

## OFFICE CONSOLIDATION

*This is a consolidation of the Town's by-law to provide for the licensing and regulation of various businesses in the Town of Caledon being By-law Number 2013-127 as amended by By-law numbers 2014-091, 2015-007, 2016-112, 2017-30 and 2018-31 prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of the by-law. Official versions of all by-laws can be obtained from the Town Clerk by calling (905) 584-2272. If there are any discrepancies between this consolidation and By-laws 2013-127, 2014-091, 2015-007, 2016-112, 2017-30 and 2018-31 shall prevail.*

### THE CORPORATION OF THE TOWN OF CALEDON

#### BY-LAW NO. BL-2013-127

A by-law to provide for the licensing and regulation of various Businesses in the Town of Caledon and to repeal certain by-laws

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes Councils of municipalities to pass by-laws respecting business licensing, and to provide for a system of licences with respect to a business, including any business wholly or partly carried on within the municipality;

[By-law 2016-112 effective Jan 1/17] AND WHEREAS Section 446 of the *Municipal Act 2001*, S.O. 2001, c.25 authorizes a municipality to require a person to do a matter or thing and in default of it being done by the person directed or required to do it, the matter or thing shall be done at the owners expense and add the cost of the tax roll;

AND WHEREAS the Council of The Corporation of the Town of Caledon deems it desirable to enact a by-law to provide for a system of licences;

AND WHEREAS the Council of The Corporation of the Town of Caledon deems it necessary to repeal existing licensing by-laws;

NOW THEREFORE the Council of The Corporation of the Town of Caledon hereby enacts as follows:

#### DEFINITIONS

1. For the purposes of this by-law:

“**applicant**” means a person applying for a Licence under this by-law;

“**business**” includes a trade or occupation;

“**Committee**” means Council or a committee or tribunal established by the Council of The Corporation of the Town of Caledon to conduct one or more hearings under the provisions of this by-law;

“**driver**” means a person who is licensed to drive a Vehicle pursuant to this by-law;

“**highway**” has the same meaning as defined by the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;

“**issuance**” means issuance of a Licence pursuant to this by-law and shall include renewal of a Licence;

“**licence**” means an authorization under this by-law to carry on the Business specified therein and the document providing evidence of such authorization, as the context may allow;

“**licensee**” means the holder of a Licence;

“**licence issuer**” means the person or persons appointed by by-law to issue Licences and to perform any of the powers or duties of the Licence Issuer under this by-law;

“**licensed premises**” includes premises for which a Licence application has been issued;

**“Medical Officer of Health”** means the Medical Officer of Health for The Regional Municipality of Peel, duly appointed under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended, and includes his or her designate or an inspector acting on his or her behalf;

**“officer”** includes a municipal by-law enforcement officer, public health inspector, fire safety officer, police officer, Ministry of Transportation Enforcement Officer, building inspectors or other person that Council for the Town may designate by by-law;

**“operator”** means an individual Person, other than an Owner, who, alone or with others, operates, manages, supervises, runs or directs a Business on an ongoing basis or from time to time, or who exercises control over an Business on behalf of the Owner and includes a Driver;

**“owner”** means a person who alone or with others has the right to possess or occupy a Business or actually does possess or occupy a Business and includes a lessee of a Business or Premises upon which a Business is located;

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

**“passenger”** means any person other than a Driver or Operator in any Vehicle that is licensed in accordance with this by-law.

**“permit”** means the Licence or certificate issued pursuant to provincial or other government legislation;

**“person”** includes an individual, partnership, corporation, company, firm, association and includes the successors, assigns, heirs, executors, administrators, or other legal representative of a Person according to the context;

**“premises”** means land including any and all buildings or structures thereon;

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

**“roadway”** means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder;

**“Town”** means The Corporation of the Town of Caledon;

**“Town Hall”** means the Town of Caledon Administrative Office located at 6311 Old Church Road in Caledon East;

**“vehicle”** has the same meaning as defined in the *Highway Traffic Act*;

## **GENERAL REGULATIONS**

2. (1) No Person shall conduct, operate or maintain within the Town of Caledon any Business listed in Schedule “A” of this by-law, unless he/she has obtained from the Town a Licence authorizing him/her to carry on the Business.
- (2) This by-law shall apply to any Business operating within the Town of Caledon even if carried on from a location outside the boundaries of the Town.
- (3) No Licensee shall advertise or promote or carry on Business under any name other than the name endorsed upon the Licence issued by the Town.
- (4) No Person shall publish or cause to be published any representation that the Person is licensed under this by-law if the Person is not so licensed.
- (5) The issuance of a Licence pursuant to this by-law shall not relieve any Person from the necessity of acquiring any other licence, Permit or approval required for such activity by any governmental or public authority.
- (6) Every Person engaging in a Business for which a Licence is required under the terms of this by-law shall comply with all applicable statutes, regulations and by-laws.

## **ADMINISTRATION**

3. The Licence Issuer shall, subject to the provisions of this by-law:
  - (1) receive and process all applications for Licences and renewal of Licences to be issued in accordance with this by-law;
  - (2) circulate each application to any relevant agency or authority as well as municipal and provincial police services for comment;
  - (3) make such inquiries and inspections and obtain and review such information and documents relevant to the application, as the Licence Issuer considers necessary for the proper processing of the application and to determine whether an Applicant meets the requirements of this by-law and all other applicable laws;
  - (4) renew the Licences of Persons who meet the requirements of this by-law; and
  - (5) perform all other duties and responsibilities and exercise all powers imposed or conferred upon him or her by this by-law.

## **APPLICATION REQUIREMENTS**

4.
  - (1) Every Person licensed under this by-law must be entitled to work in Canada.
  - (2) The provisions of Subsection 4(1) do not apply to a Corporation.
5. Every application form shall include a requirement that the Applicant provide at least the following information:
  - (1) the name and address of the Applicant;
  - (2) the address of the Applicant and of the intended Licensee to whom the Town or its licensing section may send or deliver any notice or other document required or authorized by law;
  - (3) the municipal address of the Premises or place in respect of which a Licence is sought where a Business licensed or required to be licensed is or is intended to be carried on;
  - (4) the name and address of the Owner of any Premises or place in which any such Business is carried on or is to be carried on;
  - (5) any trade or Business name or description used or to be used in relation to the Business; and
  - (6) the telephone number of such Business and/or the e-mail address of such Business.
6. 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.
7. Every Person at the time of making application for a Licence shall attend in person at Town Hall and provide:
  - (1) a completed application form in the form approved by the Licence Issuer;
  - (2) the fee set out in the Town's Municipal Act Fees By-law;
  - (3) Business name registration, if applicable;
  - (4) if a corporate Applicant, a certified copy of a Corporate Profile Report dated within 60 days of application; and
  - (5) if the Applicant is a registered partnership, a copy of the registered declaration of partnership.
8. Acceptance of the application and the Licence fee by the Town shall not represent approval of the application for the Issuance of a Licence nor shall it obligate the Town to issue such Licence.

## **INSURANCE**

9. Every Applicant and Licensee shall obtain and maintain the appropriate insurance throughout the term of the Licence, in accordance with the specific requirements set out in the schedule to this by-law applicable to the type of Licence.
10. A Certificate of Insurance, in a form approved by the Licence Issuer, shall be provided at the time application is submitted and from time to time upon request of the Licence Issuer as evidence of the required insurance coverage and naming The Corporation of the Town of Caledon as an additional insured.
11. The Licensee shall give the Town at least twenty (20) days' prior written notice of the cancellation or variation of the policy.
12. A Licensee shall file the renewal insurance policy with the Licence Issuer at least five days prior to the expiry date of the current insurance policy.
13. When a Licensee cancels his current insurance policy before the expiry date of the policy, the Owner must produce a Certificate of Insurance indicating the newly acquired insurance, properly endorsed in accordance with the provisions of this by-law, or return the Licence to the Licence Issuer on the date and time of the cancellation.
14. When a licensed Owner of a Vehicle ceases to have a current and valid Ontario Standard Automobile Insurance Policy in good standing and properly endorsed in accordance with the provisions of this by-law, the Licence shall be deemed to be suspended as of the date of the expiry of the insurance policy, and the Licence shall only be reinstated upon delivery to the Licence Issuer written proof of insurance in accordance with the provisions of this by-law.

## **PREMISES**

15. The Owner of Premises within the Town of Caledon that are used or intended to be used for a Business shall meet the requirements of the applicable Zoning By-law.

## **LICENCES RELATED TO VEHICLES**

16. Every Applicant for a Driver or Operator Licence, except an operator of a non-motorized Vehicle, shall hold a current valid Driver's Licence which is in good standing and of an appropriate class for the vehicle to be driven.
17. In addition to the requirements of Section 16, the Licence Issuer may at any time require an Applicant or Licensee of a Driver or Operator Licence to provide to the Licence Issuer the original of a current Driver's abstract, dated within sixty (60) Days of the date of the application for a Driver's Licence or the request of the Licence Issuer made under this by-law.
18. Every Driver or Operator, if not the registered owner of the licensed Vehicle to be driven must provide the Licence Issuer with a letter from the registered Owner or lessee stating that the Owner or, where applicable, the lessee consents to the Driver operating his/her licensed Vehicle.
19. Every Applicant for Owner Licence in respect of a Vehicle Licence shall provide current, valid proof of ownership of the Vehicle(s) to be licensed and in the case of a leased Vehicle(s), the Applicant shall provide the Licence Issuer with a copy of a lease agreement between himself and the Vehicle's Owner.

## **TERM OF LICENCE**

20. A Licence is valid until it expires or is revoked, suspended or cancelled.

## **CALCULATION OF FEE**

21. When an initial application for a Licence for a new Business is received during the Licence term:
  - (1) a pro-rated fee may be calculated for every month remaining in the term of a Licence until the expiry date but a minimum payment of one quarter of the yearly fee shall apply;
  - (2) a part of a month shall count as a full month; and
  - (3) every Licence renewed or issued thereafter shall be subject to the full annual fee as prescribed in the Town's Municipal Act Fees By-law.

## **NOTIFICATION OF CHANGE**

22. A Licensee shall notify the Licence Issuer within seven (7) days of any change of name, address or any other information related to the Licence and obtain an amended Licence.
23. Where the Licensee is a corporation or partnership, the Licensee shall notify the Licence Issuer of any change in the names and addresses of partners, officers and directors, the location of the corporate head office, and the name under which the Business operates within seven (7) days of the change, and if necessary, the Licence shall be returned immediately to the Licence Issuer for amendment.

## **LICENCE NON-TRANSFERABLE**

24. A Licence issued by the Town is not transferable and the application fee is non-refundable.
25. Every Licence shall remain at all times the property of the Town and no Person shall enjoy a vested right in any Licence or the continuance of any Licence.
26. Unless provided otherwise in this by-law a Person who is the Owner of more than one Vehicle or Premise shall take out a separate Licence for each Vehicle or Premise owned by him that is to be licensed in accordance with the provisions of this by-law.
27. The plate issued to an Owner for a Vehicle shall only be affixed to the Vehicle to which the plate was assigned.

## **RENEWAL OF LICENCE**

28. The Applicant for a renewal of a Licence shall deliver the renewal to the Licence Issuer before the expiry date of the current Licence.
29. 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 Licence Issuer 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.
30. In respect of an application for renewal of a Licence, the Licensee shall return the Licence from the previous year and, when required by a Licence Issuer, the Owner's Plate from the previous year shall be returned to a Licence Issuer.
31. The Licence Issuer shall issue a renewal Licence to the Applicant where the Applicant has met all of the applicable requirements of this by-law.
32. Any Licence renewed more than sixty (60) Days after the date upon which it expires shall be subject to a late fee if an inspection is required for renewal.

## **POSTING OF LICENCE**

33. (1) Every Licensee shall post its Licence issued pursuant to this by-law in a conspicuous place on the Licensed Premises or in a licensed vehicle clearly visible to the public.  
  
(2) Where the Licence does not pertain to particular Premises, the Licensee shall keep the Licence with him at all times while carrying out the Licensed Business and shall produce the said Licence to any Person who requests it.
34. Every Person licensed under this by-law, when requested by the Licence Issuer or an Officer, shall immediately produce the Licence issued under this by-law and other relevant documents required under this by-law.

## **RESPONSIBILITY OF LICENSEE**

35. When a Licence or Owner's Plate is defaced, destroyed or lost, the Licensee shall apply to the Licence Issuer for a replacement and, on payment of the appropriate fee under the Town's Municipal Act Fees By-law, a Licence Issuer shall issue a replacement Licence indicating that it is a duplicate Licence or Owner's Plate as required.

