

TOWN OF BROOKHAVEN



CHAPTER 66 TOWING BUSINESSES

Chapter 66

TOWING BUSINESSES

GENERAL REFERENCES

Fees — See Ch. 29.

Highways — See Ch. 38.

Fire prevention — See Ch. 30.

Zoning — See Ch. 85.

§ 66-1. Findings; purpose.

- A. Findings. It is hereby declared and found that delay in removal of damaged and disabled motor vehicles results in congestion of traffic and causes accidents; that, therefore, it is of vital importance to remove damaged and disabled vehicles from the roads as promptly as possible; that motorists whose vehicles have become damaged and/or disabled are frequently concerned with more pressing problems than the removal of their vehicles or, through absence or injury, are unable to do so; that in the past, when towing services have been selected from a rotating list maintained by the Suffolk County Police Department at the behest of the Town, motor vehicles damaged as a result of accidents have been towed to places where they could not be located or, when located, could not be repaired, thus causing the owner loss of time, confusion and additional expense either in the form of further towing charges or premiums paid to the shop which ultimately repairs the vehicle; that unfair competition has occurred among tow truck operators; and that, in the past, members of the motoring public have been the victims of fraud, overcharges and similar abuses in connection with towing services.
- B. Declaration of purpose. It is, therefore, the purpose and intent of this chapter to establish an orderly system for the safe and expeditious removal of damaged and/or disabled motor vehicles from the roads of the Town of Brookhaven; to supervise and control the operation of towing businesses within the Town; to ensure that, when towing services are selected from a rotating list maintained at the behest of the Town, motor vehicles damaged and disabled as the result of accidents are towed to convenient and certain locations where they may be safely and securely stored and where they will not create an eyesore and where they may be lawfully repaired; and to protect the public from frauds, overcharges and similar abuses. **[Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990]**

§ 66-2. Definitions.

Unless otherwise expressly provided, the following words, for the purposes of this chapter, shall have the meanings herein indicated:

ACCIDENT — Any incident or occurrence in which one or more motor vehicles come in contact with each other or another object, thereby causing damage to a motor vehicle.

APPLICANT — A person who is applying for a towing business license and/or medallion.

BODY SHOP — A motor vehicle repair shop as defined in and holding a license as required by the State Motor Vehicle Repair Shop Registration Act (Vehicle and Traffic Law § 398 et seq. or any amendment thereto) and which meets existing Code requirements of the Town of Brookhaven. For the purposes of placement on the accident or nonaccident towing roster, a "body shop" must contain a fenced-in area meeting the requirements of a depot as provided herein.

DEPOT — An area where vehicles may be stored legally pursuant to all of the local laws and requirements of the Code of the Town of Brookhaven, including but not limited to zoning, and which is owned or leased by the licensee. A depot shall be an accessory use to a motor vehicle repair shop, as defined in Chapter 66 of the Code of the Town of Brookhaven. A depot must be located on the same site as the motor vehicle repair shop. A depot must be paved, provide drainage and be screened from view with landscaping and a six-foot-high perimeter fence, having no opening, mesh, hole or gap larger than two inches measured horizontally and vertically. To qualify for use in connection with a towing business licensed pursuant to the provisions of Chapter 66 of the Code of the Town of Brookhaven, a depot shall be so constructed as to contain an additional area of not less than 2,025 square feet. Any depot legally existing prior to the effective date of this revision may be maintained as a nonconforming use in conformance with the provisions of Chapter 85 of the Code of the Town of Brookhaven. Any depot may be located entirely inside a building, provided that the building has the appropriate certificate of occupancy for such storage and is in compliance with the Fire Code.¹**[Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 4-2-1996 by L.L. No. 13-1996, effective 4-17-1996; 4-6-1999 by L.L. No. 4-1999, effective 4-12-1999; 10-19-2004 by L.L. No. 34-2004, effective 10-22-2004]**

DOLLYING — Removing or conveying on dolly wheels.**[Added 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990]**

DRIVER — Any person driving a tow truck upon the roads of the Town.²

FOR HIRE — Any incident where a fee, charge or other consideration is directly or indirectly imposed for towing, including any case where any person makes repairs on a towed vehicle for a consideration and no charge is expressly imposed for the towing of such vehicle.

1. Editor's Note: See Ch. 30, Fire Prevention.

2. Editor's Note: The definition of "extra-heavy-duty tow truck," added 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990, which immediately followed this definition, was repealed 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006. See now the definition of "tow truck" below.

GARAGE — Any place where mechanical repairs of motor vehicles are regularly conducted, including gas service stations, and which meets existing Code requirements of the Town of Brookhaven. For the purposes of placement on the accident or nonaccident towing roster, a garage must contain a fenced-in area meeting the requirements of a depot as provided herein.³

LICENSE — A certificate issued by the Commissioner of Public Safety or his designee to conduct a towing business.**[Amended 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004]**

LICENSEE — A person who is the holder of a valid license.

MEDALLION — The identification plate (number or sticker bearing such number) assigned to a particular tow truck.**[Amended 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004]**

MOTORCYCLE — Any two-wheeled automotive vehicle having one or two saddles and sometimes a sidecar with a third supporting seat.

MOTOR VEHICLE — Any two-, three- or four-wheeled automotive vehicle, including automobiles and motorcycles.

MOTOR VEHICLE REPAIR SHOP — A motor vehicle repair shop as defined in and holding a license as required by the State Motor Vehicle Repair Shop Registration Act (Vehicle and Traffic Law § 398 et seq. or any amendment thereto) which meets existing Code requirements of the Town of Brookhaven. A motor vehicle repair shop shall include for the purposes of this section, any body shop, drive-in station, garage, or public garage operated by any person, corporation or association for the purpose of inspecting such motor vehicles for the purposes of diagnosing, inspecting, evaluating, estimating, appraising the extent or value, or cost of, or necessity of motor vehicle repairs, including bodies, fenders or any component parts thereof. For the purposes of placement on the accident or nonaccident towing roster, a motor vehicle repair shop must contain a fenced-in area meeting the requirements of a depot as provided herein.**[Added 4-2-1996 by L.L. No. 13-1996, effective 4-17-1996]**

OPERATE — Includes the control and direction of the use of a vehicle and the use of a vehicle for towing from places within the Town.

