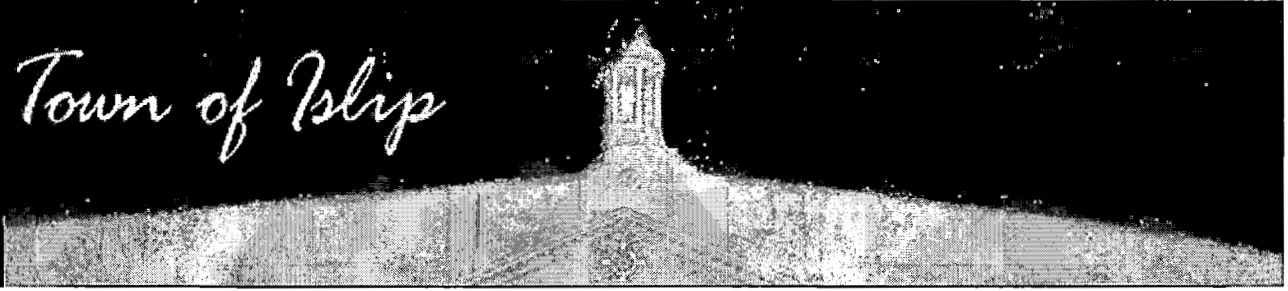




*Town of Islip*



## **TOWN CLERK**

**PUBLIC HEARING**  
**655 Main Street**  
**Islip, NY 11751**

**October 22, 2024**  
**2:00 p.m.**

- 
- 1. To consider amending Chapter 51 of the Town of Islip entitled, "Towing Businesses".**
  - 2. To enact a Local Law to override the tax levy limit established in general municipal Section 3-C enacting a Local Law entitled: A Local Law to override the tax levy limit established in municipal section 3-C.**

**GIVEN that any person who needs a sign language interpreter or has concerns regarding accessibility to the Town Board Meeting, please call Constituent Services at 631-224-5380.**

**Dated at Islip, NY**  
**TOWN OF ISLIP**  
**Published**  
**LDV/tb**

**TOWN BOARD,**

**By: LINDA D. VAVRICKA**  
**TOWN CLERK**

October 22, 2024  
Resolution #

**WHEREAS**, the Town Board wishes to amend Chapter 51 of the Islip Town Code entitled “Towing Businesses”; and

**WHEREAS**, a public hearing was held therefor on October 22, 2024, pursuant to public notice to enact Local Law No. 6 of 2024, entitled TOWING BUSINESSES; and

**WHEREAS**, this amendment shall become effective twenty (20) days after filing with the Office of the Secretary of State for the State of New York.

**NOW, THEREFORE**, on motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_, be it

**RESOLVED**, that the Town Board of the Town of Islip hereby amends, as of the twentieth day after filing with the Office of the Secretary of State for the State of New York, Local Law No. 6 of 2024, entitled “Towing Businesses” as follows:

**SEE ATTACHED**  
ADDITIONS are indicated by UNDERLINING  
DELETIONS are indicated by ~~STRIKEOUTS~~

Upon a vote being taken, the result was:

## Chapter 51. Towing Businesses

### § 51-1. Findings and declaration of 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 at the behest of the Town, motor vehicles damaged as the 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 frauds, overcharges and similar abuses in connection with towing services.
- B. Declaration of purpose. It is, therefore, the purpose and intent of this local law 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 Islip; 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 lawfully repaired; and to protect the public from frauds, overcharges and similar abuses.

### § 51-2. Definitions.

Unless otherwise expressly provided, the following words, for the purposes of this local law, 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 other object, thereby causing damage to a motor vehicle.

#### APPLICANT

A person who is applying for a towing business license and/or a 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-b or any amendment thereto).

#### DEPOT

Any place where tow trucks and/or motor vehicles can be stored.

#### DRIVER

Any person driving a tow truck upon the roads in the Town.

### **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.

### **GARAGE**

Any place where mechanical repairs of motor vehicles are conducted.

### **HEAVY-DUTY TOW TRUCK**

A tow truck capable of righting and towing a motor vehicle over three tons, with a minimum fourteen-ton boom capacity.

### **HOLDING AREA**

A leased, owned or operated garage, depot or body shop consisting of one single or several contiguous parcel(s) of land and comprised of an enclosed fenced area suitable for the storage of motor vehicles.

[Added 3-1985 by L.L. No. 2-1985]

### **LICENSE**

A certificate issued by the Town Clerk to conduct a towing business.

### **LICENSEE**

A person who is the holder of a valid license.

### **MEDALLION**

Identification plate (number) assigned to a particular tow truck by the Town Clerk.

