

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2005-92

Being a by-law to license, regulate and govern
the owners and drivers of tow trucks

WHEREAS under section 150 of the *Municipal Act*, 2001 as amended, a local municipality may license, regulate and govern trades and occupations carried on within the municipality, including the operation of tow truck businesses;

AND WHEREAS section 154 of the *Municipal Act*, 2001 provides that a local municipality may establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from a point in the municipality to any point outside the municipality and to provide for the collection of the rates or fares for the conveyance;

AND WHEREAS a by-law licensing or imposing any condition on any business or class of business passed under this section shall include an explanation in regard to the licensing regulations and the conditions imposed;

AND WHEREAS the Council of the Town of Caledon considers it desirable and necessary to license, regulate and govern owners and drivers of tow trucks for the purposes of health and safety, to encourage safe maintenance and operational practices for owners and drivers and to ensure accountability for health and safety issues;

AND WHEREAS THE Council of the Town of Caledon considers it desirable and necessary to license, regulate and govern owners and drivers of tow trucks for the purpose of consumer protection, to encourage equal, fair and courteous treatment of passengers, drivers and owners, to protect the property of passengers, to ensure competence of owners and drivers in providing tow truck services, to promote accountability, to ensure consistency in the application of rates charged, and to support proper and good business practices;

AND WHEREAS the Council of the Town of Caledon considers it desirable and necessary to license, regulate and govern owners and drivers of tow trucks for the purpose of nuisance control, to promote professional behaviour and fair dealing among participants in the industry, to ensure courteous treatment, and to limit or mitigate unsightliness, unnecessary noise, nuisance or disruption for passengers, drivers, owners and the general public.

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

Definitions

1. (1) In this by-law,

“collision” means a vehicle that has been in a collision with another vehicle(s) or that has struck an object or was struck by an object, or that has turned over, and in all such cases, did receive damage or was damaged, and/or was disabled by a fire;

“collision scene” means the general location or place where a collision occurred;

“collision towing” means;

(a) the towing of a disabled vehicle as the result of a collision, and

(b) does not include the towing of a vehicle as a result of mechanical failure, an impairment, a police seizure, a vehicle fire not involving a collision, or other similar cause;

- (c) the presence of a police officer at the scene of a tow does not define or classify the towing as "collision towing".

"commercial motor vehicle" means a motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, bus and tractors used for hauling purposes on the highway;

"Clerk" means the Clerk of The Corporation of the Town of Caledon;

"Corporation" means The Corporation of the Town of Caledon;

"Council" means the Council for The Corporation of the Town of Caledon;

"dolly" means a four-wheeled carriage used in towing to support the trailing end of the towed vehicle;

"driver" means any person who drives or operates a tow truck;

"drop fee" means a fee or commission paid to the owner or driver of a tow truck in return for the towing or otherwise conveying of a vehicle to a particular place;

"flatbed carrier" means a platform body with a winch for loading;

"gross vehicle weight rating (GVWR)" means the maximum total vehicle rated capacity, measured at the tire ground interface, as rated by the chassis manufacturer;

"hirer" means the registered owner of a vehicle, to be towed or being towed, his/her agent or any person lawfully in possession of the vehicle to be towed or being towed;

"impairment" includes any surrender or suspension of a driver's licence pursuant to the *Highway Traffic Act* or *Criminal Code*;

"licence" means the certificate issued under this by-law as proof of licensing under this by-law;

"Licensing Officer" means a by-law enforcement officer duly appointed by the Corporation;

"motor vehicle" includes an automobile or any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*;

"municipal boundary" means the boundary encompassing the Town of Caledon;

"nuisance" includes the obstruction or interference with

- (a) persons involved in a motor vehicle collision or otherwise in need of the services of a tow truck;
- (b) persons responding to a motor vehicle collision including, but not limited to, police officers, members of a fire department, members of an ambulance service, and other tow truck drivers or owners; or
- (c) pedestrian or vehicular traffic;

"owner" means the holder of the plate portion of the permit issued under the *Highway Traffic Act*;

“owner’s plate” means a number plate issued to an owner licensed under this by-law;

“permit” means the licence or certificate issued pursuant to provincial legislation;

“person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

“registered owner” means the person shown to be the owner of motor vehicles according to the records maintained by the Registrar of Motor Vehicles for the Province of Ontario;

“tow bar” means a device for positioning a towed vehicle behind a towing vehicle;

“tow sling” means a device used for lifting and towing vehicles with a partial load supported on rubber belts;

“tow truck” means a vehicle used for towing or otherwise conveying vehicle(s);

“tow truck broker” means a person who in pursuance of a trade, calling, business or occupation arranges for the provision for hire to a hirer of the services of a tow truck not owned by such person;

“towed vehicle” means a vehicle or any part thereof towed or otherwise conveyed by a tow truck, under an agreement between the owner of the vehicle to be towed and the driver or owner of a tow truck;

“Towing Authorization Form” means a three (3) part form, containing such information as is set out in Schedule 1 to this by-law, and supplied to a driver by the Corporation which must be completed and signed by the tow truck driver and the hirer prior to a tow commencing from any scene where such tow is requested by the hirer and a copy of which is provided by the tow truck driver to the hirer;

“Town” means the geographical area comprising the Corporation of the Town of Caledon in the Regional Municipality of Peel;

“underlift” means a device used for towing vehicles by lifting one end of the towed vehicle from under the axle or structural member of the towed vehicle;

“vehicle” includes a motor vehicle, or commercial motor vehicle;

“vehicle pound” means a lot or portion thereof used for the temporary storage and impounding of vehicles taken from collision scene or otherwise towed and awaiting repair or demolition or retrieval;

“wheel lift” means a device used for towing vehicles by lifting one end of the towed vehicle by the wheels;

“wrecker body” means a manufacturer’s box designed to be attached to the frame of a cab and chassis and used with an underlift, tow bar or tow-sling or wheel lift or flatbed carrier or other similar device equipped and maintained in a manner to insure the safe lifting and conveying of a vehicle to be towed.

