

**CITY OF RENSSELAER
LOCAL LAW NO. 2 OF THE YEAR 2024.**

**A Local Law Regulating Tow
Truck Owners and Operators
in the City of Rensselaer Pursuant to
Chapter 161 of the City Code**

Be it enacted by the Common Council of the City of Rensselaer as follows:

**A LOCAL LAW REGULATING TOW-TRUCK OWNERS AND
OPERATORS IN THE CITY OF RENSSELAER**

§161-1. Definitions.

As used in this Article, the following words shall have the following meanings.

Bailee- A person to whom goods are committed in trust and who has a temporary possession and a qualified property right in them.

CHIEF OF POLICE-The Chief of Police of the Rensselaer Police Department or his authorized designee.

FOR HIRE-Any transaction where a fee is charged or imposed for towing a motor vehicle.

LICENSEE-A person to whom a towing license has been issued pursuant to this Article.

OPERATOR-The driver of a tow truck for hire within the City of Rensselaer.

OWNER-A person, who owns, leases or has control of one (1) or more tow trucks operating for hire within the City of Rensselaer.

PERSON- An individual, partnership, corporation, unincorporated association or any other entity.

POLICE DEPARTMENT- The Police Department of the City of Rensselaer.

RESPONSE TIME-The period of time from when a call is received by the towing company from the Police Department to the time a tow truck appears at the location to which it was called.

TOWING- The moving of a motor vehicle by another motor vehicle for hire.

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 adopted for that purpose.

TOWING LICENSE-A license issued pursuant to this Article permitting a person to tow motor vehicles for hire within the City of Rensselaer.

TOW TRUCK- A motor vehicle which is equipped or used for the purpose of carrying, lifting or moving a motor vehicle.

§161-2. License Required.

Except as hereinafter set forth, no person shall maintain or operate a towing company or routinely operate a towing vehicle for hire within the City of Rensselaer without first having obtained a towing license.

§161-3. Application procedure; compliance with additional standards; Inspections.

A. An application for a towing license shall be submitted to the Chief of Police.

(1) The application shall contain the following:

(a) The name and address of the owner and operator of the towing company, as well as the name and address of the owner of the premises where the towing company is to be located and of the premises where towed vehicles are to be stored. If a partnership, corporation or other business association is involved, the names and address of the partners, officers or principals shall be listed on the application. All addresses of persons involved shall be home addresses, listing street and number.

(b) The address of the towing company and of the location where towed vehicles are to be stored and the telephone number which may be called to retrieve towed vehicles.

(c) The hours during which the applicant will be open for towing and for retrieval of towed vehicle.

(d) A complete listing of vehicle make, year and license plate number of all tow trucks to be used or operated by the applicant.

- (e) A complete listing of all towing and storage fees to be charged by the applicant.

(2) Chief of Police may require such additional information as may be necessary in order to enforce and administer this Article.

B. All towing company premises, including the location of the towing company and the location where towed vehicle are to be stored, shall be in compliance with all local zoning, building, fire and safety codes.

C. Upon receipt of an application for a towing company license, the Chief of Police shall investigate the location of the towing company and of the premises where towed vehicles are to be stored, to determine whether public safety problems exist. The Chief of Police shall also make such investigation as he deems appropriate as to the background of the owner and the operator of the towing company.

§161-4. Denial of License.

A. The Chief of Police may deny a license or deny the renewal of a license to any applicant:

- (1) Who does not comply with the provisions of the Article or any rule or regulation promulgated under this Article.
- (2) Who makes a material misrepresentation on a license application.
- (3) When the Chief of Police, after investigation of the applicant, deems the owner or operator unfit to conduct such towing business.

B. The Chief of Police shall give written notification to an applicant of the reason for the denial of a license.

§161-5. Expiration of License.

A towing company license shall expire on December 31 of every year.

§161-6. Renewal of License.

A licensee shall submit to the Chief of Police an application for renewal not less than thirty (30) days prior to the license expiration date.

§161-7. Transferability of License.

No license shall be transferred to another person or vehicle.

§161-8. Suspension or Revocation of License.

- A. A towing license may be suspended or revoked by the Chief of Police if the licensee violates any federal, state or local law, ordinance, or city towing agreement, rule or regulation regarding the operation of his towing business or his fitness to conduct that business.
- B. No license shall be suspended or revoked by the Chief of Police without a hearing held not less than ten (10) days after written notice given to the licensee, either in person or by registered mail, addressed to the licensee at the address shown upon the most recent application of the licensee.

§161-9. Lien for Towing of Impounded Vehicles; Collection of charges; Sale of Vehicles.