### **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.

### **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.

### **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 for hire.

### **TOWN**

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

## TOW TRUCK

A motor vehicle which is designed or equipped for carrying, lifting or moving another motor vehicle.

### § 51-3. License required; exceptions.

- A. No person or entity shall conduct a towing business in the Town without having first obtained a license therefor as hereinafter provided.
- B. A person or entity shall be deemed to be conducting a towing business within the Town, and shall be required to obtain a license hereunder, when ~~he~~ that person or entity operates one or more tow trucks for hire, and either has a garage, depot or body shop within the Town or regularly advertises or solicits towing business, responds to calls or otherwise regularly provides towing services within the Town.
- C. Nothing 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 require a license of or otherwise prevent any person not conducting a towing business within the Town from providing towing services at the request of an owner, operator or other person in charge of a motor vehicle.
- D. A person who is towing a vehicle that he owns shall not be required to obtain a towing license as provided for in this local law.  
[Added 9-5-1978; amended 3-19-1985 by L.L. No. 2-1985]

### § 51-4. Medallion required.

- A. A licensee must obtain a medallion for each tow truck operated in the Town in connection with his towing business.
- B. Each medallion must be securely affixed to the driver's door of the tow truck it was assigned to by the Town Clerk, and shall remain there and be clearly visible for inspection at all times the medallion is valid.

### § 51-5. Application for license and medallion.

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

- A. The name and address of the applicant, along with a certified copy of ~~his~~ a valid certificate of doing business, specifying, in the case of a partnership or unincorporated association, the name and address of each partner or member thereof and, in the case of a corporation, a certified copy of the certificate of incorporation, including any certificates of amendment thereto, in addition to 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 stock issued shall be included. In addition, the applicant shall furnish the name and address of all agents and employees who shall be authorized to operate a tow truck under the applicant's license, as well as the operator license number of every such agent or employee issued by the New York State Department of Motor Vehicles.  
[Amended 3-19-1985 by L.L. No. 2-1985]

- B. The date of birth of the applicant or each partner, member, officer, director or stockholder where applicable.
- C. 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) The amount of liability and property damage insurance; the name of the insurance company, policy number and expiration date of the policy.
  - (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 heavy-duty wrecker.
- D. 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~~ the applicant's towing business and which tow trucks will be stationed at each location. Any and all depots, garages or body shops must be located within the Town.
- E. The name and address of ~~a~~ the single holding area in the Town to which the applicant will tow motor vehicles in connection with applicant's towing business, in the absence of a designation to the contrary, in accordance with § 51-19, by the owner or person in charge of the motor vehicle. [Amended 3-19-1985 by L.L. No. 2-1985]
- F. Whether the applicant wants to be placed on the accident roster, the nonaccident roster and/or the heavy-duty roster.
- G. 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.
- H. A list of all valid licenses, held by the applicant, which authorize ~~him~~ the applicant to conduct a towing business, ~~and/or a body shop—and/or garage.~~
- I. At least one but no more than two working telephone numbers where the applicant, ~~his~~ or the applicant's agent or employees can be located at all ~~times.~~ times, including nighttime, weekends and holidays.

- J. Fingerprints. When the application form has been completed, the applicant shall ~~submit~~ agree to be fingerprinted by ~~to~~ an officer of the ~~Town Division of Public~~ Town's Safety Office. It will be the applicant's responsibility to make an appointment for fingerprinting through the Town Clerk's Office ~~to be fingerprinted~~. A copy of such fingerprints shall be mailed to the Division of Criminal Justice Services, Albany, New York, requesting a fingerprint search. The Town Clerk shall secure from the applicant the required fee in the form of a money order made payable, as required, to the New York State Division of Criminal Justice Services in the amount of the required fee, to be forwarded with such prints.<sup>11</sup>  
[Added 8-28-1979; amended 3-19-1985 by L.L. No. 2-1985; 11-18-1986 by L.L. No. 7-1986; 7-16-2002 by L.L. No. 1-2002]

[1] *Editor's Note: Former Subsection K, Temporary license, added 12-16-1980, as amended, which immediately followed this subsection, was repealed 4-7-2015.*

- K. The applicant shall permit the inspection of its proposed garage, depot or body shop to be utilized in connection with its towing business by a Fire Marshal as designated by the Town, to ensure compliance with all applicable Zoning, Building and Fire Codes, as well as the provisions of this Chapter.

## § 51-6. Issuance of license.

[Amended 7-16-2002 by L.L. No. 1-2002]

Upon receipt of a properly completed application and the applicable license and medallion fees, the Town Clerk shall issue a license or renewal thereof for a towing business, unless upon investigations:

- A. The Town Clerk determines that the applicant is an undesirable person or incapable of properly conducting a towing business in the Town.
- B. The Town Clerk 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.
- C. The applicant's garage, depot or body shop used in connection with ~~his~~ the applicant's towing business is in violation of the zoning, building or fire laws, ordinances or regulations in the municipality in which it is located.
- D. The Town Clerk finds that the applicant has made a materially false statement or misrepresentation in his application.

