

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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 Cortland

FILED
STATE RECORDS

FEB 03 2017

DEPARTMENT OF STATE

Local Law No. 2 of the year 2017

A local law Regulating the Towing and Impounding of Vehicles

(Insert Title)

Be it enacted by the Legislature of the
(Name of Legislative Body)

County City Town Village

(Select one.)

of Cortland

as follows:

See attached.

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

(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. 2 of 2017 of the (County)(City)(Town)(Village) of Cortland was duly passed by the Cortland County Legislature on January 26, 2017, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) 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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

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) (Name of Legislative Body) (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*)

* 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.)

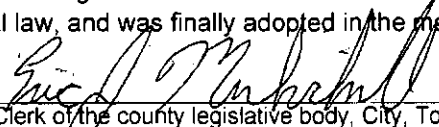
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____ above.



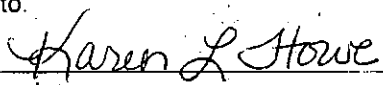
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
Date: 1/27/2017

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Cortland

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
County Attorney
Title

County
City of Cortland
Town _____
Village _____

Date: January 30, 2017

Local Law No. 2 of 2017 - a Local Law Regulating the Towing and Impounding of Vehicles

WHEREAS, the Cortland County Judiciary and Public Safety Committee has reviewed and recommended the adoption of the attached Local Law; AND

WHEREAS, said local law has been in its final form upon the desks of the members of the Legislature at least seven days exclusive of Sunday, prior to this date, AND

WHEREAS, a public hearing was held January 26, 2017, and proper notice of said public hearing was provided, NOW THEREFORE BE IT

RESOLVED, that, upon approval of the County Attorney, the attached local law, titled Local Law No. 2 of 2017, " a Local Law Regulating the Towing and Impounding of Vehicles", is hereby adopted by the Cortland County Legislature.

LOCAL LAW NO. 2 FOR THE YEAR 2017

A LOCAL LAW REGULATING THE TOWING AND IMPOUNDING OF VEHICLES

Be it enacted by the County Legislature of the County of Cortland as follows:

Local Law No. 8 of 2014 is hereby amended to read as follows:

Section 1. This Local Law shall be known as the "Towing and Impound of Vehicles Law" and shall regulate the actions of owners and operators of tow trucks in Cortland County. It will also establish procedure for the impoundment of vehicles within Cortland County. This local law shall read as follows:

I. - Legislative Intent

Cortland County is intersected by roads and highways. Like most counties of a historically rural nature, Cortland is comprised of many small communities situated throughout the County, and automobile travel is by far the most prevalent means of travel throughout the County. Cortland County is bisected by Interstate 81, a major east-coast thoroughfare that carries millions of vehicles annually from Tennessee in the south to the Canadian border in the north. In addition to travelers through and around Cortland County, large commercial vehicles must travel though the City of Cortland and other smaller communities within the County on a regular basis. Accordingly, the roads and highways of Cortland County see significant vehicular traffic on a daily basis, and the free, safe and unimpeded use of these roads and highways is in the best interests of Cortland County residents and visitors to our County.

In the summer months Interstate 81 serves as a major conduit for vacationers traveling to and from the Adirondack Mountains and Thousand Islands regions. As a consequence, tens of thousands of motor vehicles can pass though Cortland County on a summer day. In addition, Cortland County is situated in the microclimate of the Finger Lakes Lake-Effect Snow Belt.

This unique microclimate frequently results in the roads and highways of Cortland County being covered with significantly more snow than neighboring counties to the north and south. One favorable aspect of this microclimate is the situating of ski areas and snowmobile trails throughout and near Cortland County. This often results in increased traffic on the roads and highways of Cortland County in the winter months as well.

In all these instances, it is of paramount importance to keep the roads and highways of Cortland County free of obstruction and safety risks. From time to time accidents or mechanical failures lead to disabled vehicles on the roadways of Cortland County, and these vehicles present the very sort of hazard this law seeks to prevent. A safe and regulated method of the towing and storing disabled vehicles is needed that will assure the roads of the County are cleared of obstruction in as prompt a manner as is possible.