- (2) (a) For the purposes of this by-law a person shall be acting as the driver or owner of a tow truck if that person conveys or seeks to convey, for hire, or holds himself out, by his/her actions or words, as being available to convey, for hire, a vehicle from a point within the municipality of the Town of Caledon, to either a point also within the municipality of the Town of Caledon or to any point beyond its limits whether such conveyed vehicles are intact or inoperable.

- (b) In the absence of any evidence to the contrary, the tow will be deemed to originate in the Town of Caledon.

I - LICENCE

Licensing Officer

2. (1) A Licensing Officer shall
- (a) receive and determine the material to be filed in support of an application for and process all applications for licences and for renewal of licences to be issued under this by-law;
 - (b) issue licences to and renew licences for persons who meet the requirements of this by-law;
 - (c) enforce the provisions of this by-law;
 - (d) generally perform all the administrative functions conferred upon him/her by this by-law.
- (2) When an owner's plate is defaced, destroyed or lost, the owner shall apply to a Licensing Officer for a replacement and on payment of the appropriate fee under the Municipal Fees By-law a Licensing Officer shall issue a replacement owner's plate as required.

Licensing

3. (1) No person shall act as or be the owner of a tow truck in the Town unless he/she is licensed as an owner under this by-law.
- (2) No person shall drive, or act as the driver of a tow truck in the Town unless he/she is licensed as a driver under this by-law.
- (3) Unless provided otherwise in this by-law a person who is the owner of more than one tow truck shall take out a separate licence for each tow truck owned by him/her which is to be used in the Town.
- (4) The person who is the owner of more than one tow truck shall not remove and affix an issued owner's plate between tow trucks.

Licence Requirements

4. (1) No person shall be licensed under this by-law unless he/she is at least eighteen (18) years of age and a citizen of Canada or a landed immigrant, or has a valid employment authorization issued by the Government of Canada to work as a driver or owner and has a working knowledge of English.
- (2) The provisions of subsection 1 do not apply to a corporation.
- (3) No person shall be licensed under this by-law as a driver unless
- (a) he/she produces a current valid driver's licence issued under the *Highway Traffic Act* by the Minister of Transportation; and
 - (b) he/she has his/her photograph taken and submitted to an Licensing Officer.

- (4) No person shall be licensed as an owner unless
- (a) he/she produces for each tow truck to be used, a current valid motor vehicle permit issued by the Ministry of Transportation issued in the applicant's name; or if a tow truck is a leased vehicle, provides a copy of the lease agreement for the tow truck;
 - (b) he/she produces and files with a Licensing Officer either
 - (i) an Ontario Ministry of Transportation annual Inspection certificate issued under the *Highway Traffic Act* showing that the tow truck has been inspected within the previous sixty (60) days of the date of the tow truck inspection by the Licensing Officer; or
 - (ii) a Ministry of Transportation Safety Standards Certificate issued under the *Highway Traffic Act* within the previous sixty (60) days of the date of the tow truck inspection by the Licensing Officer;
 - (c) he/she produces and files with a Licensing Officer a copy of the certificate of insurance for the tow truck for which he/she is the owner endorsed to provide that the Corporation shall be given at least ten (10) days notice in writing of the cancellation or expiration or variation in the amount of the policy and insuring each such tow truck at least the following amounts
 - (i) in respect to any one claim, in the amount of at least \$2,000,000 exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss or damage to property;
 - (ii) in respect of any one claim, in the amount of at least \$100,000 against liability for damage to a customer's motor vehicle while in his/her care, custody or control and caused by collision, upset, fire, lightning, theft or attempt theft, malicious mischief, windstorm, hail, explosion, riot, civil commotion or rising water;
 - (iii) in respect of any one claim, cargo liability insurance in the amount of at least \$50,000 to indemnify the applicant against loss by reason of his/her legal liability indirect physical loss or damage to vehicles and other items of property accepted by the applicant for towing or conveyance; and
 - (d) he/she states in writing whether he/she has any interest either directly or indirectly, in a vehicle pound, yard or building used for the storage or impounding of vehicles, a vehicle body shop or other kind of public garage or any other yard, shop, building or place used for the storage, repair or servicing of vehicles, and he/she provides and files with a Licensing Officer full information as to the location and the type of facilities in which he/she has an interest and the nature and extent of the interest.

Representation

5. No person shall publish or cause to be published any representation that he/she is licensed under this by-law if he/she is not.

Submission of Application

6. (1) Every person applying to obtain or renew a licence under this by-law shall file a duly completed application form provided by the Corporation, in which the applicant shall provide all information sought in such application form.