## § 51-7. Issuance of medallion.

[Amended 7-16-2002 by L.L. No. 1-2002]

Upon receipt of the fees, the Town Clerk 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. All tow trucks to be utilized in connection with the applicant's towing business within the Town must be fully operational at the time of inspection, including, but not limited to, the engine, lifts, lights and winch.

## § 51-7.1. Conditions for use of license privilege.

[Added 9-15-1981 by L.L. No. 3-1981]

~~No person shall conduct a towing business within the Town, unless he~~ All licensees shall comply with the following requirements:

- A. All tow trucks used by such ~~person~~ licensee shall comply with the provisions of § 51-7 of this local law, ~~whether garaged inside or outside the Town,~~ as well as the applicable safety provisions of the Vehicle and Traffic Law.  
[Amended 3-19-1985 by L.L. No. 3-1985]
- B. All tow trucks used by such ~~person~~ licensee shall be insured in accordance with the provisions of the Vehicle and Traffic Law, and in addition, shall be insured for liability for damage to any vehicle, without regard to negligence, for damage caused to such vehicle during the course of towing or winching said vehicle pursuant to this local law.
- C. Each licensee shall maintain each garage, depot and body shop used in connection with such towing business in full compliance with the Zoning Ordinance, Chapter 68 of this Code, the New York State Building Construction Code and all other applicable statutes, codes, rules and regulations.
- D. Each ~~license~~ licensee shall maintain a garage, depot or body shop in the Town to which all motor vehicles towed pursuant to this local law 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 garage, depot or body shop. No such motor vehicle shall thereafter be removed from said garage, depot or body shop without the written consent of the owner of such motor vehicle.

E. For the purposes of this local law, each parcel of real property comprising a single street address shall be deemed a single garage, depot or body shop. Only one licensee may operate a towing business from a single street address. Only one license shall be granted to any ~~person~~ applicant operating a towing business within the Town, regardless of the number of tow trucks ~~he~~ the applicant may own or operate. Each licensee shall be permitted one position per medallion on the nonaccident roster, one position per medallion on the accident roster and one position per medallion on the heavy duty roster. No garage, depot or body shop shall be designated ~~more than one~~ or by more than one licensee as a holding area under this local law. ~~Each licensee shall be permitted only one position on the accident roster, one position on the nonaccident roster and one position on the heavy duty roster, regardless of the number of tow trucks owned or operated.~~

[Added 2-2-1982 by L.L. No. 1-1982; amended 3-19-1985 by L.L. No. 4-1985]

## § 51-8. Equipment and identification for trucks.

- A. Tow trucks used to respond to calls from the nonaccident roster must be equipped at all times with:
  - (1) Emergency flashing yellow lights.
  - (2) A CO<sub>2</sub> or dry powder fire extinguisher with a minimum capacity of 15 pounds.
  - (3) At least one dozen red railroad-type flares, reflective triangles or reflective cones.
  - (4) ~~A dolly.~~



- (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.
- B. Tow trucks used to respond to calls from the accident roster and the heavy-duty towing roster must be equipped at all times with:
- (1) The equipment specified in Subsection [A](#) above.
  - (2) Dual rear wheels.
  - (3) A broom.
  - (4) A crowbar.
  - (5) A hacksaw.
- C. 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.~~ licensee's name, telephone number and address where the vehicle will be stored.

### [§ 51-9. Term of license and medallion.](#)

Every license and medallion issued hereunder shall be effective from the date of issuance and shall expire on the first day of September following the issuance thereof, unless earlier suspended or revoked by the Town Board as provided herein.

### [§ 51-10. Nontransferability of license and medallion.](#)

- A. No license or medallion issued hereunder shall be transferred to another person, entity or vehicle.
- B. The licensee shall notify the Town Clerk if any tow truck for which a medallion was issued is destroyed, sold or otherwise transferred, within 10 days thereof, and immediately return the medallion to the Town Clerk.

### [§ 51-11. Fees.](#)

[Amended 7-16-2002 by L.L. No. 1-2002]

The Town Board shall, by resolution, adopt a schedule of license and medallion fees as shall be necessary pursuant to this chapter. Such fees shall be collected by the Town Clerk and shall be the fees required under the chapter until the same shall be amended or modified or repealed by a subsequent resolution of the Town Board. No annual fee shall be prorated or rebated.