This law establishes a process for the application and receipt of licenses for towing companies operating in Cortland County. It recognizes the need for the regulation of towing companies and tow truck operators to establish uniform standards of safe, timely operation. It allows tow truck owners and operators to work closely with the Emergency 911 Dispatch Center and Cortland County law enforcement to ensure the safety of the residents of, and visitors to, Cortland County. In addition, it recognizes the competing property interests of the owners of disabled vehicles, and the commercial interests of the owners and operators of the towing companies needed to remove disabled vehicles from the County roadways, and establishes a fair and equitable balance between these interests.

II. - Applicability

This law regulates the use of tow-trucks and the towing and impound of vehicles within the County of Cortland and on County of Cortland Property, excepting and reserving the rights of the City of Cortland to utilize its own policy.

III. - Definitions

- (a) APPLICATION FORM - The standard form issued by the Sheriff of Cortland County to all applicants for a towing license in Cortland County; it is the only acceptable form that may be submitted with an application, even if other forms comport with the requirements otherwise stated herein.
- (b) BAILEE - A person to whom goods are committed in trust and who has a temporary possession and a qualified property right in such goods.
- (c) COUNTY - County of Cortland, State of New York.
- (d) DEPARTMENT - The Director of the Department of Emergency Response and Communications for the County of Cortland or a member of the Director's staff designated to enforce this Local Law.

- (e) DRIVER - A person who operates a tow truck on a public highway.
- (f) EMERGENCY 911 DISPATCH CENTER - The communications center maintained by Cortland County to dispatch all emergency service by radio and other types of communications with all emergency services agencies and providers for direct dispatch of all fire, medical and law enforcement units as necessary for emergency and routine calls.
- (g) FEE SCHEDULE - A complete list of all costs charged by a towing business licensed to operate in the County of Cortland. It shall include fees for towing, storage, and all additional or incidental fees charged for services. The maximum fees stated therein shall comport with this local law.
- (h) HOLD - A vehicle towed at the direction of a police officer or other authorized member of an agency to an authorized tow service vendor that specifically requires authorization from a police agency to be released by the towing company.
- (i) IMPOUND - A vehicle towed to, and held in custody at a specific police agency's impound lot or evidence storage facility.
- (j) LAW ENFORCEMENT - A public agency responsible for enforcement of laws within the County of Cortland, including but not limited to: the New York State Police, the Cortland County Sheriff's Department, the City of Cortland Police Department, the Village of Homer Police Department, and the SUNY Cortland University Police Department.
- (k) LICENSEE - A person to whom a towing license has been issued pursuant to this Local Law.
- (l) OPERATOR - The driver of a tow truck for hire within the County of Cortland.
- (m) OWNER - A person who owns, leases, or has control over one (1) or more tow trucks operating for hire within the County of Cortland.
- (n) PERSON - Any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business of any kind.
- (o) RESPONSE TIME - The period of time from when a call is received by the towing company from the Emergency 911 Dispatch Center to the time a tow truck arrives at the location to which it has been directed based upon weather and traffic conditions.

- (p) **REQUIRED SAFETY EQUIPMENT** - A list of required safety equipment that a tow truck owner or operator will have in each towing vehicle operated in Cortland County. Such list shall be appended to this local law, and shall be provided to any person applying for a towing license under this local law. The list shall be promulgated by the Cortland County Sheriff who may amend that list, as necessary, without otherwise amending this law.
- (q) **ROTATION** - The system in which tow service vendors specifically authorized by the Cortland County Department of Emergency Response and Communications are chosen to be called by the 911 Center, after a request is made to the 911 center for the next vendor in rotation for a specific area where the vehicle in need of being towed is located.
- (r) **SHERIFF** - The Sheriff of the County of Cortland or a member of the Sheriff's staff designated to enforce this Local Law.
- (s) **TOWING** - The moving of a motor vehicle by another motor vehicle for hire.
- (t) **TOWING COMPANY** - A person engaged in the business of offering towing services whereby motor vehicles are moved by use of a motor vehicle designed or adapted for that purpose.
- (u) **TOW TRUCK** - A motor vehicle that tows or carries a disabled, illegally parked or abandoned motor vehicle or a motor vehicle involved in an accident as defined in NY State Vehicle and Traffic Law §148(b) as amended or superseded.
- (v) **VEHICLE STORAGE FACILITY** - An area capable of storing vehicles where reasonable measures have been taken to prevent theft and/or damage to the vehicles. Such measures may include lighting, fencing, proximity to other businesses, security and is not readily accessible to the public.

