

**A LOCAL LAW ADDING CHAPTER 288 OF THE HUDSON CITY CODE RELATING TO THE REGULATION OF TOW TRUCK OPERATORS**

**BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF HUDSON AS FOLLOWS:**

**SECTION 1. TITLE** This Local Law shall be known as Local Law No. \_\_\_\_ for the year 2024.

**SECTION 2. LEGISLATIVE FINDINGS**

The Common Council of the City of Hudson recognizes that the delay in removal of damaged and disabled motor vehicles from accident scenes, police activity scenes, and/or other emergency scenes may result in congestion of traffic and may cause additional accidents; that the slowing or stopping of motor vehicle traffic on a roadway can create safety risks, and that the towing of damaged and/or disabled motor vehicles in in the City of Hudson is a matter affecting the public interest and safety. The Common Council further finds that supervision and administrative control of such towing operations is necessary to protect the public against traffic problems, confusion at the scene of accidents, and potential fraud and excessive rates of predatory tow truck operators.

**SECTION 3. LEGISLATIVE INTENT**

The purpose of this legislation is to safeguard the public health, safety, and welfare, and to protect the general public from unsafe practices by operators of towing services such as what is commonly called "wreck chasing" and assure that consumers are protected from predatory pricing practices by operation of towing motor vehicles less than 6,500 pounds in the County. In addition, the intent of this legislation is to assure that the vehicles used are equipped with the appropriate safety items and carry appropriate insurance to protect the general public and the operator and employees of towing entity. The rates for towing services as set forth in this chapter shall only apply to non-consensual tows as defined herein.

**SECTION 4. STATEMENT OF AUTHORITY**

This local law is authorized by the Municipal Home Rule Law (Chapter 36-a of the Consolidated Laws of the State of New York).

**SECTION 5. AMENDMENT.**

**A. The Hudson City Code is hereby AMENDED by adding the following:**

**Chapter 288 Tow Truck Regulations**

**§288-1 Definitions.**

**AUTOMOBILE:** Any private passenger motor vehicle or vehicle included in the definition of "automobile" under the New York State Vehicle and Traffic Law.

BOOT OR BOOTING: To clamp, affix or lock a booting device onto the wheel of a motor vehicle to prevent the wheel from rotating, thereby immobilizing the vehicle

DISABLED VEHICLE: Any vehicle for which towing is necessary because of an accident or for which towing is necessary because of the vehicle's inability to proceed under its own motor power due to reasons other than an accident.

FOR HIRE: Any instances where a fee, charge or other consideration is directly or indirectly imposed for towing, carrying, impounding, recovering or removing a vehicle.

GVWR: The gross vehicle weight rating of a tow truck, consisting of the weight of the unladen tow truck plus the maximum carrying capacity recommended by the vehicle's manufacturer.

NON-CONSENSUAL 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 City of Hudson Police Department shall use a 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.

OWNER: Includes a person owning, leasing or controlling one or more tow trucks and operating or causing such tow trucks to be operated on public highways for hire.

PERSON: Includes an individual, partnership, an unincorporated association, corporation or other entity.

PUBLIC HIGHWAY: Any highway, road, street, avenue, alley, public place, public driveway or any other public way.

ROTATIONAL TOW LIST: The list created and maintained by the City of Hudson Police Department consisting of tow truck companies authorized to tow vehicles on behalf of or at the request of the City of Hudson Police Department.

IMPOUND/STORAGE FACILITY: An area where towed vehicles may be legally stored pursuant to the laws of the City of Hudson including, but not limited to the City's zoning code, and which facility is owned or leased by the tow truck operator permittee.

TOWING: The moving, removing or recovering of a vehicle by another vehicle for hire.

TOW TRUCK: Shall have the same meaning as §148-b of the New York State Vehicle and Traffic Law.

TOW TRUCK DRIVER: Any person driving a tow truck for hire.

TOW TRUCK OPERATOR: A person who applies for and receives from the City Clerk of the City of Hudson a permit to engage in the business of towing and/or storage of vehicles.

