

## Local Law 10-2024

A local law amending Chapter 247 (Towing) of the Village of Ossining Code.

**BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:**

**Section 1.** Chapter 247, section 247-6 (Towing, Minimum standards for permit approval) is amended with new language underlined and deleted language in **[brackets]**.

### **§ 247-6 Minimum standards for permit approval.**

- A. The Chief of Police may approve the issuance of a permit to a tow truck operator where the following minimum standards are met:
- (1) The applicant does not have any criminal convictions or prior motor vehicle infractions which might adversely affect public safety or welfare. **If an applicant has been convicted of a crime, any decision by the Chief of Police regarding such applicant's fitness for a permit to a tow truck operator shall be made upon consideration of New York Correction Law sections 701-703-b, (Article 23) and sections 751-753, (Article 23-A). Correction Law sections 701-703-b provide for certificates of relief from disability and certificates of good conduct, and sections 751-753 set forth New York's public policy to encourage the licensure and employment of persons previously convicted of one or more criminal offenses and factors that should be considered in making such licensure and employment determinations.**
  - (2) The applicant must own, lease, operate and maintain a facility for impounding of vehicles within the boundaries of the Village of Ossining such that the tow operator can respond to a call for service within 30 minutes of notification. If the applicant does not own the premises where the storage facility is located, a written lease for the use of the premises must be provided with the application. The storage facility must be in compliance with all local zoning, building and fire codes as certified by the Building Inspector or his/her designee.
  - (3) The applicant maintains twenty-four-hour capability to answer emergency calls regarding towing of motor vehicles. The applicant or one of its employees shall be reachable by phone at all times at a designated number(s). Applicants must respond to all calls for towing from the Police Department on a twenty-four-hour-per-day basis, seven days per week all year without exception.
  - (4) The tow trucks and equipment are in safe and sound condition and in compliance with all applicable laws, rules and regulations. All applicants must meet minimum standards of operator performance, including, but not limited to, standards concerning the adequacy of the applicant's equipment and storage facility and availability.
- B. In addition to the minimum standards referenced above, all applicants are subject to disqualification if found deficient in any of the following areas:
- (1) The applicant provided false or inaccurate information on the application form.
  - (2) The applicant lacks experience and/or does not have good references from prior customers of the applicant's towing and storage services.
  - (3) The applicant lacks sufficient insurance coverage for damage or loss of vehicles while under the applicant's control.

**Section 2.** Chapter 247, section 247-10 (Towing, Fingerprint requirement), is amended with new language underlined and deleted language in **[brackets]**.

**§ 247-10 Fingerprint requirement.**

- A.** The Chief of Police shall request from the State Division of Criminal Justice Services and the Department of Motor Vehicles record checks as to criminal and Vehicle and Traffic Law violations for applicants for tow truck driver's permits. Every applicant for such permit shall be fingerprinted at the request of the Ossining Police Department, which fingerprints shall be forwarded by a third party vendor to the State Division of Criminal Justice Services for processing. The applicant shall tender the fee required by the State Division of Criminal Justice Services and any third party vendor for such fingerprint processing.
- B.** **If an applicant for a tow truck driver's permit has been convicted of a crime, any decision by the Chief of Police regarding such applicant's fitness for a permit shall be made upon consideration of New York Correction Law sections 701-703-b, (Article 23) and sections 751-753, (Article 23-A). Correction Law sections 701-703-b provide for certificates of relief from disability and certificates of good conduct, and sections 751-753 set forth New York's public policy to encourage the licensure and employment of persons previously convicted of one or more criminal offenses and factors that should be considered in making such licensing and employment determinations.**

**Section 3.** Effective date.

This local law shall be effective upon filing with the Secretary of State pursuant to section 27, Municipal Home Rule Law.