### § 51-12. Certification of rosters.

A. The Town shall be divided into the following sections, each with its own accident and nonaccident roster:

(1) North: to be bounded on the west by the Town of Babylon and running northerly by the Town of Huntington; on the north by the Town of SmithTown; on the east by the Veterans Memorial Highway to its junction with Connetquot Brook and then running southerly by the Connetquot Brook; on the south by the Sunrise Highway and running westerly by Heckscher Spur and then Southern State Parkway to the Town of Babylon line.

(2) South: to be bounded on the west by the Town of Babylon line; on the north by the Southern State Parkway and running easterly along Heckscher Spur and then along Sunrise Highway to Connetquot Brook; on the east by Connetquot River and on the south by the Great South Bay.

(3) East: to be bounded on the west by the Connetquot River and then running northerly by the Connetquot Brook to its junction with the Veterans Memorial Highway and then northerly along Veterans Memorial Highway to the Town of SmithTown line; on the north by the Town of SmithTown and running easterly by the Town of Brookhaven; on the east by the Town of Brookhaven and on the south by the Great South Bay.

B. The Town Clerk shall prepare and certify to the Commander of the interested precincts of the Suffolk County Police Department the accident rosters and nonaccident rosters, with the names of the licensees in each section listed in the order in which the licensees qualify for such listing.

[Amended 3-1985 by L.L. No. 2-1985]

C. The Town Clerk shall prepare and certify to the Commander of the interested precincts of the Suffolk County Police Department a heavy-duty towing roster, with the names of the licensees listed in the order in which the licensees qualify for such listing. The roster shall be maintained on a Town-wide basis.

[Amended 3-19-1985 by L.L. No. 2-1985]

D. No person or entity shall qualify for a position on the accident roster, the nonaccident roster or the heavy-duty roster unless ~~he~~ such applicant shall maintain a holding area within the Town to which the applicant will tow all motor vehicles picked up as a result of a call from the accident, nonaccident or heavy-duty roster, absent a specific designation to the contrary by the owner or operator of the motor vehicle requiring such a tow. The holding area must consist of or include 2,000 square feet of enclosed fenced space and no less than six-foot-high opaque fencing or equivalent fencing, which shall be used to store all vehicles towed thereto, and must comply with the regulations of the Town Zoning, Building and Fire Prevention Ordinances. A licensee shall make the holding area accessible to the owners of vehicles towed thereto.

[Added 3-19-1985 by L.L. No. 2-1985; amended 4-7-2015]

E. Any person or entity who legally qualified for a position on any one of the described rosters prior to the effective date of this revision may continue to hold a position on said roster despite the fact

that ~~he~~ such applicant does is not presently have a holding area of ~~4,000~~ 2,000 square feet, provided that:

[Added 3-19-1985 by L.L. No. 2-1985]

- (1) ~~He~~ The applicant ~~renew shall not fail to his~~ has continued to renew its towing license with the Town on an annual basis without interruption since the date of this revision; and ~~license with the Town annually.~~
- (2) ~~He~~ The applicant shall comply with all other provisions of this local law, including the enclosed fencing requirement- set forth in section 51-12.D.

### § 51-13. Nonaccident roster.

- 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 nonaccident roster on a rotating basis.
- B. In order to qualify for the nonaccident roster, the person or entity must:
  - (1) Hold a valid towing business license issued pursuant to this local law.
  - (2) Have at least one tow truck equipped as provided herein, with a valid medallion affixed to it.
  - (3) Maintain \$100,000/\$300,000 of automobile liability insurance and \$25,000 of property damage insurance on each tow truck that will be used to respond to calls from the nonaccident roster and provide evidence of garage liability insurance covering any depot, garage and body shop specified in the licensee's application.[Amended 3-19-1985 by L.L. No. 2-1985]
- (4) Maintain twenty-four-hour service to answer calls to remove disabled motor vehicles.
- C. A licensee shall have one turn on the nonaccident roster ~~regardless of how many tow trucks he may own or operate.~~ for each medallion the licensee may own or operate.
- D. Only tow trucks properly equipped and with medallions that have been issued hereunder may respond to calls from the nonaccident roster.

### § 51-14. Accident roster.

- 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 accident roster on a rotating basis.
- B. In order to qualify for the accident roster, a person or entity must:
  - (1) Hold a valid towing business license issued pursuant to this local law.
  - (2) Have at least one tow truck equipped as provided herein, with a valid medallion affixed to it.

- (3) III Maintain twenty-four-hour service to answer emergency calls to remove damaged and disabled motor vehicles.

[1] *Editor's Note: Former Subsection B(3), which provided for the designation of a single body shop, was repealed 3-19-1985 by L.L. No. 2-1985, which also provided for the renumbering of former Subsection B(4) and (5) as Subsection B(3) and (4), respectively.*

- (4) Maintain \$100,000/\$300,000 of automobile liability insurance and \$25,000 of property damage insurance on each tow truck that will be used to respond to calls from the accident roster and provide evidence of garage liability insurance covering any depot, garage and body shop specified in the licensee's application.