**TOW TRUCK OPERATOR PERMIT:** permit issued by the City of Hudson Clerk identifying the person as authorized to perform as a tow truck operator to tow vehicles at the request of the City of Hudson Police Department.

**VEHICLE:** A motor vehicle as defined in section 125 of the Vehicle and Traffic Law, a tractor as defined in section 151-a of such law or a trailer as defined in section 156 of such law.

**WINCHING:** The act of utilizing a motorized cable on a tow truck to pull a vehicle for any purpose, including, but not limited to aligning a vehicle that is sideways, overturned, off road in a ditch or embankment, a vehicle that is locked in a parking lot with no keys available or a vehicle that has suspension or axle damage which will not allow the vehicle to roll off a flatbed truck. Winching shall not apply to vehicles being pulled onto a tow truck from the street.

### **§288-2 Tow Truck Regulations; Permit Required**

- A. No person shall engage in the business of towing, storing vehicles, or booting of vehicles at the request of the City of Hudson Police Department without first obtaining a Tow Truck Operator's Permit from the City Clerk of the City of Hudson. Nothing herein shall require a permit for the rendering of road service or providing of towing and storage services within the City of Hudson other than at the request of the City of Hudson Police Department.
- B. The City of Hudson Clerk shall forward all complete applications to the Chief of Police or his/her designee. The Chief of Police or designee shall have sole discretion in deciding which applicant will be awarded permits as tow truck operators.
- C. Permits issued pursuant to this Chapter must be renewed on or before the beginning of every calendar year.
- D. Tow operators without a permit issued by the City may enter the City to remove a motor vehicle if no other permitted tow truck operator is available to handle the vehicle that needs to be removed, or if the owner/operator or designee of such vehicle requests a specific tow operator that is not permitted in the City. **In the event an owner/operator or designee of a vehicle requests a specific tow operator that is not permitted in the City, the Towing Charges as set forth in 288-9 shall not apply.**

### **§288-3 Application for a Tow Truck Operator's Permit; eligibility and application fee**

- A. Eligibility. A Tow Truck Operator is eligible to receive a permit when it has been in business for one year under its current Company name and has an established physical commercial address (no P.O. Box) at the time of application submission.
- B. Application Requirements. Applicants for a Tow Truck Operator's Permit under this chapter shall file with the City Clerk a sworn application on a form to be furnished by the Clerk and include the following information:

1. The full name and address of the applicant. If the applicant is a corporation, it shall provide the names and addresses of all officers and directors, the registered agent and the names and address of stockholders owning more than 10% of the issued stock. If the applicant is a partnership, it shall provide the names and address of the partners. If the applicant is a limited liability company, it shall provide the names and addresses of the officers and directors. For an unincorporated association, the application shall include the names and addresses of each member thereof.
2. The year, make and model of each tow truck proposed to be used by the operator, vehicle identification number, registration number, name of registered owner, proof of current inspection and proof of current insurance.
3. The address where the tow trucks shall be regularly garaged, the telephone number(s), names, addresses and proof of a valid New York State driver's license with appropriate endorsements for all tow truck drivers.
4. The location, size and security features of the storage facility in which the towed vehicles will be stored including the number of available spaces. Impound/storage facilities may be indoors or outdoors and capable of holding up to six (6) cars. The impound/storage facility shall meet the following requirements: a) the impound/storage facility complies with applicable laws and codes, including the City's zoning code; b) the impound/storage facility, if located outdoors, shall be paved and provide drainage and be surrounded by a six-foot gated fence screening the vehicles held therein from view; and (c) the property where the impound/storage facility is located shall be owned or leased by the applicant. Proof of ownership or an executed lease agreement shall be provided with the application.
5. Demonstrate reasonable measures to prevent theft and/or damage to stored vehicles.
6. Proof of insurance as set forth in Section 288-6 along with the name and address of the insurance carriers and the policy numbers of all insurance policies required thereunder.
7. A certification that on-call towing and storage services will be available 24 hours per day, every day of the year.
8. A copy of each tow truck operator and tow truck driver Driver's License. If additional drivers should be employed after the initial application or yearly renewal is submitted, the applicant or permittee must provide the City Clerk with a copy of the new Driver's License within 15 days of the new hire. Written notice that a driver will no longer be working for the applicant-permittee must also be provided to the City Clerk's office within 15 days of such driver's termination
9. Proof that a criminal background check for each tow truck driver was conducted at the time of hire must be provided at the same time the City Clerk's office is provided for each tow truck driver. Each driver must provide a written consent and present to a digital fingerprinting service, with the results of such service being submitted to and provided by the City of Hudson Police Department before they will be permitted to operate a tow truck