- (2) The applicant shall, at the time of the filing of the required application form deliver the following additional material to the Licensing Officer:
- (a) the licence fee in the amount prescribed in the Municipal Fees By-law;
 - (b) if the applicant is a corporation, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department;
 - (c) if the applicant is a registered partnership, a copy of the registered declaration of partnership; and
 - (d) a record of all offences for which there has been a conviction registered against the applicant under any by-law, provincial statute or federal statute either as an individual applicant, or as a partnership applicant, directors or shareholders or officers of a corporate applicant; such record issued within previous 60 days of the date of the application to the Licensing Officer.
- (3) Every application form shall include a requirement that the applicant shall provide at least the following information:
- (a) the name and address of the applicant;
 - (b) the address of the applicant to which the Corporation may send or deliver any notice or other document required or authorized by law;
 - (c) any trade or business description to be used in relation to the business;
 - (d) the address, telephone number, fax number and e-mail address used in connection with such business; and
 - (e) a record of all offences under any by-law, provincial statute or federal statute of which the applicant, if the applicant is an individual, any of the partners, if the applicant is a partnership, or any of the directors, shareholders and officers of a corporation, if the applicant is a corporation, has or have been convicted; such record issued within the previous 60 days of the application to the Licensing Officer.
- (4) In addition to the above provisions, in respect of an application for renewal of a licence, the licence from the previous year and, when required by a Licensing Officer, the owner's plate from the previous year, shall be returned to a Licensing Officer.
7. (1) If the applicant is not an individual, the application form shall be completed and updated from time to time as this by-law requires, by an individual duly authorized by the applicant to execute such form on behalf of the applicant and binding upon it, and the individual completing such form shall sign the form, certifying the truth and completeness of the information provided therein.
- (2) The provisions of this by-law relating to an application for a licence shall apply, with necessary modifications, to an application for the renewal of a licence or to amend a licence or a condition of such licence, except that where the applicant notifies a Licensing Officer that the information on file has not changed, the applicant shall not be required to complete a new application form or amendment thereto in respect of an application for renewal.
8. (1) Upon the receipt of an application form, a Licensing Officer shall carry out such investigation or verification relating to the application as he/she may deem necessary for the purposes of the administration of this by-law and shall, if the investigation or any other information available to a Licensing Officer discloses no reasonable grounds to

believe that the application is not in compliance with this by-law, or that the applicant may not be entitled to the issuance of a licence on the grounds referred to in this by-law, or by reason of any other provision of this by-law or other applicable law, issue the licence.

- (2) If the investigation or any other information available to a Licensing Officer discloses reasonable grounds to believe that the applicant may not be entitled to the issuance of a licence on grounds referred to in this by-law, or by reason of any other provision of this by-law or other applicable law, a Licensing Officer shall forthwith cause notice of this fact and the reasons therefor to be served upon the applicant at the address shown on the application form, and may refer the matter to the Council for the holding of hearings under this by-law.
 - (3) A Licensing Officer shall, in the above notice, include a statement that the applicant may require a hearing of the application by the Council, by serving a notice in writing to that effect upon the Clerk within 30 days of the date of the notice, and a statement that if no such notice is served by the applicant the application may not be granted and the applicant will not be entitled to any further notice in the proceedings.
 - (4) Where the Clerk receives notice from an applicant requiring a hearing and the requisite fee as set out in the Municipal Fees By-law, the Clerk shall forthwith refer the applicant to the Council for a hearing and advise a Licensing Officer of such hearing.
 - (5) Where a Licensing Officer does not receive notice from an applicant requiring a hearing, a Licensing Officer need not process the application further, and no further notice is required to be served upon the applicant.
 - (6) Where an applicant has been referred to the Council for a hearing and the applicant does not attend before the Council at the time and place of which notice has been served upon such applicant, the Council may hold a hearing in the absence of the applicant or may decide to take no further action with respect to the application, and no further notice is required to be served upon the applicant.
9. Where the Clerk has referred an applicant to the Council for a hearing, the Council may, after a hearing, or after an opportunity for a hearing has been given to the applicant
- (1) grant the application in whole or in part and direct that the licence be issued, subject to compliance with this by-law;
 - (2) grant the application subject to such conditions as the Council in accordance with this by-law considers just and equitable in attaining the purposes of this by-law, and as are accepted by the applicant, and direct that the licence be issued subject to such conditions and to compliance with this by-law;
 - (3) refuse in whole or in part to grant the application upon grounds contained in this by-law or otherwise by law; or
 - (4) adjourn the application in accordance with this by-law, or make such other disposition as may be permitted under this by-law and is in accordance with law.
10. An applicant for a licence who complies with the provisions of this by-law is, subject to the provisions of this by-law, entitled to be issued a licence, except where
- (1) there are reasonable grounds for belief that any application or other document provided to a Licensing Officer by or on behalf of the applicant contains a false statement or provides false information; or
 - (2) the past or present conduct of the applicant, or of any partner, in the case of an applicant which is a partnership, or of any director, shareholder or officer of the corporation, if the applicant is a corporation, affords reasonable grounds for belief that

the business in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty; or

- (3) there are reasonable grounds for belief that the carrying on of the said business will result in a breach of this by-law or any other law, including any applicable zoning requirement; or
- (4) the financial position of the applicant affords reasonable grounds to believe that the business will not be carried on in a financially responsible manner; or
- (5) there are reasonable grounds for belief that the application does not meet all the requirements of this by-law, or that the permitted uses of the land where the business is carried on or intended to be carried on do not include the business or the proposed business; or
- (6) the conduct of the applicant or of one or more of the persons referred to in subsection (2) affords reasonable grounds for belief that the carrying on of the business in respect of which the licence is sought would infringe the rights, or endanger the health or safety, of one or more members of the public; or
- (7) the amount payable in respect of the licence applied for has not been paid; or
- (8) three substantiated complaints have been received by the Licensing Officer in one licensing year regarding the owner or driver applying for a licence or a licence renewal; or
- (9) the owner or driver applying for a licence or licence renewal has failed to pay any outstanding fines imposed under this by-law.