[Amended 3-19-1985 by L.L. No. 2-1985]

- C. A licensee shall have one turn on the accident roster ~~regardless of how many tow trucks he may own or operate.~~ for each medallion the licensee may own or operate.

- D. Only tow trucks properly equipped and with medallions that have been issued hereunder may respond to calls from the accident roster.

### § 51-15. Heavy-duty towing roster.

- A. In order to qualify for the heavy-duty towing roster, a person or entity must:

- (1) Hold a valid towing business license issued pursuant to this local law.

- (2) Have at least one heavy-duty tow truck, equipped as provided herein, with a valid medallion affixed to it.

- (3) Maintain \$100,000/\$300,000 of automobile liability insurance and \$25,000 of property damage insurance on each heavy-duty tow truck that will be used to respond to calls from the heavy-duty towing roster and provide evidence of garage liability insurance covering any depot, garage and body shop specified in the licensee's application.

[Amended 3-1985 by L.L. No. 2-1985]

- (4) Maintain twenty-four-hour service to answer calls to remove damaged and disabled motor vehicles over three tons.

(Reserved)III

[1] *Editor's Note: Former Subsection A(5), which provided for the designation of a single body shop, was repealed in its entirety 3-19-1985 by L.L. No. 2-1985.*

- 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~~ its turn on any other roster on which ~~his~~ the licensee's name might appear.

- C. A licensee shall have one turn on the heavy-duty towing roster ~~regardless of how many heavy-duty tow trucks he may own or operate.~~ for each medallion the licensee may own or operate.

- D. 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.

## § 51-16. Maximum permitted charges.

[Amended 7-16-2002 by L.L. No. 1-2002; 3-16-2010 by L.L. No. 3-2010]

- A. No tow 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.
- 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 §§ [51-13](#) through [51-15](#) 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 following descriptions of services shall define the permissible types of charges set forth in this section:

### CLEAN UP AT SCENE

The removal of all debris, glass, vehicle parts, vehicle contents and/or fluids from the scene (not to be left at the side of the road, curb or sidewalk).

### RECOVERY

The extraction of a disabled vehicle from extreme conditions, including removal from water, removal from a wooded area where the vehicle is embedded 50 feet or more into the wooded area, removal from the top of roadway dividers, or similar conditions that require special skills, manpower and/or additional equipment.

### STORAGE

A per day fee, regardless of whether the vehicle is stored inside or outside in a locked yard. Storage fees do not apply to vehicles kept on a tow truck. Charges begin on the day the vehicle arrives at the licensee's depot, body shop or garage and ends inclusively on the day the vehicle is released to the owner or their authorized representative. Storage may not exceed 30 days.

### TOWING

The carrying, lifting or moving of a single motor vehicle by another motor vehicle. Weight is determined by the unladen vehicle weight.

### WINCHING

Repositioning the vehicle onto the roadway to allow access to a flatbed or tow arm. A winching fee is not applicable for the use of a winch cable to secure a vehicle on a flatbed for transport.

### YARD FEE

The labor required to place, maneuver and/or remove a vehicle within the authorized storage area. A yard fee is not applicable if the vehicle is kept on a tow truck.

- D. The maximum charges shall be:

- (1) For towing of ~~passenger cars, regardless of weight, and all other~~ motor vehicles with a weight of not more than two tons, from the nonaccident roster: ~~\$160.~~ \$200.

