

CITY OF BEACON



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I, AMANDA C. CAPUTO, City Clerk of the City of Beacon, New York, do hereby certify that
the attached is a true and accurate copy of Local Law No. 4 of 2024 entitled

**A LOCAL LAW TO AMEND CHAPTER 211 OF THE BEACON CODE
CONCERNING TOWING**

adopted by the Beacon City Council at a regular meeting held on June 17, 2024. Council Member Grant
made the motion that the resolution be adopted. Council Member Aymar-Blair seconded the motion.
Council Members Wake, Grant, Rhodes, Domanski, Wetherbee, Aymar-Blair, and Mayor Kyriacou voted
in favor(7). Motion carried.

WITNESS THERE I have set my hand and seal of the City of Beacon this 18th day of June,
2024.

Signed:


Amanda C. Caputo, City Clerk

SEAL

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Beacon _____

Local Law No. 4 of the year 2024

A local law A LOCAL LAW TO AMEND CHAPTER 211 OF THE BEACON CODE

(Insert Title)
CONCERNING TOWING

Be it enacted by the City Council of the _____
(Name of Legislative Body)

County City Town Village
(Select one:)

of Beacon _____ as follows:

See attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW NO. 4 OF 2024

**CITY COUNCIL
CITY OF BEACON**

**A LOCAL LAW TO AMEND CHAPTER 211 OF THE BEACON CODE
CONCERNING TOWING**

A LOCAL LAW to amend Chapter 211, Article V, of the Beacon City Code concerning booting and towing of vehicles in private lots.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 211 of the Beacon City Code, Article V entitled “Booting and Towing of Vehicles,” is hereby amended as follows:

**ARTICLE V
Towing of Vehicles**

§ 211-35 Legislative Findings.

- A.** It is hereby declared and found that the towing of vehicles in the City of Beacon involves matters affecting the public interest and that certain improper practices related thereto should be subject to regulation for the purpose of protecting and safeguarding the public health, safety and welfare and to prevent and protect the public from fraud, abuses and unnecessary inconvenience.
- B.** The City has received ongoing complaints that insufficient signage is posted in parking lots to warn the public that vehicles may be towed if parked improperly or illegally. Other complaints have been made concerning alleged abuses by towing company personnel. The City finds that appropriate business practices should include giving adequate warning to the general public of the consequences of parking improperly or illegally on privately owned real property, standardized penalties for violations, and giving the vehicle operators an opportunity to correct what might otherwise be an innocent mistake.
- C.** The City therefore desires to regulate certain towing services within the City through licensing of the businesses providing such services and establishing guidelines for the property owners/operators who employ them. These regulations are hereby enacted to safeguard the public against future fraud and certain towing practices and to better serve the overall health, safety, welfare and good order of the City of Beacon and its inhabitants.

§ 211-36 **Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

IMMOBILIZATION OR BOOTING

The use of any method, manner, mode, device or artifice, whether or not affixed to a motor vehicle, with the intent to and which has the effect of preventing either the moving of a motor vehicle by its normal mode of operation or preventing the departure of the motor vehicle from the real property on which it is then located. For purposes of this Article, the term "immobilization" shall be deemed to include the act of removing the immobilizing device or the discontinuance of the immobilization. The term "booting" shall be deemed equivalent to the term "immobilization." This term shall not apply to mechanical gates located at the entrance or exit of any lot.

IMPOUND LOT

A yard, garage or storage facility capable of storing motor vehicles safely and which is made secure by the installation of fences, walls and other security devices designed to protect vehicles being stored therein, subject to additional requirements set forth in § 211-40C of this Article.

MOTOR VEHICLE

Shall be defined the same as §§ 79-2 and 145-2 of the Beacon City Code and interpreted in conformity with the New York State Vehicle and Traffic Laws.

PARKING FACILITY

Any real property, not owned or operated by the state, a municipality or public authority, used for the parking of motor vehicles, having a parking capacity of five or more motor vehicles.

PRIVATELY OWNED REAL PROPERTY

Any real property used for private parking, which is not a parking facility.

TOW

The lawful moving of a vehicle which has been parked illegally or improperly on privately owned real property or a parking facility.

TOWING COMPANY

Any business or person lawfully engaged in the practice of towing vehicles for a fee in the City of Beacon.

TOW TRUCK

A motor vehicle used for towing, usually equipped with a crane, winch, tow bar, push plate, flat bed or other device or feature used to push or pull another motor vehicle.

§ 211-37 **Registration requirements.**

A. Towing company registration. No towing company shall tow a vehicle from any parking facility within the City of Beacon without first applying for and receiving a license from the City unless the tow is at the behest of the vehicle's owner or operator.

