D
Refusal to follow police directives	B	C	D
Violation of Local, State or Federal Law	C	D	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	E		

A = Letter of Reprimand

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

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

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

E = Removal from the Rotational Tow List

(Section 7) Administrative Procedures

- 7.1 The Chief of Police or his/her designees are charged with ensuring compliance with this Chapter.
- 7.2 In the event of a violation of the provisions of §6.4 above, the Captain of the Police Department's Support Services Bureau or his/her designee shall by certified mail or delivery to the commercial address (Art. 2, §1.1) of the Tow Truck Company, and to any operator found in violation to the address shown on his/her driver's license (Art. 2, §1.6(f)), a Notice of Violation and the penalty imposed.

A Tow Truck Company may, within, ten (10) days of the certified mailing to or delivery of the Notice of Violation request in writing an opportunity to be heard on the violation and submit all documentation in support of its position by delivering the same to the Police Department.

The Chief of Police or his designee shall render a decision within ten business (10) days from receipt of the request and supporting documentation.

(Section 8) Promulgation of rules and regulations

- 8.1 The Town Board of the Town of Poughkeepsie shall retain authority to promulgate such other rules and regulations as it deems necessary, consistent with the intent of this article.

(Section 9) Effectiveness

- 9.1 This local law shall take effect ninety (90) days after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law, and on the effective date will supersede all prior towing policies and procedures.