

# STONY POINT TOW OPERATORS' RULES AND REGULATIONS

## INTRODUCTION

The TOWN of Stony Point requires the services of local automobile towers to perform its duties and obligations pursuant to Sections 511-b and 1224 of the Vehicle and Traffic Law of the State of New York (hereinafter V&TL).

The Town of Stony Point ("TOWN") shall require a Tow Operator ("TOW") to abide by these rules and regulations and complete this application to be issued a permit and included in a list of automobile towers to provide service to TOWN and to aid TOWN in performing its duties and obligations pursuant to the V&TL.

After a permit is issued the TOWN may place the name of TOW on its list of authorized towers to be called by the Police Department of TOWN to (a) provide towing services to the public, when the party requiring a tow, by reason of accident or otherwise, asks the Police Department to refer a tow operator to them, (b) to rid the highways of the TOWN of abandoned vehicles, ("abandoned vehicles(s)" as hereinafter used in this Agreement shall be as defined in Section 1224 of the V&TL), or (c) to impound a vehicle pursuant to Section 511-b of the V&TL.

## RULES AND REGULATIONS

1. TOW shall acquaint itself, and acquaint its employees, with Section 511-b and 1224 of V&TL, a copy of each is attached as **Exhibit A**.
2. TOW shall act as an agent of TOWN with respect to any abandoned or impounded vehicle which TOW is requested to tow by TOWN Police Department and comply with all of the provisions of said Section 511-b or 1224 of V&TL, whichever is applicable.
3. In the event that TOW is authorized pursuant to Section 1224 of V&TL, TOW shall determine, on behalf of TOWN, the value of said abandoned vehicle pursuant to Section 1224 of V&TL, whether said vehicle has number plates affixed thereto, or not.

4. TOWN shall be responsible to notify the record owner, if known, as provided for in Section 511-b or 1224 of V&TL, as the case may be. After the time for the owner to respond has elapsed or the vehicle is unclaimed, TOW shall exercise its rights to a garageman's lien and/or dispose of said vehicle.

5. TOW shall dispose of said vehicle, either by auction, salvage or otherwise, all pursuant to the provisions of either Section 511-b or Section 1224 of V&TL, as the case may be. TOW shall deduct from the proceeds thereof its cost and expense in performing the services on behalf of TOWN, remitting any balance to TOWN. In the event the cost and expense of TOW is not covered by the proceeds, TOW will not seek reimbursement from TOWN, it being expressly understood that TOW's compensation shall be restricted to any recovery from the sale or salvage of said vehicle.

6. TOW shall indemnify and hold harmless TOWN from and against any and all claims, demands, suits or judgements arising out of TOW'S performance pursuant to its permit and shall not charge TOWN for any work undertaken by TOW on behalf of TOWN. In consideration of being on the list of authorized towers, TOW agrees that it will not hold the TOWN liable for any storage charges whether the charges be past, present or future.

7. TOW shall be licensed by the County of Rockland and shall comply with any other state, county, city, town or village licensing requirements. In addition all emergency vehicles or tow trucks must be properly registered and inspected, and operators thereof must be properly licensed in accordance with New York State law.

8. TOW shall be operating from a legally zoned and licensed commercial auto repair garage within the boundaries of the Town of Stony Point. TOW shall have on the premises an employee during regular business hours to respond to persons claiming vehicles.

9. TOW shall have the vehicles stored at its commercial auto repair garage within the boundaries of the Town of Stony Point, TOW shall maintain ample storage space, adequately safeguarded against vandalism and theft, in which to store vehicles until claimed by the operator or owner, or are disposed of in accordance with law. Such storage area must be maintained in accordance with any state, county or local zoning regulations.

10. Emergency vehicles, tow trucks and any other vehicles operated under this permit shall be prominently identified on both sides with the business name of the TOW, and the TOW telephone number. The vehicles must be properly registered and inspected in the name of TOW.