Hearings

11. The provisions of sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act* shall apply to all hearings conducted by Council under this by-law.

Denial, Revocation, Suspension

12. Where the licence holder has failed to comply with the provisions of this by-law, or where the Licensing Officer has received three substantiated complaints regarding the licence holder within one licensing year, the Council may revoke or suspend any licence issued under this by-law, provided that no licence shall be revoked or suspended except after a hearing by the Council, or after an opportunity for such a hearing has been afforded to the licence holder in accordance with law.
13. (1) Where the Council concludes that grounds exist upon which a licence may be denied, suspended or revoked, the Council may in lieu thereof issue a licence for any period up to a full licence period on probation, or without a term of probation, subject to such conditions as the Council may impose and the applicant or licensee accepts, and are in accordance with law.
 - (2) A Licensing Officer may, where he/she has reasonable grounds to believe that any one or more grounds exist upon which a licence could be denied, revoked or suspended, provide written notice to the licensee and to the Council of such fact, and provide notice to the licensee of a right to a hearing in accordance with this by-law and other applicable law.
14. A licence issued under this by-law is personal to the licensee, and cannot be transferred.
15. Where a licence has been revoked, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.

Notice

16. (1) Any notice required to be given by the Corporation under this by-law is sufficiently given if delivered personally or sent by registered mail or by facsimile transmission or by e-mail addressed to the person to whom delivery is required to be made at the last address for delivery appearing on the records of the Licensing Officer.
- (2) Where service is effected by registered mail, it shall be deemed to be made on the fifth day after the date of mailing, unless the person on whom service is being made establishes that he/she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the notice or order until a later date.

Changes in Information

17. (1) Every licensee shall notify the Corporation in writing within seven days after the event of any change in any of the information contained in the application form or in any material submitted with the application form.
- (2) Where a change has occurred in the name or business name of a licensee, the licensee shall attend within seven days of the date of the change at the office of a Licensing Officer to have the licence and licence records amended accordingly.

Issue of Licence

18. (1) Where an application for an owner's licence is made in accordance with the provisions of this by-law and the applicant meets all the requirements of this by-law, a Licensing Officer shall issue a licence and an owner's plate both of which shall set out the expiry date of the licence and the applicant shall thereby be licensed.
- (2) Where an application for a driver's licence is made in accordance with the provisions of this by-law and the applicant meets all the requirements of this by-law, a Licensing Officer shall issue a licence which shall set out the expiry date of the licence and the applicant shall thereby be licensed.

Renewal of Licence

19. (1) Every application for renewal of a driver's licence, or an owner's licence shall be delivered to the Corporation before the expiry of the term of the licence.
- (2) Where a driver's licence is renewable, a Licensing Officer shall issue a licence which shall set out the expiry date of the licence and the driver's licence is thereby renewed.
- (3) Where an owner's licence is renewable, a Licensing Officer shall issue a licence and an owner's plate or if applicable a licence sticker, all of which shall set out the expiry date of the licence and the owner's licence is thereby renewed.
- (4) No licence may be renewed more than sixty (60) days after the date upon which it expires.

Owner Lessee from Motor Vehicle Dealer or Leasing Company

20. Where the applicant for an owner's licence has leased a vehicle to be used as a tow truck from a vehicle dealership or leasing company, the owner's licence shall be issued in the applicant lessee's name provided and a copy of the lease shall be filed with the Corporation.

Term of Licence

21. (1) Every licence issued to a tow truck driver or owner shall expire on the 31st day of May in the calendar year following the calendar year in which it was issued.
- (2) Notwithstanding the provisions of subsection (1), a licence may be issued to a tow truck driver or tow truck owner at a time when the driver or owner has been charged with an offence under the provisions of this by-law and when the driver or owner has not yet been convicted or exhausted any appeals permitted by law, except that any such licence shall expire on the day that any such conviction is final when such conviction occurs during the licensing year.
22. Where the licensed owner is a corporation, the individual person holding the shares carrying at least 51% of the voting rights attached to all shares of the corporation, shall be deemed to be the owner.

Return of the Licence After Revocation or Suspension

23. (1) Where a licence has been revoked or suspended, the holder of the licence shall return the licence, and if applicable, the owner's plate to a Licensing Officer within twenty-four (24) hours of service of written notice of the decision of Council and, the Licensing Officer, may enter upon the business premises or vehicles of the holder of the licence for the purpose of receiving, taking, or removing the said licence and owner's plate.
- (2) No licence holder whose licence has been revoked or suspended shall refuse to deliver or in any way obstruct or prevent a Licensing Officer from obtaining the licence and owner's plate if applicable.

Right of Inspection of Licensed Premises or Vehicles

24. (1) A Licensing Officer may at any reasonable time enter upon and inspect the business premises or vehicles of any licensee to insure that the provisions of this by-law have been complied with, and a Licensing Officer on completion of an inspection shall complete a written report on the inspection.
- (2) Upon an inspection, the Licensing Officer is entitled to access to the invoices, vouchers, appointment books or trip sheets or like documents of the person being inspected provided such documents are relevant for the purposes of the inspection and the Licensing Officer may remove any of the aforementioned documents for the purpose of photocopying provided a receipt is given to the licensee and the documents are returned to the licensee within forty-eight (48) hours of removal.