## **ADMINISTRATIVE SUSPENSIONS**

36. An administrative suspension of a Licence without a hearing may be imposed for up to fourteen (14) days if the Licence Issuer is satisfied that the continuation of the Business poses an immediate danger to health or safety of any Person or to any property.
37. Before any administrative suspension is imposed, the Licence Issuer shall provide written notice to the Licensee by personal delivery, registered mail, e-mail or facsimile of:
- (1) the reasons for the suspension;
  - (2) the proposed start date of the suspension; and
  - (3) the proposed length of time of the suspension; and
- shall provide the Licensee with an opportunity to respond to the notice of suspension in writing to the Licence Issuer within three (3) business days of the service of the notice.
38. A Licence Issuer may impose conditions on the administrative suspension as the Licence Issuer considers appropriate.
39. The Licence Issuer shall reinstate any Licence which has been suspended upon satisfactory proof that the requirements stated in the written notice of administrative suspension have been met.

## **GROUND FOR REFUSAL, SUSPENSION OR PLACING OF CONDITIONS UPON A LICENCE**

40. The Licence Issuer may refuse to grant a Licence or, to grant a renewal of a Licence, or may suspend or revoke a Licence upon one or more of the following grounds:
- (1) there are reasonable grounds to believe that an application or other document provided to the Licence Issuer by or on behalf of an Applicant contains a false statement or provides false information;
  - (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 or officer of the corporation, if the Applicant is a corporation, affords reasonable grounds to believe 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;
  - (3) there are reasonable grounds to believe 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 By-law requirements;
  - (4) the financial position or history of the Applicant or any one or more of the persons referred to in Subsection 40(2) affords reasonable grounds to believe that the Business will not be carried on in a financially responsible manner;
  - (5) there are reasonable grounds to believe that the application does not meet all the requirements of this by-law, or that the Business is carried on or intended to be carried on in an area of Town of Caledon where such Business is prohibited by law from being carried on, or in respect of which the issuing of a Licence in respect of the Business is not permitted by this by-law;
  - (6) there are reasonable grounds to believe that the building, Premises, place or Vehicle in which the Business is carried on or intended to be carried on does not comply with the provisions of this by-law, or with any other law, including any applicable building requirements, or is dangerous or unsafe;
  - (7) the past or present conduct of the Applicant or of any one or more of the persons referred to in Subsection 40(2) affords reasonable grounds to believe 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;
  - (8) the fee payable in respect of the Licence applied for has not been paid;

- (9) where information provided to the Town by or on behalf of the Applicant or Licensee, whether oral or in writing, has ceased to be accurate, and the Applicant or Licensee has not provided up-to-date accurate information to the Licence Issuer sufficient to allow the Licence Issuer to conclude that the Licence should be granted or maintained as valid and subsisting;
  - (10) the Applicant does not comply or ensure compliance with any condition imposed under this by-law upon the Business or upon the Licensee, as a requirement of obtaining, continuing to hold or renewing a Licence;
  - (11) where the records required by this by-law and its schedules are not maintained;
  - (12) where the grounds for an administrative suspension have not been rectified within fourteen (14) days;
  - (13) where any Licence has been under suspension for a period in excess of 120 days;
  - (14) where no valid applicable provincial or federal licence required to operate the Business is in place;
  - (15) an applicant or licensee has failed to pay any outstanding fines previously imposed under this by-law;
  - (16) where the Owner or Operator has failed to maintain the insurance set out in this by-law for the Business being licensed; or
  - (17) two substantiated complaints have been received by the Licence Issuer in one a one year period regarding the Owner, Operator or Broker applying for a Licence or Licence renewal.
41. In making a decision to refuse to grant or renew a licence or to suspend or revoke a licence, the Licence Issuer may be guided by the policy set out in Appendix A to this by-law.

#### **RIGHT TO A HEARING**

42. If the Licence Issuer refuses to issue or renew any Licence, or revokes or suspends any Licence, or imposes conditions on a Licence, the Licence Issuer shall notify the Applicant or Licensee that he may request that the Licence Issuer's decision be reviewed by Committee.
43. The Licence Issuer shall serve notice upon the Applicant or Licensee by personal delivery, registered mail, e-mail or facsimile to the Applicant's or Licensee's last known information filed with the Licence Issuer and the notice shall:
- (1) contain sufficient information to specify the nature of, or reason for, the Licence Issuer's decision;
  - (2) inform the Applicant or Licensee of his entitlement to a hearing before Committee if a request in writing for a hearing is returned to the Licence Issuer within thirty (30) days after the date of service of the notice; and
  - (3) inform the Applicant or Licensee that if no written request is received, the application for a Licence or renewal of a Licence may not be granted, conditions may be imposed, or the Licence may be suspended or revoked and the Applicant/Licensee will not be entitled to any further notice with respect to the matter.
44. On receipt of a written request for a hearing from an Applicant or Licensee the Licence Issuer shall schedule:
- (1) a hearing before Committee; and
  - (2) shall give the Applicant or Licensee notice of the hearing at least twenty (20) days prior to the hearing date.
45. Where a Licence Issuer does not receive notice from an Applicant requesting a hearing, a Licence Issuer need not process the application further, and no further notice is required to be served upon the Applicant.

46. The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, shall apply to all hearings conducted under this by-law.
47. When an Applicant or Licensee who has been given written notice of the hearing does not attend at the appointed time and place, Council or a Committee may proceed with the hearing in his absence, make a decision and give notice of the decision to the Applicant or Licensee.
48. At a hearing, Council or a Committee may:
  - (1) issue or deny the Licence;
  - (2) issue the Licence with conditions;
  - (3) revoke a Licence;
  - (4) suspend a Licence; or
  - (5) cancel a Licence.
49. The Licence Issuer shall send written notice of the decision of Council or a Committee by registered mail, personal delivery, e-mail or facsimile to the Applicant or Licensee within five (5) days of such decision.

#### **SUSPENSION OR REVOCATION OF LICENCE**

50.
  - (1) When Committee has revoked, suspended, or cancelled a Licence, the Licensee shall return the Licence to the Licence Issuer within two (2) days of service of the notice of decision of Committee.
  - (2) No Person whose Licence has been revoked or suspended shall refuse to deliver the Licence to the Licence Issuer or in any way obstruct or prevent the Licence Issuer or Officer from receiving or taking the same.
  - (3) The Licence Issuer or Officer may enter upon the Licensed Premises of the Licensee for the purpose of receiving, taking or removing the said Licence.
51. A suspension shall remain in force until such time as the Licensee has satisfied the Licence Issuer as to the Licensee's compliance with this by-law.
52. Where a Licence has been revoked or suspended, the Licence Issuer shall not refund of any fee paid under this by-law.
53. No Person shall engage in or continue to conduct, or permit any Person to engage in or continue to conduct any Business for which a Licence is required under the terms of this by-law, while such Licence is suspended or revoked.

#### **NOTICE**

54. Any notice required to be given by the Town under this by-law shall be deemed to be sufficiently given if delivered personally, sent by registered mail, facsimile transmission or e-mail addressed to the Person to whom the delivery is required to be made at the last address for delivery appearing on the records of the Licence Issuer. Notice given by registered mail shall be conclusively deemed to have been given and received on the seventh (7th) day after the date upon which it was mailed. Notice delivered personally, by facsimile or by e-mail shall be conclusively be deemed to have been given and received at the time of such delivery.

#### **TERMS AND CONDITIONS ON LICENCE**

55. The Licence Issuer may impose conditions as a requirement of obtaining, continuing to hold or renewing a Licence under this by-law.
56. The Licence Issuer may also impose special conditions on a Business in a class as a requirement of obtaining, continuing to hold or renewing a Licence under this by-law that have not been imposed on all of the Businesses in that class, upon such grounds as are set out in Section 57 of this by-law.

57. The Licence Issuer may impose conditions, including special conditions, on the following grounds:
- (1) the Licensee has failed to comply with any provision of this by-law;
  - (2) it is determined to be in the public interest to impose such conditions, including, but not limited to, public health and safety reasons; and
  - (3) it is determined that the conduct of any Person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the Person will not carry on or engage in the Business in accordance with the law or with honesty and integrity.

#### **TERM OF LICENCE**

58. (1) Every licence issued in accordance with this by-law shall expire on the corresponding date noted in Schedule "A" to this by-law following the date that the Licence was issued, in respect of the type of licence issued.
- (2) Notwithstanding the provisions of Subsection 58(1), a Licence may be issued to an Applicant at a time when the Applicant has been charged with an offence under the provisions of this by-law or other applicable law and when the Applicant 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.

#### **INSPECTION OF VEHICLES**

59. The Licence Issuer or Officer shall give notice to the licensed Owner of one mandatory inspection a year for each Vehicle that is licensed to ensure that the provisions of this by-law have been complied with, and, on completion of such inspection, shall complete and file a written report on the inspection.
60. The Licence Issuer or Officer may require that the Owner submit the Vehicle for a random inspection at a time and place specified by the Licence Issuer to verify compliance with the requirements of this by-law.
61. (1) If the Driver does not attend a mandatory inspection, or a random inspection, the Owner shall pay the missed inspection fee as set out in the Town's Municipal Act Fees By-law, as amended.
- (2) The Officer or Licence Issuer shall suspend the Owner's Licence until the fee is paid and the Vehicle has passed the mandatory inspection or random inspection.
62. For the purpose of an inspection required under this by-law, the Owner shall submit the Vehicle for inspection by the Officer during normal business hours.

#### **POWERS OF ENTRY**

63. An Officer may enter on Licensed Premises or Vehicles at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are complied with:
- (1) the provisions of this by-law;
  - (2) a direction or order made under this by-law;
  - (3) a condition of a Licence issued under this by-law;
  - (4) an order made pursuant to Section 431 of the *Municipal Act, 2001*, as amended.
64. For the purposes of an inspection, an Officer may:
- (1) require the production for inspection of documents or things relevant to the inspection;
  - (2) inspect and remove documents or things relevant to the inspection for the purposes of making copies or extracts;
  - (3) require information from any Person concerning a matter related to the inspection; or

- (4) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
65. Upon an inspection, the Licence Issuer or Officer is entitled to access the Business records of the Licensee including but not limited to 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 Licence Issuer or 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.
66. Upon completion of an inspection, the Licence Issuer or Officer shall complete a written report on the inspection.

## **ORDERS**

67. If an Officer finds that a contravention of the by-law has occurred, the Officer may issue:
  - (1) an order requiring the owner of land, the occupier of the land, the contravener or any person who permitted or caused the contravention to cease and discontinue the activity within the time specified in the order;
  - (2) an order requiring the owner of land, the occupier of the land, the contravener or any person who permitted or caused the contravention to do work to rectify the contravention within the time specified in the order; or
  - (3) both an order to discontinue the activity and an order to rectify the contravention to the owner of land, the occupier of the land, the contravener or any person who permitted or caused the contravention.
68. Every Person to whom an order is issued under this by-law shall comply with the order.

## **SERVICE OF ORDERS**

69.
  - (1) An order under this by-law shall be serviced on the owner of land, the occupier of the land, the contravener or any person who permitted or caused the contravention, as applicable.
  - (2) An order required to be service under this by-law may be served personally or by registered mail sent to the last known address of the person upon whom the order is to be serviced or to that person's agent for service.
  - (3) If the order is to be served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the order was not received until a later date.
  - (4)
    - (a) If the order cannot be serviced personally, by registered mail or by service on the person's agent for service, an Officer may post a copy of the order in a conspicuous place on the land and may enter on the land for this purpose.
    - (b) The posting of the order shall be deemed to be sufficient service of the order under this by-law.

## **GENERAL PROHIBITIONS**

70. No Person shall alter, erase or modify a Licence or allow the alteration, erasure or modification of a Licence.
71. No Person shall hinder or obstruct an Officer in the performance of his or her duties under this by-law.
72. Every Person to whom a Licence is issued under this by-law shall comply with the conditions of the Licence.
73. No Person shall use, or attempt to use either a fraudulent Licence or a Licence issued to another Person under this by-law.

74. No Person shall provide false or misleading information either in respect of an application or renewal of Licence or in respect of Business records requested by an Officer.

## **OFFENCES**

75. (1) Every Person who contravenes any provision of this by-law is guilty of an offence.
- (2) Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this by-law by the corporation is guilty of an offence.
76. A Person who is convicted of an offence is liable:
- (1) on a first offence, to a fine of not less than \$250.00 and to a fine of not more than \$50,000, and
- (2) on a second and each subsequent offence, to a fine of not less than \$500.00 and a fine of not more than \$100,000.00.
77. Every person who fails to comply with an order made by an officer or who permits or causes a contravention of any provision of this by-law is guilty of an offence and, on conviction, is liable to a fine of not less than \$500.00 and to a fine of not more than \$10,000.00 per day for each day or part of a day that the offence continues after the time given for complying with the order has expired or that the offence is permitted or caused to be continued.
78. A person who is convicted of multiple offences is liable for each offence included in the multiple offence, to a fine of not less than \$500.00 and to a fine of not more than \$10,000.00.
79. If a person convicted of an offence for contravening a provision of this by-law or an order made under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibit the continuation or repetition of the offence.