PERSON — Includes an individual, a partnership, any unincorporated association, a corporation or any other entity.

POINT-TO-POINT TOWER — A tower who has no depot, public garage and/or body shop and is not on any roster but is merely a tower from point to point.**[Added 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990]**

TOWER — A person owning or leasing or controlling one or more tow trucks and driving or operating or causing any such vehicle to be operated upon the public highways for hire.

3. Editor's Note: The definition of "heavy-duty tow truck," which immediately followed this definition, was repealed 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006. See now the definition of "tow truck" below.

TOWING — The carrying, lifting or moving of a single motor vehicle by another motor vehicle.

TOWING BUSINESS — The operation of one or more tow trucks. **[Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990]**

TOWN — The unincorporated area of the Town of Brookhaven, outside the incorporated villages located within the Town of Brookhaven, whether on private property or on the roads of the Town of Brookhaven.

TOW TRUCK — A motor vehicle which is designed or equipped for carrying, lifting or moving another motor vehicle designated as follows: **[Amended 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**

- A. LIGHT DUTY — A tow truck capable of righting and towing a motor vehicle with a gross vehicle weight under 10,000 pounds.
- B. MEDIUM DUTY — A tow truck capable of righting and towing a motor vehicle with a gross vehicle weight between 10,001 and 26,000 pounds with a minimum sixteen-ton boom capacity.
- C. HEAVY DUTY — A tow truck capable of righting and towing a motor vehicle with a gross vehicle weight over 26,000 pounds with a minimum twenty-five-ton boom capacity.

WINCHING — To hoist, haul or push by a winch not connected with a boom or not connected to the operation of towing upon a flatbed. **[Added 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990]**

§ 66-3. License required; exceptions.

- A. No person shall conduct a towing business in the Town without first having secured a license from the Commissioner of Public Safety or his designee, hereinafter referred to as the "Commissioner." **[Amended 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004]**
- B. A person shall be deemed to be conducting a towing business within the Town and shall be required to obtain a license hereunder when he operates one or more tow trucks for hire and either has a depot, garage or body shop within the Town or regularly advertises or solicits towing business, responds to calls or otherwise provides towing services within the Town.
- C. All towing businesses responding to accident calls within the Town of Brookhaven must have a valid medallion issued by the Town of Brookhaven. A violation of this section shall be punishable, after conviction, with a fine of not less than \$500 nor more than \$1,000. **[Added 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006⁴]**
- D. ⁵Nothing herein shall be construed to require a license for a tow truck to traverse the Town, with or without a motor vehicle in tow, or to

4. Editor's Note: This local law also redesignated former Subsections C and D as D and E, respectively.

require a license for towers whose principal place of business is located outside the Town of Brookhaven and who do not regularly solicit or do business in the Town of Brookhaven. **[Amended 3-7-1989 by L.L. No. 7-1989, effective 3-13-1989; 5-2-1989 by L.L. No. 16-1989, effective 5-8-1989; 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**

E. Any person or other legal entity within the following classes of towers shall be exempt from the provisions of this chapter. **[Added 3-7-1989 by L.L. No. 7-1989, effective 3-13-1989; amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 4-2-1996 by L.L. No. 13-1996, effective 4-17-1996]**

- (1) ICC-licensed transporters.
- (2) New York State Department of Motor Vehicles scrap pool license holders.
- (3) Town of Brookhaven or State of New York licensed vehicle dismantlers, Town of Brookhaven licensed scrap processors, State of New York licensed itinerant vehicle collectors, State of New York licensed junkyard processors and vehicles owned by the Town of Brookhaven when engaged in the performance of their activities as dismantlers, scrap processors, itinerant vehicle collectors and junkyards and on Town business, but not when towing for hire.

§ 66-4. Medallion required.

- A. A licensee must obtain a medallion for each tow truck operated in the Town.
- B. Each medallion must be installed and maintained in such manner as shall be designated by the Commissioner.⁶ **[Amended 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004]**

§ 66-5. Application for license and medallion. [Amended 12-15-1987 by L.L. No. 35-1987; 3-1-1988 by L.L. No. 2-1998; 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004; 7-19-2005 by L.L. No. 17-2005, effective 7-27-2005]

No license or medallion shall be issued unless an application is completed and filed with the Commissioner, on a form prescribed by the Commissioner, requiring:

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5. **Editor's Note: Former Subsection D, which dealt with a special license for towing a vehicle owned by the owner of the tow truck, was repealed 4-2-1996 by L.L. No. 13-1996, effective 4-17-1996. This local law also renumbered former Subsection E as Subsection D.**
 6. **Editor's Note: Former Subsection C, which immediately followed this subsection and described the medallion issued in connection with the special license, was repealed 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990.**

- A. The name and address of the applicant, specifying, in the case of a partnership or unincorporated association, each partner or member thereof and, in the case of a corporation, the name and address of each officer, director and stockholder, except that if the corporation is listed on the stock exchange, the names and addresses of the stockholders owning 5% or more of the common stock issued. The applicant must be the owner of the vehicle, and, if a corporation, the applicant must be an officer of said corporation.
- B. The date of birth of the applicant or each partner, member, officer, director or stockholder, where applicable.
- C. Identification. Applicants shall also file the items set forth herein with said application, unless specifically waived by the Commissioner upon a showing of facts, which, in the discretion of the Commissioner, warrant the waiving of said requirements.
 - (1) Fingerprints.
 - (a) Upon receipt of a sworn application for a permit, a copy thereof and a fingerprint card taken in duplicate shall be referred to the Commissioner of the Department of Public Safety or his designee for appropriate fingerprinting of said applicant, and a copy of such completed fingerprint card shall thereafter be forwarded by the same to the New York State Division of Criminal Justice Services for a full search.
 - (b) The application shall be accompanied by an appropriate fee, the amount and payment instrument to be determined by the Commissioner of Public Safety or his designee, pursuant to the requirements of, and payable to, the New York State Division of Criminal Justice Services, which amount shall be in addition to the processing fees stated herein, for such investigation of the applicant as is deemed necessary or advisable for the protection of the public good and welfare.
 - (c) The New York State Division of Criminal Justice Services shall return such criminal history record information as may exist in its files or a statement that no such relevant information exists, such record to be filed with the Commissioner of Public Safety or his designee.
 - (d) Upon its return by the New York State Division of Criminal Justice Services to the Commissioner of Public Safety or his designee, if the application is approved by the Commissioner or his designee and upon payment of the prescribed license fee, the Commissioner shall prepare and deliver to the applicant therefor the permit required by this chapter.
 - (e) New fingerprints for each renewal period may be waived by the Commissioner of Public Safety or his designee, unless the

license issued under the provisions of this chapter has lapsed for a period of time in excess of one year.