in the City of Hudson. All costs associated with the requirements outlined in this paragraph are the sole responsibility of the tow trucking operator applying for the permit;

10. A certification that the fees and procedures required by this chapter shall be complied with at all times.
  11. Written consent/acknowledgment that the Chief of Police or their designee may at any time during the permit period or in connection with a permit application, conduct an inspection of the tow vehicle(s) or storage facility in order to determine compliance with this Chapter; and
  12. Such other information as the Chief of Police may reasonably prescribe.
- C. **Application Fee.** The application for a tow truck operator's permit shall be accompanied by a fee as determined from time to time by the City of Hudson Common Council. Tow truck operator permits are issued for one tow truck. If the operator has more than one tow truck, multiple permits shall be obtained at a fee determined by the City of Hudson Common Council. Application fees are to cover the cost of the City of Hudson personnel to review applications, perform required inspections, and conduct personnel checks associated with same.
- D. **Permit Renewal.** Upon expiration, any permit issued hereunder may be renewed by the Chief of Police. An application for renewal shall require:
1. Submission of a renewal application to the City Clerk, on the form prescribed by the City Clerk, and include (a) a notarized statement certifying there have been no changes in the information provided in the initial application, (b) the deletion or addition of business locations and tow trucks; (c) presentation of renewal insurance certificates; and (d) copies of the current state vehicle registrations for each vehicle having or requiring a Tow Truck Operator Permit.
  2. Time to renew permit. To be considered timely, application for renewal is to be made 15 to 30 days prior to the date of expiration. A renewal application shall not be deemed submitted unless it is accompanied by all required fees information. No application for renewal shall be accepted more than 60 days following expiration of the permit. Failure to submit a renewal application by the 60<sup>th</sup> day following expiration shall require a new application and a new application fee as required under § 288-3(b) and (c).

**§288-4 Minimum standards for permit approval.**

- A. The Chief of Police or his/her designee may approve the issuance of a Tow Truck Operator Permit where the following minimum standards are met:
1. Neither the applicant nor any tow driver shall have any criminal convictions or prior motor vehicle infractions which might adversely affect public safety or welfare as determined solely by the Chief of Police.

2. The applicant must own, lease, operate and maintain a facility for impounding vehicles within five (5) miles the boundaries of the City of Hudson such that the tow operator can respond to a call for service within 15 to 20 minutes of notification. If the applicant does not own the premises where the storage facility is located, a written lease for the use of the premises must be provided with the application. The storage facility must be in compliance with all local zoning, building and fire codes as certified by the Building Inspector or his/her designee.
  3. The applicant maintains 24-hour capability to answer emergency calls regarding the towing of motor vehicles. The applicant or one of its employees shall be reachable by phone at all times at a designated number(s). Applicants must respond to all calls for towing from the Police Department on a 24 hour per day basis, 7 days per week all year without exception.
  4. The applicant must have the ability to remove damaged and abandoned vehicles in any and all conditions.
  5. The tow trucks and equipment are in safe and sound condition and in compliance with all applicable laws, rules and regulations. All applicants must meet minimum standards of operator performance, including but not limited to standards concerning the adequacy of the applicant's equipment and storage facility and availability.
  6. All of the Applicant's tow trucks and equipment must be in safe and sound condition and in compliance with all applicable laws, rules and regulations. All applicants and drivers must meet minimum standards of operator performance, including but not limited to standards concerning availability and the adequacy of equipment and storage facilities.
  7. All permittees shall have the status of an independent contractor. In accordance with such status, agrees that Applicant shall agree to conduct itself in a manner consistent with such status and that will not represent itself as, and not claim to be, an officer or an employee of the City of Hudson. The tow operator further agrees that it will not make against the City any claim, demand or application to for any right or privilege applicable to an officer or employee of the City, including but not limited to worker's compensation coverage, unemployment insurance benefits, social security coverage, or retirement membership or credit.
  8. Each Tow truck operator shall submit with the application a fully executed hold harmless agreement in a form satisfactory to the Corporation Counsel. The applicant shall agree to indemnify and save harmless the City of Hudson, City of Hudson Police Department, elected officials and employees from and against all claims and/or liabilities which may occur as a result of performing services at the request of the City of Hudson Police Department.
- B. Disqualification of applicant. In addition to the minimum standards referenced above, all applicants are subject to disqualification if found deficient in any of the following areas:

1. The applicant provided false or inaccurate information on the application form.
2. The applicant lacks experience and/or does not have good references from prior customers of the applicant's towing and storage services.
3. The applicant lacks sufficient insurance coverage for damage or loss of vehicles while under the applicant's control.

#### **§288-5 Action on Application; appeal.**

The Police Chief shall approve or disapprove an application within 45 days of receipt of same. If disapproved, the reasons therefore shall be set forth in writing. The City Clerk shall notify the applicant, in writing, that the application has been granted or denied. If the application is denied, the reasons for such denial shall be set forth in the notice, along with the applicant's right to appeal the denial to the City of Hudson Common Council. Any appeal of a denial shall be filed by the applicant with the City Clerk within 30 days of the date of said denial. The Common Council or a designated committee thereof shall have 30 days from the date of filing by the applicant with the City Clerk to act on said appeal.

#### **§288-6 Insurance and Indemnification**

- A. In addition to the information and materials required in §288-3 of this Chapter, Applicants for tow truck operator permits shall present documentation confirming the following insurance coverages with any application for permit and application for renewal of permit:
1. New York State Workers' Compensation with statutory coverage including employers' liability insurance with limits of liability of at minimum \$100,000 for each employee.
  2. New York State disability insurance.
  3. Comprehensive general liability insurance, including completed operations coverage, personal injury liability coverage, broad form property damage liability coverage, and contractual liability coverage insuring the agreements contained herein. The minimum limits of liability carried on such insurance shall be \$1,000,000 per occurrence and \$2,000,000 aggregate.
  4. Automobile liability insurance for all vehicles utilized by the applicant, whether owned or not owned by the applicant. The minimum limits of liability carried for such insurance shall be \$1,000,000 per person and \$1,000,000 per incident. Each applicant also shall be required to carry an umbrella insurance policy for up to \$3,000,000 to cover any claims above the primary layers of coverage.
  5. Garage keeper's liability insurance with minimum limit of liability of \$1,000,000.

6. All policies of insurance provided by the applicant shall be endorsed to contain the following clauses: a) insurers shall have no right to recovery or subrogation against the City (including its employees, agents, and elected officials. It being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance; b) the clause "other insurance provisions" in a policy in which the City is named as an additional insured shall not apply to the City; c) the insurance companies issuing the policy or policies shall have no recourse against the City for payment of any premiums or for assessments under any form of policy; and d) any and all deductibles in the above-described insurance policies shall be assumed by and be for the account of, and at the sole risk of the applicant.
7. Insurance companies must be authorized to conduct business in New York and have a rating of (A) or better.
8. All applicants must furnish certificates of insurance to the City Clerk upon application for the permit and with respect to policy renewals, such certificates shall be provided at least 20 days prior to the renewal date. All insurance policies shall include language providing for 30 days' advance written notice before policy cancellation or a material change in coverage shall be given to the City Clerk of the City of Hudson.
9. The City of Hudson and City of Hudson Police Department, including employees and elected officials shall be named as additional insured for the comprehensive general liability and automobile liability insurance policies.
10. Any permit issued under this chapter shall be automatically revoked upon expiration or cancellation of the required insurance or if there is any material change in coverage which renders that coverage not in compliance with the aforementioned requirements.