## **SEVERABILITY**

80. Should any provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part which is declared invalid.
81. The following Schedules and Appendices attached to this by-law form part of this by-law:

Schedule "A" – Businesses Requiring a Licence  
Schedule "B" – Adult Video Tapes, Magazines and Other Goods  
Schedule "C" – Scheduled Bus Service  
Schedule "D" – Refreshment Vehicles  
Schedule "E" - Taxicabs and Limousines  
Schedule "F" – Tow Trucks  
Schedule "G" – Donation Boxes  
Appendix "A" – Threshold Policy

[By-law 2016-112  
effective Jan 1/17]

## **REPEAL**

82. By-law 2002-164 (Adult Goods), 2005-92 (Tow Trucks), 2006-24 (Taxis), 2006-110 (Buses), 2010-62 (Tattoo/piercing), 2011-102 (Ice Cream Vehicles) are hereby repealed.
83. Notwithstanding Section 82, valid licences issued prior to the effective date of this by-law shall remain in effect until such time as the licence has been renewed under this by-law.
84. By-laws 74-34, 75-36, 78-59, 84-65, 2001-18 and 2006-16 are hereby repealed.

## **EFFECTIVE DATE**

85. This by-law shall come into force on the 1st day of January, 2014.

**TITLE**

86. This by-law shall be known as the Town of Caledon Licensing By-law.

**READ THREE TIMES AND FINALLY  
PASSED IN OPEN COUNCIL  
THIS 10<sup>th</sup> DAY OF DECEMBER, 2013.**

“Marolyn Morrison”  
Marolyn Morrison, Mayor

“Carey deGorter”  
Carey deGorter, Clerk

**Schedule "A"**

**BUSINESSES REQUIRING A LICENCE**

<b>Business</b>	<b>Licence Expiry</b>	<b>Regulations</b>
Owner and Operator - Adult goods, magazines and video tapes	November 30	SCHEDULE "B"
Scheduled Bus Service	October 3	SCHEDULE "C"
Owner and Operator – Refreshment Vehicles	April 30	SCHEDULE "D"
Taxicab or Limousine Broker, Driver and Owner	October 3	SCHEDULE "E"
Tow Truck Owner and Driver	May 3	SCHEDULE "F"
Donation Boxes	February 28	SCHEDULE "G"

## SCHEDULE "B"

### ADULT VIDEO TAPES, MAGAZINES AND OTHER GOODS

#### PART A

1. For the purposes of this Schedule:

**"adult area"** means an identifiable part of any premises, which part is used for the provision of:

- (i) adult videotapes;
- (ii) adult goods;
- (iii) adult magazines; or
- (iv) the showing or viewing of adult videotapes,

or any combination of any or all of the matters referred to in clauses (i), (ii), (iii) and (iv);

**"adult business"** means an adult entertainment parlour;

**"adult goods"** means goods appealing or designed to appeal to erotic or sexual appetites or inclinations, described as follows: dildos, vibrators and other masturbatory devices; toys, devices and novelties described or advertised as appropriate due to their sexual nature or use only for adults; clothing, devices and other goods advertised as related, or relating, to fetishism, or otherwise used for the satisfaction of sexual appetites or interests; goods generally referred to as "erotica"; any postcard, photograph or other pictorial photographic or graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involving or engaging in specified sexual activities, or by emphasis on the display of human specified areas; and any other goods referred to as "adult" in a sexual context, individually or in any combination thereof;

**"adult entertainment parlour"** means any premises or part thereof in which is provided, in pursuance of a business, Adult Goods, and defined in this by-law as an Adult Store;

**"adult magazine"** means any magazine, the content or cover of which is designed or held out as designed, to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities, or by emphasis on the display of human specified areas;

**"adult store"**, subject to subsection (2), means:

- (i) any Adult Videotape Store;
- (ii) any store used for the carrying on of the business of the provision of:
  - (a) Adult Videotapes;
  - (b) Adult Goods;
  - (c) Adult Magazines; or
  - (d) the showing or viewing of Adult Videotapes, or any combination of the matters referred to in paragraphs (a), (b), (c) and (d);
- (iii) any store in which Adult Videotapes, Adult Goods or Adult Magazines, or the showing or viewing of Adult Videotapes, or any combination of any or all of them, are provided in the pursuance of a business, and to which premises entry by persons under the age of 18 years is prohibited, or in respect of which premises it is advertised or notice is given that such entry is prohibited; or
- (iv) any store in which Adult Videotapes, Adult Goods or Adult Magazines, or the showing or viewing of Adult Videotapes, or any combination of any or all of them, are provided in the pursuance of a business, and in respect of which advertisement or notice is given, either by signs or other advertising devices on or in the premises, or otherwise, referring to "adult store", "adult-only store", "adult video store", "adult videotape store", "adult movies",

"adult magazines", or "adults only", or are otherwise described by words of like meaning, or other words indicating the availability of goods, services or entertainment having sexual content not suitable for minors;

**"adult videotape"** means any videotape the content or container of which is designed or held out as designed, to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject-matter distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities, or by an emphasis on the display of human specified body areas. In the absence of evidence to the contrary, a videotape classified by the Ontario Film Review Board as "restricted", with the added information piece "adult sex film", shall be deemed to be an Adult Videotape, while a videotape with any other such classification shall be deemed not to be an Adult Videotape;

**"adult videotape store"** means any premises:

- (i) subject to subsection (2), used for the carrying on of the business of the provision of Adult Videotapes; or
- (ii) in which Adult Videotapes are provided in the pursuance of a business and to which premises entry by persons under the age of 18 years is prohibited, or in respect of which premises it is advertised or notice is given that such entry is prohibited; or
- (iii) in which Adult Videotapes are provided in the pursuance of a business and in respect of which it is advertised, or notice is given either by signs or other advertising devices on or in the premises, or otherwise, that the premises are an "adult video store", an "adult videotape store", "adults only", or "adult video rental store", or are otherwise described by words of like meaning, or other words indicating the availability of goods, services or entertainment not suitable for minors;

**"drug"** or **"drugs"** shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes;

**"specified body areas"** means one or more of the following:

- (i) in the case of a female person, her nipples, and areolae; and
- (ii) in the case of all persons, the pubic, perineal, perianal areas, the genitals, anus, and the buttocks;

**"specified sexual activities"** means one or more of the following:

actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, sodomy, including bestiality, anal intercourse, oral sexual intercourse, direct physical stimulation of unclothed genital organs, and flagellation, bondage or torture in the context of a sexual relationship or activity;

**"to provide"** when used in relation to Adult Goods, means to sell, offer to sell or display for sale, by retail or otherwise, such goods;

**"to provide"** when used in relation to any videotape means to sell, offer to sell or display for sale, by retail or otherwise, or to rent, offer to rent or display for rental, whether or not the cost, fee or other consideration passes at the time of such rental or sale, or is effected through the cost of membership, subscription, admission or any other manner; and includes causing or permitting such provision;

**"videotape"** means any cinematographic film, videotape, disc, and any other medium from which may be produced visual images that may be viewed as moving pictures;

**"videotape store"** means any premises or part thereof in which videotapes are provided in the pursuance of a business, and includes an Adult Videotape Store.

2. (1) A business shall not be deemed to be an Adult Videotape Store or any other Adult Store by reason only of the definitions noted in Section 1 of this Schedule in respect of any Videotape Store or other store in which the provision of Adult Videotapes, Adult Magazines or Adult Goods, or the showing or viewing of Adult Videotapes, or any combination of them or any of them, respectively, is only incidental to the carrying on of the business of the provision and display of videotapes, magazines or goods respectively which are not Adult Videotapes, Adult Magazines or Adult Goods, respectively, but the regulations contained in this by-law relating to the placement and display of Adult Videotapes, Adult Magazines and Adult Goods, and to the prohibition of admission to all or part of the premises by persons under the age of 18 years, shall apply to all Videotape Stores and other stores.
- (2) Where an Owner operates his or her own Adult Business, he or she shall pay as the licence fee the combined amounts attributable to an Owner's Licence and an Operator's Licence.
- (3) Every Person operating any Adult Business shall be required to obtain a Licence pursuant to this by-law, and any number of Operators' Licences may be issued in respect of any particular Adult Entertainment Parlour.

### **DEFINED AREAS AND LIMITATION ON NUMBERS OF LICENCES**

3. (1) The area of the Town as shown on the map included as Part B of this Schedule, which Part shall be deemed to be part of this by-law, is an area in which up to two Adult Entertainment Parlours may operate, and no Adult Entertainment Parlour is permitted to operate in any other area in the Town.
- (2) In respect of the area defined in Part B of this Schedule, no Licence or Licences may be granted except as permitted in this Schedule, or in a greater number than those specified in this Schedule.
- (3) No Licence under this by-law shall be issued in respect of any business, which would cause the permitted number of valid Licences to exceed the number permitted under this by-law or in respect of premises in an area in which such business is not specifically permitted under this by-law.

### **APPLICATIONS FOR LICENCES**

4. In addition to the requirements of this by-law every Applicant for a Licence as an Owner or Operator of an Adult Business, and every Person applying for a Licence on behalf of a corporation or partnership, shall:
  - (1) submit with the application a passport-sized (minimum measurements 7.5 cm x 6.4 cm) facial photograph of such Person, taken within the previous six months, which shall be affixed to or accompany the application and be maintained in the files of the Licence Issuer.
  - (2) Provide proof of general commercial liability insurance in a minimum amount of \$1,000,000 in accordance with Sections 10 to 14 of this by-law
5. (1) Every agreement or arrangement between an Owner and an Operator of an Adult Business pertaining to the operation of such business by the Operator shall be in writing.
- (2) The Owner shall file a true copy of every written document referred to in subsection (1) of this section, with the Licence Issuer before the commencement of operation of the Adult Entertainment Parlour.
- (3) The Owner shall also file with the Licence Issuer:
  - (a) a true copy of every other agreement or other document constituting or pertaining to the relationship between the Owner and any Operator or other Person respecting the ownership or operation of the premises and the Adult Business;
  - (b) a true copy of all amendments or replacement agreements to the agreements or other documents referred to elsewhere in this section;

- (c) a true copy of any lease between any Owner or Operator and the owner of the property upon which an Adult Business is carried on.
- (4) Without limiting the generality of any other provision in this by-law, persons associated in any partnership or corporation applying for a Licence under this by-law shall file with their application all contracts, and other documents relating to the relationship between the Owner and Operator of the Adult Entertainment Parlour and shall file a statutory declaration, in writing signed by all members of the partnership or an officer of the corporation, which declaration shall state:
- (a) the full name of every partner in a partnership, or any shareholder of a corporation, and the address of his or her ordinary residence;
  - (b) the name or names under which they carry on or intend to carry on business;
  - (c) that the persons therein named are the only members of the partnership or shareholders of the corporation;
  - (d) the mailing address for the partnership or corporation;
  - (e) the identity of all persons or entities having any interest, direct or indirect, any trust arrangement, or any financial or contractual or understood arrangement, with respect to the ownership or operation of the premises or the Adult Business or the control or management of same, and the terms upon which such interest or right is conferred or obtained;
  - (f) the identity of every person having a beneficial interest, directly or indirectly in the premises or in the business to be carried on to which this by-law relates and every person having a right to receive income, revenue or benefit of any kind arising out of the operation of such premises or business, and any person who in fact receives such income, revenue or benefit, and the terms upon which such interest or right is conferred or obtained;
- (5) If any member of a partnership applying for a Licence is a corporation, such corporation shall be deemed to be a corporation applying for a Licence and if such Licence is issued to the partnership such corporation shall be deemed to a corporation applying for or holding an Owner's Licence.
- (6) If any shareholder of a corporate Applicant or Licensee is a corporation, such corporation shall be deemed to be a corporation applying for or holding a licence, as the case may be, and so on until the information required by this by-law relating to every corporation having any interest in the adult entertainment parlour or the operation of its business, has been disclosed.

## **PROCESSING OF APPLICATION**

6. (1) The Licence Issuer may, for the purpose of processing the application and reporting to the Council with respect thereto, require the applicant to provide such further information relevant to the Licence application as the Licence Issuer should see fit, and every applicant, officer, director or partner of any corporate or partnership applicant, respectively, shall provide such information, including the provision of an interview with the Licence Issuer, or with the Council, should the Council require such information in order to enable it to deal with the application.
- (2) The Licence Issuer may at any time seek directions from the Council with respect to the manner of processing any application for a Licence or the obtaining of information in connection thereto, or may refer the application to the Council for a hearing as to whether or not the application should be proceeded with, or whether it should be granted or refused, or whether conditions should be imposed upon any such Licence which might be granted.

7. The Licence Issuer shall prepare a report to the Council summarizing the general nature of the application and relevant facts pertaining thereto, including any information relevant to terms which the Council might consider including as conditions of any Licence which it might issue, but shall not include any specific allegations made against the Applicant or any other Person, nor shall it include the text of any reports or other documents containing such allegations or information adverse to the Applicant, but the general nature of such allegations or documents may be referred to in the report.

#### **CONTRACT - BETWEEN OWNER - OPERATOR – REQUIREMENTS**

8. Every contract of service, contract for services or other arrangement constituting or pertaining to the relationship between Owner and Operator of an Adult Entertainment Parlour shall be in writing and shall be made available for inspection at any time by an Officer or the Licence Issuer upon request, and shall be retained by the Owner or Operator for a period of six months after its termination.