D. Photographs.

- (1) Two identical photographs of the applicant shall be submitted, taken no longer than 60 days prior to submission of the application; and
- (2) Said photographs shall be up to but not to exceed two inches by two inches in size, showing both the head and shoulders of the applicant.
- (3) Digital photos may be taken at the time of application by the Department of Public Safety.

E. Examinations. At the discretion of the Commissioner of Public Safety or his designee, before the issuance of a permit, the Commissioner or his designee may require the applicant, and any others having knowledge of any facts, to submit to an examination, under oath, and to produce evidence relating thereto.

F. With respect to each tow truck to be operated in the Town by the applicant for which a medallion is requested:

- (1) The vehicle identification number.
- (2) The license plate number.
- (3) The make, model and year.
- (4) (Reserved)
- (5) The name and address of the owner.
- (6) Whether each tow truck is equipped as required herein.
- (7) Whether each tow truck is a medium-duty wrecker or heavy-duty wrecker. **[Amended 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**

G. The address of any and all depots, garages or body shops, whether located inside or outside the Town, that will be used by the applicant in connection with his towing businesses and which tow trucks will be stationed at each location.

H. Each depot requires a dedicated tow truck with only a single depot location inscribed on the side of said truck. A tow truck stationed at one depot may not simultaneously be listed or utilized at another depot. **[Added 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006⁷]**

7. **Editor's Note: This local law also redesignated former Subsections H through N as I through O, respectively.**

- I. The name and address of the depot, body shop or garage in the Town to which the applicant will tow motor vehicles damaged or disabled when picked up as the result of a call from the accident roster, heavy-duty roster or non-accident roster, in the absence of a designation to the contrary, in accordance with § 66-19, by the owner or person in charge of the motor vehicle. The designated depot, body shop or garage shall be the location listed by the applicant, inspected by the Department of Public Safety, and designated on the tow truck pursuant to § 66-8H. **[Amended 6-20-2006 by L.L. No. 12-2006; effective 6-26-2006]**
- J. Whether the applicant wants to be placed on the non-accident roster, the light-duty roster, the medium-duty roster and/or the heavy-duty roster. **[Amended 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**
- K. A statement whether the applicant or, if the applicant is a partnership, an unincorporated association or a corporation, any partner, member, officer, director or stockholder (as defined in Subsection A above):
 - (1) Has, within the last five years, ever been convicted of a crime and, if so, the date, crime, charge and sentence imposed.
 - (2) Has ever been denied a license for a tow truck or towing business or a license issued to the applicant has ever been suspended or revoked and, if so, the date, the location and the circumstances thereof.
- L. A list of all valid licenses held by the applicant which authorize him to conduct a towing business and/or a body shop.
- M. At least one but no more than two telephone numbers (one daytime between 7:00 a.m. and 6:00 p.m. and one nighttime, weekends and holidays) where the applicant or his agent or employees can be located at all times.
- N. The applicant is required to provide the Commissioner with a list of licensed drivers who will be operating the applicant's Town truck(s).
- O. The applicant is required to provide the Commissioner with a statement in the form of a sworn affidavit, on a form supplied by the Commissioner, indicating that the driver holds a valid New York State driver's license and whether the driver has any convictions for felonies or misdemeanors and, if so, by what court, when, where, upon what charges and the sentence of the court.

§ 66-6. Issuance of license; inspection of vehicles.

- A. Upon receipt of a properly completed application and the fees as set forth herein, the Commissioner shall notify the Commissioner of the Department of Planning, Environment and Land Management and the Town Attorney. Thereupon, the Commissioner shall cause an inspection to be made of the tow truck (with the exception that tow trucks on

the heavy-duty roster will be inspected by the Suffolk County Highway Patrol or the New York State Department of Transportation) and the depot, public garage or body shop for compliance with § 66-8 herein and all applicable fire regulations and codes. The Commissioner of Planning, Environment and Land Management shall cause an inspection to be made of the site and premises for compliance with all applicable local laws and zoning local laws. The Town Attorney shall cause a review to be made for any existing violations. Upon completion of said reviews and inspections, reports shall be forwarded to the Commissioner. The Department of Public Safety or its designee shall act as the lead agency for purposes of coordinating review of said application. In the event that the depot or public garage or body shop is located within an incorporated village within the Town of Brookhaven, the applicant shall permit his tow truck and site to be inspected for compliance with § 66-8 herein and shall submit a letter or other form of proof satisfactory to the Town Attorney that the depot or public garage or body shop complies with the applicable local laws of the village where located. The application shall be in such form as shall be required by the Commissioner. **[Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004; 9-7-2004 by L.L. No. 22-2004, effective 11-1-2004; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**

- B. Upon such notification, the Commissioner shall issue a license or renewal thereof for a towing business unless, upon investigation: **[Amended 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004]**
- (1) The Commissioner determines that the applicant is an undesirable person or incapable of properly conducting a towing business in the Town.
 - (2) The Commissioner determines that an applicant who has been convicted of a misdemeanor or felony is unfit or undesirable to carry on a towing business in the Town.
 - (3) The applicant's depot, garage or body shop used in connection with his towing business is in violation of the zoning, building or fire laws, local laws or regulations in the municipality in which it is located.
 - (4) The Commissioner finds that the applicant has made a materially false statement or misrepresentation in his application.
- C. If a license is denied, the applicant may appeal the determination to the Town Board.
- D. Conditions for use of license privileges. **[Amended 3-7-1988 by L.L. No. 7-1989, effective 3-31-1989; 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**

- (1) Each licensee wishing to be placed on the non-accident, light-duty, medium-duty or heavy-duty roster shall maintain an individual public garage or depot or body shop in the Town or the incorporated villages located within the Town to which all motor vehicles towed pursuant to this chapter shall be transported. Unless otherwise directed, in writing, by the owner or operator thereof, no such motor vehicle may be transported to any location other than such public garage or depot or body shop. No such motor vehicle shall thereafter be removed from said public garage or depot or body shop without the written consent of the owner of such motor vehicle.
- (2) Provided that a depot is in compliance with all the provisions of the Code of the Town of Brookhaven, the depot shall be allowed only one position on the non-accident towing roster, only one position on the light-duty towing roster, only one position on the medium-duty towing roster, and only one position on the heavy-duty towing roster, without regard to the number of licenses which shall have been issued to licensees using or maintaining any one public garage, depot or body shop.