IV. - License Required; Application Process; Compliance with Applicable Standards; Denial

1. Except as hereafter specifically set forth, no person shall maintain or operate a towing company or routinely operate a tow truck within the County of Cortland without first having obtained a towing license.
2. An application for a towing license shall be submitted to the Director of the Department of Emergency Response and Communication.
3. The application for a towing license shall contain the following:
 - a. The name and address of the owner and operator of the towing company;

- b. The name and address of the owner of the premises where the towing company is to be located;
- c. The name and address of the owner of the premises where towed vehicles are to be stored;
- d. If the towing company 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 titled shall be listed on the application;
- e. All names listed on the application shall be full legal names, and all addresses shall be home addresses, listing street and number of each such residence;
- f. The address where the towing company is or will be located;
- g. The address where motor vehicles towed by the towing company shall be stored;
- h. The telephone number to be called for the retrieval of any motor vehicle towed by the towing company;
- i. The hours of operation the towing company will be open for the towing of motor vehicles;
- j. The hours of operation the towing company will be open for towed vehicles to be retrieve;
- k. A listing of the vehicle make, year of manufacture, and license plate number of each and every tow truck that will be used or operated by the applicant;
- l. A copy of the current registration, inspection and insurance of each and every tow truck that will be used or operated by the applicant;
- m. A copy of the driver's license of every driver used by the towing company. All drivers must maintain a valid license applicable to the class of tow truck they operate, along with a medical card, if appropriate;
- n. A complete listing of all towing, storage, additional and/or incidental fees that will be charged by the applicant; and
- o. The towing company shall be fully insured against theft and damage and be covered by liability insurance for towing, garage and any storage areas in a minimum amount of \$1,000,000.00 for each occurrence for bodily injury and/or property damage. The towing company must attach a copy of its insurance

company's declaration page, showing the limits of coverage and must list Cortland County as an additional insured.

4. The above notwithstanding, the Department may require such additional information as may be necessary in order to fully enforce and administer this Local Law.
5. 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.
6. Upon receipt of an application for a towing company license, the Department shall investigate the proposed locations of the towing company and the vehicle storage facility, to determine whether public safety problems exist. The Department shall also make such investigation as is deemed appropriate regarding the background of any information listed on the license application.
7. License Fees - The fee for a towing license shall be \$100.00 (One Hundred Dollars) per year or any fraction thereof for each towing company. Payment of this fee shall be due upon application for the license and shall not be refundable.
8. Denial of License - The Department shall give written notice to an applicant of the reason or reasons for the denial of a license. An individual once denied may submit subsequent applications as set forth herein accompanied by the application fee of \$100.00 (One Hundred Dollars).
9. Expiration of License - A towing company license once granted shall expire on December 31st of every year.
10. Renewal of License - A licensee shall submit an application for the annual renewal of towing license by December 1st of each year in which a renewal is sought. Each application for renewal shall be accompanied by a non-refundable fee of \$100.00 (One Hundred Dollars).
11. Transferability of License - Towing licenses, once granted, are not transferable nor can any part or privilege granted under a towing license be assigned to another individual. Towing licenses are not transferable to another vehicle or vehicles, and any licensee wishing to add or remove any vehicle or vehicles from a granted license shall file with the Department an amendment listing the vehicle make, year of manufacture, and license plate number of each and every tow truck that will be added to or removed from the license then held by the licensee. New vehicles must be available for inspection by the Department to verify compliance with this local law.