#### **COMPLIANCE - APPLICABLE PROVISIONS - ALL PERSONS**

9. Every person shall comply with the provisions of this schedule applicable to such Person, whether or not such Person is licensed or required to be licensed under this by-law or any law, or whether or not a licence issued to such Person is valid and subsisting.

#### **SCHEDULES - PART OF BY-LAW**

10. Parts A and B form part of this Schedule.

#### **REQUIREMENTS OF LICENSEE**

11. Every Licensee shall:
  - (1) keep the premises in a clean and sanitary condition;
  - (2) during all business hours, maintain on the premises, available for inspection by the Licence Issuer or any Officer a current list of all Adult Videotapes provided on the premises;
12.
  - (1) No Owner, Operator or any Person working in an Adult Store or adult videotape area or other adult area shall permit any person under the age of eighteen years to enter or remain in such store or area.
  - (2) No Owner, Operator or any other Person shall work in an Adult Store or adult videotape area or other adult area, or in any part of any Videotape Store in which Adult Videotapes or Adult Goods are provided, unless such person is of the age of eighteen years or older.
13. Every Operator shall post and keep posted at every entrance to any Adult Videotape Store or other Adult Store operated by such Operator, and in a prominent location inside such store, signs sufficient to indicate clearly to any person approaching or entering the store, and to every person in the store, that no person under the age of eighteen years is permitted to enter or remain in such store or any part thereof.

#### **REGULATIONS APPLICABLE TO ALL STORES**

14.
  - (1) Every Owner and every Operator of a store, including a Videotape Store, whether or not he or she is licensed or required to be licensed under this by-law, shall, in the carrying on of such business, comply with the regulations contained in this by-law relating to the provision of Adult Videotapes, Adult Magazines and Adult Goods.
  - (2) Every Owner and Operator referred to in sub-section (1) shall ensure that every Person working in such store complies with all requirements of this by-law relating to the provision of Adult Videotapes, Adult Magazines or Adult Goods and the prohibition of access to all or part of the Premises to persons under the age of eighteen years, as required by this by-law.
  - (3) Every person working in a store shall comply with all requirements of this by-law relating to the provision of Adult Videotapes, Adult Magazines or

Adult Goods and the prohibition of access to all or part of the Premises to persons under the age of eighteen years, as required by this by-law.

15. (1) No Owner or Operator of a store in which Adult Videotapes, Adult Magazines or Adult Goods are provided, shall permit any person under the age of eighteen years to enter or remain in any adult videotape area or other adult area or any other part of such store where Adult Videotapes or Adult Goods are provided, or within three metres of any Adult Videotape or Adult Goods unless such Adult Videotape is located in an adult videotape area or other adult area to which such person does not have physical or visual access.
- (2) Every Owner and Operator of a store in which any Adult Videotapes, Adult Magazines or Adult Goods are provided shall affix, in a prominent location inside such store and at every entrance to every adult videotape or other adult area, a sign or signs sufficient to indicate clearly to persons in the store, that no person under the age of eighteen years is permitted to enter or remain in any or adult videotape area or other adult area, in accordance with this by-law.
- (3) Every Owner and Operator of a store, including an Adult Videotape Store or other Adult Store, and every Person working in such store, shall ensure that no person under the age of eighteen years is permitted to enter an Adult Videotape Store or other Adult Store, or any adult videotape area or other adult area, in accordance with this by-law.
- (4) Every Operator of a store and every Person working in such store shall ensure that no Adult Videotape, or container for an Adult Videotape, Adult Magazines or Adult Goods shall be displayed in such a manner so as to be visible from outside the store.
- (5) Every Operator of a store and every Person working in such store shall ensure that no Adult Videotape, or container for an Adult Videotape, Adult Magazines or Adult Goods shall be displayed in a Videotape Store that is not an Adult Videotape Store or other Adult Store, or in an adult videotape area or other adult area, in a location where it can be seen by persons in the store, unless such Adult Videotape or container, Adult Magazines or Adult Goods are in a separate adult videotape area or other adult area or other location in such store to which persons under the age of eighteen years are not permitted to enter, and such Adult Videotape or container, Adult Magazines or Adult Goods are displayed in a location where it cannot be seen from outside such area.
- (6) No Owner or Operator of any Adult Videotape Store, or any Person working in such a store, shall play, preview or display, or permit to be played, previewed or displayed, or cause to be played, previewed or displayed, any Adult Videotape for view within the store.
16. (1) Every Person providing Adult Videotapes, Adult Magazines or other Adult Goods in any store, in an area to which persons under the age of eighteen years are permitted to enter or remain shall, place the Adult Videotape, Adult Magazine or other Adult Goods and their containers:
  - (a) at a height of 1.5 metres or more above floor level; and
  - (b) behind an opaque barrier of a size and nature so that the Adult Goods, and their container, while on display, except for the name or title thereof, may not be seen by any member of the public.
17. Every Owner, Operator and every Person working in any store in which Adult Videotapes, Adult Magazines or other Adult Goods are provided shall:
  - (1) ensure that no Adult Videotape, Adult Videotape cover, Adult Magazine, Adult Goods or container of any Adult Goods, or, except as permitted in this by-law, any promotional material or advertising, shall be displayed in such a manner so as to be visible from outside the store, or from inside the store where it may be visible to any person under the age of 18 years.
  - (2) ensure that no Adult Videotape, Adult Magazine or other Adult Goods is or are sold, rented or otherwise provided to any person who is not at least 18 years of age;

- (3) not make available to the public any Adult Videotapes, Adult Magazines or other Adult Goods through automated vending or dispensing equipment without intervening and having the age of the person duly verified by the Owner, Operator or employee at the time of any sale, rental or other provision;
- (4) inform himself or herself of the requirements of this by-law pertaining to Adult Videotapes, Adult Magazines and other Adult Goods, and in the case of every Owner and Operator, ensure that every Person working in the store complies with all such requirements.

## **SIGNS**

18. Every Owner and Operator shall exhibit over the street door or in the lower front window of the premises in respect of which such person's Licence is issued or in some other conspicuous place on the exterior of such premises satisfactory to the Licence Issuer, a sign issued by the Licence Issuer bearing the words, "Licensed Adult Store No.", (inserting after "No." the Owner's Licence number), and "Comments regarding this business may be made to the Town Licensing Office [at the telephone and facsimile numbers of the Licence Issuer].
19.
  - (1) Every Owner and every Operator of an Adult Store shall ensure that all exterior signs and advertisements relating to the store, and to the provision of Adult Goods or services, shall comply with the Sign by-law of the Town of Caledon, and shall not include pictorial representation of any specified body areas or specified sexual activities.
  - (2) Signs referred to in subsection (1) shall be restricted to the name of the business as endorsed on the Licence, and may include the phrases "adult videos"; "adult videotapes"; "adult videotapes sales or rentals"; "adult goods"; "adult magazines"; "adults only"; or "adult movies".
  - (3) Any sign referred to in subsection (1) may be illuminated, but no such sign shall contain or utilize flashing lights, flashing or alternating neon or other sources of illumination, pixel board or other moving or apparently-moving lights.
20. No Person shall erect or maintain any of the following signs or other advertising devices in respect of an Adult Store or in respect of any services or goods provided at an Adult Store:
  - (1) an awning sign
  - (2) a projecting sign
  - (3) an inflatable sign
  - (4) a portable sign
  - (5) a trailer sign
  - (6) a ground or pylon sign;
  - (7) a sandwich board sign; or
  - (8) an abandoned or inoperable vehicle used as a sign.
21. Nothing in this by-law shall be deemed to constrain any Person from erecting or maintaining any sign or other advertising device on any interior wall of an Adult Store, provided the content of such sign is not visible from the exterior of the Adult Store.
22. No Person may erect or maintain any sign or other advertising device in respect of an Adult Store which includes any letters, markings, symbols, pictures or representations, except the name of the Adult Store as recorded on the application for Licence, and any logo or symbol, provided a copy of such logo or symbol is filed with the Licence Issuer as part of the licensing process.

## **LICENSEE - INFORMATION PROVIDED - UPON REQUEST**

23. Every Owner and Operator of any class of Adult Entertainment Parlour in the Town and every Owner and Operator Licensed under this by-law in attendance at an Adult Entertainment Parlour in the Town whether or not engaged in his or her respective trade, calling, business or occupation at that time, shall, upon a request made by any Officer or the Licence Issuer provide his or her name and residential address, and if licensed under this by-law in respect of any trade, calling, business or occupation relating to such Adult Entertainment Parlour, produce the said Licence.

## **INTOXICATED PERSON - ADMITTANCE – PROHIBITED**

24. No Owner or Operator shall permit any Person who appears to be intoxicated by alcohol or a Drug to enter or remain in any Adult Entertainment Parlour owned or operated by such Owner or Operator.

## **OWNER - OPERATOR - IN ATTENDANCE - BUSINESS HOURS**

25. Either the Owner, where the Owner is an individual person, one of the partners where the Owner is a partnership, or an officer of a corporate Owner, or an Operator licensed in respect of such Owner's Adult Entertainment Parlour shall be in attendance at such Owner's Adult Entertainment Parlour during all opening hours, and no Owner or Operator shall permit an Adult Entertainment Parlour owned or operated by him or her to open for business, or remain open for business, or any Adult Videotapes, Adult Magazines or Adult Goods be provided at such Adult Entertainment Parlour unless this Section is complied with, and for greater particularity, where an Owner is a corporation, such Owner shall not permit an Adult Entertainment Parlour owned or operated by him or her to open for business, or remain open for business, or Adult Videotapes, Adult Magazines or Adult Goods provided therein, unless an Operator licensed in respect of such Owner's Adult Entertainment Parlour is in attendance.

Part B of  
**SCHEDULE "B"**  
TO BY-LAW  
NO. 2013-127

**Legend**

-  Lands Subject to this By-Law
-  Lot Fabric



## SCHEDULE "C"

### BUS LICENSING PROVISIONS

1. For the purposes of this Schedule:

**"bus"** means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons;

**"car pool vehicle"** means a motor vehicle as defined in the *Highway Traffic Act*,

- (a) with a seating capacity of not more than ten (10) persons,
- (b) where the transporting of passengers is incidental to the driver's purpose for the trip, and

but does not include a motor vehicle while being operated by or under contract with a school board or other authority in charge of a school for the transportation of children to or from school;

**"compensation"** includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly;

**"local scheduled bus service"** includes the operation of a bus

- (a) on a highway located within the Town of Caledon,
- (b) by, for or on behalf of any person or corporation
- (c) for the transportation of passengers that might be carried in a passenger vehicle,
- (d) for compensation paid to the operator,
- (e) travelling a specific route by bus in accordance with a publicly advertised schedule,
- (f) where the operator takes on passengers within the limits of the Town and discharges such passengers within the limits of the Town;

**"operator"** means a person who operates a local scheduled bus service;

**"Region"** means The Corporation of the Regional Municipality of Peel

### APPLICABILITY

2. The provisions of this by-law to obtain a licence issued by the Town Council do not apply to

- (1) any person operating a bus service
  - (a) who is not providing a local scheduled bus service, and
  - (b) to whom the Ontario Highway Transport Board has issued an operating licence,
- (2) any person operating a car pool vehicle,
- (3) Brampton Transit, Go Transit or any other public transit authorities, commissions or agencies of other municipalities which enter into or have entered into a formal agreement with Caledon, for the provision of transit services into or through Caledon.
- (4) Caledon Community Services where Caledon Community Services is operating a bus for the benefit of eligible seniors and persons with disabilities,
- (5) any person operating buses solely for the purpose of picking up and discharging passengers as part of a busing contract with a local school board,

### LICENCE REQUIRED

3. No Operator of a scheduled local bus service shall operate a local scheduled bus service within the Town of Caledon unless they have been issued a licence in accordance with this by-law.

4. No person shall operate a local scheduled bus service
  - (1) except on highways maintained by the Town where the Council has approved the route by the enactment of a by-law and where the Minister of Transportation has approved a by-law so enacted, and
  - (2) except on highways maintained by the Region where Regional Council has approved the route by the enactment of a by-law and where the Minister of Transportation has approved a by-law so enacted.