§ 66-7. Issuance of medallion or renewal. [Amended 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004]

Upon receipt of the fees set forth herein, the Commissioner shall issue a medallion or renewal thereof for each tow truck to be operated within the Town by a licensee if, upon inspection by the Town, it is determined that the tow truck is equipped as provided herein.

§ 66-8. Equipment and identification of tow trucks.

- A. Tow trucks used to respond to calls from the nonaccident roster must be equipped at all times with:
 - (1) At least two emergency lights, one of which shall be affixed to each side of the rear of the tow truck or to each side of the rearmost part of the towed vehicle so as to be clearly visible on the highway to the rear.
 - (2) One authorized emergency light.
 - (3) A CO₂ or dry-powder fire extinguisher with a minimum capacity of 10 pounds.
 - (4) At least one dozen red railroad-type flares or three triangles. **[Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990]**
 - (5) Safety chains.
 - (6) A push bar.

- (7) A shovel.
 - (8) A rigid tow bar.
 - (9) A lifting boom on the rear of the truck.
 - (10) A minimum one-and-one-half-ton power winch equipped with 150 feet of three-eighths-inch steel cable.
 - (11) Dolly wheels.
- B. Tow trucks used to respond to calls from the light-duty roster must be equipped at all times with: **[Amended 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**
- (1) The equipment specified in Subsection A above.
 - (2) Dual rear wheels or a vehicle with four-wheel drive.
 - (3) A broom.
 - (4) A crowbar.
 - (5) A hacksaw.
 - (6) An ax.
- C. Tow trucks used to respond to calls from the medium-duty roster must: **[Amended 9-1-1987 by L.L. No. 21-1987; 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**
- (1) At all times be equipped with the equipment specified in Subsection B above, except that, in addition, tow trucks responding to calls from the medium-duty roster must be equipped with a minimum one-and-one-half-ton power winch equipped with 150 feet of five-eighths-inch steel cable. Tow trucks responding to calls from the medium-duty roster shall not be required to have push bars or dolly wheels.
 - (2) Conform to the definition of "medium-duty tow truck" in § 66-2 above.
- D. Equipment. **[Added 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; amended 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**
- (1) A licensee on the heavy-duty roster must have the capability to respond to a call with the following minimum equipment:
 - (a) Two twenty-five-ton tow trucks.
 - (b) One sixteen-ton tow truck.

- (c) One flatbed truck at least 16,000 pounds' gross vehicle weight (cargo removal).
 - (d) A set of twenty-ton recovery straps.
 - (e) One set of portable torches.
 - (f) One power chain saw.
 - (g) One power metal-blade saw.
 - (h) One set of four-ton porto powers.
 - (i) Four two-ton cable pullers (ratchet pullers).
 - (j) Four lengths of five-eighths-inch chain at least 15 feet in length.
 - (k) Four steel angle irons four inches by four inches by five feet long.
 - (l) Two aluminum angle irons four inches by four inches by five feet long.
 - (m) Four oak beams four inches by four inches at least five feet in length.
- (2) In addition, the heavy-duty team of three tow trucks must be equipped with the equipment specified in Subsection C(1) above.
- E. Flatbed car carrier. **[Amended 12-15-1987 by L.L. No. 35-1987; 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990⁸; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**
- (1) A flatbed car carrier may be used to respond to calls from the non-accident or light-duty roster if it is equipped at all times with:
 - (a) At least two emergency lights, one of which shall be affixed to each side of the rear of the tow truck or to each side of the rearmost part of the towed vehicle so as to be clearly visible on the highway to the rear.
 - (b) One authorized emergency light.
 - (c) A CO₂ or dry-powder fire extinguisher with a minimum capacity of 15 pounds.
 - (d) At least one dozen red railroad-type flares.
 - (e) Safety chains.
 - (f) A shovel.

8. Editor's Note: This local law also provided for the redesignation of Subsections E through H as Subsections F through I.

- (g) A minimum one-and-one-half-ton power winch equipped with 100 feet of three-eighths-inch steel cable.
- (h) Dual rear wheels or a vehicle with four-wheel drive.
- (i) A broom.
- (2) The following three items are necessary only if the flatbed car carrier is on the light-duty roster:
 - (a) A crowbar.
 - (b) A hacksaw.
 - (c) An ax.
- F. Tow trucks used to respond to calls must be equipped at all times with the equipment specified in Subsection B, C, D or E above. **[Amended 12-15-1987 by L.L. No. 35-1987]**
- G. The minimum equipment required in order for a tow truck to be licensed is:
 - (1) All equipment specified in Subsection A above, except Subsection A(11).
 - (2) A broom.
- H. Every tow truck operated in connection with a licensee's towing business in the Town must have inscribed on each side thereof, in legible letters not less than three inches high, the name and address of the licensee's depot. Only the specific business called may send its tow truck from the depot designated on said truck. **[Amended 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**
- I. ⁹All vehicles subject to this chapter shall comply with all safety and equipment sections of the Vehicle and Traffic Law and the Codes, Rules and Regulations of the State of New York, which are incorporated by reference herein. **[Added 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; amended 4-2-1996 by L.L. No. 13-1996, effective 4-17-1996]**

§ 66-9. Term of license and medallion. [Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 4-16-2002 by L.L. No. 5-2002, effective 4-25-2002; 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004]

- A. Every license and medallion issued shall be for a term of two years beginning on January 1 and expiring December 31 of the second year

9. Editor's Note: Former Subsection I, which dealt with required equipment for tow trucks licensed for towing vehicles owned by the tow truck operator, was repealed 4-2-1996 by L.L. No. 13-1996, effective 4-17-1996. This local law also renumbered former Subsection J as Subsection I.

unless earlier suspended or revoked by the Town of Brookhaven, as provided herein. Any license or medallion issued mid-term shall expire on the second December 31 thereof, unless earlier suspended or revoked by the Town of Brookhaven, as provided herein.