12. Complaints

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

13. Suspension or Revocation of License

- a. The Sheriff or designee is charged with ensuring compliance with this Local Law.
- b. A towing license may be suspended or revoked by the Sheriff if the licensee 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 company that refuses calls by the Department (unless on another service call, which prohibits being able to timely respond or has called in previously to be taken off duty) or fails to answer calls from the Department, 3 times within a 6 month period, will have their license revoked and must reapply for a license as indicated under this Local Law. The Sheriff or designee shall provide written notice to the towing company for each incident at the time of the incident outlining the failure by the towing company to follow this Local Law.
- d. For a violation of this Local Law, the Sheriff or designee shall issue a written notice to the licensee containing a statement of the manner in which the licensee is alleged to be in violation of this law and the date of the hearing to be held not less than 10 days after this written notice is given to the licensee either in person or by registered mail addressed to the licensee at the current address on file with the Sheriff.
- e. No license shall be revoked by the Sheriff without the hearing first taking place; however, the Sheriff may suspend a towing license where there are safety concerns or concerns that the alleged violation may be repeated prior to the holding of a hearing. In the event the licensee's towing license is suspended, the licensee shall have the right to a hearing within 72 business hours from the suspension of the towing license.
- f. When the Sheriff or designee determines, after the hearing by a preponderance of the evidence, that a violation of this law has occurred, a civil penalty may be imposed by the Sheriff or designee pursuant to Section VII - Penalties for Offenses of this law. Nothing herein shall be construed as prohibiting the Sheriff or designee from commencing a proceeding for injunctive relief to compel compliance with this Local Law.

- g. Any person who desires to register a complaint under this Local Law may do so in writing that is signed and dated by the person registering the complaint and filed with the Sheriff or his designee.
- h. The decision of the Sheriff or designee shall be reviewable pursuant to Article 78 of the New York State Civil Practice Law and Rules.
- i. The Sheriff or designee, subsequent to any appeal having been finally determined, may bring an action in a court of proper jurisdiction to recover the civil penalty assessed in accordance with Section VII - Penalties for Offenses of this law.
- j. An individual or company whose towing license has been revoked may reapply providing an additional application and application fee of \$75.00 (Seventy Five Dollars) are provided to the Sheriff as set forth herein.

14. Response Time - Response time to all assignments from the Emergency 911 Dispatch Center must be 45 minutes or less. Any towing company that fails to respond to the scene of an incident within 45 minutes, 3 times within a 6 month period, will have their license revoked and must reapply for a license as indicated under this Local Law. The Sheriff or designee shall provide written notice to the towing company for each incident at the time of the incident outlining the failure by the towing company to follow this Local Law.

15. Cleanup at Accident Scene

- a. A towing company called to the scene of an accident must sweep away or clean up any debris on the street or roadways caused by the accident, but only if the towing company employee or employees on scene are provided with police protection against moving vehicles at that scene. [See New York State Vehicle and Traffic Law Section 1219(c)].
- b. A towing company called to the scene of an accident 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.

16. Tow Lists

- a. The Department shall create appropriate tow lists to ensure coverage of the County of Cortland.
- b. There will be a light duty tow list.

- i. All towing companies on the tow list for light duty towing (Less than 10,000 lbs.) will only be eligible for the area included in their application, based on dividing the County into 3 areas: Local/City; North; and South:
 - (a) The Local/City tow list consists of the Towns of Cortlandville and the west side of Virgil, the Village of McGraw and the City of Cortland.
 - (b) The North tow list consists of the Towns of Scott, Preble, Truxton, Cuyler, Homer and Solon and the Village of Homer.
 - (c) The South tow list consists of the Towns of the east side of Virgil, Harford, Lapeer, Marathon, Willet, Cincinnatus, Taylor and Freetown and the Village of Marathon.
- ii. The light duty tow list shall be divided into 2 (two) rotations:
 - (a) Emergency motorist assist; and
 - (b) Tow call.
- b. There will be a separate tow list for AAA customers.
- c. There will be a heavy duty tow list (More than 10,000 lbs.).
- d. There will be a heavy duty MVA/Off Roadway tow list (More than 10,000 lbs.).
- e. Tows involving the Cortland City Police Department will be governed by the City of Cortland Charter and policy of the Cortland City Police Department.
- f. Each police agency in the County has separate service agreements with towing companies for towing that police agency's vehicles so no rotation will be used in these instances.
- g. New York State contracts with specific tow companies for special circumstances on Interstate 81. If there is a standby program in effect regarding Cortland County, the New York State Department of Transportation (NYSDOT) will advise the 911 center. The 911 center, all police agencies and any assigned towing company will follow the directives of the NYSDOT for such cases.
- h. Tow companies will not be at the scene of an incident unless dispatched by the 911 center or contacted by the owner or operator of the damaged or disabled motor vehicle (There will be absolutely no call jumping or trolling for calls).
- I. When the 911 center is notified of the need for a tow, they will do the following:

- i. Contact the tow company at the top of the appropriate tow list and ask if the tow company is available to respond;
 - ii. If the towing company is available, the 911 center will provide all necessary information regarding the call to assist the tow company in utilizing the most appropriate equipment;
 - iii. If the towing company is unavailable, the 911 center will move the towing company to the bottom of the list and the 911 center will call the next towing company on the list; and
 - iv. If a call for service is cancelled the 911 center will call the involved towing company and advise of the cancellation and place that towing company back at the top of their respective list.
- j. For incidents involving the towing of more than one motor vehicle, the 911 center will follow the appropriate rotation for each motor vehicle that is in need of towing.
 - k. If a tow company needs assistance from another tow company on a scene then the tow company that is called on to assist will remain in the regular order of the rotation.
 - l. If a tow company is dispatched by the 911 center at the request of a fire department rather than at the request of a police department, the towing company will handle the entire call and not be superseded by any subsequent call out by a police department for that incident.
 - m. If a towing company accepts a call for service from the 911 center and then advises they cannot cover the call they will be placed at the bottom of the rotation.
 - n. A motor vehicle owner or operator's request for a specific tow company will be honored, weather and circumstances permitting and will not be subject to the rotation schedule.

17. Entitlement to Lien - A towing company that tows and stores a motor vehicle at the request of a law enforcement officer authorized to remove a motor vehicle shall be entitled to a lien for the reasonable costs of such towing and storage as set forth in §184 of the Lien Law of the State of New York, as amended or superseded.

18. Operation of Towing Companies

- a. It shall be unlawful for any person to solicit towing or body work at the scene of any motor vehicle accident, either on private property or on a public highway, within the County of Cortland. It shall also be unlawful for any person to drive

along any public street or highway for the purpose of soliciting towing work or body repair work.

- b. It shall be unlawful for a towing company to subcontract its tow call to another towing company. All towing companies must have a tow truck available at the time a request for service is made by the Department.
- c. The owner of any towing company shall be liable for the conduct of his agents and employees who are operating a tow truck pursuant to this Local Law as though the owner was personally operating said tow truck.
- d. All storage areas shall be reasonably lighted and reasonable measures have been taken to prevent theft and/or damage to the vehicles. Such measures may include lighting, fencing, proximity to other businesses, security and is not readily accessible to the public.
- e. Any owner or operator of any tow truck shall honor any request (within the limitations of safety to the public) to tow a disabled motor vehicle to any location within Cortland County if the vehicle owner or person otherwise responsible for the vehicle is willing and able to pay the appropriate towing charges.
- f. Except for tows authorized by the Emergency 911 Dispatch Center, with regard only to the County of Cortland owned, rented or overseen parking areas, it shall be unlawful for a towing company operator to tow a vehicle if the owner or operator of the vehicle appears at the scene, requests the towing company operator not to tow the vehicle and is willing and able to correct the condition warranting the tow. The towing company operator shall not tow the vehicle even if the vehicle is connected to the tow truck, providing that the tow truck is not yet in motion. The tow truck operator shall be permitted to charge a show up fee of \$75.00 (Seventy Five Dollars) to the vehicle owner or operator if the tow truck operator has connected the vehicle to the tow truck or is at the scene to render assistance based upon the 911 call.
- g. The owner and operator of a towing company shall comply with all provisions of Federal, New York State and local laws and ordinances relating to the conduct of the towing business and the use and maintenance of the towing company premises.
- h. The owner and operator of a towing company shall comply with all notices, orders, decisions and rules and regulations made by the Sheriff and/or the Department and/or local and state officials with jurisdiction over the occupation and use of towing company premises.

