

**INTRODUCTORY LOCAL LAW No. 1 OF 2021
VILLAGE OF WOODBURY**

**A LOCAL LAW AMENDING CHAPTER 283 (“TOWING”) OF THE CODE OF THE
VILLAGE OF WOODBURY TO ESTABLISH REGULATIONS FOR HEAVY DUTY
TOWING**

BE IT ENACTED by the Board of Trustees of the Village of Woodbury, Orange County, New York, as follows:

SECTION 1. PURPOSE.

The Board of Trustees of the Village of Woodbury finds that it is reasonable and appropriate to update and amend Chapter 283 (“Towing”) of the Village of Woodbury Code to provide regulations for heavy duty towing. This local law is determined to be an exercise of the police powers of the Village to protect the public health safety and general welfare of its residents.

SECTION 2. CHAPTER 283 (“TOWING”).

Section 283-2 (“Definitions”) is hereby modified to include the following definitions:

GVWR

The Gross Vehicle Weight Rating of a tow truck, consisting of the weight of the tow truck plus the heaviest load that it is designed to carry.

HEAVY DUTY TOWING

The towing of vehicles that require special equipment or weigh in excess of 10,000 pounds or extend more than 22 feet in length and require a Class A or B commercial driver’s license to operate.

LIGHT/MEDIUM TOWING

The towing of vehicles that weigh less than or equal to 10,000 pounds and do not extend more than 22 feet in length. Light/medium towing is for vehicles designed to tow or transport automobiles, pickup trucks, small vans, medium-size trucks, buses and recreational vehicles, as well as smaller vehicles.

Section 283-4(A) is hereby repealed and replaced with the following:

- A. It shall be unlawful for any person to engage in the business of towing (including the use of a wrecker) within the Village of Woodbury unless a light/medium towing license or heavy duty towing license shall have first been obtained from the Village. The Village Clerk's office shall be responsible for the issuance of such licenses.

Section 283-5(A)(2) is hereby amended to include the following language at the end of the paragraph: “, and the license requested (light/medium towing or heavy duty towing).”

Section 28304(B)(2) is hereby repealed, and subdivisions (3), (4) and (5) shall be renumbered to (2), (3) and (4) respectfully.

Section 283-7(E) is hereby repealed and replaced with the following:

- E. The fees for a light/medium towing license and a heavy duty towing license are provided in the Village's fee schedule, which is reviewed by the Board of Trustees annually as part of their organization meeting, and may be modified at that time, or at any other time, by a resolution of the Board of Trustees.

The first sentence of Section 283-8 is hereby repealed and replaced with the following:

Upon the approval of the Board of Trustees, with the recommendation of the Chief of Police, the Village Clerk shall issue a light/medium towing license or heavy duty towing license to the applicant, a copy of which must be kept in all towing vehicles while conducting operations under the license.

Section 283-9(B) is hereby repealed and replaced with the following:

- B. The owner shall also display or cause to be displayed the light/medium towing license or heavy duty towing license in a location easily observed from the rear of the tow vehicle.

A new Section 283-13(B) is hereby created as follows:

- B. Heavy-duty tow trucks: In addition to the items (1) through (6) required for wreckers/flatbed tow trucks, the following additional equipment is required: a vehicle with a GVWR of thirty-three thousand (33,000) pounds or greater and the capability of lifting loads of twenty-two (22) tons or greater; a set of twenty-ton recovery straps; one set of portable torches; one power chain saw; one power metal-blade saw.

Section 283-14(A) is hereby amended to include the phrase “directly or indirectly” after “No licensee may charge....”

Section 283-14(E)(1)(j) is hereby created as follows:

- (j) All vehicles requiring heavy duty towing due to the weight or length of the vehicle, special towing equipment needed, or as otherwise directed by a Police officer: Four Hundred (\$400) Dollars per hour, from time of leaving place of towing business to time of return thereto, excluding Police directed waiting time.

A new Section 283-15(E) is hereby created as follows:

- E. The Woodbury Police Department shall keep two separate and independent tow lists. The first list, which shall be known as the “light/medium tow list,” shall be for all light/medium towing as defined in § 283-2 above. The second list, which shall be known as the “heavy duty tow list,” shall be for all heavy duty towing, as defined in § 283-2 above.

SECTION 3: SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.