- B. Every license and medallion shall be renewable upon the expiration of its term. Applications for renewals must be submitted prior to September 1. Any renewal application submitted after this deadline shall be subject to a late fee of \$150.
- C. Every person holding a license pursuant to § 66-3D(3) shall have the words "not for hire" painted or otherwise affixed to both sides of the tow truck so as to be clearly visible on the highway.

§ 66-10. Nontransferability of license and medallion.

- A. No license or medallion issued hereunder shall be transferred to another person or vehicle.
- B. The licensee shall notify the Commissioner if any tow truck for which a medallion was issued is destroyed, sold or otherwise transferred, within five days thereof, and immediately return the medallion to the Commissioner. **[Amended 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004]**

§ 66-11. Fees; towing of motorcycles.

- A. Regardless of the number of months such license or medallion may be valid, the fee shall be as established by Town Board resolution. **[Amended 3-20-1990 by L.L. No. 12-1990, effective 3-12-1990; 11-20-2018 by L.L. No. 26-2018, effective 12-3-2018]**
- B. All persons having agreed to be placed on the light-duty roster shall have impliedly agreed to tow motorcycles. **[Amended 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**

§ 66-12. Division of Town; certification of rosters. [Amended 12-15-1987 by L.L. No. 35-1987; 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]

- A. The Town shall be divided into the following sections, each with its own non-accident, light-duty and medium-duty roster:
 - (1) Fourth Precinct: Fifth or Sixth Precinct rosters shall be used as determined by the circumstances of the case.
 - (2) Fifth Precinct: bounded as follows:
 - (a) North: precinct boundary line (Long Island Rail Road tracks).
 - (b) East Carmans River.

- (c) South: Great South Bay.
- (d) West Islip Town line.
- (3) Sixth Precinct.
- (4) Seventh Precinct: bounded as follows:
 - (a) South Sector, bounded as follows:
 - [1] North: precinct boundary line (Long Island Rail Road and Riverhead Town line).
 - [2] East: precinct boundary line (Southampton Town line).
 - [3] South: Great South Bay.
 - [4] West Carmans River.
 - (b) North Sector: will be drawn in strict order from the roster established for the Sixth Precinct as determined by the circumstances of the case.
- B. The Commissioner shall prepare and certify to the Commanders of the Fourth, Fifth, Sixth and Seventh Precincts of the Suffolk County Police Department the non-accident, light-duty and medium-duty rosters with the names of the licensees in each section listed in the order in which the licensees qualify for such listing. In addition, the Commissioner shall provide the Commanders of each precinct with a list, in alphabetical order, of all tow trucks in the Town of Brookhaven equipped and licensed pursuant to this chapter. Said list shall include phone numbers provided pursuant to Subsection M of § 66-5 above.
- C. There shall be one Town-wide heavy-duty towing roster.

§ 66-13. Non-accident roster. [Amended 9-1-1987 by L.L. No. 21-1987; 3-1-1988 by L.L. No. 2-1988; 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]

- A. Motor vehicles not involved in accidents but which are disabled and which must be removed from the road, and where the owner or other person in charge thereof does not request the services of a specific tow truck operator, shall be towed by licensees from the non-accident roster on a rotating basis.
- B. In order to qualify for the non-accident roster, the person must:
 - (1) Hold a valid towing business license issued pursuant to this chapter.
 - (2) Have at least one tow truck per depot equipped as provided herein, with a valid medallion affixed to it.

- (3) Maintain twenty-four-hour service to answer calls to remove disabled motor vehicles.
- C. Only tow trucks properly equipped and with medallions that have been issued hereunder may respond to calls from the non-accident roster.

§ 66-14. Light-duty roster. [Amended 3-1-1988 by L.L. No. 2-1988; 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]

- A. A. Motor vehicles which are involved in accidents and which are disabled, and whose owners do not request the services of a specific tow truck operator, shall be towed by licensees on the light-duty roster on a rotating basis.
- B. In order to qualify for the light-duty roster, a person must:
 - (1) Hold a valid towing business license issued pursuant to this chapter.
 - (2) Have at least one tow truck per depot equipped as provided herein, with a valid medallion affixed to it.
 - (3) Maintain twenty-four-hour service to answer emergency calls to remove damaged and disabled motor vehicles.
- C. Only tow trucks properly equipped and with medallions that have been issued hereunder may respond to calls from the light-duty roster.

§ 66-15. Medium-duty towing roster. [Amended 3-1-1988 by L.L. No. 2-1988; 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]

- A. In order to qualify for the medium-duty towing roster, a person must:
 - (1) Hold a valid towing business license issued pursuant to this chapter.
 - (2) Have at least one medium-duty tow truck per depot, equipped as provided herein, with a valid medallion affixed to it.
 - (3) Maintain twenty-four-hour service to answer calls to remove damaged and disabled motor vehicles over three tons.
 - (4) Designate in his application a depot, garage or body shop, as defined by § 66-2, to which he will tow motor vehicles damaged or disabled when picked up as a result of a call from the medium-duty towing roster, in the absence of a designation to the contrary, in accordance with § 66-18, by an owner or person in charge of the motor vehicles.
- B. When the police officer at the scene determines that medium-duty towing services are required, the licensee shall be called from the

medium-duty towing roster on a rotating basis. However, such licensee shall not lose his turn on any other roster on which his name might appear.

- C. Only medium-duty tow trucks properly equipped and with medallions that have been issued hereunder may respond to calls from the medium-duty towing roster.

§ 66-15.1. Heavy-duty towing roster. [Added 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; amended 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]

- A. In order to qualify for the heavy-duty towing roster, a person must:
- (1) Hold a valid towing business license issued pursuant to this chapter.
 - (2) Have at least two twenty-five-ton tow trucks and one sixteen-ton tow truck, as provided herein, with a valid medallion affixed to each.
 - (3) Maintain twenty-four-hour service to answer calls to remove damaged and disabled motor vehicles over 15 tons.
 - (4) Designate in his application a depot, garage or body shop, as defined in § 66-2, to which he will tow motor vehicles damaged or disabled when picked up as a result of a call from the heavy-duty towing roster, in the absence of a designation to the contrary, in accordance with § 66-18, by an owner or person in charge of the motor vehicles.
- B. When the police officer at the scene determines that heavy-duty towing services are required, the licensee shall be called from the heavy-duty towing roster on a rotating basis. However, such licensee shall not lose his turn on any other roster on which his name might appear.
- C. Only heavy-duty tow trucks properly equipped and with medallions that have been issued hereunder may respond to calls from the heavy-duty towing roster.