- A. In accordance with § 20, of the General City Law of the State of New York, the city shall have a lien for the towing on all impounded vehicles. A charge against the owner or person entitled to possession of such vehicle of fifty dollars (\$50.00) per vehicle for towing may hereby be imposed.
- B. The City may contract with one (1) or more licensed towing companies to collect such towing charges and dispose of such vehicles at public sale.

§161-10. Private Tows.

All privately owned parking lots having a capacity of five (5) or more motor vehicles from which unauthorized motor vehicles will be towed shall post a sign at the entrance to said lot or in a conspicuous location indicating that unauthorized vehicles will be towed. Where applicable, said signs must be posted at intervals of every sixty (60) parking spaces. If the owner/operator of such lot(s) contracts with a towing company or companies for the removal of such vehicles, the signage shall also contain the name, location and

telephone number of such towing company, the costs of towing and the telephone number of the Rensselaer Police Department. All sign lettering shall be at least two (2) inches in height.

§161-11. Response Time.

Response time to all police-ordered assignments must be twenty (20) minutes or less. The Chief of Police, in his discretion, may delete a towing company from the assignment list for failure to respond to a call within this time period.

§161-12. Cleanup at Accident Scene.

A towing company called to the scene of an accident must sweep away or clean up any debris on the street caused by the accident, but only if he is provided with police protection against moving vehicles at the scene. No additional charge or fee shall be imposed or collected for such service.

§161-13. Maximum Charges.

- A. All towing companies licensed pursuant to this article shall prepare a schedule of the charges for the towing and storage of motor vehicle, and such schedule shall be filed with the Chief of Police. Notwithstanding the foregoing, the maximum charge for the towing of any vehicle not in excess of 10,000 pounds, which has not been authorized by the owner or operator, shall be \$200.00. The maximum charge for the storage of towed motor vehicles shall be \$70.00 per day, or each part thereof, to commence after the vehicle has been on the premises for 24 hours. The aforesaid maximum rates shall also apply to the towing of motor vehicles which have become disabled upon a street or highway in the City of Rensselaer regardless of whether said tow may have been authorized by the owner or operator of the vehicle.
- B. Such schedule shall be conspicuously posted at the towing company's storage area and the business office where the payment is made. Such posting shall consist of signs with lettering at least two inches in height and shall specify the costs of towing and storage.
- C. All licensed towing companies shall, upon revision of its schedule, submit the amended schedules to the Chief of Police within one business day of the effective date.

§161-14. Entitlement to Lien.

A licensed 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 provided in § 184 of the Lien Law of the State of New York.

§161-15. 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 public highway, within the City of Rensselaer. 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. The owner shall be liable for the conduct of his agents and employees who are operating a tow truck pursuant to this Article as though the owner was personally operating such tow truck.
- C. All storage areas shall be reasonably illuminated and fenced to facilitate vehicle retrieval. However, towing companies engaged solely in owner-authorized tows shall be exempt from this requirement.
- D. It shall be unlawful for any owner or operator to refuse a request to tow a disabled motor vehicle to a destination within ten (10) miles of the location of the disabled vehicle if the owner or person in charge of said motor vehicle is able and willing to pay the appropriate charges.
- E. Except for tows authorized by the Police Department, 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, provided that the tow truck is not yet in motion. Except as indicated below, the tow operator shall not be permitted to charge any fee to the vehicle owner or operator even if the tow truck operator has connected the vehicle to the tow truck, unless the owner or operator is the one who requested the towing services. However, if a towing company responds to a call between the hours of 6:00 p.m. and 7:00 a.m. and the vehicle owner or operator appears the scene and requests the towing company not to tow the vehicle as aforesaid, the towing

company shall be prohibited from towing the vehicle but shall be authorized to charge the vehicle owner or operator a maximum of thirty five dollars (\$70.00).

- F. The owner and operator of a towing company shall comply with all provisions of federal, state, and local laws and ordinances relating to the conduct of the towing business and the use and maintenance of the towing company premises.
- G. The owner and operator of a towing company shall comply with all the notices, orders, decisions and rules and regulations made by the Chief of Police and local officials with jurisdiction over the occupation and use of towing company premises.
- H. The owner and operator of a licensed towing company shall cause the towing license to be posted in a conspicuous place on the premises of the towing company and shall also cause a copy of said license to be available for inspection in each towing vehicle used by the company.
- I. All towing companies shall maintain all licenses and insurance required by the New York State Vehicles and Traffic Law, and all equipment utilized shall comply with said law and all applicable rules and regulations of the Commissioner of Motor Vehicles. The equipment 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.
- J. All towing vehicles used by a towing company shall have legible printed lettering and numbering on both the left and right front doors, in color contrasting to that of the towing vehicle, setting forth the name, business address and telephone number of the towing company.
- K. No towed vehicle shall be stored on a public street.
- L. No towing company licensed pursuant to this Article shall be permitted to charge a fee for the towing or storage of motor vehicles in excess of that amount indicated herein.