Vehicle Inspection

25. (1) A Licensing Officer may require an owner to submit his/her tow truck for inspection at any time and at an appointed place and the owner shall submit each tow truck for inspection when required to do so by a Licensing Officer.
- (2) When a tow truck and its equipment have been examined by the Ministry of Transportation, a Licensing Officer or licensed mechanic and the tow truck or its equipment is found to be mechanically defective, neither the owner nor the driver shall operate the tow truck and the owner shall not permit the tow truck to be operated, until the tow truck has been reinspected and approved by the Ministry of Transportation or other inspecting authority.

- (3) When a tow truck is examined by the Ministry of Transportation or a licensed mechanic or by a Licensing Officer and a report states that the tow truck or equipment is dangerous or unsafe, the owner or driver shall remove and return to a Licensing Officer the owner's plate to be held until the owner delivers to the Licensing Officer either an annual inspection certificate or a safety standards certificate and the tow truck and the equipment are certified to be safe by the Ministry of Transportation or Licensing Officer.
- (4) When an owner is unable to obtain a Safety Standards Certificate issued under the *Highway Traffic Act* for the tow truck following an inspection, the owner shall remove and return to a Licensing Officer the owner's plate and the owner shall not operate the tow truck or permit the tow truck to be operated until he obtains and produces a Safety Standards Certificate or an annual inspection certificate and the tow truck and equipment are certified to be safe by the Ministry of Transportation or Licensing Officer.
- (5) Where the provisions of this by-law require an owner or driver of a tow truck to remove and deliver a licence and/or owner's plate to a Licensing Officer and the owner or driver fails to do so, the Licensing Officer may remove the licence and/or owner's plate.
- (6) Where the police have removed the permit and/or number plate issued by the Ministry of Transportation in respect of a tow truck, the police shall also remove the owner's plate.

Licence Production

26. Every person licensed under this by-law, when requested by a Licensing Officer, or a police officer shall produce his/her licence, photograph and other relevant documents as required.

II - OWNERS AND DRIVERS

Owner and Driver Duties

27. Every licensed owner and driver shall
 - (1) take due care of all vehicles and property delivered or entrusted to him/her for towing;
 - (2) comply with all reasonable instructions from the hirer;
 - (3) be civil and behave courteously;
 - (4) keep a permanent daily record of work performed by the tow truck owned or operated by him/her or on his/her behalf either in a continuous log sheet or by consecutively numbered bills or invoices showing
 - (a) the name and address of every hirer;
 - (b) a description of the vehicle towed or conveyed including the Provincial Motor Vehicle Permit number of any such vehicle;
 - (c) the rate charged, and,
 - (d) the total fee collected;
 - (5) keep every tow truck and its equipment clean, in good repair, free from exterior body damage with a well maintained exterior paint finish; and

- (6) before demanding payment for services, present to the hirer an itemized bill for the services setting out the cost of all services and equipment provided or to be provided on the basis of the rate set out in the tariff of rates filed by the owner with a Licensing Officer, or as set out in Schedule 2 under this by-law.

Owner and Driver Prohibitions

28. (1) Every licensed owner or driver shall operate or permit to be operated only a tow truck which has all of the following equipment in a good state of repair:
- (a) a winching or hoisting device of sufficient capacity to lift safely the vehicle to be towed;
 - (b) wheel lift or an underlift equipped and maintained in a manner to ensure the safe lifting and conveying of a vehicle to be towed.
 - (c) one device for securing the steering wheel of a vehicle;
 - (d) two dry chemical fire extinguishers having an effective total rating equivalent to at least 4-B C, and at least each weighing 2.27 kg (approximately 5 lbs.);
 - (e) a minimum of two tow safety chains having a minimum length of 2.7432 metres (approximately 9 feet) each with links of at least 7.9375mm steel (5/16 inches);
 - (f) four (4) safety pylons;
 - (g) an intermittent amber warning light system consisting of at least one light which would be clearly visible in all directions for a distance of least 100 metres (approximately 328 feet);
 - (h) a broom;
 - (i) a shovel;
 - (j) a general purpose first aid kit;
 - (k) a crowbar/prybar at least 152.4 cm (60 inches) in length;
 - (l) at least two wheel blocks;
 - (m) flares or reflector kits;
 - (n) wheel wrenches;
 - (o) light bar for a rear extension carrier;
 - (p) any other equipment as may be required under the *Highway Traffic Act*; and
 - (q) a dolly.
- (2) A licensed owner or driver shall not
- (a) interfere with any contract for hiring of a tow truck where a person has hired or has indicated his/her intention to hire a tow truck;