- i. The owner and operator of a towing company shall post the towing license conspicuously on the premises of the towing company and shall also place a copy of the towing license, to be available for inspection, in each towing vehicle owned or operated by the company.
- j. All towing companies shall maintain all licenses and insurance required by the New York 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 company personnel shall be properly trained and fully competent to perform their functions and shall perform those functions in a courteous and orderly manner.
- k. All towing vehicles used by a towing company shall have legible, printed lettering and numbering on the vehicle, in color contrasting to that of the towing vehicle, setting forth the name, telephone number and DOT numbers of the towing company.
- l. All towing vehicles used by a towing company shall display valid NYS registration and inspection stickers as well as valid HUT and IFTA stickers, where applicable.
- m. All towing vehicles used by a towing company shall have a body manufactured by a company that has a properly affixed identification plate that is researchable.
- n. All towing companies on the tow list for light duty towing (Less than 10,000 lbs.) will have a minimum of one tow truck and one flatbed truck. The tow truck will have a minimum of an 8 ton boom assembly and a 3,500 lb. Lift/7,500 lb. Towing assembly. The flatbed truck will have a minimum of a 10,000 lb. Bed assembly and a 3,000 lb. Lift/7,000 lb. Towing assembly. All tow trucks must also have the minimum equipment as indicated on the separate Tow Truck Standards Form.
- o. All towing companies on the tow list for heavy duty towing (More than 10,000 lbs.) will have a tow truck with an under reach rated to lift 14,000 lbs. Extended and 28,000 lbs. Retracted with a tow rating of 80,000 lbs. All tow trucks must also have the minimum equipment as indicated on the separate Tow Truck Standards Form.
- p. All towing companies on the tow list for heavy duty MVA/Off Roadway towing (More than 10,000 lbs.) will have a minimum of one heavy duty tow truck. The tow truck must have a minimum of a 25 ton recovery system. All tow trucks must also have the minimum equipment as indicated on the separate Tow Truck Standards Form.

- q. No towed vehicle shall be stored on a public street.
- r. A towing company shall deliver a receipt to a vehicle owner or operator paying to retrieve a towed vehicle. Such receipt shall contain the following:
 - I. The name, business address, telephone number, and towing license number of the towing company;
 - ii. The date the vehicle was towed and the date the vehicle was retrieved;
 - iii. The license plate number and vehicle make and model of the vehicle towed;
 - iv. The starting and ending location of the tow;
 - v. An itemization of all fees charged, including towing, storage, and any other charges;
 - vi. The telephone number of the law enforcement agency involved in the tow of the vehicle, if applicable;
 - vii. The identity of the person or agency that authorized the tow; and
 - viii. The stated purpose for the tow.
- s. A towing company shall be responsible for all damage done to a vehicle while it is under the control of the towing company.
- t. A towing company shall maintain accurate records concerning all vehicles towed containing at minimum the information required by subsection (s)(i-viii) above. Such records will be maintained for at least one (1) year after a towed vehicle has been retrieved or has otherwise passed out of the possession of the towing company. These records shall be readily available for inspection by the Sheriff and/or the Department or his designee at all times.
- u. It shall be unlawful for any towing company or any automobile repair shop where a towed vehicle is delivered, whether involved in an accident or otherwise disabled, to make repairs to the vehicle without first obtaining the consent of the owner or other person in charge of the disabled vehicle.
- v. It shall be unlawful for any towing company to enter into an agreement for the repair of a disabled vehicle where the owner or person in charge of the motor vehicle involved in an accident is hospitalized because of such accident, until the

expiration of at least 24 hours after such accident, unless the injured person has been medically released from the hospital within the 24 hour period.