#### **LICENSING REQUIREMENTS**

5. An applicant for a local scheduled bus service licence shall
  - (1) complete all parts and every question and provide requested documentation set out in the application form approved by the licence issuer;
  - (2) provide a certificate of insurance evidencing coverage as would normally be carried by a prudent owner or operator of a transit system similar to the system described by the applicant including but not necessarily restricted to the following minimum coverages:
    - (a) the limit of at least \$200,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property;
    - (b) a minimum insurance coverage in the amount of \$5,000.00 for damage to property of all passengers;
    - (c) a minimum liability coverage against loss or damage resulting from bodily injury in the amount of Eight Million (\$8,000,000);
    - (d) an endorsement that the insurance company will undertake to notify the Town in writing of the cancellation or expiry of the insurance policy at least 30 days before the effective date or cancellation or expiry;
    - (e) an endorsement that the Town and the Region are each named as an additional insured,
  - (3) provide a copy of the CVOR certificate and a copy of the Carrier CVOR Abstract (Level II) issued by the Ministry of Transportation, issued within the previous 60 days of the application, or any other similar abstract;
  - (4) provide, in respect of each bus, a copy of the Annual Inspection Certificate and the semi-annual Safety Inspection Certificate, issued by a motor vehicle inspection station licensed by the Ministry of Transportation at the time of submission of the application if available, or, if not available, prior to the issuance of a licence;
  - (5) provide a timetable showing scheduled times of arrival and departure of buses operated by the operation and number of trips the buses will make over each route;
  - (6) provide a map showing the route or routes on Town and Regional highways over which the bus or buses will travel, including the stops on these highways;
  - (7) provide a copy of the owner's preventative maintenance program and schedule;
  - (8) provide a record of all offences under any by-law, provincial statute or federal statute, for which no pardon has been granted, 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 Licence Issuer,

- (9) provide, in respect of each bus, a copy of the Annual Inspection Certificate and the semi-annual Safety Inspection Certificate, issued by a motor vehicle inspection station licensed by the Ministry of Transportation at the time of submission of the application if available, or, if not available, prior to the issuance of a licence;
- (10) hold a minimum Carrier Safety Rating of “satisfactory” or “satisfactory-unaudited” issued by the Ministry of Transportation;
- (11) provide a copy of a current and positive Clean Air Emissions Report; and
- (12) provide a copy of a valid emergency on road maintenance contract providing emergency response to a bus disabled while operating on the highway.
- (13) provide a business plan;
- (14) provide the proposed tariff of tolls to be charged to passengers.

#### **ISSUE OF LICENCE**

6. When the Applicant for a Licence meets all of the applicable requirements under this by-law, the Licence Isser shall issue the licence upon approval of the bus routes by Council.

#### **TERM OF LICENCE**

7. Every Licence issued to an Operator shall expire on the 31<sup>st</sup> day of October in the calendar year following the issuance of the Licence.
8. Where a controlling interest in any corporation holding an Operator’s Licence under this by-law is being transferred, it shall be deemed that the Licence is being transferred and the purchaser of the shares of the corporation shall apply to the Licence Issuer for the issuance of an Operator’s licence at the time of the purchase of the shares.
9. Where the licensed Operator dies, the Operator’s Licence shall be deemed to expire.

#### **REPRESENTATION**

10. Where the Town or the Region has advised in writing the Operator of a local scheduled bus service that a representation has been made by him or by a person under his legal control that can be reasonably understood to mean that the bus service is being operated by, or on behalf of the Town or the Region, the Operator shall immediately cease to make such a representation and/or shall take the corrective action set out in the written notice.
11. At the place of business of the local scheduled bus service, and on the curb side near the passenger door of each bus, in letters clearly visible to passengers boarding the bus, the Operator of the local scheduled bus service shall display the full legal name, address and phone number of the Operator.

#### **BUS ROUTES**

12. Prior to passing a by-law approving a bus route for a local scheduled bus service, the Council shall hold a public hearing, notice of which is published once in a newspaper of local circulation at least two weeks prior the meeting during which Council will consider the proposed by-law.

#### **OPERATOR’S DUTIES**

13. An operator licensed under this by-law shall keep each of the following documents at all times in the bus of which he is the Owner:
  - (1) a legible photocopy of the Licence issued under this by-law, and
  - (2) a legible photocopy of a current Ministry of Transportation passenger motor vehicle permit issued for that bus, and

- (3) the original of the certificate of insurance for the bus, obtained in accordance with the requirements of this by-law, and
  - (4) a legible photocopy of the CVOR certificate, and
  - (5) annual and bi-annual safety inspection certificates, and
  - (6) Drive Clean documentation.
14. An Operator Licensed under this by-law shall have, in or on each bus owned by him as part of the local scheduled bus service the licence plate issued under this by-law affixed to the bus in a location and in a manner approved by the Licence Issuer.
15. An Operator licensed under this by-law shall:
- (1) employ or use only the services of drivers who hold a current, valid Class "B" driver's licence issued by the Province of Ontario, which is in good standing according to the records of the Ministry of Transportation;
  - (2) ensure that every person the Operator employs as a driver provides an original criminal record search, including a vulnerable sector search, issued by the Caledon Detachment of the Ontario Provincial Police, or by the police service located in the municipality in which the driver resides, at least once a year, which search shall be furnished to the Licence Issuer on request;
  - (3) ensure that every person the Operator employs as a driver provides an original driver abstract from the Ministry of Transportation at least every six (6) months, which abstract shall be furnished to the Licence Issuer on request;
  - (4) maintain knowledge at all times of the identity of any person having custody or control of the buses forming part of the local scheduled bus services Licensed under this by-law;
  - (5) provide to the Licence Issuer the name of the driver operating the bus, within seventy-two (72) hours of the time when the driver has commenced to operate said bus;
  - (6) maintain an up-to-date list of all drivers operating buses for the Operator, which list shall show the name, address, and telephone number of each driver which list shall be furnished to the Licence Issuer on request;
  - (7) ensure that every person the Operator employs as a driver is, during working hours, properly dressed, neat and clean in his or her person, courteous and provides such reasonable assistance to all passengers as is needed to enter or leave the bus safely;
  - (8) ensure that every driver is at all times in compliance with the Hours of Work Regulation as set out in the *Highway Traffic Act*;
  - (9) ensure that every driver maintains a daily log or, if the driver is not required to maintain a daily log, the Operator keeps the records of the times each driver goes on and off duty as set out in the *Highway Traffic Act*; keep a record of the operation of each bus, showing each trip on which it is operated;
  - (10) produce the records for inspection upon the request of the Licence Issuer or an Officer and give full information to the Licence Issuer or an Officer upon being requested to do so,
  - (11) provide a suitable office and location for the parking and the maintenance of buses for the carrying on of the Operator's business under this by-law;
  - (12) comply with the request(s) of the Licence Issuer when such request(s) are made in accordance with this by-law;
  - (13) enter into an agreement satisfactory to the Town and the Region regarding the location, installation, maintenance, signage and insurance of bus stops and bus shelters on the bus route;

- (14) enter into an agreement satisfactory to the Town and the Region providing an indemnity to the Town and the Region regarding the operation of the local scheduled bus service on roads maintained by the Town and the Region;
- (15) employ, or contract with, a licensed mechanic qualified to perform work on buses in regard to the maintenance of the bus or buses used in the local scheduled bus service,
- (16) implement and carry out a maintenance programme for the bus or buses used in the local scheduled bus service which is consistent with the standard practice in the industry;
- (17) only charge, and permit the drivers to collect, only the toll for scheduled services as set out in the tariff of tolls as filed by the Operator with the Licence Issuer;
- (18) keep the interior and exterior of each bus clean, dry and in good repair, and whenever the owner is informed by either the driver, the Licence Issuer or an Officer that a bus is not in a fit or proper condition for use, forthwith remove the bus from service, and put the bus in a fit and proper condition;

### **OWNER'S PROHIBITIONS**

16. No Operator licensed under this by-law shall:

- (1) require or permit a driver of the Operator's bus, to work when that person's ability to perform his or her duties is impaired by fatigue, illness or otherwise;
- (2) permit a bus of which he or she is the Owner, to be Operated with mechanical defects of which the Owner is aware;
- (3) operate a bus or permit the Owner's bus to be operated, without the issuance of an Operator's plate for that bus under this by-law;
- (4) exhibit on, or about the bus any number, sign or card except one authorized under this by-law and his Provincial motor vehicle licence plate;
- (5) discontinue or reduce any scheduled service authorized by this by-law without giving prior notice to the public affected; notice to the public shall be given in a newspaper published in the area affected and on signs posted at the scheduled bus stops where the service is to be discontinued or reduced, at least 30 days prior to the discontinuance or reduction of service.

### **VEHICLES**

17. As part of the local scheduled bus service, the Operator shall only use a bus which

- (1) has a minimum seating capacity of 20 passengers
- (2) is equipped with
  - (a) chassis requirement of
    - a) Dual Rear Wheels
    - b) Ford E350/450, GMC610,
    - c) or equivalent
  - (a) body type/style of
    - i. Champion, Challenger model, 20 passenger
    - ii. World Trans, MB Commuter model
    - iii. Goshen Coach, GC11 model
    - iv. or equivalent
- (3) adequate and functioning driver and passenger heating and air conditioning, 2 separate units controlled independently by the driver;

- (4) a lighted device on the exterior front of the bus and a lighted device on exterior right side in the forward part of the bus, for displaying the route number and a brief description of the destination of the bus, in a clear, legible manner;
- (5) an emergency first aid kit that, at a minimum, meets the requirements of Canadian Standards Association Standard D250-98 or equivalent;
- (6) an adequate fire extinguisher which is kept in effective working order and securely mounted in a bracket provided therefor at a place readily accessible to the driver in the forward part of the bus near the entrance;
- (7) one or more lights within the bus that are so arranged as to provide adequate lighting for the whole of the interior of the bus, and the light or lights shall be kept constantly lit between sunset and sunrise when there are passengers in the bus;
- (8) the emergency equipment and tools likely to be required for replacement or use on a trip secured in a manner and place that it is readily accessible in an emergency, including but not limited to a fire axe and road flares or triangles;
- (9) at least three push-out windows on each side of the passenger compartment of the bus;
- (10) radio equipment and/or an onboard computer to allow for real-time communication between the driver and the operator's dispatcher and emergency services accessibility features for the disabled and senior citizens;
- (11) is not more than fifteen (15) years old, as calculated from the 1<sup>st</sup> day of January of the bus's model year.

## SCHEDULE "D"

### REFRESHMENT VEHICLE LICENSING PROVISIONS

#### DEFINITIONS

1. For the purposes of this schedule,

**"collector road"** means a road under the jurisdiction of the Town of Caledon that serves low to moderate volumes of short distance traffic between local and arterial roads and provides individual property access with some limitations;

**"Class A Refreshment Vehicle"** means a mobile vehicle from which the food or refreshments sold are prepared in a commissary or a place other than the refreshment vehicle, but which is not exclusively a vendor of factory pre-packaged frozen products, and where food is sold for consumption by persons at their place of employment;

**"Class B Refreshment Vehicle"** means a vehicle from which food or refreshments are prepared or apportioned and/or sold for consumption by the public;

**"ice cream cart"** means a refreshment vehicle which is non-motorized and is exclusively used for the sale of factory pre-packaged frozen products;

**"ice cream truck"** means a motor vehicle as defined under the *Highway Traffic Act*, R.S.O. 1990, c. H.8 as amended, from which ice cream, ice cream products, iced or frozen confections or desserts are sold but which is not stationary in a permanent location;

**"ice cream vehicle"** means either an ice cream truck or an ice cream cart;

**"operate"** means to stop and offer for sale goods contained within the ice cream vehicle;

**"regional road"** means a road under the jurisdiction of The Regional Municipality of Peel;

#### LICENCES

2. A licence shall be taken out by:

- (1) Every person who owns a Class B Refreshment Vehicle or Ice Cream Vehicle; and
- (2) Every person who operates a Class B Refreshment Vehicle or Ice Cream Vehicle.

#### APPLICATION REQUIREMENTS

3. No Owner shall permit or allow any Person to Operate an Ice Cream Vehicle or Refreshment Vehicle without a valid Operator Licence issued under this by-law.
4. An Applicant for an Ice Cream Vehicle or Refreshment Vehicle Operator Licence shall provide the following to the Licence Issuer:
  - (1) two (2) copies of a current passport quality photograph of himself;
  - (2) a letter from an Owner licensed under this by-law indicating that he intends to employ the operator, once licensed, if the Applicant is not the Owner.
5. The Applicant for an Ice Cream Vehicle Operator's or Refreshment Vehicle Operator's Licence must provide a criminal record search that includes a vulnerable sector search.
6. If the Operator is between the ages of fourteen (14) and seventeen (17) years of age, written consent from the Applicant's parent or legal guardian stating that he consents to the Applicant operating an Ice Cream Vehicle or Refreshment Vehicle must be provided to the Licence Issuer.

7. An Applicant for a motorized Refreshment Vehicle Owner's Licence or Ice Cream Truck Owner's Licence shall provide to the Licence Issuer:
  - (1) a valid copy of a current certificate of insurance in respect of Ontario Automobile Insurance, in a form approved by the Licence Issuer, which certificate shall be given to the Licence Issuer and which certifies that the Owner and all Operators are insured in the case of bodily injury or death, to a limit of at least two million dollars (\$2,000,000.00) exclusive of interest and costs against all claims for personal injury, including injury resulting in death, and damage, with an inclusive limit of not less than two million dollars (\$2,000,000.00) and that complies with Sections 9-14 of this by-law;
  - (2) if such vehicle is powered by propane, a certificate from an authorized propane inspection station, accounting for such vehicle's mechanical fitness.
  - (3) if the vehicle contains propane or other hydrocarbon fuel fired cooking appliances and associated fuel storage, an Annual Inspection Certificate provided by a certified gas technician.
8. An Applicant for a non-motorized Ice Cream Cart Owner's Licence or Refreshment Vehicle Owner's Licence shall provide a valid certificate of insurance for commercial general liability insurance, in a form approved by the Licence Issuer, to the limit of at least one million dollars (\$1,000,000.00) exclusive of interest and costs in respect to any one claim. Perils will include bodily injury, death of one or more persons, and loss or damage to property.
9. Any Ice Cream or Refreshment Vehicle that remains in any location for a period exceeding 15 minutes shall provide to the Licence Issuer:
  - (1) an accurate drawing of the location for selling Refreshments that meets the provisions of this schedule, and the selling of the Refreshments shall be from the approved location only; and
  - (2) written permission from the property owner, clearly identifying the location of the property and confirmation from the property owner or authorized agent of the property owner that the licensee has full access to the washroom facilities.
10. The issuance of an Owner's Licence shall be subject to:
  - (1) a successful vehicle inspection conducted by an officer; and
  - (2) written approval from the Region of Peel Health Department.