#### **§ 288-7 Identification of Tow Vehicles and Display of Permit**

On each side of every tow vehicle, the permittee shall display the tow truck company name, physical business address, business telephone number, and DOT or ICC number in letters and numbers that are clearly legible and in sharp color contrast to the color of the tow truck itself. Such markings shall be at least two inches in height and displayed in paint or other similar permanent markings, which must be clearly legible during daytime hours from a distance of 50 feet away. Each tow truck must also display the applicable towing permit in a location easily observed from the side window of said vehicle.

#### **§288-8 Required Equipment on Tow Trucks**

All Tow Truck Companies participating and placed on the City of Hudson 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:

- A. Towing vehicles up to 9,999 pounds. Tow Truck Operators shall have the following equipment:



1. 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 either (i) 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.
- B. Towing vehicles 10,000 pounds and over Tow Truck Operators shall have tow trucks with tow and recovery capacities for Class 3 through Class 8 vehicles.
- C. All trucks under both paragraphs (A) and (B) of this section are to be equipped with:
- i. A broom;
  - ii. A shovel;
  - iii. Speedy dry or equivalent oil absorbent product
  - iv. Minimum Grade 7 recovery chains, straps, and safety chains;
  - v. Minimum one snatch block per wire or synthetic rope line
  - vi. Warning lights or strobes visible 360 degrees that comply with New York State Law, specifically NYSVTL § 375-41 (3) Colored and Flashing Lights;
  - vii. A fire extinguisher rated 4 combustible liquid fire by the national board of fire underwriters and six (6) highway flares; and
  - viii. Auxiliary mounted rear tail and stop lights.

**§288-9 Towing charges and towing service requirements.**

- A. Establishment of a fee schedule. The fee for towing, storage of vehicles, and/or installation and removal of boot device at the direction of the City of Hudson Police Department shall be set from time to time by the Common Council of the City of Hudson.
1. No person, company or entity shall be liable to any permittee who performs a basic tow or other towing service, or stores an automobile which was damaged in an accident, seemingly or actually abandoned, or recovered after being reported stolen, for any fees in excess of those fees listed in the City's fee schedule, which shall be kept on file with the Police Chief or his/her designee, as well as by the City Clerk for the City of Hudson. Said fees shall be established annually by resolution of the Common Council of the City of Hudson. Said fees may also change from time to time upon the Council's consideration of any suggestions or recommendations of the Police Chief, should they become aware of any material changes to the prevailing rates for towing. Any changes in the fee schedule may be made by motion or resolution, which shall be passed by the Common Council. The fee schedule shall include basic towing service fees, storage fees, and other miscellaneous related charges.
  2. For all towing services other than those defined as basic towing, storage, and booting and not otherwise accounted for in the City's Fee Schedule, and for all vehicles other than

those defined as automobiles or accounted for on the City's Fee Schedule, a permittee shall set fees that are deemed to be reasonable and customary for towing and storage in and around the City of Hudson. The permittee shall submit annually, as part of its application or renewal thereof, its fee schedule for the towing and storage of all motor vehicles other than automobile.

