

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

 Sec'd by Ald. Tobin

 Date of Adoption 02-04-20

 Index No: 29-20

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoo	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois				X
Ald. Burr				X
Ald. Green				X
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	6			3

WHEREAS, the Common Council, at the request of the Police Chief and Corporation Counsel, seeks to update certain provisions in the Towing Code.

NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by replacing the definition of "Terminal" in Section 440-1 (Definitions) to read as follows:

Any place of business in the City of Middletown which is a Registered Repair Shop certified by the New York State Department of Motor Vehicles and which is not in violation of the existing City Zoning or Building Codes, and which, as a substantial source of its activity, engages in the repair of motor vehicles.

Section 2 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by replacing and renaming Section 440-4 to read as follows:

Section 440-4. Event towing. Event towing shall be restricted to events for which vehicles are required to be towed to clear the streets for the purpose of a race, parade, festival or other event and for which such street closing has been approved by a resolution of the Common Council or by a directive of the Chief of Police.

Section 3 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by replacing Subsection A of Section 440-5, Fee for unrestricted license; license qualifications, to read as follows:

A. Own and/or operate and maintain a bona fide terminal, as defined above in Section 440-1, within the City of Middletown.

Section 4 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by adding Paragraphs (4), (5) and (6) to Subsection A of Section 440-6, Towing fees, to read as follows:

(4) Dolly work fees are limited to a maximum of \$75 per hour per vehicle/tow.

(5) Hazardous materials clean-up, to include gasoline, antifreeze and motor oil, and disposal fees, are limited to a maximum of \$85 per vehicle/tow.

(6) An additional fee of \$75 per hour may be charged for appropriate removal of a vehicle during recovery from unusual incidents in which the vehicle is located off the roadway and requires work beyond reasonably standard tow work.

Section 5 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by replacing Subsection B of Section 440-6, Towing fees, to read as follows:

B. The event towing fee shall not exceed \$125.

Section 6 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by adding a Subsection C of Section 440-6, Towing fees, to read as follows:

C. The fees provided in this Section shall not apply to commercial vehicles which exceed a three-ton capacity.

Section 7 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by adding a second sentence to Section 440-14, Exception to provisions, to read as follows:

In any instances where automobile insurance is utilized for the payment of towing and/or storage fees, the restrictions set forth in Sections 440-6 and 440-7 of this chapter shall not apply.

Section 8 - This resolution and ordinance shall take effect immediately with amendments to the Fee Schedule in the appendix Chapter A490.