§ 66-16. Maximum permitted charges. [Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 2-20-1997 by L.L. No. 2-1997, effective 2-24-1997; 12-15-1987 by L.L. No. 35-1987; 1-16-2001 by L.L. No. 3-2001, effective 2-1-2001; 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006; 3-6-2007 by L.L. No. 5-2007, effective 3-14-2007; 11-23-2010 by L.L. No. 40-2010, effective 12-7-2010; 1-25-2011 by L.L. No. 7-2011, effective 2-8-2011; 12-17-2013 by L.L. No. 41-2013, effective 12-31-2013]

- A. No tower shall charge more than the maximum charges set forth herein for each tow truck used in towing a motor vehicle picked up within

the Town and towed to a place within the Town or, if said operator's designated depot, body shop or garage is outside the Town pursuant to § 66-3C above, to that location.

- B. No licensee shall charge more than the maximum charges set forth herein for each tow truck used in towing a motor vehicle picked up pursuant to §§ 66-13 through 66-15.1 herein when towed to the licensee's place of business or any location in the Town designated by the owner or person in charge of the motor vehicle.
- C. The maximum charge for towing vehicles involved in accidents utilizing the Suffolk County Police Department light-duty tow roster shall be \$170 regardless of the date and time of the tow. There shall be no additional fees if the towing occurs on weekends or holidays. All towing charges for nonaccident vehicles, impounded vehicles, including vehicles impounded pursuant to § 511-b of the New York State Vehicle and Traffic Law, and for vehicles constituting road hazards utilizing the Suffolk County Police Department nonaccident tow roster shall be \$170.
- D. The maximum charge for towing vehicles when called directly from the Town of Brookhaven shall be \$110, payable to the towing vendor. The Town of Brookhaven tow roster shall include all Town of Brookhaven medallion towing vendors on a rotating basis.
- E. Fees for related services shall not exceed the following:
 - (1) Winching: \$65 per half hour.
 - (2) Dollying: \$50.
 - (3) Labor: \$65 per half hour
 - (4) Yard charge: \$45 per half hour.
 - (5) Clean-up charge: \$35.
 - (6) Speedy Dry: \$10 per bag.
 - (7) Storage: \$35 per day. The licensee must obtain the written consent of the owner to charge more for indoor storage than for outdoor storage of the vehicle after the first 24 hours. Depots located entirely within a building such that all storage is inside may charge \$35 per day.
 - (8) Waiting time: \$20 per 1/2 hour for each 1/2 hour of waiting time after 40 minutes' waiting without being able to work. Such waiting-time fee must be approved in writing by the police officer in charge at the scene on a form approved by the Town.
 - (9) Town administrative fee of \$170. Such administrative fee is due and payable to the Town of Brookhaven in order to reclaim a towed vehicle.

- F. The tow truck operator shall be required to provide to the operator of the vehicle being towed a printed fee schedule, procedures for redeeming the vehicle and a list of hours of operation and business days. Said schedule shall be provided to the operator of the vehicle at the scene of the tow or if not practicable by first class mail within 24 hours of the tow to the registered owner of the vehicle.
- G. The maximum permitted charges stated in this § 66-16 shall not apply to the medium-duty or heavy-duty roster.

§ 66-17. Review of maximum charges.

- A. The maximum charges set forth herein may be reviewed and revised at any time by the Town Board.
- B. Upon receipt of a petition signed by at least 51% of the persons currently holding valid towing business licenses, the Town Board shall conduct a public hearing and review the maximum charges set forth herein; however, the Town Board shall conduct no more than one review based upon such a petition in any calendar year.¹⁰

§ 66-18. Designation of licensees in rotation; posting of roster.

- A. The Fifth and Sixth Precinct Commanders of the Suffolk County Police Department or their authorized representative shall designate licensees from the non-accident, light-duty and medium-duty towing rosters and from the one Town-wide heavy-duty towing roster on a rotating basis, unless the owner or other person in charge of the motor vehicle requests the services of a specific licensed tower and provides the police officer at the scene with the correct name and telephone number of the requested tower. Said owner-requested tower must be licensed to tow within the Town of Brookhaven pursuant to the provisions of this chapter. **[Amended 3-7-1989 by L.L. No. 7-1989, effective 3-13-1989; 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**
- B. Nothing in this chapter shall be construed to prohibit a police officer in charge at the scene of any accident or disablement to request and obtain such emergency aid and equipment as, in his opinion, may be required as an emergency measure to clear the highway and protect persons and/or property. The tower called by the Suffolk County Police Department shall be entitled to charge the owner or operator in accordance with applicable provisions hereof.
- C. Nothing in this chapter shall be construed to prohibit a licensed tow truck owner present at the scene engaged in a towing operation, either by permission of the owner or authorized person or by permission of the police officer in charge at the scene, from requesting and obtaining the

10. Editor's Note: Former Subsections C and D, which immediately followed this subsection, added 9-1-1987 by L.L. No. 21-1987, regarding maximum towing charges and related fees, were repealed 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990.

aid of another Town of Brookhaven licensed and medallioned tow truck owner selected by him when circumstances at the scene of the accident or disablement, in the opinion of the first tow truck owner, require such aid. **[Amended 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**

- D. The Fourth, Fifth, Sixth and Seventh Precinct Commanders of the Suffolk County Police Department or their authorized representatives shall post their respective precinct non-accident, light-duty and medium-duty rosters, which have been certified by the Commissioner, in a public place selected by the Suffolk County Police Department. The single Town-wide heavy-duty roster shall also be posted in the same location as the other rosters. **[Amended 12-15-1987 by L.L. No. 35-1987; 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**
- E. In the event that a mistake is made in calling any given tow truck operator to the scene of an accident or disablement as provided above, the respective precinct commander shall have the right to amend the roster so that no tow truck owner will gain or lose a turn on a particular roster.