- w. A towing company called to tow a motor vehicle by a person other than the owner or operator of the motor vehicle, or by law enforcement personnel responsible for enforcement of laws within the County of Cortland, shall promptly notify the Department or other law enforcement personnel as defined herein with a complete description of the vehicle towed and the location to which it has been towed.
- x. All towing companies who do not accept personal checks or credit cards as payment shall post a list of various automatic teller machines in the vicinity of the address where the towing company accepts payment.
- y. All towing companies doing business in Cortland County must have an employee on premises or on call 24 hours a day. If an employee is not physically present by "on call," a telephone number at which the employee can be reached must be prominently displayed at the towing company's place of business. Such on call telephone number must be provided to the Department. Towing companies engaged solely in owner-authorized tows shall be exempt from this requirement.
- z. A towing company shall conspicuously post its hours of operation at the towing company's storage area and in the towing company's business office where payments are made to the towing company. This sign or signs shall be posted in letters at least two (2) inches high. No towing company shall be allowed to charge any fee or storage based on timeliness when such company is not available to transact business during its regularly posted hours.
- aa. The use of immobilization devices by tow truck operators on any motorized vehicle is prohibited in the County of Cortland, unless authorized by the Cortland County Sheriff or other law enforcement personnel as defined herein.

V. - Exemptions

The provisions of this Local Law shall not apply to:

1. The towing of a vehicle through the County of Cortland from a location outside the County to another location outside the County of Cortland.
2. A towing company that has been personally requested by the owner or operator of a motor vehicle to tow that motor vehicle.
3. A towing service that is incidental to the repair or servicing of a motor vehicle if the repairs are to be made at a repair shop that offers the towing service for the purpose of facilitating said repair.

VI. - Promulgation of Rules and Regulations

The Cortland County Sheriff may promulgate rules and regulations necessary to carry out the provisions of this Local Law.

VII. - Penalties for Offenses

1. For purposes of this Local Law, Offenses shall be defined as:
 - (a) Failure to post conspicuously the fee schedule, hours of operation, phone number for motor vehicle owners to contact the company after posted business hours, or methods of payment accepted as set forth herein.
 - (b) Failure to equip each towing vehicle with the required safety equipment as set forth herein.
 - (c) Unsafe driving that results in a motor vehicle accident or other citation under the Vehicle and Traffic law of New York or any other local or municipal law.
 - (d) Failure to re-apply for an annual renewal as set forth herein.
 - (e) Failure to follow the direction of law enforcement in towing or otherwise removing a vehicle from a roadway.
 - (f) Failure to follow the direction of law enforcement in removing or avoiding debris at an accident scene, or otherwise engaging in conduct that puts others at risk or compromises an accident scene.

2. A towing company that violates any of the provisions of this Local Law shall be penalized as follows:
 - (a) For the first offense, a fine of \$100.00 shall be imposed.
 - (b) If a second offense is committed within a 12 month period, a fine of \$250.00 shall be imposed.
 - (c) If a third offense is committed within a 12 month period, a \$500.00 fine shall be imposed, and the license shall be revoked.
 - (d) All fines must be paid before a towing company may resume towing vehicles in Cortland County. In addition, a towing company whose license has been revoked must pay all fines due before the reapplication will be considered. The payment of fines does not affect the need to submit a re-application fee of \$75.00 (Seventy Five Dollars).

- (e) The payment of the fines contained in this subsection are in addition to any fines levied under the Vehicle and Traffic law of the State of New York or any other local or municipal law, even if more than one (1) fine is levied for the same offense or conduct.
3. The fines and/or charges contained herein are subject to amendment by passage of a resolution by the Cortland County Legislature.

VIII. - Failure to Enforce

The failure to enforce any of the provisions of this Local Law shall not be deemed a waiver thereof.

IX. - Severability

If any section, subsection, sentence clause, phrase or portion of this Local Law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Local Law.

X. - Amendment By Resolution

Any section contained herein is subject to amendment by passage of a resolution by the Cortland County Legislature.

XI. - Effective Date

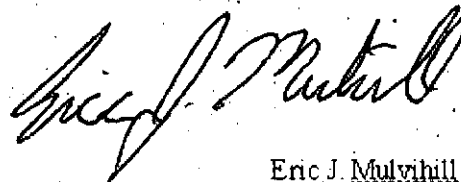
This Local Law shall take effect 90 days after filing with the New York State Office of the Secretary of State.

STATE OF NEW YORK) SS:
COUNTY OF CORTLAND)

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 26th day of January, 2017 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand
and the official seal of the CORTLAND COUNTY

LEGISLATURE, this 26th day of January, 2017.



Eric J. Mulvihill
Clerk of the Cortland County Legislature