- (2) For towing of ~~passenger cars, regardless of weight, and all other~~ motor vehicles with a weight of not more than two tons, from the ~~non~~accident roster: ~~\$125-~~\$300.
- (3) For towing of motor vehicles weighing between 2 tons and 5 tons from the nonaccident roster: \$250.
- (4) For towing of motor vehicles weighing between 2 tons and 5 tons from the accident roster: \$400.
- (5) For towing of motor vehicles with a weight in excess of 5 tons from the nonaccident roster: \$350.
- (6) For towing of motor vehicles with a weight in excess of 5 tons from the accident roster: \$750.
- (7) For winching: ~~\$45.00~~ \$75.00. per 1/2 hour, not to exceed \$90.
- (8) The labor to right an overturned ~~passenger car, regardless of weight, and all other~~ motor vehicles with a weight of not more than two tons, may not exceed ~~\$75-~~ \$100.
- (9) The labor to right an overturned motor vehicle weighing between 2 tons and 5 tons may not exceed \$200.
- (10) The labor to right an overturned motor vehicle with a weight in excess of 5 tons may not exceed \$300.
- (11) Storage, whether inside or outside, may not exceed ~~\$30~~ \$40 per day up to ~~40~~ 30 days.
- (12) ~~Heavy duty; for trucks, buses and all other motor vehicles with a weight of two tons or more: \$250.~~
- (13) ~~The labor to right an overturned truck, bus and all other motor vehicles with a weight of more than two tons: \$150 per truck hour.~~
- (14) The labor to perform any and all cleanup at the scene of an accident: ~~\$25-~~ , including the removal of all debris and vehicle fluids at the scene, may not exceed \$75.
- (15) ~~Reimbursement of oil absorbent material used to clean up vehicle fluids will be made at the rate of \$10 per bag.~~
- (16) Yard fees, as defined in subsection C herein, (the labor to secure a disabled vehicle within an authorized storage yard): ~~\$45-~~ may not exceed \$100.
- (17) Light duty recovery Recovery: when extracting a disabled motor vehicle from extreme conditions, including removal from water, wooded areas where the disabled motor vehicle is located more than fifty feet into the wooded area, from atop roadway dividers or any other condition requiring special skills, manpower or additional equipment, fees, as defined in subsection C herein, may not exceed: a fee of \$45 per 1/2 hour for passenger vehicles and \$150 per 1/2 hour for trucks. a fee of \$100 for motor vehicles weighing up to 2 tons; a fee of \$150 for motor vehicles weighing between 2 tons and 5 tons; and \$200 for motor vehicles with a weight in excess of 5 tons.

- ~~E. The maximum permitted charges provided in § [51-16](#) shall not apply to the heavy-duty towing for motor vehicles with a weight of 10 tons or more.~~

### § 51-17. 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 or entities 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.

### § 51-18. Designation of licensees in rotation; posting of roster.

- A. The interested Precinct Commander of the Suffolk County Police Department or his authorized representative shall designate licensees from the accident, nonaccident and heavy-duty towing rosters on a rotating basis unless the owner or other person in charge of the motor vehicle requests the services of a specific tower and provides the police officer at the scene with the correct name or telephone number of the requested tower.  
[Amended 3-19-1985 by L.L. No. 2-1985]
- B. Notwithstanding the fact that the owner or other person in charge of the motor vehicle has requested the services of a specific tower, if, in the judgment of the police officer at the scene of an accident or disablement, an emergency exists which requires the immediate removal of a motor vehicle which cannot be provided by the requested tower, the police officer may call the next tower from the applicable list for the purpose of removing the vehicle from the roadway. In this event, the tower requested by the owner or other person in charge of the motor vehicle shall pick up the vehicle from the location to which it was moved by the tower called by the Police Department. The tower called by the Suffolk County Police Department shall be entitled to charge the owner or operator in accordance with the applicable provisions hereof.
- C. The interested Precinct Commander of the Suffolk County Police Department or his authorized representative shall post the accident, nonaccident and heavy-duty towing rosters, which have been certified by the Town Clerk, in a public place selected by the Suffolk County Police Department.  
[Amended 3-19-1985 by L.L. No. 2-1985]

### § 51-19. Location for towing and storing motor vehicle.

- 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, in the case of a motor vehicle involved in an accident which is damaged or disabled and picked up as a result of a call from the accident or heavy-duty roster, such motor vehicle shall be towed to the holding area designated in the licensee's application pursuant to § [51-5E](#).  
[Amended 3-1985 by L.L. No. 2-1985]
- C. Whenever a motor vehicle is towed to the holding area designated in the licensee's application pursuant to § [51-5E](#) or to the depot, garage or body shop used by the licensee in connection with

his towing business, as indicated on his application for a towing license, that motor vehicle must be made accessible to the owner or the person in charge of the motor vehicle, during storage, for the purpose of inspection to ascertain the extent of damage, if any, to that motor vehicle.  
[Added 2-6-1979; amended 3-19-1985 by L.L. No. 2-1985]

#### [§ 51-20. Refusal to tow vehicle.](#)

It shall be unlawful for any licensee on the accident, nonaccident 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, provided that his equipment is capable of towing the vehicle.

#### [§ 51-21. Nonassignability of place on roster.](#)

It shall be unlawful for a licensee to assign his place on the accident, nonaccident or heavy-duty towing roster to any other person entity or licensee on the accident, nonaccident or heavy-duty towing roster.

#### [§ 51-22. Cleaning up of debris.](#)

[Amended 3-19-1985 by L.L. No. 2-1985]

A tower called to the scene of an accident or disablement must clean up any debris resulting therefrom to the satisfaction of the police officer on the scene. Failure to do so ~~shall result in the tower being removed from the roster~~ may result in the suspension or revocation of the licensee's license or medallion pursuant to section 51-28 herein.