- (b) induce any person to employ or hire a tow truck by making any false representations to any person, including representations regarding the location of, or distance to, any place;
 - (c) use, or permit to be used, a tow truck which has been found to be unsafe or defective after examination and inspection as required under this by-law;
 - (d) demand or request payment for his/her services other than in accordance with the applicable schedule of rates filed with a Licensing Officer;
 - (e) demand, request or receive a drop fee;
 - (f) charge a hirer for time lost through defects or inefficiency of the tow truck, or the incompetence of the tow truck owner or driver;
 - (g) suggest or recommend to any hirer that any motor vehicle in respect of which his/her services are to be given or requested, be towed, conveyed, driven or delivered to any particular salvage yard, body shop, storage yard or any other public garage, building or place, unless he/she has been requested to do so by the hirer;
 - (h) permit a person to be a passenger in a tow truck, except under the following circumstances:
 - (i) the passenger is the hirer of the tow truck;
 - (ii) the passenger is either the spouse, son, daughter or parent or similar relation in law of the tow truck driver, and in such cases, the driver is not to solicit a tow, engage in any form of towing or have his or her tow truck within two hundred (200) metres (approximately 656 feet) of the scene of a collision nor shall the driver cause or permit his or her passenger to solicit a tow or take any actions to engage in any form of towing while the passenger is in the tow truck;
 - (iii) the passenger has been issued a temporary driver's licence and is receiving instructions on driver training as to the operation of a tow truck while a passenger.
- (3) Every licensed owner or driver shall operate or permit to be operated only a tow truck with a gross vehicle weight rating of at least 4,536 kg (10,000 lbs.) and a wrecker body.

III - DRIVERS

Driver's Duties

29. A licensed driver shall

- (1) drive the tow truck which is towing or otherwise conveying a vehicle by the most direct route to the destination requested by the hirer, and in the most expeditious manner, unless otherwise directed by the hirer;
- (2) drive the tow truck to a pound within the Town by the most direct route unless the hirer requests that the vehicle be delivered elsewhere;
- (3) clean up any debris, fragments of glass, vehicle parts or other materials (excluding loads dumped during the collision) and which may be a danger to the public from any highway or roadway prior to towing the vehicle from the collision scene;

- (4) be properly dressed, neat and clean in personal appearance; and
- (5) (a) retain all Towing Authorization Forms for at least ninety (90) days from the tow date indicated on the Towing Authorization Form and make them available for inspection upon request by a police officer, or a Licensing Officer;
- (b) where the hirer refuses to sign the Towing Authorization Form, the driver must indicate such on the form and retain this form for at least ninety (90) days from the tow date indicated on the Towing Authorization Form and make it available for inspection upon request by a police officer, or a Licensing Officer.

Driver Prohibition

- 30. (1) Where the request to tow a vehicle is from a hirer or where the tow is required as a result of a motor vehicle collision, the driver shall not commence to tow or otherwise convey or move any vehicles, hook, lift or connect the vehicle to the tow truck unless the tow truck driver has completed a Towing Authorization Form, provided the form to the hirer, and it has been dated and signed by the hirer and the driver has provided a copy thereof to the hirer;
- (2) A licensed driver shall not
 - (a) commence to tow or otherwise convey or move any vehicle, or hook, lift or connect the vehicle to the tow truck, or perform any other services unless first requested to do so by a hirer, or a police officer or any member of a municipal fire department, or any person authorized by law to direct the removal of the vehicle from private or public property;
 - (b) alter the Towing Authorization Form;
 - (c) stop, or park within two hundred metres (approximately 656 feet) of a collision location but this does not apply where the tow truck driver has been summoned to the location of the collision by one of the persons referred to in subsection (1) or where there are fewer tow trucks at the collision location than vehicles apparently requiring the services of a tow truck;
 - (d) ask or seek out a hirer or allow or direct an agent to ask or seek out a hirer, at a collision location or within two hundred metres (approximately 656 feet) of a collision location, where the actions of the driver or agent constitute a nuisance;
 - (e) tow or otherwise convey or move any vehicle which is to be towed outside the Town unless requested by the owner or operator of the vehicle or a police officer or member of the municipal fire department;
 - (f) drive or act as a driver unless the registered owner or where applicable, the lessee, of the tow truck is licensed under this by-law,
 - (g) commence to drive or act as a driver for any registered owner or, where applicable, any lessee, without first providing the Licensing Officer with a letter from that person stating that the owner or, where applicable, the lessee consents to the driver operating his licensed tow truck(s), or
 - (h) remain at the scene of a tow after a police officer at the scene has requested that the driver leave the scene immediately.

IV - OWNERS

Trainees-Training Instruction

31. (1) Where a person who is permitted to be a passenger pursuant to this by-law is receiving instructions on driver training such passenger shall not be
- (a) trained for more than one thirty-day period commencing from the date that the application for a driver's licence was submitted to a Licensing Officer;
 - (b) permitted more than one such thirty-day training session regardless of the number of applications for a driver's licence the applicant may have made to a Licensing Officer; or
 - (c) a nuisance, or hindrance or such passenger shall not create a disturbance while in the process of receiving such training.
- (2) Where an application for a driver's licence has been submitted to the Licensing Officer, and where the applicant for such driver's licence will be receiving instructions on driver training from the licensed owner, the Licensing Officer shall issue a trainee licence which shall expire thirty (30) days from the date that the application is submitted and is completed within the provisions of this by-law.
- (3) No person shall be a passenger in a tow truck who is receiving instructions on driver training prior to the issuance of a thirty (30) day trainee licence.
- (4) No person shall instruct, or permit to be instructed, a passenger on driver training prior to the issuance of a thirty (30) day trainee licence.

