

TOWN OF NORTH CASTLE

Local Law No. 8 For the Year 2006

(Adopted April 26, 2006)

A Local Law to amend Chapter 188 entitled Towing of the Code of the Town of North Castle.

Be It Enacted by the Town Board of the Town of North Castle as follows:

1. Section 188-1 entitled Requirements is hereby amended to read as follows:

In order for a tow company to be placed on the tow list for the Town of North Castle Police Department, the following requirements must be met and adhered to:

- A. The tow company shall be able to respond to calls for service twenty-four (24) hours per day, three hundred sixty-five (365) days per year.
- B. The tow company shall make every effort to adhere to the following tow vehicle response time guidelines:
 - 1. Light Duty Towing: Tow vehicle on scene within 25 minutes
 - 2. Heavy Duty towing: Tow vehicle on scene within 50 minutes
- C. The tow company shall have a 24 hour business phone number listed under the town company's name.
- D. The tow company shall have business records.
- E. The tow company shall have personnel available during normal business hours to serve clientele.
- F. Upon special request of the police department, the tow company shall make personnel available after normal business hours and on non-work days to provide services for police personnel or regular clientele. Personnel shall make all reasonable efforts for a timely response.
- G. The tow company shall have towing rates which are fair and equitable. They shall not be excessive. Fair and equitable rates shall be predicated on a random county-wide survey should the need arise.

- H. The tow company shall store towed or impounded vehicles in a storage yard no more than 3 miles from the town's boundaries for the convenience of redemption.
- I. The tow company shall handle wrecked vehicles in such a manner that there will be little or no additional damage.
- J. The tow company shall ensure neither towed vehicles nor towing vehicles are parked on the street.
- K. The tow company shall have workers' compensation and employees' liability policy covering operations in New York State.
- L. Insurance.
 - (1) The tow company shall have a comprehensive general liability policy with limits of no less than one million dollars (\$1,000,000.) bodily injury and property damage and include coverage for the following:
 - (a) Products/completed operations.
 - (b) Independent contractors.
 - (c) Expulsion, collapse and underground losses.
 - (d) Broad form property damage liability (including completed operations).
 - (e) Personal injury, including hazards (Subsection L(1)(a), (b) and (c)).
 - (2) The Town of North Castle should be named as an additional insured on the policy and the certificate of insurance should show this as to the liability coverage on the certificate.
 - (3) In lieu of naming the town as an insured, it may be acceptable for the user to provide contractual liability coverage on the certificate evidencing coverage for the attached hold harmless agreement in favor of the town. The certificate shall specifically refer to the agreement as being insured under contractual liability and be attached to the certificate.
- M. The tow company shall have a comprehensive automobile policy, with limits of no less than one million dollars (\$1,000,000.) bodily injury and property damage liability, including coverage for owned, non-owned and hired private passenger and commercial vehicles.
- N. Certificates shall provide that thirty (30) days' written notice, by registered mail

and return receipt requested, prior to cancellation be given to the town. Policies that lapse and/or expire during the term of occupancy shall be recertified and received by the town no less than thirty (30) days prior to renewal.

- O. The tow company shall ensure employees of the tow company who operate tow vehicles shall have proper and valid operator's driving license and must have the same verified through the Police Department.
- P. The tow company shall ensure that all vehicles used shall be properly registered and insured, and this must be verified through the Police Department.

2. Section 188-2 entitled Review and approval of insurance policies is hereby amended to read as follows:

Insurance policies shall be reviewed and approved by the Town's Risk Manager.

3. Section 188-3 entitled Information contacts is hereby amended to read as follows:

If any questions arise as a result of this procedure, persons should contact the office of the Chief of Police.

4. This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.