#### **TERM OF LICENCE**

11. All Licences issued under this schedule will expire on April 30<sup>th</sup> of each year.

#### **OPERATOR DUTIES**

12. Every Operator and Owner licensed under this schedule shall:
  - (1) be civil and behave courteously;
  - (2) keep the interior of the Ice Cream Vehicle or Refreshment Vehicle in a clean, neat and sanitary condition and in good repair;
  - (3) ensure all equipment used for dispensing consumable products is kept in a clean and sanitary condition;
  - (4) ensure that all containers, dispensers, storage equipment, utensil washing and hand washing facilities as applicable and necessary for food safety are approved by the Region of Peel Health Department;
  - (5) only operate an Ice Cream Vehicle or Refreshment Vehicle for which a Licence has been issued;

- (6) only use single service disposable cups, plates, forks, spoons and serviettes which are individually wrapped or provided in dispensers approved by the Region of Peel Health Department;
  - (7) clean up any debris, refuse or garbage resulting from the operation of the Ice Cream Vehicle or Refreshment Vehicle in the immediate vicinity of the serving location for the Ice Cream Vehicle or Refreshment Vehicle;
  - (8) refuse to serve any customer standing on a roadway; and
  - (9) wear clean clothes, be clean and neat in appearance, and have clean hands;
13. Every Owner or Operator of a mobile Ice Cream or Refreshment Vehicle shall:
  - (1) make a complete safety tour around the Ice Cream Vehicle or Refreshment Vehicle before departing from any stop made for the purpose of selling consumable products;
  - (2) check the mirror system around the Ice Cream Truck or motorized Refreshment Vehicle before departing from any stop made for the purpose of selling consumable products;
  - (3) conspicuously display on the rear of the Ice Cream Truck or motorized Refreshment Vehicle, in black letters on a yellow background the words "Watch for Children" in letters at least 15 centimetres high and the vertical width of such yellow background shall be at least 22 centimetres.
14. No Person shall Operate an Ice Cream Vehicle or Refreshment Vehicle:
  - (1) on a Collector Road;
  - (2) on a Regional Road within the Town of Caledon;
  - (3) in a Town park without written permission from the Town;
  - (4) on private property without written permission from the property owner and in compliance with the applicable zoning regulations;
  - (5) within thirty (30) metres of any intersection;
  - (6) within one hundred (100) metres of any public or private school property during the hours of 9:00 a.m. and 5:00 p.m. on any regular school day;
  - (7) within 3 metres (10 feet) of any building, wall, or other combustible structure if the vehicle is powered by propane.
15. No Person shall Operate a mobile Ice Cream Vehicle or Refreshment Vehicle:
  - (1) for more than fifteen (15) minutes at a time at any specific location;
  - (2) at a specific location within two (2) hours of a previous attendance at that same location;
  - (3) between the hours of 9:00 p.m. one day and 9:00 a.m. the following day;
  - (4) ring bells or chimes or make any other recognizable sounds at any one location for more than twenty seconds;
16. No Person shall Operate a stationary Ice Cream Vehicle or Refreshment Vehicle:
  - (1) more than 8 metres (26 feet) from a building on the property;
  - (2) as a primary use on a property;
  - (3) that does not comply with the applicable zoning regulations;
  - (4) within 90 metres (295 feet) of any other refreshment vehicle or restaurant;

- (5) within 8 metres (26 feet) of the vehicular entrance to the property or in any location which will obstruct the flow of vehicular or pedestrian traffic;
  - (6) until a site plan has been filed with the Licence Issuer showing the location for selling refreshments, and the selling of refreshments shall be from the approved location only; and
  - (7) written permission from the property owner, clearly identifying the location of the property and confirmation from the property owner or authorized agent of the property owner that the licensee has full access to the washroom facilities.
17. Every Ice Cream or Refreshment Vehicle shall be equipped with:
  - (1)
    - (a) a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily; or
    - (b) a disposable litter container which shall be replaced daily, and such containers shall be used for the disposal of all refuse; and
  - (2) A separate holding tank for toilet and sink wastes; and
  - (3) An easily readable gauge for determining the waste or water level for every waste tank and water supply tank;
  - (4) in the case of a refreshment vehicle equipped with a deep fat fryer, range, griddle, char-broiler or other similar equipment, a "K" Class portable fire extinguisher or a 2A10BC, or larger, dry chemical portable extinguisher as may be required, to the satisfaction of the Caledon Fire and Emergency Services.
18. Every Owner of an Ice Cream Truck or motorized Refreshment Vehicle shall equip it with a device that issues an audible warning when the truck is placed in reverse gear and comply with the following provisions:
  - (1) No Person shall disconnect or disable the device.
  - (2) No Person shall drive an Ice Cream Truck or motorized Refreshment Vehicle that is not equipped with the device.
19. All milk and any cold perishable foodstuffs sold from the Ice Cream or Refreshment Vehicle shall be kept in dry storage at a temperature no higher than four (4) degrees Celsius and shall be sold only in individual, disposable containers.
20. All food that is intended to be sold in a frozen state from the Ice Cream or Refreshment Vehicle shall be frozen to a temperature of minus eighteen (-18) degrees Celsius or lower until sold or prepared for use.

*Original Schedule E to By-law 2013-127 was removed by By-law 2015-007 effective February 10, 2015*

*Amended by By-law 2016-112 effective January 1, 2017*

## **SCHEDULE "E"**

### **TAXICAB AND LIMOUSINE LICENSING PROVISIONS**

#### **PART A**

#### **DEFINITIONS**

1. For the purposes of this schedule:

"**broker**" means any person who carries on the business of accepting orders for or dispatching more than one taxicab or limousine in any manner;

"**driver**" means a person who drives or operates any taxicab or limousine under the control of this by-law;

"**limousine**" means any vehicle, other than a taxicab, ambulance, hearse, or rental vehicle without a driver, which is kept or used for hire for the conveyance of passengers, and is not equipped with a taximeter, a top light or a roof sign of any kind;

"**owner**" means a person who owns, keeps, leases or uses any taxicab or limousine and does not include a driver;

"**owner's plate**" means the licence plate issued to an owner by the licence issuer;

"**passenger**" includes a person waiting for a taxicab or limousine, or for whom the driver is waiting, or a person in a taxicab or limousine other than the driver;

"**tariff**" means the rates authorized by this by-law as outlined in this schedule;

"**tariff card**" means a card issued by the Licence issuer that sets out in full the rates authorized by this by-law;

"**taximeter**" means a meter, instrument or device attached to a taxicab which mechanically or electronically measures the distance driven and waiting time upon which fares are based, and which computes the amount of a fare chargeable for any trip;

"**taxicab**" shall mean a motor vehicle kept or used for hire for the conveyance of passenger(s) and goods when accompanied by passenger(s), within the Town of Caledon or from any point within the Town of Caledon to any point outside the municipality, but shall not include a limousine, bus, ambulance, hearse, or rental vehicle without a driver;

"**trip**" shall mean the distance and time travelled or the distance and time to be travelled, measured from the time and point at which the passenger first enters the taxicab or limousine or when the taximeter is first engaged, whichever comes first, to the time and point at which the passenger finally leaves the taxicab or limousine, or the taximeter is disengaged, whichever comes last;

"**trip record**" shall mean the written record of the details of each trip;

"**vehicle**" shall mean a taxicab or limousine.

## LICENSING REQUIREMENTS

2. In addition to the requirements set out in Section 7 of this by-law, an applicant for a Taxicab or Limousine Driver's Licence shall:
  - (1) provide the Licence Issuer with two (2) copies of a current 6.35 cm x 6.35 cm (2.5" x 2.5") passport quality photograph of himself;
  - (2) demonstrate knowledge of the geography of the Town and the licensing by-law to the satisfaction of the Licence Issuer by successfully writing the Driver test; and
  - (3) provide a letter signed by the Licensed Owner of the Vehicle for whom he proposes to drive, if the Driver is not the Owner of the Vehicle, stating that the Owner consents to the Driver operating the Vehicle;
  - (4) provide a letter signed by the Broker for whom he proposes to drive, stating that the Broker agrees to employ the Driver, if applicable;
  - (5) proof of successful completion of sensitivity training within the past five (5) years;
  - (6) provide the Licence Issuer with an original copy of a Vulnerable Records Search dated within 365 days of application prepared by the police force having jurisdiction in the municipality in which he/she resides;
  - (7) provide the Licence Issuer with an original copy of a criminal records check dated within 60 days of application prepared by the police force having jurisdiction in the municipality in which he/she resides.
3. In addition to the general provisions of this by-law, an applicant for an Owner's Licence shall:
  - (1) produce and file with the Licence Issuer a valid copy of a current Ontario Standard Automobile Insurance Policy, which certifies that the Owner and any Driver are insured in the case of bodily injury or death, to a limit of at least \$2,000,000 (exclusive of interest and costs) against all claims for personal injury, including injury resulting in death, and property damage, with an inclusive limit of not less than \$2,000,000, in accordance with Sections 8-13 of this by-law;
  - (2) meet the requirements of this by-law relating to the Vehicle(s);
  - (3) pass inspection of the Vehicle(s) by an Officer.
4. In addition to the general provisions of this by-law, an applicant for a Broker's Licence shall:
  - (1) provide adequate telephone and radio facilities in a suitable office for the carrying on of the business;
  - (2) ensure that the location of the office and all facilities comply with the Town's Zoning by-law if they are located within the Town;
  - (3) provide for off-street parking within the Town for each on-duty Vehicle operating from the dispatch;
  - (4) provide the Licence Issuer with a list of all Vehicles in respect of which the Broker has any arrangement or agreement for the accepting of calls for services, identifying such Vehicle by the name of the Owner, and the number of the Owner's Plate;
  - (5) provide the Licence Issuer with a list, showing in numerical order by Owner's Plate number, the name of every Driver operating any Vehicle with which the Broker has entered into any arrangement for the provision of brokerage services;
  - (6) produce and file with the Licence Issuer a valid copy of general commercial liability insurance applying to all operations of the Broker, to a

limit of at least \$2,000,000 (exclusive of interest and costs) against all claims for personal injury, including injury resulting in death, and property damage, with an inclusive limit of not less than \$2,000,000, in accordance with Sections 9-14 of this by-law.

#### **DRIVER TEST**

5. An applicant for a Driver's Licence, at the time of the initial application, shall pass with a grade of 75% or higher, a written test in English demonstrating their knowledge of the streets of the Town, the location of major points of origin and destination of trips within the Town, and the most effective routes to travel by motor Vehicle to reach those points.
6. (1) An applicant who fails the driver's test may rewrite a second version of the test no earlier than the day following the first test. The applicant shall pay the prescribed fee as outlined in the Town's Fees By-law for each subsequent test.  
  
(2) An applicant who fails both tests, or who fails the first test and does not write the second test within fourteen days of taking the first test, may not write the test again for one hundred and eighty (180) days following the date of the first test.

#### **TERM OF LICENCE**

7. Every Driver's Licence shall be valid for one (1) year, and shall expire on October 31st following the date of application.
8. Every Owner's Licence shall be valid for one (1) year, and shall expire by October 31st following the date of application.
9. Every Broker's Licence shall be valid for one (1) year, and shall expire by October 31st following the date of application.
10. Where a controlling interest in any corporation holding an Owner's Licence under this by-law is being transferred, it shall be deemed that the licensed Vehicle is being transferred and the purchaser of the shares of the corporation shall apply to the Licence Issuer for the issuance of an Owner's Licence at the time of the purchase of the shares.
11. Where the Owner of an Owner's Licence(s) dies, the Owner's Licence(s) shall expire and the Owner's Plate(s) shall be removed from the Vehicle and returned to the Licence Issuer.
12. Where the estate of an Owner intends to transfer a Vehicle or Vehicles to another Person, both the estate and the said Person shall apply to the Licence Issuer for the issuance of an Owner's Licence with respect to the Vehicle within 90 days of the date of the former Owner's death.