11. The Town Clerk will issue a permit to TOW and the permit must be displayed on the front bumper of TOW'S vehicles. In its application for a permit, TOW must list all the vehicles that it will use by make, model, year, color and type.

12. Upon responding to a tow call, TOW'S conduct will be proper and professional and agrees to follow any reasonable directions issued by the police officer(s) on the scene. TOW agrees to respond to all calls within a reasonable time period while using good judgment and due caution enroute to scene. TOW agrees to comply with all laws, rules and regulations of the State of New York, County of Rockland and Town of Stony Point.

13. Tow trucks and other emergency vehicles shall be equipped with revolving amber lights, of sufficient power, size and number, to warn motorists of their presence, and such lights shall be mounted in such a manner that no part of the truck, or of the towed vehicle, obstructs them. TOW shall furnish sufficient lights, flares, flags and cones suitable for placing on the highway to warn motorists of the presence of a disabled, parked or wrecked vehicle. Emergency vehicles shall be equipped with brooms and shovels, and the TOW Operator shall be responsible for removal of road debris before leaving the scene.

14. TOW equipment operators shall be guided by, and cooperate with police in all matters concerning clearing the roadway of debris and with traffic control.

15. TOW agrees that all personnel and equipment used under this permit shall be, and remain, employees and property of the TOW Operator and under his/her direct supervision, management and control, and in no case shall such employees or property be represented or considered as being employees or property of the TOWN of Stony Point. TOW fully understands that he/she is operating as an independent contractor, and in no sense as an agent or employee of the Town of Stony Point.

16. When a vehicle is impounded on a police order, the TOW Operator shall not release such vehicle to anyone without first

notifying the police department ordering the impoundment and obtaining permission to do so.

17. Insurance: TOW shall assume all responsibility and liability for damages to persons or property that may accrue during the operation of any of the TOW'S vehicles through the negligence of himself, his agents or employees, or from any other cause, and agrees to hold harmless the Town of Stony Point and agents or employees thereof. For such purpose, the TOW Operator shall obtain and maintain at his own cost and expense, for the term of the agreement, protective liability insurance in the following minimum amounts:

Bodily Damage, including death, each person/each occurrence-\$100,000/\$300,000

Property Damage, each vehicle/each occurrence-\$100,000/\$300,000

TOW must file, or cause to be filed with the Town of Stony Point, a Certificate of Insurance, issued by an insurance company licensed to do business in the State of New York, showing coverage in the amounts show above, and naming the Town of Stony Point as additional insured. Failure to keep such insurance in full force and effect throughout the term of the permit will be cause for termination.

TOW shall, at its own expense, obtain Worker's Compensation Insurance covering all its employees and must keep said insurance in full force and effect. Failure to keep such insurance in full force and effect will be cause for termination.

18. It shall be the sole responsibility of the TOW Operator to collect fees and charges towing, storage and repairs of all vehicles not considered abandoned vehicles, and no cost shall accrue to the TOWN as a result of such towing, storage or repair.

19. The Town reserves the right to suspend or permanently remove any TOW agency not in compliance with these rules and regulations or any of the aforementioned laws, rules and regulations.

20. The owners of vehicles impounded at the direction of the Town of Stony Point, shall be responsible for all charges for

towing, storage and repairs. No cost shall accrue to the Town for towing, storage and repair of said vehicles. Impounded vehicles are not to be replaced without consent of the impounding police department.

21. The invalidity or unenforceability of any provision of these rules and regulations shall in no way affect the validity or enforceability of any other provision.

TOW AGREES TO ABIDE BY AND FOLLOW THESE RULES AND REGULATIONS.  
TOW ACKNOWLEDGES THAT IT HAS RECEIVED A COPY OF THE RULES,  
REGULATIONS AND APPLICATION.

DATED \_\_\_\_\_

NAME OF TOW \_\_\_\_\_

BY \_\_\_\_\_

**PLEASE SIGN THIS PAGE AND RETURN IT  
WITH APPLICATION**