(1) **Application.** All towing companies wishing to provide towing services from any parking facility within the City of Beacon shall complete an application filed with the office of the City Clerk. Such applications shall include the following items and such other information as the City Clerk deems necessary:

- (a) The name of the towing company;
- (b) The postal and e-mail address and telephone number of the towing company's primary place of business;
- (c) The names, postal and e-mail addresses and telephone numbers of the owners, managers, and chief operating officers of the towing company;
- (d) Copies of the current licenses/identification cards of all employees of the towing company whose job it shall be to tow vehicles, subject to the additional requirement that the list of employees held by the City must be kept current and up-to-date by the towing company;
- (e) Certificates of insurance naming the City of Beacon as a certificate holder entitled to notice of cancellation or nonrenewal and evidencing public liability insurance covering personal injury, property damage, fire and theft, held by the towing company and issued by an insurance carrier licensed to do business in New York State; and
- (f) Copies of the signed contracts for towing services executed between the applicant towing company and the owners/operators of any parking facility that shall receive such services, provided that the towing company is also responsible for furnishing the City with copies of all contracts for towing services executed following issuance of a license pursuant to this Article.

(2) **Acknowledgment.** All applications filed with the City shall have an attached acknowledgment, signed by an owner, manager, or chief officer of the towing company, stating that the towing company understands and is in compliance with all local and state laws concerning towing operations.

B. Annual registration. Towing companies must register/reregister with the City of Beacon on an annual basis, and fees for towing licenses shall be assessed and paid separately in accordance with the City's Fee Schedule.

C. No license granted pursuant to this Article may be transferred to another party or individual.

§ 211-38 **Fees.**

A. Towing fees. The maximum fee that can be assessed against the owner/operator of a motor vehicle for towing of the vehicle from privately owned real property or parking facility shall be established by the City Administrator in consultation with the Police Chief and published publicly on the City's fee schedule, plus applicable taxes. Under no circumstances shall the owner/operator of a motor vehicle be charged more than this amount.

B. Storage fees. The maximum fee that can be assessed against the owner/operator of a motor vehicle that has been towed and stored at an impound lot shall be established by the City Administrator in consultation with the Police Chief and published publicly on the City's fee schedule. Under no circumstances shall the owner/operator of a motor vehicle be charged more than this rate.

C. Prohibition on additional fees. No mileage fees or additional fees of any type shall be charged for tows from privately owned real property or any parking facility without the permission of the motor vehicle owner or operator except those fees expressly permitted under §§ 211-38A and B.

§ 211-39 **Grant of permission.**

A. The owner/operator of privately owned real property or a parking facility may have a motor vehicle towed from the premises where such motor vehicle is parked improperly or illegally as set forth under this Article and where the applicable signage requirements of this Article have been satisfied.

B. A motor vehicle is deemed to be parked improperly or illegally where it:

- (1) Obstructs access to a fire hydrant or emergency exit on the premises;
- (2) Obstructs the means of vehicular ingress and egress on the premises;
- (3) Obstructs the designated walkways on the premises or the public sidewalks abutting the premises;
- (4) Is parked on privately owned real property or a parking facility without the consent of the owner/operator.
- (5) Is parked in a handicapped parking space or fire or ambulance zone;
- (6) Is not parked in any marked space, provided the parking area provides marked spaces for parking;

- (7) Prevents removal of garbage and other wastes from the premises;
- (8) Is parked in a way specifically prohibited by the property owner/operator and so noticed on the warning sign posted at the entrances to the parking facility; or
- (9) Violates a provision of Article 32 of the New York State Vehicle and Traffic Law concerning stopping, standing and parking of motor vehicles.

§ 211-40 **Limitations on towing.**

- A. No towing company employee shall tow an unattended motor vehicle improperly or illegally parked on privately owned real property or a parking facility sooner than five minutes after the vehicle has been parked. The time when the towing company personnel arrived at the location of the improperly or illegally parked vehicle shall be recorded in the log book maintained by the towing company pursuant to § 211-43A of this Article.
- B. All requests for tows from privately owned real property or a parking facility must be made directly by the owner or operator of the property to the towing company for each specific motor vehicle to be towed.
- C. No towing company employee shall tow a motor vehicle from privately owned real property or a parking facility where the owner or operator of the vehicle appears and offers to remove the vehicle from the place where it is improperly or illegally parked as defined under § 211-39B, provided that the motor vehicle has not been connected to the tow truck when the owner or operator of the motor vehicle appears.
- D. Removal of vehicle. Except when towing a motor vehicle at the request of its owner or operator, no towing company, officer, employee, subcontractor or agent shall remove or attach a motor vehicle to its tow truck for removal from private real property or a parking facility unless, at the time the vehicle is to be removed:
 - (1) For a parking facility, there is a current written agreement between the property owner and the towing company authorizing removal of illegally parked or unauthorized vehicles from its property and a copy of said agreement has been provided to the City of Beacon prior to such tow as set forth under § 211-37A(1)(f) above; and
 - (2) For towing of a motor vehicle from a parking facility or privately owned real property, there is a written authorization signed by the owner or operator of the privately owned real property or parking facility which contains the following minimum requirements:
 - (a) A description of the motor vehicle to be removed, including the year, make, model, color, vehicle identification number, and state license plate number;

