

VILLAGE OF JOHNSON CITY
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§ 258-1. Policy intent.

The intent of this procedure is to provide for the prompt and safe removal of vehicles that are disabled, abandoned, or otherwise need to be removed via tow truck from public roadways at the direction of the Police Department under an established fair and uniform regulation. It is important for the safety and convenience to other motorists that said vehicles are removed as promptly as possible, that delay in removal can result in unnecessary traffic congestion, confusion, and delay and may result in secondary crashes. This policy shall not supersede any specific orders issued by the Chief of Police either through special or general orders of the Chief addressing specific situations such as vehicles impounded for criminal investigative purposes.

§ 258-2. Rotational Tow Lists.

There shall be a regular duty towing rotational list for passenger vehicles or small trucks less than 10,000 lbs., and a separate rotational heavy duty towing list for larger vehicles 10,000 lbs. or more. The procedure for selection from the rotational tow list and dispatch of a tow firm upon the request by the Police Department is handled by the 911 Communications Center, pursuant to the Policy and Procedures of the Broome County Office of Emergency Services.

§ 258-3. List of Towing Firms.

The towing firms can participate on either or both the light and/or heavy tow list at any time. Vacancies on the list shall be filled on a first-come, first-served basis from eligible applicants.

§ 258-4. Eligibility requirements and Application Process.

The requirements for placement on a rotational towing list shall be as follows:

- A. The towing firm must have a minimum insurance liability policy of one million dollars (\$1,000,000.) protecting their activities while operating within the Village of Johnson City. A copy of said certificate of insurance shall be approved by the Village Attorney and filed with the Village of Johnson City Police.
- B. The towing firm must supply the Johnson City Police, Traffic Division, with a list of all equipment at their disposal, including truck weights, capacities, make, year and registration numbers. Required towing equipment for placement on the Regular Duty Towing Rotational List must be at least one (1) conventional tow truck with wheel-lift, and one (1) rollback. Required towing equipment for placement on the Heavy Duty Towing Rotational List must be at least one (1) large capacity tow truck with a rating of at least twenty (20) tons. Towing firm trucks must also meet the following requirements:
 1. Must be clearly marked and lettered with the towing firm's name and phone number in at least 3" lettering of contrasting color.
 2. Must have at least one or more amber light affixed and visible to all approaching traffic from a distance of five hundred feet and said lighting shall be displayed when the tow truck is engaged in a hazardous operation.
 3. Must be equipped with speedy dry or similar absorption material to clean minor spills, as well as a broom, shovel, and other proper equipment to clean up the scene.
- C. The towing firm must provide a twenty-four-hour service, accept all calls given to it by the Village Police Department (staffing permitting) and maintain a response time of twenty (20) minutes or less.

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- D. The towing firm must supply the Police Department, Traffic Division, with a photo copy of the driver's license for each employee who operates their equipment; all drivers must maintain a valid license applicable to the class of tow truck they operate. The Police Department must be supplied with an updated photo copy of the driver license of any new employee after initial application and assignment to the Rotational Tow List.
- E. The towing firm must supply the Police Department, Traffic Division, with a complete listing of all current towing, storage, additional and/or incidental fees that will be charged for services rendered. The Police Department must be supplied with a new list if any said fees are changed.
- F. The towing firm shall provide a storage lot which is located within the limits of the Village of Johnson City, or within one (1) mile of the boundaries of the Village of Johnson City. The storage lot shall be lighted and secured and insured to store towed vehicles. Reasonable measures shall be taken to prevent theft and/or damage to the vehicles. Towing firms shall furnish a key to the Police Department to allow access to said storage lot so that officers will have access to finish their investigations.
- G. The towing firm shall tow all vehicles to their determined storage lot located in the Village of Johnson City, or within one (1) mile of the boundaries of the Village of Johnson City, and shall not tow vehicles outside of the Village unless directed to by the owner or the police. No towed vehicle shall be stored on a public street.
- H. All towing company premises, including the location of the towing company and the location of the vehicle storage facility, shall be in compliance with all local zoning, building, and fire safety codes, and shall comply with all New York State and Federal regulations limiting or otherwise governing the use of said properties.
- I. Towing firms shall maintain complete and accurate records concerning all vehicles towed. Such records shall be maintained for at least one (1) year after a towed vehicle has been retrieved or has otherwise been released out of the possession of the towing firm. These records shall be readily available for inspection by the Chief of Police or designee.
- J. All towing firms shall be required to remove all debris related to the incident to which they are called, in accordance with New York State Vehicle and Traffic Law § 1219(c). A towing firm 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 by police personnel on scene to do so.
- K. All towing firms shall maintain all licenses and insurance required by the New York State Vehicle and Traffic Law, and all equipment used shall comply with the Vehicle and Traffic Law and the Rules and Regulations of the Commissioner of Motor Vehicles (Title 15 of the NYCCR). All equipment used shall be in good operating condition, and all towing firm personnel shall be properly trained and fully competent to perform their functions and shall perform those functions in a courteous and orderly manner.