3. It shall be the responsibility of the permittee to comply with all applicable Department of Insurance rules and fee regulations.
  4. All permittees shall keep all ledgers, records, impound releases and bills, for all vehicles towed, and make same available to the City of Hudson Police Department upon request, for a period of three years from the date of service provided.
- B. No person, company or entity shall be liable to any permittee for any fees in excess of those set forth in the City's Fee Schedule for any towing or storage services discussed in said Fee Schedule.
1. Storage fees will begin to accrue on the first calendar day after tow services are rendered, as recorded by or recognized by the City of Hudson Police Department, and shall be calculated in calendar days thereafter.
  2. An administrative fee, not to exceed an amount designated in the City's Fee Schedule for same, for office functions may be charged by permittee.
  3. A yard fee, not to exceed an amount designated in the City's Fee Schedule for same, for labor required to perform tasks, including but not limited to the following, may be charged by permittee: moving a towed vehicle as needed after initial placement in yard after tow; opening of vehicle upon request for recovery of personal property; and providing access to towed vehicle for removal of plates or other items needed for DMV or insurance.
- C. When basic towing services are rendered for any automobile, there shall be no additional charges other than those provided for in subsection A above, including, but not limited to flat bedding, service calls, second tow trucks or winching, cleanup costs or additional labor.
- D. Permittees transporting multiple vehicles at one time may charge the applicable fee for each vehicle transported.
- E. Each Tow Truck Operator and its drivers shall have a written schedule of all regulated rates and charges and shall provide the schedule to the owner or operator of the vehicle being towed prior to hook up along with the name, address and telephone number of the tow truck company and a statement of the hours when the motor vehicle may be claimed.
- F. Permittee must meet the requirements of all state laws which pertain to towing services which are now enacted or may be enacted while the policies and procedures set forth in this

Chapter are in effect. Permittee must provide the name, address and telephone number of the tow company and a statement of the hours when the motor vehicle may be claimed. Vehicles must be available for release, at the rates set forth in the City's Schedule of Fees, every Monday through Friday between the hours of 8:00 a.m. to 6:00 p.m., and every Saturday between the hours of 8:00 a.m. and 12:00 p.m. An additional charge of \$75 may be imposed for release of a vehicle after those hours, or on Sundays and holidays should the storage facility otherwise be closed.

- G. Cleanup of the accident scene is the responsibility of the tow truck operator. For example, vehicle parts must be picked up and broken glass must be swept and removed from the scene and not just swept to the side of the road.
- H. A permittee shall not require that a vehicle be towed to any particular shop for repairs but may tow the vehicle to any location requested by the owner or operator of the towed vehicle. The permittee may refuse to tow to any location other than its yard if there is no one at the alternate location to accept control and responsibility for the vehicle or if weather conditions or some other articulable factor makes it unsafe or impractical to do so.
- I. No permittee shall induce or require any operator/owner, company or entity with an interest in any motor vehicle being charged for towing or other services, to execute a waiver of liability for damages to such vehicle caused by the licensee, and no such waiver of liability shall be legally enforced. This shall not apply in cases of off-road recovery or lockouts.
- J. A permittee shall not make any repairs or modifications to any vehicles towed or removed by order of the Police Department without first receiving written authorization from the owner of said vehicle or their authorized agent.
- K. A permittee may not solicit any vehicle's owners/operator, or any company or entity with an interest in said vehicle, for permission to tow to lots or locations other than its designated impound/storage lots. Without an owner's/operator's request or written permission, or a request or written permission from any company or entity with an interest in said vehicle, all tows must be to the permittee's designated lot. Failure to do so is a violation of the license requirements.

### **§ 288-10 Driver qualifications**

No person under the age of 18 years shall drive a tow vehicle. All tow vehicle operators must possess a valid New York State driver's license for the class of vehicle that is being operated and the tow truck endorsement.

### **§288-11 Prohibited Conduct**

The following acts are prohibited. No person that conducts non-consensual tows shall:

- A. Conduct a non-consensual booting or towing from a location within the City of Hudson of a vehicle registered as a passenger vehicle without the permit required by this chapter.
- B. A tow truck operator will not approach within 1,000 feet, any accident or incident the agency has not been called to respond to by law enforcement or the registered owner of an involved vehicle.
- C. Willfully fail to comply with any part of this chapter, or any order, demand or requirement made pursuant to the provisions of this chapter.
- D. Willfully fail to provide an itemized bill for any regulated activity to the Chief of Police upon request.
- E. Willfully make a false statement as to a material matter in any proceeding with respect to the refusal, suspension, or revocation of a license, or in any response to any order, demand, or inquiry by the Chief of Police or their designee with respect to a license.
- F. Conduct a towing service that performs non-consensual tows in any name other than the one in which the wrecking or towing service is licensed.
- G. Refuse, fail, or neglect to pay or comply with any judgment arising out of any towing activity entered in any court of competent jurisdiction, within 60 days after the entry of such judgment, or within 60 days after the disposition of any appeal from it, or within 60 days after the expiration of any period during which an appeal or further appeal may be taken from it, whichever is later.
- H. Advertise or hold oneself out as being permitted to conduct non-consensual tows in the City of Hudson without possessing the permit required by this chapter.
- I. Charge a fee for services or impose any other charge whatsoever for regulated services, in addition to in excess of those permitted by this chapter and any attendant regulations.
- J. Tow a car which is legally parked in designated handicapped parking, unless directed by law enforcement.
- K. Prohibit a vehicle owner, as ownership is indicated on the vehicle's registration, from removing personal property from a motor vehicle either prior to or subsequent to towing of the motor vehicle at any time during business hours. Such personal property shall not include any part of the vehicle itself, including radios or aftermarket equipment.

**§ 288-12 Criminal penalties and violations for offenses.**

Any person who conducts a non-consensual tow or booting without the licenses or registrations required by this Chapter are subject to the following penalties, in addition to any other penalty or relief permitted by law:

- A. Any person who shall resist or obstruct any police officer, authorized officer, agent, or employees of the City of Hudson in the enforcement of the provisions of this Chapter may be charged under the appropriate section of the New York State Penal Law. The Tow Company or the tow truck driver, for violations of this Chapter, upon conviction, may be subject to a fine not to exceed \$1,000.00 or a jail sentence of not more than fifteen (15) days, or both, for each violation, which shall constitute a separate offense within the meaning of this Chapter.
- B. All Tow Truck Operators and their drivers must comply with all applicable rules and regulations of 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 City of Hudson Code. A Tow Truck Company's failure to abide by the foregoing rules, regulations and statutory laws may result in suspension or removal from the City of Hudson Rotational Tow List if it is a Listed Company and are subject to the Violation and Penalties set forth in this Section, in addition to any criminal and/or civil prosecution.
- C. Any person who, with intent to defraud or deceive, knowingly makes a false statement in securing a license, or in any proceeding with respect to the refusal, suspension, or revocation of a license, or in any response to any order, demand, or inquiry by the Board or by the Director with respect to a license or with respect to any towing estimate, bill or contract shall be guilty of a class A misdemeanor, punishable by a fine not exceeding \$1,000, or imprisonment for a period not exceeding one year, or by both such fine and imprisonment.
- D. The City of Hudson Police Department and any other law enforcement officer with proper jurisdiction are authorized to issue appearance tickets, as defined in New York State Criminal Procedure Law Section 150.10 for violations of this Chapter.

**§288-13 Revocation and Suspension of Permit**

- A. The Police Chief may, upon reasonable notice to a permittee, suspend or revoke any licenses issued pursuant to this chapter for any of the reasons set forth below:
  - 1. If an applicant or permittee should provide any false or materially inaccurate information in an application for licensure, or if there should be any change of circumstance after an application is approved, which would have caused disapproval of an application in the first instance.
  - 2. If the applicant or permittee should fail to comply with any of requirements of this chapter; any additional regulations promulgated by the Police Chief after a license is granted; or any state, federal or local law relating to the operation or storage of a motor vehicle.
  - 3. If a permittee or any of his agents or employees should provide unsatisfactory service,

which jeopardizes public safety.

- B. The Police Chief shall promulgate such rules, regulations, and procedures, not inconsistent with this Chapter, as may be reasonable and necessary to carry out the provisions of this Chapter.

**SECTION 6. SEVERABILITY.** If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation in said clause, sentence, paragraph, section or part of this Local Law.

**SECTION 7. EFFECTIVE DATE.** This Local Law shall take effect ninety days after filing with the Secretary of State.