- (b) The date and time of the motor vehicle's removal;
 - (c) The location from which the motor vehicle is removed;
 - (d) The reason(s) for removing the motor vehicle; and
 - (e) The name and signature of the owner or operator of the parking facility or privately owned real property.
- E. Any vehicle towed without the permission of the vehicle owner from privately owned real property or a parking facility in the City of Beacon must be taken to an impound lot or other storage facility located within a ten-mile radius of Beacon City Hall, 1 Municipal Plaza, Beacon, NY 12508.
- F. Payment of the applicable fee, pursuant to § 211-38A and B, for towing and storage of a motor vehicle shall be paid immediately prior to return of the vehicle to its owner and a receipt memorializing the transaction shall be given to the vehicle owner and a copy thereof retained by the towing company.
- G. The owner or operator of a towed motor vehicle shall have the right to inspect their vehicle for damage prior to payment of the prescribed fees for towing and storage of motor vehicles.
- H. Nothing herein shall prevent a City official or agent of the City from having a vehicle towed immediately in the event of an emergency, or where a motor vehicle is improperly or illegal parked on public land.
- I. Immobilization or booting of vehicles parked on privately owned property or a parking facility shall be strictly prohibited within the City of Beacon and shall be punishable in accordance with the General Penalty set forth under § 1-3 of this Code and/or suspension or revocation of its license pursuant to § 211-42 of this Article.

§ 211-41 **Signage and notice.**

The owner/operator of any parking facility may not order a towing company to tow a motor vehicle parked improperly or illegally without first complying with the posting requirements below.

- A. All signs required pursuant to this section shall be commissioned, installed and maintained at the expense of the property owner/operator. All owners/operators of parking facilities subject to towing practices have a continuing obligation to ensure that proper signage is posted within the parking facility.
- B. Posting requirements.

(1) Sign specifications. A sign shall be posted and maintained in a conspicuous location, easily observable from motor vehicles entering the parking facility, and shall:

(a) Be at least twelve inches wide and eighteen inches high; and

(b) Feature a black border with red lettering upon a white background.

(2) Warning. All signs shall feature the word "WARNING" in capital lettering, displayed prominently on the top of the sign's facade, and shall state that motor vehicles parked within the parking facility are subject to towing and, further, that any and all fees incurred as a result are the responsibility of the vehicle owner. Such signs must also specify the areas or spaces where parking is restricted or prohibited, or indicate how vehicle operators can distinguish such areas or spaces from those where parking is open to the public.

(3) Towing company information. In addition to the foregoing, all required signs shall feature the name, address and telephone number of the parking facility and towing company contracted to provide towing services to the subject as well as the applicable fees for towing and storage of vehicles.

(4) Placement. All warning signs must be posted within 15 feet of each curb cut that gives vehicular access to the parking facility, facing in each authorized direction of travel on the abutting public highway(s). Such sign must be posted no lower than seven feet above grade level and no higher than 10 feet above grade level.

C. The Superintendent of Streets and a representative from the Beacon Police Department shall jointly inspect the location where a warning sign is to be installed no later than one week prior to installation, and shall advise the property owner whether the proposed signage will be sufficient and in compliance with the requirements of this Section.

(1) The inspecting agents/officials shall order that any noncompliant signage be replaced at the property owner/operator's expense.

(2) The inspecting individuals may order that a sign be relocated or adjusted in order to comply with public safety concerns or the requirements of this Article.

(3) No vehicle may be towed from a parking facility until proper signage has been inspected, approved and properly installed.

D. Notification to Beacon Police Department. A towing company shall alert the City of Beacon Police Department immediately before it tows any motor vehicle without the consent of the motor vehicles' owner or operator and shall inform the Police Department of the time and location of the activity as well as the make, model, year, color, vehicle identification number, license plate number, and state of issuance of the license plate of the affected motor vehicle. Immediately upon towing the motor vehicle, the tow company shall bring it to the Beacon Police Department for confirmation that the motor vehicle

towed is the same as that which was previously reported prior to bringing the motor vehicle to the tow company's lot. Upon arrival the Beacon Police Department, the tow company shall provide the Beacon Police Department with the written authorization signed by the owner or operator of the privately owned real property or parking facility.