§ 66-19. Location for towing and storing motor vehicles. [Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006; 1-7-2014 by L.L. No. 1-2014, effective 1-9-2014]

- A. Any motor vehicle picked up in the Town must be removed to a location designated by the owner or the person in charge of the motor vehicle.
- B. When the owner or other person in charge of the motor vehicle does not designate a place to which the motor vehicle is to be towed, such motor vehicle shall be towed to the depot, body shop or garage designated in the licensee's application and printed on the sides of the tow truck pursuant to § 66-8H. If the vehicle has not been redeemed after 30 days, the tower may deliver such motor vehicle to one of the Town's impound yards as designated by the Commissioner of Public Safety.

§ 66-20. Refusal to tow. [Amended 3-29-1990 by L.L. No. 12-1990, effective 3-26-1990; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]

It shall be unlawful for any licensee on the non-accident, light-duty, medium-duty and heavy-duty towing roster to refuse to tow away a motor vehicle after having appeared on the scene at the request of the Suffolk County Police Department or the Town of Brookhaven, provided that his equipment is capable of towing the vehicle. A violation of this section shall be punishable, after conviction, with a fine of not less than \$100 and not more than \$500.

§ 66-21. Nonassignability of place on roster. [Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]

It shall be unlawful for a licensee to assign his place or to accept an assignment on the non-accident, light-duty, medium-duty or heavy-duty roster to or from any other person or licensee.

§ 66-22. Cleaning up of debris. [Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990]

All towers called to the scene of an accident or disablement must clean up any debris resulting therefrom to the satisfaction of the police officer or representative of the Town of Brookhaven on the scene. A violation of this section shall be punishable, after conviction, with a fine of not less than \$100 and not more than \$500.

§ 66-23. Accidents requiring more than one tow truck; moving violations en route to accident scene.

- A. If more than one tow truck is required at the scene of an accident, the choice of the damaged motor vehicles to be towed shall be determined by the order in which the licensee was called. Each licensee that appears on the scene shall, however, if requested, assist the police officer in clearing the motor vehicles from the road and onto the shoulders or side of the road. No additional charge shall be made for this service. No licensee shall forfeit his right to select any particular motor vehicle by virtue of having assisted the police officer in clearing the road.
- B. Any tow truck operator convicted of a moving violation which occurred en route to an accident scene shall lose his license to tow in the Town of Brookhaven.

§ 66-24. Unauthorized towing prohibited. [Amended 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]

It shall be unlawful for any person who is not designated from the non-accident, light-duty, medium-duty or heavy-duty towing roster to tow away any motor vehicle which has been disabled or involved in an accident unless such removal is with the consent and by the direction of the police officer at the scene or the owner or person in charge of the motor vehicle.

§ 66-25. Solicitation of towing or repair work prohibited.

It shall be unlawful for any person to drive along any public highway or bridge in the Town of Brookhaven and solicit towing work. Solicitation of towing work by the owner or other occupant of a tow truck while parked on any public highway or bridge is also prohibited. It shall be unlawful for any tow truck vehicle to proceed to the scene of an accident or disablement without having first been requested or notified to do so by the vehicle

owner or other authorized person or by the precinct headquarters, except as provided for herein, and the operator of any tow truck vehicle so doing shall be deemed to have committed a violation of this chapter.

§ 66-26. Loss of turn on roster. [Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990]

- A. A licensee who cannot be reached within five minutes of the time when originally called by the Suffolk County Police Department at the telephone numbers provided by him in his application or who declines to provide services after answering the call shall lose his turn on the appropriate roster and must wait for that roster to be called in its entirety before he is eligible to be called again.
- B. In any case where a licensee has not arrived at the scene within 30 minutes (45 minutes for heavy-duty list) from the time he receives a call for service from the Suffolk County Police Department or where a licensee arrives at the scene with equipment which, in the opinion of the police officer on the scene, is not adequate to perform the requested services, he shall lose his turn on the appropriate roster and shall not be entitled to receive any charges for responding unless there are extenuating circumstances. **[Amended 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]**

§ 66-27. Delivery of vehicles to repair shop.

- A. No tower shall solicit or receive any consideration or premium for the delivery of any damaged or disabled motor vehicle to a body shop or garage.
- B. In the event that a vehicle is towed to a location where it cannot be repaired, the consumer shall not be required to pay a charge for the towing of that vehicle to a place where it can be repaired.

§ 66-28. Suspension or revocation of license or medallion. [Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004]

- A. The Commissioner shall have the authority under this chapter to periodically review an applicant's compliance to Chapter 66 and to conduct a hearing to temporarily remove a tow truck operator from any roster for violations of the chapter.
- B. The Commissioner shall notify the tow truck operator by certified mail, return receipt requested, at the address shown upon the most recent application of such licensee at least 14 days before such hearing.
- C. Any license or medallion issued hereunder may be suspended or revoked by the Town Board after a public hearing at which the licensee shall have an opportunity to be heard.

- D. The Town Board may revoke or suspend any license or medallion issued hereunder and/or remove tow truck operators from any Town roster if the licensee shall have been convicted of a violation of any provision of this chapter or any provision of the Zoning, Building or Fire Prevention Local Laws, rules or regulations of the Town of Brookhaven relating to premises used by the licensee in connection with his towing business or has made a materially false statement or misrepresentation in his application for a license or medallion or, if the Town Board shall determine that the licensee is, for any other reason, a person incapable of properly conducting the towing business or upon recommendation of the Town Attorney that such action be taken.

§ 66-29. Procedure for hearings.

- A. The Commissioner shall publish notice of the time and place of any hearing provided for herein, which shall be previously set by the Town Board. The notice shall contain the subject matter of the hearing and the date, place and hour designated therefor. In addition, if the hearing is for revocation or suspension of a license or medallion or for the removal of a licensee from any Town roster, the Commissioner shall mail a copy of said notice to the licensee concerned at the address shown upon the most recent application of such licensee at least 10 days before such hearing. **[Amended 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004]**
- B. The notice required herein shall be published at least once in a newspaper of general circulation in the Town of Brookhaven no less than 10 days nor more than 20 days prior to the date fixed for the public hearing.
- C. Upon any hearing for the suspension or revocation of a license or medallion or for removal of a licensee from any Town roster, the licensee involved shall be entitled to be represented by legal counsel and to present testimony or other evidence in his own behalf as may be relevant to the subject matter of the hearing.