#### **OWNER LEAVES TAXICAB OR LIMOUSINE BROKER**

13. Every licensed Owner who ceases to deal through a Broker shall:
  - (1) remove from his or her Vehicle the roof light, radio and telephone number of the Broker he or she is leaving;
  - (2) change and remove from the Vehicle the colour scheme and all decals or other Brokerage markings on the Vehicle;
  - (3) return to the Broker he or she is leaving all business cards and other equipment belonging to that Broker.

#### **DRIVER'S DUTIES**

14. No Person shall drive or act as a Driver of any Taxicab or Limousine unless the Owner of such Vehicle is licensed under this by-law as an Owner with respect to such Vehicle.

15. A Driver licensed under this by-law shall:
- (1) at all times while operating a Vehicle or working as a Driver affix the Driver's and the Owner's Licence issued under this by-law in a position in the Vehicle so that they are plainly visible to and readable by Passengers in the back seat of the Vehicle;
  - (2) prior to driving on each shift, examine the Vehicle for mechanical or other defects and similarly examine it at the end of each shift, and if the Driver is not the Owner, report any mechanical defects forthwith to the Owner and shall enter such defects into a mechanical defect repair log;
  - (3) make the mechanical defect repair log available for inspection by the Licence Issuer or an Officer immediately upon request, during business hours;
  - (4) at the expiration of the Driver's shift, return the Vehicle to the Owner, if the Driver is not the Owner, and shall not at any time abandon the Vehicle or permit any other Person, not licensed with respect to the Vehicle, to drive the Vehicle;
  - (5) at all times while operating a Vehicle or working as a Driver, have available and produce on the request of an Officer or a Passenger, a current Driver's Licence issued by the Licence Issuer;
  - (6) report forthwith to the Owner, if the Driver is not the Owner, any accident or collision connected with the operation of the Vehicle in which the Driver or a Passenger was involved;
  - (7) keep a daily trip record showing:
    - (a) the name of the Driver, the date, and the Owner's Plate number;
    - (b) the location and the time of the origin and destination of every trip made;
    - (c) the Taximeter reading at the beginning and end of each work period;
    - (d) the amount of the fare collected for each trip;
  - (8) be civil, courteous, refrain from using profanity, and offer to assist a Passenger when it is evident that the Passenger is a disabled Person, is elderly, or is in need of enhanced service;
  - (9) be properly dressed, well groomed, neat and clean in personal appearance;
  - (10) give a Passenger a receipt, showing the Driver's name and licence number and Owner's Plate number for the Vehicle, when requested;
  - (11) serve the first Person requiring the service of his or her Vehicle at any place within the Town, at any time of day or night, except when the Person:
    - (a) is disorderly; or
    - (b) refuses to give his or her destination; or
    - (c) has not paid a previous fare or cancellation fee; or
    - (d) is, in the reasonable opinion of the Driver, unable or unwilling to pay the fare and has been unable or unwilling to satisfy the Driver that he or she has the funds to pay the fare;
  - (12) take due care of all property delivered or entrusted to the Driver for conveyance or safekeeping, and immediately on the termination of any hiring engagement, examine the interior of the Vehicle for any property lost or left therein, and all property or money left in the Vehicle shall be

forthwith delivered to the Person owning the property or money, and if the owner of the property or money cannot be found, the Driver shall deliver the property or money to the nearest police station with all information in the Driver's possession regarding the property or money;

- (13) when a Passenger enters the Vehicle and gives the Driver the desired destination, take the shortest possible route to the destination desired, unless the Passenger designates otherwise;
- (14) ensure that the Vehicle's seat belts are plainly visible to or may be conveniently used by the Passenger;
- (15) ensure that the Passenger uses the Vehicle's seatbelts;
- (16) engage the Taximeter at the commencement of the trip and keep it engaged throughout the trip, except where a flat rate has been negotiated with the Passenger or except where the Vehicle is a Limousine;
- (17) engage the Taximeter before the Passenger enters the Vehicle, only after the Driver has notified the Passenger of his or her arrival and has waited five minutes after the pick-up time requested through dispatch, except where the Vehicle is a Limousine;
- (18) at the conclusion of the trip, place the Taximeter in the time-off position and after payment, place in the vacant position except where the Vehicle is a Limousine;
- (19) keep in his or her Vehicle a current street guide or map of the Town and surrounding area;
- (20) give his or her name and the name of the Owner of the Taxicab (if other than the Driver) upon the request of any Passenger or of any Person who has been injured or whose property has been damaged as a result of the actions of the Driver;
- (21) agree to transport a Passenger and his or her guide dog, provided that the Driver is not allergic to the dog;
- (22) affix and display a Tariff Card in the Vehicle in such a manner that it is visible to Passengers in the back seat and readable by them;
- (23) comply with the request(s) of the Licence Issuer when such request(s) are made in accordance with this by-law.

#### **DRIVER'S PROHIBITIONS**

16. No Driver shall:

- (1) carry in any Vehicle a greater number of Passengers than is set out in the manufacturer's rating of seating capacity for such Vehicle;
- (2) drive a Taxicab or a Limousine with luggage or other material therein obstructing the Driver's view;
- (3) take, consume or have in the Driver's possession any alcohol, drugs or intoxicants while operating a Vehicle or working as a Driver under this by-law, including prescription or non-prescription drugs that may inhibit the Driver's ability to operate the Vehicle safely;
- (4) use any Tariff Card, other than a Tariff Card issued by the Licence Issuer, or remove, exchange, lend or otherwise dispose of the Tariff Card;

- (5) take on additional Passengers after the Vehicle has departed with one or more Passengers from any one starting point, except under the following circumstances:
  - (a) when done at the request or permission of a Passenger who is sixteen years of age or older and who is already in the Vehicle;
  - (b) in an emergency situation;
  - (c) when operating a Vehicle which is being used for the transportation of children to and from school in accordance with the requirements of the Peel District School Board and/or the Dufferin-Peel Catholic School Board and any other private school registered under the *Education Act*;
- (6) drive a Vehicle which does not have an Owner's Plate issued under this by-law affixed thereto;
- (7) drive a Vehicle belonging to an Owner who is not an Owner licensed under this by-law;
- (8) permit a Passenger to stand in a Taxicab or Limousine while the Vehicle is in motion;
- (9) be required to accept any order when the expenditure of money by the licensed Driver is required on behalf of the Passenger;
- (10) recommend hotels, restaurants or other like facilities unless asked to do so by the Passenger;
- (11) smoke while operating the Vehicle or while driving a Passenger;
- (12) operate a Taxicab when the Taximeter has not been adjusted in accordance with the Tariff, or when the operation has not been approved by the Licence Issuer;
- (13) operate a Taxicab when the Taximeter does not operate properly;
- (14) operate a Taxicab without an Owner's Plate, side numbers and roof light affixed to the Vehicle;
- (15) obstruct traffic while writing up his trip record, but each trip shall be completely recorded prior to the commencement of the next following trip;
- (16) induce any Person to engage his or her Vehicle by any misleading or deceiving statement or representation to that Person about the location or distance of any destination named by that Person;
- (17) receive any fare from any Passenger which is greater or less than the fare authorized by this by-law, subject to an agreed flat rate as provided in this by-law and except for a tip, gratuity or credit card service charge;
- (18) receive any fare from any Person where the Driver has failed to display the Tariff Card;
- (19) make any charge for time lost through defects or inefficiency of the Vehicle or the incompetence of the Driver;
- (20) make any charge for the time elapsed due to early arrival of the Vehicle in response to a call for the Vehicle to arrive at a fixed time;
- (21) charge a tariff not in accordance with this by-law;
- (22) use or permit to be used a two-way radio or monitoring device in the Vehicle that enables the Driver to transmit or receive any frequency of an individual other than the licensed Owner by whom he is employed or other than the licensed Broker with whom he has a contract;
- (23) be actively affiliated with more than one licensed Broker at any one time;

- (24) use or accept cellular telephone calls when engaged by a Passenger, except in emergency situations;
- (25) fail to provide exact change to the Passenger;
- (26) accept orders from the public directly via telephone or two-way communication system from the Taxicab or Limousine.

#### **OWNER'S DUTIES**

- 17. An Owner licensed under this by-law shall keep the original or a photocopy of the original of each of the following documents at all times in the Vehicle of which he or she is the Owner:
  - (1) the current Owner's Licence issued under this by-law;
  - (2) a current Ministry of Transportation Passenger motor Vehicle permit issued for that licensed Vehicle; and
  - (3) the certificate of insurance for the Vehicle, obtained in accordance with the requirements of this by-law.
- 18. An Owner licensed under this by-law shall have, in or on the Owner's Vehicle:
  - (1) where the Vehicle is a Taxicab or a Limousine, the Owner's Plate affixed to the left rear trunk, or at a location and in a manner approved by the Licence Issuer;
  - (2) where the Vehicle is a Taxicab, the Owner's Plate number for that Vehicle displayed on both sides of the Vehicle on the outside, in figures at least 20 centimetres (8") in height and of a contrasting colour to the Vehicle, all to the approval of the Licence Issuer;
  - (3) a holder for the photograph and name of the Driver with the photograph and name inserted and the holder affixed in such a manner that it is visible to Passengers in the back seat and approved by the Licence Issuer;
  - (4) a Tariff Card, where the Vehicle is a Taxicab, issued by the Licence Issuer, affixed in such a manner that it is visible to Passengers in the back seat and approved by the Licence Issuer;
  - (5) where the Vehicle is a Taxicab, a Taximeter of a type approved by the Licence Issuer, and mounted in a position approved by the Licence Issuer, so that it is clearly visible to the Passengers in the front and rear seats of the Taxicab;
  - (6) where the Vehicle is a Taxicab, an electrically illuminated roof sign displaying the name of the Owner and telephone number of the dispatcher that is securely attached to the top of the Taxicab in a manner approved by the Licence Issuer, wired to the Taximeter and working in conjunction with the Taximeter so that it is illuminated when the Taximeter is in the vacant position.
- 19. An Owner licensed under this by-law shall:
  - (1) employ or use only the services of Drivers who are licensed by the Town under this by-law;
  - (2) maintain knowledge at all times of the identity of any Person having custody or control of the Owner's Vehicle;
  - (3) provide to the Licence Issuer and, where applicable, to any licensed Broker with whom the Owner may be associated, the name of the licensed Driver operating the Vehicle, within seventy-two (72) hours of the time when the licensed Driver has commenced to operate said Vehicle;

- (4) maintain an up-to-date list of all Drivers operating Vehicles for the Owner, which list shall show the name, address, telephone number and current Town Licence number of each Driver which list shall be furnished to the Licence Issuer on request;
- (5) ensure that every Person the Owner employs as a Driver is, during working hours, properly dressed, neat and clean in his or her Person, courteous and provides such reasonable assistance to all Passengers as is needed to enter or leave the Vehicle safely;
- (6) keep the interior and exterior of his or her Vehicle clean, dry and in good repair, and whenever the Owner is informed by either the Driver, the Licence Issuer or an Officer that a Vehicle is not in a fit or proper condition for use, forthwith remove the Vehicle from service, and put the Vehicle in a fit and proper condition;
- (7) retain trip records for each Vehicle licensed showing the date, time, origin and destination of each trip, the name of the Driver and Licence number of the Vehicle, for the current year and the previous year;
- (8) produce the trip record for inspection upon the request of the Licence Issuer, or an Officer, and give full information to the Licence Issuer, or Officer upon being requested to do so as to the place to or from which a Driver has driven any Passenger, with the description, name, address, if known, and every matter within the Owner's knowledge relating to the Passenger or the trip;
- (9) carry in the Vehicle a spare tire, wheel and jack, which are ready for use;
- (10) ensure that the Vehicle has seatbelts which are plainly visible to a Passenger and in good working order;
- (11) ensure that the Vehicle has a heater in good working order;
- (12) ensure that the Vehicle has an emergency first aid kit and an emergency road kit;
- (13) provide on his own, or in conjunction with a licensed Broker, a suitable office for the carrying on of the Owner's business under this by-law;
- (14) provide, if the Owner owns more than one Vehicle licensed under this by-law, on his own, or in conjunction with a licensed Broker, public telephone facilities and radio dispatching facilities maintained in proper working condition;
- (15) accept calls only in the name under which the Owner holds a Licence or in the name of the Broker if the Owner operates out of a Brokerage licensed under this by-law;
- (16) ensure that the Taximeter seal required under this by-law is not removed or tampered with in any fashion;
- (17) comply with the request(s) of the Licence Issuer when such request(s) are made in accordance with this by-law.