Owner Duties

32. A licensed owner shall
- (1) immediately notify a Licensing Officer in writing when he/she gives possession and control of the tow truck for which he/she is licensed under this by-law to another person or permits the use of said tow truck by another person other than through a bona fide contract of hiring for a period greater than one day;
 - (2) charge the rates for services permitted by the provisions of this by-law;
 - (3) file with a Licensing Officer a schedule of rates to be charged to hirers for the towing or other conveyance of vehicles and for other services offered or to be performed by him/her or his/her driver for towing services other than collision towing;
 - (4) charge the rates, as set out in the schedule of rates filed with a Licensing Officer for towing and for services other than collision towing;
 - (5) keep in the tow truck and show to the hirer a copy of a tariff card showing the Schedule 2 rate, the applicable schedule of rates filed with a Licensing Officer in accordance with this by-law, and also showing, if applicable that the hirer may be charged additional fees for storage by the operator of any storage facility or business to which the hirer's vehicle is to be towed;
 - (6) in the carrying out of his/her business use only stationery, forms, bills, invoices, statements and any other printed or written advertising material including any published advertisement in a newspaper, periodical, directory or other publication, which has printed therein in clearly legible figures and letters his/her name and address;

- (7) retain for a period of sixty (60) days copies of all advertising matter used by him/her and shall produce the same to a Licensing Officer if and when requested;
- (8) have attached to or painted on both sides of the body of the tow truck in a location approved by a Licensing Officer, in letters and figures not less than eight centimetres (approximately three inches) in height the name and telephone number of the business as shown on the owner's licence, and where the owner owns more than one truck a number identifying each tow truck;
- (9) only use the service of a tow truck driver who is licensed as a driver under this by-law;
- (10) have affixed to the tow truck in a location approved by a Licensing Officer the owner's plate issued for that tow truck;
- (11) notify forthwith a Licensing Officer in writing of the particulars of such agreement or arrangement to transfer possession and control of a tow truck for which he/she has an owner's plate to another person and where such agreement or arrangement is in writing shall file it with a Licensing Officer;
- (12) give written notice of the sale or other disposition of a tow truck to a Licensing Officer within seven (7) days of any such sale or disposition,
- (13) accept full responsibility for the acts and omissions of any driver or other employee to the extent that any such acts or omissions do not comply with the provisions of this by-law, and
- (14) ensure that all information and requirements of this by-law are made known to and adhered to by any driver or other employee of the owner.

Owner Prohibition

33. No owner shall

- (1) permit any owner's plate issued to him/her under this by-law to be affixed to any tow truck, other than the tow truck for which the licence was issued under this by-law; or
- (2) alter or amend the schedule of rates filed with a Licensing Officer without first giving at least thirty 30 days written notice to a Licensing Officer.

Schedule of Rates

34. (1) The schedule of rates filed with a Licensing Officer for all types of towing, except collision towing and towing set out in sec 37(2) shall be based only on the following factors or a combination thereof:
 - (a) Time:
 - (i) time required to reach location after hiring;
 - (ii) time required to perform services;
 - (iii) standby time;
 - (b) Distances:
 - (i) distance to travel to reach location after hiring;
 - (ii) distance vehicle is towed or conveyed;

- (c) Additional Services:
 - (i) changing more than one wheel;
 - (ii) disconnecting drive shaft;
 - (iii) up righting overturned vehicle;
 - (iv) moving vehicle to towing position;
 - (v) opening locked vehicles without keys;
 - (vi) provision and use of dolly; and
 - (vii) other specified services where a fee is charged.
- (2) Where rates vary according to time of day or geographical zones or a combination of different factors, the exact formula for determining the rate shall be set out in the schedule of rates filed with a Licensing Officer.
- (3) An owner and driver of a tow truck shall charge only those fees in accordance with the schedule of rates filed with the Licensing Officer.
- 35. Notwithstanding the provisions of any other section of this by-law, where an estimate is given to the hirer of the cost of services or equipment to be provided by a tow truck owner or driver, the charge to the hirer shall not exceed the charges indicated in the schedule of rates filed with a Licensing Officer under this by-law or the amount of the estimate, which ever is lower.
- 36. The provisions of this by-law do not prohibit the owner of a tow truck from entering into a written agreement with an automobile association, motor league, a government, government agency or local board thereof, or any limited corporation, for the provision of towing services (described as a "towing contract") provided that the tow truck owner provides a copy of all such towing contracts to a Licensing Officer prior to supplying any services thereunder.
- 37. Notwithstanding the provisions of sections 34, 35 and 36, the driver and owner who offers to tow a passenger vehicle, light van or truck not exceeding 6000 pounds (3000 Kg) in towing weight, shall charge only the following all inclusive fee and shall not charge any other service fee except applicable federal and provincial taxes:
 - (1) the Collision Tow Rates set out in Schedule 2 where the tow of a vehicle is the result of a collision, or
 - (2) a maximum tow rate of \$100.00 where the tow of a vehicle is the result of mechanical failure, an impairment of a driver, a police seizure, a vehicle fire not involving a collision, or other similar cause.

New and Replacement Vehicle Approval

- 38. An applicant for an owner's licence or an owner licensed under this by-law who disposes of the tow truck or otherwise ceases to use his/her tow truck for the purpose permitted under this by-law, shall before using the newly acquired replacement tow truck under this by-law
 - (1) attend before a Licensing Officer and produce a copy of the current motor vehicle permit in good standing issued by the Ministry of Transportation issued in the plate owner's name, owner's licence, a copy of the current Ontario Standard Insurance Policy endorsed to show the change of vehicle;
 - (2) if an applicant, submit the newly acquired tow truck for inspection and approval by a Licensing Officer forthwith;

- (3) if a licensed owner, submit the newly acquired tow truck for inspection by a Licensing Officer within 24 hours of replacement;
- (4) produce and file with a Licensing Officer either
 - (a) an Ontario Ministry of Transportation Vehicle Inspection report showing that the tow truck has been accepted within the previous sixty (60) days of the date of the application to the Licensing Officer, or
 - (b) a Safety Standard Certificate issued under the *Highway Traffic Act* within the previous sixty (60) days of the date of the application to the Licensing Officer; and
- (5) before using the newly acquired replacement tow truck, and immediately after obtaining approval from a Licensing Officer, file with a Licensing Officer all documents required to report the change.