- E. Any towing company which tows a motor vehicle without the consent of the owner or operator from within the City of Beacon must be open to allow for the retrieval of such towed vehicles between 9:00 a.m. and 6:00 p.m. daily excluding federal holidays and Sundays, and if the towing company performs towing services after 6:00 p.m., until at least one hour after the latest time such company provides towing services. The towing company's telephone number to call to retrieve towed vehicles shall contain a message stating the hours during which a vehicle may be retrieved, the lot location, and that payment may be made by cash or by any major credit card or debit card. The telephone number shall also contain a system that allows callers to leave a message when their call is not answered.

§ 211-42 Denial, suspension or revocation of license.

After a hearing held on no fewer than 14 days' notice to the licensee towing company, served either in person or by certified mail to the mailing address on the towing company license application, the Police Department may, in a writing setting forth such reasons, deny a towing license, refuse renewal of a towing license, or suspend or revoke a towing license where:

- A. The towing company application does not comply with one or more of the provisions set forth in this Article;
- B. The towing company made intentional misrepresentations in its towing license application;
- C. The towing company is found to have violated the provisions of this Article on three occasions or more; or
- D. There have been two or more complaints against the towing company or its personnel alleging fraudulent or abusive practices which are corroborated following a reasonable investigation by the Beacon Police Department.

§ 211-43 Recordkeeping provisions.

- A. Log books. All towing companies operating in the City of Beacon shall maintain a log book, in either paper or digital form, in each of their trucks.

(1) Log books shall contain:

- (a) The records of all incidents where an improperly or illegally parked motor vehicle has been towed from privately owned real property or a parking facility, specifying information concerning the date, time and address or location of the activities, as well as the make, make model, year, color,

vehicle identification number, license plate number, and state of issuance of the license plate of the affected motor vehicles.

(b) Laminated/protected copies of the towing company's current towing licenses; and

(c) A schedule of all applicable fees for towing and storage services.

(2) Completed log books must be retained by the towing company and stored for no less than three years.

- B.** The Office of the City Clerk shall promulgate a system for receiving applications for towing company registration; maintaining records of applications; recording payment of application fees; and shall maintain separate lists of registered towing companies operating within the City of Beacon. The City Clerk shall furnish copies of the specified lists to the City of Beacon Police Department.
- C.** The City of Beacon Police Department shall promulgate rules for approving/denying applications for licenses and for responding to and recording reports made by towing companies regarding their towing activities within the City of Beacon and public complaints concerning the same. The log book(s) required herein shall be subject to inspection by the Beacon Police Department.

§ 211-44 **Penalties for offenses; enforcement.**

- A.** Notwithstanding any other provision in the Beacon City Code concerning penalties, violation of this Article shall constitute a violation as defined in §§ 55.10, Subdivision 3, and 80.05, Subdivision 4, of the New York State Penal Law and shall be punishable by a mandatory fine of \$100 for the first offense, \$150 for a second offense and \$250 for each and every subsequent offense, provided that a fine under this Article may not exceed \$250.
- B.** The City of Beacon Police Department shall be charged with enforcement of this Article and shall have the power and authority to issue summonses and tickets for violations thereof.

§ 211-45 **Exceptions.**

The provisions of this Article shall not apply to (i) repossessions, (ii) tows requested by the owner or operator of the motor vehicle to be towed, and (iii) to tows and impounds made by the City of Beacon on public roadways or property. The tow company contract requirements of § 241-40D(1) and signage requirements of § 241-41A, B, and C shall not apply to tows or impounds of improperly or illegally parked motor vehicles on privately owned real property.

§ 211-46 Conflict with other laws, rules, and regulations.

In the event any of the provisions, rules, and regulations set forth in this Article are less stringent than are set forth under State or Dutchess County laws, rules or regulations with respect to tows from private real property without the consent of the owner or operator of a motor vehicle, the more stringent laws, rules, or regulations shall control.

§ 211-47 Severability.

If any provision, paragraph, word or section of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words and sections shall not be affected and shall be continued in full force and effect.

Section 2. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 211 of the Code of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification.

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective date.

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2024 of the (County)(City)(Town)(Village) of Beacon was duly passed by the City Council on June 17 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

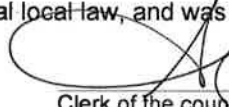
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 06.18.2025

(Seal)