- M. 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 information:
- (1) The name, business address, telephone number and license number of the towing company.
 - (2) The date the vehicle was towed and the date of the retrieval by the vehicle owner.
 - (3) The license plate and vehicle make of the vehicle towed.
 - (4) The starting and ending location of the tow.
 - (5) An itemization of all fees charged, including towing, storage and any other charges.
 - (6) The telephone number of the Police Department.
- N. A towing company shall be responsible for all damage done to a vehicle while it is under the control of the towing company.
- O. A towing company shall maintain accurate records concerning all vehicles towed, which shall contain at least the information required in Subsection M above. Such records shall be retained for at least one (1) year after a towed vehicle has been retrieved. These records shall be available for inspection by the Chief of Police.
- P. It shall be unlawful for any towing company or any auto repair shop to whom a towing company delivers a motor vehicle involved in an accident or which is otherwise disabled to make repairs without obtaining the consent of the owner or other person in charge of the disabled vehicle.
- Q. It shall be unlawful for any towing company to enter into an agreement for the repair or for the estimate of repair, where the owner or person in charge of the motor vehicle involved in an accident is to be hospitalized because of such accident, until the expiration of at least twenty-four (24) hours from the time of such accident, unless the injured person has, before the expiration of said time, been discharged from the hospital.
- R. A towing company called to tow a motor vehicle by a person other than the owner or operator of the motor vehicle or Police Department shall promptly notify the Police Department of the identity of the vehicle and the location of which it has been towed.

- S. All towing companies shall post a list of various nearby automatic teller machines if personal checks or credit cards are not accepted for payment.
- T. All towing companies doing business in the City of Rensselaer must have an employee on premises, or on call, twenty-four (24) hours a day. If on call, a telephone number at which said employee can be reached must be prominently displayed at the towing company's place of business. However, towing companies engaged solely in owner-authorized tows shall be exempt from this requirement.

§161-16. Exemptions.

- A. The provisions of this chapter shall not apply to:
 - (1) The towing of a vehicle through the City of Rensselaer from a location outside the City to another location outside of the City of Rensselaer.
 - (2) A towing company, personally requested by the owner or operator of a motor vehicle, to tow such person's vehicle.

- (3) A towing service which is incidental to the repair or servicing of a motor vehicle if the repairs are to be made at such repair shop having the towing service.

§161-17. Promulgation of Rules and Regulations.

The Chief of Police may promulgate rules and regulations necessary to carry out the provisions of this Article.

§161-18. Penalties for Offenses.

Where the performance of any act is prohibited by ordinance or where the performance of any act is required or demanded by ordinance and no penalty for a violation of such ordinance is imposed in any section or chapter of such ordinance, the doing of such act or the failure to act, as the case may be, shall imprisonment not exceeding fifteen (15) days, a fine or both.

§161-19. Enforcement.

The penalties provided for the violation of any or all City laws and ordinances, and of all state laws, except where otherwise especially provided, shall be sued for in an action to be brought by the City or Rensselaer in its corporate names, and the amount collected in each and every action shall be paid to the City Treasurer of the City of Rensselaer for the use of the city.

§161-20. Failure to Enforce.

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

§161-21. Severability.

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

§161-22. Prosecution.

The Corporation Counsel is charged with the prosecution of all said actions on behalf of the City of Rensselaer.

§161-23. Accountability.

The Chief of Police or his designee will be responsible for maintaining all records directly related to this Local Law.

§161-24. When Effective.

This Law shall take effect immediately upon its filing with the Office of the New York State Secretary of State.

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

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 202__ of the City of Rensselaer was duly passed by the Common Council on _____, 202__, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2024 of the City of Rensselaer was duly passed by the Common Council on _____, 2024, and was (approved)(not approved) (repassed after disapproval) by the Elective Chief Executive Officer*, Mayor Michael Stammel, and was deemed duly adopted on _____, 2024.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 202__ of the City of Rensselaer was duly passed by the _____ on _____, 200__, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Executive Officer*, _____ on _____, 200__. 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 _____, 200__, 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 202__ of the City of Rensselaer was duly passed by the Common Council on _____, 202__, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Officer*, Mayor Michael Stammel, on _____, 202__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 202__0, in accordance with the applicable provisions of law.

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 200__ 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 _____, 200__, became operative.

* Elective Chief 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.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 200____, 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 2, above.

Clerk of the County Legislative Body, City, Town or Village
Clerk or officer designated by local legislative body

CITY CLERK

(Seal)

Date: _____

(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 Rensselaer

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.

Corporation Counsel

Title

CITY OF: RENSSELAER

Date: _____