§ 66-30. Written authorization to tow required.

- A. No vehicle damaged in an accident or otherwise disabled shall be removed without a written authorization signed by the owner or other person in charge of the motor vehicle. If no such person is present, conscious or capable, said vehicle shall be removed at the direction of the police officer at the scene.
- B. Such authorization shall be upon slips in a form as approved by the Town of Brookhaven and shall be carried by the tow truck operator at all times. The authorization shall contain the following:
- (1) The make, model, year and vehicle identification number and plate number of the motor vehicle.

- (2) The name and address of the owner or person in charge of the motor vehicle, if known.
 - (3) The badge number of the police officer in charge, if applicable.
 - (4) The amount charged for the towing and related services.
 - (5) The location to which the vehicle will be towed and stored.
- C. The signed authorization must be retained by the tower for a period of six months from the date the vehicle was towed and shall be exhibited upon demand to the owner or person in charge of the motor vehicle and any official of the Town or member of the Suffolk County Police Department.

§ 66-31. Bill for towing and related services.

- A. A tower shall prepare a bill, the original of which shall be furnished to the owner or the person in charge of the motor vehicle in person or forwarded via certified mail within five business days to the address indicated on the motor vehicle registration.
- B. The bill shall contain the following information:
- (1) The name and address of the tower.
 - (2) The full name and address of the owner or the person in charge of the motor vehicle.
 - (3) The badge number of the police officer at the scene, if towed at the request of the Suffolk County Police Department.
 - (4) The make, model, year and vehicle identification number and plate number of the motor vehicle.
 - (5) An itemization of the charges for towing and related services, broken down as follows:
 - (a) Towing.
 - (b) Storage, giving dates.
 - (c) Winching.
 - (d) Labor.
 - (e) Dollying.
 - (6) The tow truck medallion number and the licensee's license number, if applicable.
- C. The duplicate of each bill shall be retained by the tower for a period of two years from the date of towing. The bill shall be exhibited upon demand to the owner or person in charge of the motor vehicle and any official of the Town or member of the Suffolk County Police Department.

- D. Upon payment of the bill, the licensee shall acknowledge, in writing, receipt of the same.

§ 66-32. Changes in ownership; other changes. [Amended 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004]

- A. Upon the sale or other disposition of a tow truck for which a medallion was issued, the licensee shall, within five days thereof, notify the Commissioner of such sale or other disposition and surrender the medallion.
- B. Where a licensee changes its name, location or telephone number, notification thereof shall be given to the Commissioner within five days thereof.

§ 66-33. Tow truck advisory committee.¹¹ [Added 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]

The Town Board may establish a Tow Truck Advisory Committee, the purpose of which is to make recommendations regarding industry concerns and to periodically report to the Town Board. The Tow Truck Advisory Committee shall consist of representatives of the Town of Brookhaven medallioned towers not to exceed five members, a Suffolk County Police Department representative and a representative designated by the Town Board. The medallioned towers shall submit to the Town Board recommendations for their representatives on or before the first day of November of each year. Members shall serve one-year terms coinciding with the calendar year.

§ 66-34. Insurance requirements for all towers. [Added 3-1-1988 by L.L. No. 2-1988¹²]

- A. In order to qualify as a tower for hire or tower on any roster within the Town of Brookhaven, the person must maintain not less than the following insurance coverages: **[Amended 3-7-1989 by L.L. No. 7-1989, effective 3-13-1989]**
- (1) Automobile liability for each tow truck: \$300,000 combined single limit, bodily injury and property damage; or \$250,000/\$500,000 bodily injury, \$100,000 property damage.
 - (2) Garage liability insurance covering any depot, garage and/or body shop specified in the licensee's application: \$300,000 combined single limit. Garage liability insurance shall not be required where the tower has no depot, public garage and/or body shop and is not

11. Editor's Note: Former § 66-33, Tow Truck Advisory Board, was repealed 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004.

12. Editor's Note: Pursuant to the addition of § 66-34 by this local law, former §§ 66-34, Exemptions, and 66-35, Penalties for offenses, were renumbered as §§ 66-35 and 66-36, respectively.

on any roster but is merely a tower from point to point. **[Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990]**

- (3) Garagekeeper's legal liability insurance in the amount of \$50,000.
- B. Nothing in this section is intended to alter the requirements of a tower as set forth in § 66-3C.
- C. If any insurance required under this provision lapses for any reason, then the tower shall be removed from all towing rosters until such time as the insurance is reinstated. Insurance companies insuring towers under the provisions of this Chapter 66 are hereby obligated to notify the Town, in writing, certified mail, return receipt requested, directed to the Town of Brookhaven, Department of Law, within one week of the date of the tower's insurance is terminated. If the insurance company fails to so notify the Town, it may result in a suspension of up to one year after notice and hearing before the Town Board of the Town's willingness to accept the insurance company as a valid insurer for purposes of this chapter. A suspension of an insurance company under this provision shall not affect insurance policies already issued to other towers who are governed by this chapter. **[Added 3-7-1989 by L.L. No. 7-1989, effective 3-14-1989; amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990]**

§ 66-35. Penalties for offenses.¹³ [Amended 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006]

A violation of this chapter is hereby declared to be a violation, and any person violating the same may, upon conviction, be punished by a fine of \$100 for a first conviction and by a fine of \$250 for a second or subsequent conviction, except as otherwise specifically provided for within this chapter, and/or suspension or revocation of license by issuing authorities on any conviction and/or removal from Town rosters for a period of time or indefinitely.

§ 66-36. General severability. [Added 7-19-2005 by L.L. No. 17-2005, effective 7-27-2005]

If any clause, sentence, paragraph, section or item of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair nor invalidate the remainder hereof, but such adjudication shall be confined in its operation to the clause, sentence, paragraph, section or item directly involved in the controversy in which such judgment shall have been rendered.

13. Editor's Note: Former § 66-35. Exemptions, added 11-17-1987 by L.L. No. 27-1987, was repealed 3-7-1989 by L.L. No. 7-1989, effective 3-13-1989. This local law also provided for the renumbering of former § 66-36, Penalties for offenses, as § 66-35.