#### [§ 51-23. Accidents requiring more than one tow truck.](#)

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 licensees arrive at the scene, irrespective of the time each 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 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 damaged motor vehicle by virtue of having assisted the police officer in clearing the road.

#### [§ 51-24. Unauthorized towing prohibited.](#)

It shall be unlawful for any person or entity who is not designated from the accident, nonaccident 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.

#### [§ 51-25. Solicitation of towing or repair work at accident scene.](#)

It shall be unlawful for any person to solicit towing or repair work at the scene of an accident or a location where a motor vehicle is disabled or damaged, or to go to the scene of such accident or disablement for the purpose of soliciting towing or repair work.

#### [§ 51-26. Loss of turn on roster.](#)



- A. A licensee who cannot be reached when called by the Suffolk County Police Department at the telephone numbers provided by ~~him~~ the licensee in ~~his~~ its application, or ~~who~~ a licensee that declines to provide services after answering the call, shall lose ~~his~~ its turn on the appropriate roster and must wait for that roster to be called in its entirety before ~~he is~~ such licensee will be eligible to be called again.
- B. In any case where a licensee has not arrived at the scene within 30 minutes from the time ~~he~~ the licensee 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~~ the licensee shall lose ~~his~~ its turn on the appropriate roster and shall not be entitled to receive any charges for responding.
- C. In any case where a tower requested pursuant to § 51-18 does not arrive upon the scene within 30 minutes from the time ~~he~~ such licensee receives a call for service from the Suffolk County Police Department, or where ~~he~~ the licensee arrives on the scene with equipment which in the opinion of the police officer on the scene is not adequate to perform the requested services, the police officer may call a tower from the appropriate roster, and the requested tower shall not be entitled to receive any charges for responding.
- D. In responding to a call, the truck or company responding must be the truck or company assigned to that spot on the roster. Any other vehicle responding is in violation of the Town Code and therefore subject to a fine and/or suspension.  
[Added 7-16-2002 by L.L. No. 1-2002]

### § 51-27. Consideration for delivery of disabled vehicle.

No tower shall solicit or receive any consideration, premium or other emolument for the delivery of any damaged or disabled motor vehicle to a body shop.

### § 51-28. Suspension or revocation of license.

[Amended 6-6-1978 by L.L. No. 3-1978]

- A. The Town Clerk shall have the authority under this Chapter to periodically review a licensee's compliance with this Chapter, including the scheduling of inspections of a licensee's tow trucks, depot, garage or body shop. Any license or medallion issued hereunder may be suspended by the Town Clerk for a period to be determined by the Town Clerk after a hearing at which the licensee shall have an opportunity to be heard.  
[Amended 7-16-2002 by L.L. No. 1-2002]
- B. The Town Board may revoke or suspend any license or medallion issued hereto if the licensee ~~shall have been convicted of a violation of~~ has violated any provision of this ~~local law~~ Chapter, or any provision of the zoning, building or fire prevention laws, rules or regulations of the Town of Islip relating to premises used by the licensee in connection with ~~his~~ its towing business, or ~~who~~ if the licensee has made a materially false statement or misrepresentation in ~~his~~ its application for a license or medallion, or if the Town Board shall determine that the licensee is for any other reason an undependable person or is incapable of properly conducting ~~the~~ a towing business in the Town.

## § 51-29. Procedure for hearings.

[Amended 6-6-1978 by L.L. No. 3-1978]

- A. The Town Clerk shall notify the licensee by registered mail, return receipt requested, that charges have been made against ~~him/her~~ the licensee, which may warrant a suspension or revocation of the license. The licensee may respond by letter or in person and explain the circumstances of the allegations. If the Town Attorney determines, after hearing both sides, that there may be cause to suspend or revoke the license, ~~he/she~~ the Town Attorney shall schedule a hearing before a hearing officer appointed by ~~him/her~~ the Town Attorney at a convenient time and place for all parties. The hearing officer shall make a recommendation to the Town Attorney who shall, in turn, make a recommendation to the Town Board. The Town Board shall consider the recommendation and take such action as it sees fit.

[Amended 7-16-2002 by L.L. No. 1-2002]

- B. Upon any hearing for the suspension or revocation of a license or medallion, the licensee involved shall be entitled to be represented by legal counsel and to present testimony or other evidence ~~in~~ on its own behalf as may be relevant to the subject matter of the hearing.

## § 51-30. Written authorization to tow.

- 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 or, if no such person is present, by the police officer in charge thereof.
- B. Such authorization shall contain the following:
- (1) The make, model, year and vehicle identification 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 name and 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 investigating violations of this local law.