V - POLICE

- 39. The police shall have the power of a Licensing Officer under sections 24, 25, 26, 29 and 32 of this by-law.

VI - PENALTY

- 40. Any person who contravenes any provision of this by-law is guilty of an offence and on conviction under the *Provincial Offences Act* liable to a fine of not more than \$5,000.00.

VII - REPEAL

- 41. By-law 2005-49 is hereby repealed.


VIII - SHORT TITLE

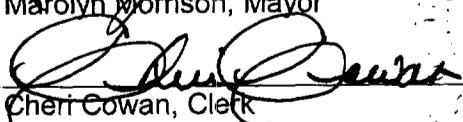
- 42. This by-law shall be known as the "Tow Truck Licensing By-law".

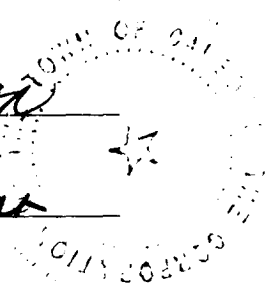
READ A FIRST, SECOND AND THIRD TIME

AND PASSED IN OPEN COUNCIL


THIS 17th DAY OF MAY 2005


 Marilyn Morrison, Mayor


 Cheryl Cowan, Clerk



**SCHEDULE 1
to By-law 2005-92**

Permission to tow a vehicle Towing Authorization Form	 TOWN OF CALEDON	Town of Caledon Legal Services 6311 Old Church Road Caledon East, ON L0N 1E0 (905) 584-2272 Fax (905) 584-4325
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In accordance with the Municipal By-laws, the owner/operator of the vehicle to be towed from the collision scene (or a police officer in the absence of the owner/operator) and the authorized Tow Truck Operator **MUST BOTH SIGN THIS FORM** before the commencement of the tow and distribute as indicated below.

The personal information on this form is collected pursuant to Section 150 of the *Municipal Act* and will be used in connection with towing of vehicles from a collision scene. Questions about the collection of personal information should be directed to the Town of Caledon Freedom of Information Co-ordinator, 6311 Old Church Road, Caledon East, ON L0N 1E0. Telephone (905) 584-2272.

1. Completed by vehicle owner or driver and tow truck driver
This permission is for towing only and is in no way approval to initiate repairs.

I, _____, have authorized the said named tow truck driver to tow my vehicle bearing Provincial Permit number _____ to the location of _____ at the inclusive Collision Tow Rate (shown to me and as set out in the Town of Caledon Tow Truck Licensing By-law).

Collision tow charge: \$ _____ Additional Charges (if applicable)\$ _____ Per Km charge (if applicable) \$ _____

2. Completed by tow truck driver

Date _____ Caledon Driver's Licence # _____
 Driver's Name _____ Municipal Plate _____
 Tow company _____
 Collision location _____
 Pound location _____

NOTE: In the event that the vehicle cannot be towed directly to a location of vehicle owner/operator's choice, the tow truck driver must disclose in advance any additional charges as set out in the tariff of rates as filed with the municipality.

Storage charge (per day): \$ _____ Re-hook Charge \$ _____ Per KM charge \$ _____

3. Permission to tow the vehicle – must be signed by all parties

Signature (Vehicle Owner/Operator)	Signature (Tow Truck Driver)
Date	Date
Police Signature - in absence of owner/operator	

Vehicle Owner Survey

Your feedback is important to us. Your answers and comments will help us serve you better in the future.

Date of tow _____ Vehicle towed from _____

1) How would you rate the service of the tow truck driver?	Low 1 2 3 4 5 High
2) Did the driver show you the Tow Rate Sheet?	Yes <input type="checkbox"/> No <input type="checkbox"/>
3) Did the driver explain the options to you?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4) Any additional comments?	

 Name (optional) _____
 Daytime phone no. (optional)

White – Vehicle Owner/Operator	Pink – Tow Truck Driver	Yellow – Police
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SCHEDULE 2
to By-law 2005-92

COLLISION TOW RATES

1.	An owner and driver of a tow truck who offers to tow a passenger vehicle, light van or truck not exceeding 6000 pounds (3000 kg) in towing weight, shall charge:	\$200.00
2.	Where the vehicle to be towed is off the traveled portion of the roadway and off the shoulder, the owner and driver of a tow truck may charge an additional fee of:	\$ 90.00
3.	Where it is necessary to have a second tow truck to assist in removing the vehicle as determined by a police officer, the owner and driver of the tow truck may charge an additional fee of:	\$ 90.00
4.	A collision tow rate (a) applies only when a disabled vehicle is towed as a result of a collision, and (b) does not apply when the vehicle is towed as a result of a mechanical failure, an impairment of a driver, a police seizure, a vehicle fire not involving a collision or other similar cause. (c) The presence of a police officer at the scene of a tow does not define or classify the tow as a collision tow where collision tow rates may be charged.	