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- L. Any towing firm that meets the eligibility requirements may complete and submit an application to be added to the Rotational Tow List. The application shall contain the following:
1. The name and address of the owner and operator of the towing firm;
 2. The address where the towing firm is or will be located;
 3. The address where motor vehicles towed by the towing firm shall be stored;
 4. The name and address of the owner of the premises where towed vehicles are to be stored;
 5. If the towing firm is owned or will be owned by a partnership, corporation, or other business entity or association, then the names and addresses of each partner, officer, principal, or owner or part owner however titles shall be listed on the application;
 6. All names listed on the application shall be full legal names, and all addresses shall be homes addresses, listing street and number of each such residence;
 7. The telephone number to be called for the retrieval of any motor vehicle towed by the towing firm;
 8. The hours of operation the towing firm will be open for the towing of motor vehicles;
 9. The hours of operation the towing firm will be open for towed vehicles to be retrieved;

The above notwithstanding, the Police Department may require such additional information as may be necessary in order to fully enforce and administer this Local Law.

- M. Upon receipt of an application, the Police Department shall investigate the proposed location of the vehicle storage facility to determine compliance with this Local Law and to determine whether public safety problems exist. The Department shall also make such investigation as is deemed appropriate or necessary regarding the background of any information listed on the license application.
- N. Towing Firms' position on the Rotational List, once assigned, is not transferable. Towing Firms are not permitted to subcontract any tow call to another towing firm. All towing firms must have their own tow truck available and able to respond in order to fulfill a request for service made by the Police Department.

§ 258-5. Denial of Application.

The Police Department shall give written notice to an applicant of the reason or reasons for the denial.

§ 258-6. Expiration of List.

The Rotational Tow List shall remain valid until a Towing Firm withdrawals from the List, a Towing Firm's status on the List is revoked as a result terms as set forth by this Local Law, or the List is disbanded by resolution of the Village Board.

§ 258-7. Complaints.

- A. Anyone wishing to file a complaint with the Police Department will do so in writing and submit it to the Police Department.
- B. All complaints will be investigated with all parties involved and the complainant will be advised of the outcome in writing.

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§ 258-8. Penalties; Suspension or Revocation from List.

- A. The Chief of Police or designee is charged with ensuring compliance with this Local Law.
- B. A towing firm's assignment to the List may be suspended or revoked if the towing firm violates any Federal, New York State, or local law, ordinance, rule or regulation regarding the operation of the towing business or the fitness to conduct that business.
- C. Any towing firm that refuses calls by the Police Department (unless said Firm is unavailable due to being on another service call which prohibits being able to timely respond) or fails to answer calls from the Police Department three (3) times within a six (6) month period, will have their assignment to the list revoked and must reapply to be reinstated to the List. The Police Department shall provide written notice to the towing firm for each incident outlining the failure by the towing firm.
- D. For a violation of this Local Law, the Police Department shall issue written notice to the towing firm containing a statement of the manner in which the firm is alleged to be in violation of this law and the date of the hearing to be held within 10 days after written notice is given to the firm either in person or by registered mail addressed to the licensee on file.
- E. A towing firm's assignment to the list shall not be revoked without the hearing first taking place; however, the Chief of Police may suspend the firm's assignment to the list where there are safety concerns or concerns that the alleged violation may be repeated prior to the holding of the hearing. In the event that the towing firm's assignment to the List is suspended, the Firm shall have the right to file a written notice of appeal with the Chief of Police within ten (10) days of the date of the notice of suspension or revocation. Determination of appeals should be made by the Chief of Police or his or her designee within thirty (30) days of receipt of the appeal.

§ 258-9. Information to vehicle owner.

Each towing firm on the Rotational Tow List must supply the owner/operator of a vehicle who is at the scene with a card containing their business name, address, phone numbers, hours of operation and summary of the expected charges.

§ 258-10. Owner's preference / AAA request.

Nothing within this chapter shall prevent a vehicle owner from choosing to call a tower who is not on the Village towing list or to request a AAA tow; provided, however, that should that owner be unable to respond in what the police officer at the scene feels is a reasonable period of time and the police officer at the scene has safety concerns regarding the vehicles' location, the officer may supersede the desires of the owner and call a tower based upon the lists.

§ 258-11. Rates and Charges.

The towing firm on the Rotational Tow List, upon completion of a tow or roadside service rendered, shall levy charges against the rightful owner of the vehicle. No fee may be levied for a response that does not result in either the removal of a vehicle or any on-scene roadside service rendered. The cost of the towing or service shall be the responsibility of the vehicle owner or operator.

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§ 258-12. Documentation of requirements.

All towing firms desiring to be on the Rotational Tow lists must provide the Village Police Department with proof of all of the requirements set forth here in advance of the effective date of this chapter. Following the establishment of the initial Rotational Tow List, the Village will update the list, based upon any new applications, as needed.

§ 258-13. Indemnification of Village.

Each towing service operator on a rotational tow list shall agree to defend, indemnify, and hold harmless the Village from any claims or liabilities which may occur as a result of performing service at the request of the Police Department.

Section 2. Remainder

Except as hereinabove amended, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

Section 3. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.