## § 51-31. Bill for towing and towing related services.

- A. “Towing and towing related services”, as defined herein, only applies to the specific charges set forth in section 51-16 of this chapter. It does not include any charges pertaining to the evaluation or repair of the motor vehicle, including, but not limited to, inspections, estimates, teardown, repairs, parts and reassembly. Any such charges relating to the evaluation and/or repair of the motor

vehicle shall be contained in a separate bill and not combined in the bill for “towing and towing related services”.

- B. A tower shall prepare a bill for towing and towing related services, the original of which shall be furnished to the owner or the person in charge of the motor vehicle.
- C. The bill must be printed in a form approved by the Town Clerk and 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 name and 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 of the motor vehicle.
  - (5) An itemization of the charges for towing and towing related services, broken down, as follows:
    - (a) Towing.
    - (b) Storage, giving dates.
    - (c) Winching.
    - (d) Uprighting of overturned vehicle (Labor).
    - ~~(e) Dollying- Yard Fee.~~
    - (f) Clean-up.
    - (g) Recovery.
  - (6) The tow truck medallion number and the licensee's license number, if applicable.
  - (7) A schedule of the maximum allowable fees as prescribed by § 51-16 hereunder.  
[Added 3-19-1985 by L.L. No. 2-1985]
- D. The duplicate of each bill shall be retained by the tower for a period of six months 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 investigating violations of this local law.
- E. Upon payment of the bill, the licensee shall acknowledge, in writing, receipt of the same.
- F. The falsification and/or inflating of charges, and/or the inclusion of impermissible fees as delineated in section 51-31A herein by a licensee on towing bills, shall be grounds for suspension and/or revocation of a license or medallion under §51-28 of this Chapter.

### § 51-32. Changes in ownership; other changes.

- 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 Town Clerk 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 Town Clerk within five days thereof.

### § 51-33. Penalties for offenses.

[Amended 3-19-1985 by L.L. No. 2-1985]

A violation of this local law is hereby declared to be a violation, and any person or entity violating the same may, upon conviction, be punished by a fine of not less than \$250 nor greater than \$500.

### § 51-34. Severability.

If any section, subsection, sentence, clause, phrase or portion of this local law is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this local law.

### § 51-35. Repealer.

- A. Upon the effective date of this local law, Chapter 51 of the Code of the Town of Islip, known as the "Tow Truck Ordinance of the Town of Islip," is repealed.<sup>[1]</sup>  
[1] *Editor's Note: Former Ch. 51, Tow Trucks, was adopted 5-21-1963 and subsequently amended.*
- B. Notwithstanding Subsection A above, any valid and current license and medallion issued under the Tow Truck Ordinance of the Town of Islip shall remain in effect until September 1, 2002.  
[Amended 7-16-2002 by L.L. No. 1-2002]

### § 51-36. Effective date.

[Amended 7-16-2002 by L.L. No. 1-2002]

This chapter shall take effect September 1, 2002.

October 22 , 2024  
Resolution #

**WHEREAS**, a public hearing was held on October 22, 2024, pursuant to public notice to enact Local Law No. 5 2024, entitled: A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c FOR FISCAL YEAR 2025; and

**WHEREAS**, it is required by General Municipal Law § 3-c of New York State, that the Town Board shall adopt this local law by 60% vote of the Board members.

**NOW, THEREFORE**, on motion of Councilperson \_\_\_\_\_; seconded by \_\_\_\_\_ be it

**RESOLVED**, that the Town Board of the Town of Islip, does hereby adopt Local Law No.    of 2024, which is hereby enacted as follows:

**SEE ATTACHED**

Upon a vote being taken, the result was:

THE TOWN OF ISLIP, COUNTY OF SUFFOLK, STATE OF NEW YORK

Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-c  
for Fiscal Year 2025

**Section 1. Purpose and Intent.**

It is the purpose and intent of this Local law to override the limit on the amount of real property tax that may be levied by the Town of Islip, County of Suffolk, State of New York, pursuant to General Municipal Law § 3-c, and to allow the Town of Islip to adopt a Town budget for Fiscal Year 2025 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

**Section 2. Authority.**

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by adoption of a local law approved by a vote of sixty (60%) percent of the Town Board.

**Section 3. Tax Levy Limit Override.**

The Town Board of the Town of Islip, County of Suffolk, is hereby authorized to adopt a budget for Town purposes, including special improvements districts governed by Islip Town Board or members of the Town Board, for the fiscal year 2025 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law § 3-c.

**Section 4. Severability.**

If any clause, paragraph, subdivision, or part of this Local law or the application thereof to any person, firm or corporation, or circumstances, 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, or part of this Local law or in its application to the person, individual, firm, or circumstances, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective Date.**

This Local law shall take effect immediately upon filing with the Secretary of State.