#### **OWNER'S PROHIBITIONS**

20. No Owner licensed under this by-law, shall:

- (1) permit his Owner's Plate to be used with respect to any other motor Vehicle or Vehicle, other than the Vehicle for which the Owner's Plate was issued;
- (2) require or permit a Driver of the Owner's Vehicle, to work when that Person's ability to perform his or her duties is impaired by fatigue, illness or otherwise;
- (3) permit a Vehicle of which he or she is the Owner, to be operated with mechanical defects of which the Owner is aware;

- (4) operate a Vehicle or permit the Owner's Vehicle to be operated, without the issuance of an Owner's Plate for that Vehicle under this by-law;
- (5) exhibit on, or about the Vehicle any number, sign or card except one authorized under this by-law and his Provincial motor Vehicle license plate;
- (6) put any name, address or telephone number or identification other than that of the Owner or the Broker with whom the Owner is affiliated, on the Vehicle roof sign;
- (7) operate or permit the Vehicle to be operated in affiliation with a Broker who is not licensed under this by-law;
- (8) display or permit the display of any advertisement on or in the Vehicle except:
  - (a) one permanently attached exterior advertising sign not exceeding 36 cm x 51 cm (14" X 20") in size on each of the side panels of the front doors of the Vehicle and on the rear trunk lid of the Vehicle, such sign relating solely to the Taxicab and/or Limousine business of the Owner, or affiliated Broker;
  - (b) the roof sign as required under the by-law;
  - (c) one exterior advertising poster only, not exceeding 41 cm x 122 cm (16" X 48") in size placed at the rear end of the Vehicle in such a way as not to obscure the Vehicle's license plate or Owner's Plate, vision of the Driver, such poster to be carried in a suitable rust and corrosion resistant frame;
  - (d) no advertisement shall be displayed on or about any Vehicle until it has first been submitted to and approved by the Licence Issuer;
- (9) permit any Person to drive a Taxicab or Limousine unless that Person is licensed as a Driver under this by-law;
- (10) operate a Taxicab with missing hubcaps.

## **BROKER'S DUTIES**

21. A Broker licensed under this by-law shall:
  - (1) provide and maintain in good condition telephone communications between the brokerage office and the public, and two-way communications between the brokerage office and the Driver;
  - (2) carry on business in a suitable office;
  - (3) mount any two-way communications device used for dispatch purposes on the dashboard of the Taxicab, within easy access of the Driver;
  - (4) provide for off-street parking for every Vehicle for which the Broker provides services and for each on-duty Vehicle operating from the Broker's dispatch;
  - (5) require every Owner who has entered into arrangements with the Broker for the provision of Brokerage services to use the same design, shape and colour scheme of roof sign, and to attach to each front door of the Vehicle an identifying decal which shall include the name of the Broker, in a form approved by the Licence Issuer, and shall produce and file a sample of the roof sign and identifying decal with the Licence Issuer;
  - (6) give to the Licence Issuer a list of all Vehicles in respect of which the Broker has any arrangement or agreement for the accepting of calls for service, identifying such Vehicle by the name of the Owner and the number of the Owner's Plate and shall, within forty-eight (48) hours of any addition to or deletion from such list, advise the Licence Issuer in writing thereof;

- (7) provide the Licence Issuer with a list, showing in numerical order by Owner's Plate number, the name of every Driver operating any Vehicle with which the Broker has entered into any arrangement for the provision of brokerage services;
- (8) in the case where a Driver ceases to drive a Vehicle due to the termination of any contract, agreement or arrangement, the Broker and the Owner shall notify the Licence Issuer within seventy-two (72) hours of the said termination;
- (9) keep a trip record for each Vehicle dispatched, showing the date, time, origin, destination of each trip, the name of the Driver and Licence number of the Vehicle;
- (10) retain the trip record for the current year and the previous year and produce trip record for inspection upon request by the Licence Issuer or an Officer;
- (11) give full information to the Licence Issuer or any Officer upon being requested to do so as to the place from which any Person was driven and every matter within the Broker's knowledge relating to the Passenger or the trip;
- (12) upon request, inform any customer of the anticipated length of time required for a Vehicle to arrive at the pick-up location;
- (13) when volume of business is such that service will be delayed to a prospective Passenger, the Broker shall inform the Passenger of the approximate length of the delay before accepting the order;
- (14) dispatch a Vehicle to any Person requesting service within the Town, unless the Person requesting service has not paid for a previous trip and these facts are verified by the Broker;
- (15) file a list of the brokerage rules and procedures, including the terms and conditions of payment of Drivers, with the Licence Issuer, and abide by them, and display the same list prominently in the brokerage office;
- (16) carry on business only in the name in which the Broker is licensed;
- (17) maintain a log of all complaints and compliments received concerning Taxicab and/or Limousine service provided through that Broker including, with respect to each complaint or compliment, the following information:
  - (a) name and Driver's Licence number of the Driver involved;
  - (b) name of the Person from whom it was received; and
  - (c) a brief description of the complaint or compliment made;
- (18) comply with the request(s) of the Licence Issuer when such request(s) are made in accordance with this by-law.

## **BROKER'S PROHIBITIONS**

22. No Broker licensed under this by-law shall:

- (1) charge fees, or increase his fees to the Driver unless the Broker has first:
  - (a) submitted a notice of intent, in writing, to the Licence Issuer, at least one (1) month prior to the proposed effective date of any fees or increase in fees; and
  - (b) prominently displayed a copy of the notice of intent in the brokerage office for at least one (1) month prior to the proposed effective date of any fee or fee increase;

- (2) implement any changes in the brokerage fees, rules and procedures displayed in the brokerage office until the change is first filed with the Licence Issuer;
- (3) accept orders for, or in any way dispatch or direct orders to a Vehicle licensed under this by-law when the activity would be illegal under another municipal by-law or other legislation;
- (4) accept orders for, or in any way dispatch or direct orders to a Vehicle, the Owner of which is not licensed under this by-law, for a pick-up location within the boundaries of the Town;
- (5) dispatch or direct orders for a parcel delivery to a Driver unless the Driver first consents to make the parcel delivery;
- (6) enter into an agreement for the provision of brokerage services with a Driver or Owner who is already affiliated with another Broker;
- (7) permit any Person to drive a Taxicab unless that Person is licensed as a Driver under this by-law.

### **SEATING CAPACITY & NUMBER OF DOORS**

23. A Taxicab under this by-law shall have a manufacturer's rated seating capacity of not less than five (5) adult Persons, and a minimum of four doors.
24. A Limousine under this by-law shall have a manufacturer's rated seating capacity of not less than six (6) adult Persons, shall have a minimum of four doors and a wheelbase of not less than 2.92 metres (114 inches).

### **MODEL YEAR RESTRICTION**

25. An Owner may use motor Vehicles more than five (5) years old (calculated from the first day of January of the Vehicle's model year) as a Taxicab or Limousine for an additional one (1) year period up to a maximum of eight (8) model years, provided that the Licence Issuer or Officer, after inspecting the said Vehicle, is satisfied that the Vehicle's interior is neat, clean and dry and in good repair, and that its exterior is clean and in good repair, free from body damage and has a well maintained paint finish, and further that:
  - (1) the motor Vehicle has been submitted for semi-annual safety inspections by a licensed, qualified automobile mechanic and a valid safety standards certificate has been submitted to the Licence Issuer along with verification annually that the motor Vehicle has passed a Vehicle emissions test conducted pursuant to the Ontario Drive Clean program or any subsequent program;
  - (2) a written request giving a reasonable explanation for the extension is provided; and
  - (3) payment of the appropriate fee as set in the Municipal Act Fees by-law, as amended is provided.
26. No Person may use a motor Vehicle more than eight (8) years old, as calculated from the 1st day of January of the Vehicle's model year, as a Taxicab or Limousine.

### **INSPECTION OF VEHICLES**

27. The Licence Issuer has the authority to request and to have produced all relevant licenses and permits and to have access to all invoices, vouchers, appointment books and trip records or like documents of the Person being inspected, provided such documents are relevant for the purposes of the inspection.
28. Immediately on request of the Licence Issuer, a Person being inspected shall produce any documentation required to be maintained under this by-law.

29. The Licence Issuer shall give notice to the licensed Owner of one mandatory inspection a year for each Vehicle that is licenced to ensure that the provisions of this by-law have been complied with, and, on completion of such inspection, shall complete and file a written report on the inspection.
30. The Licence Issuer may require that the Owner or Driver submit the Vehicle for a random inspection at a time and place specified by the Licence Issuer to verify compliance with the requirements of this by-law.
31.
  - (1) If the Owner or Driver does not attend a mandatory inspection, or a random inspection, the Owner or Driver shall pay the late inspection fee as set out in the Municipal Act Fees by-law, as amended.
  - (2) The Licence Issuer shall suspend the Owner's Licence or Driver's Licence until the fee is paid and the Vehicle has passed the mandatory inspection or random inspection.
32. For the purpose of an inspection required under this by-law, the Owner of the Vehicle shall submit the Vehicle for inspection by the Licence Issuer during normal business hours.

### **TAXIMETER**

33. An Owner shall have affixed to each Taxicab in respect of which such Owner is licensed, a Taximeter which shall register distances travelled, record trips and compute fares to be paid, and each Taximeter shall be:
  - (1) identified with a serial number;
  - (2) inspected and tested over a measured distance when required by the Licence Issuer;
  - (3) sealed by the Licence Issuer;
  - (4) illuminated between dusk and dawn;
  - (5) supported in a raised position on the dashboard and in plain view of the Passengers;
  - (6) adjusted in accordance with the Tariff to an accuracy within 100 meters on a measured kilometre and within 10 seconds over 3 minutes on waiting time charges and approved by the Licence Issuer;
  - (7) kept in good working condition at all times and not used when defective in any way.
34.
  - (1) The Owner shall ensure that the Licence Issuer can seal the Taximeter in any new Vehicle that he intends to license as a Taxicab.
  - (2) No Owner or Driver shall operate a Taxicab without a Taximeter that has been sealed by the Licence Issuer.

### **DISPOSAL OF VEHICLE**

35. When the licensed Owner disposes of, or otherwise ceases to use a licensed Vehicle as a Taxicab or Limousine, the Owner shall immediately remove from the Vehicle being disposed of:
  - (1) the roof light;
  - (2) the Taximeter;
  - (3) all identifying decals or markings;

- (4) the Owner's Plate and any corresponding numbers related thereto that are displayed on the Vehicle which plate shall be returned to the Licence Issuer; and
- (5) all other items that make the Vehicle appear to the public to be a Taxicab and/or Limousine.

#### **TARIFF**

36. A Driver and Owner shall charge a Passenger only the rates as shown on the Tariff Card issued by the Licence Issuer, in accordance with Part B of this schedule. Such rates include any applicable provincial or federal taxes.
37. Notwithstanding any other provisions of this by-law, when a Taxicab Driver picks up a Passenger in a Taxicab within the Town with a destination beyond the limits of the Town, the Driver and the Passenger may agree on a flat rate before the commencement of the trip, but the Driver shall otherwise engage the Taximeter while the Taxicab is within the boundaries of the Town and charge the meter rate.
38. When the Licence Issuer has received three or more complaints stating that an Owner or a Driver has charged a Passenger a fare other than the rates shown on the Tariff Card and the Licence Issuer has verified the complaints, the Licence Issuer may suspend or revoke the Owner's Licence or the Driver's Licence or both the Owner's and Driver's Licences.

#### **LIMOUSINES**

39. A Limousine Driver or Owner shall provide Limousine service only on a prearranged basis.
40. No Owner or Driver of a Limousine shall:
  - (1) solicit fares or hold himself out as being available to service fares in any public place;
  - (2) affix a Taximeter to his Limousine or permit a Taximeter to remain in his Limousine while it is available for service or otherwise in use as a Limousine;
  - (3) drive or operate a Limousine which is equipped with a Taximeter;
  - (4) drive or operate a Limousine which is equipped with radio dispatching equipment;
  - (5) display or permit the display of any advertisement on or in his Limousine;
  - (6) display or permit the display of, on or in his Limousine any light, sign, notice, writing, other advertisement or thing which indicates to the public that the Limousine is other than a private automobile;
  - (7) in any advertisement made or permitted to be made by him, use or permit the use of the words "Taxi", "Taxicab" or any other word or words which indicate that the Limousine is a Taxicab or is available for use as a Taxicab.
41. The rate, fare, fee or charge for the conveyance of Passengers by a Limousine shall be as agreed upon at the time of hiring of the Limousine.

**PART B – TAXICABS AND LIMOUSINES SCHEDULE**

**OF TARIFFS**

HST is included in all rates.

**Distance**

Drop Rate: \$4.00

For each additional kilometer: \$2.00

**Waiting Time**

For each minute of waiting time while engaged: 0.40

For each hour of waiting time while engaged: 24.00

**Reduction for Senior Citizens**

10% upon proof of age (60 years of age or older) on fares over \$6.00. Flat rate trips not included.

Wheelchairs, walkers, etc. accompanying passengers No charge

## SCHEDULE "F"

### TOW TRUCK LICENSING PROVISIONS

#### PART A

#### DEFINITIONS

1. For the purposes of this schedule:

**"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 fire;

**"collision scene"** means the general location or place where a collision occurred and includes a two hundred (200) metre radius of the location or place of the collision;

**"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".

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

**"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;

**"heavy towing"** means any vehicle or combination of vehicles with a gross vehicle weight of at least thirty-three thousand (33,000) pounds (15,000 kilograms) or greater.

**"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*;

**"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 officer, members of a fire department, members of an ambulance service, and other tow truck drivers or owners; or
- (c) pedestrian or vehicular traffic;

“**operating name**” means the name under which the business is operating according to its business registration documentation;

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

“**solicit**” includes to offer or make available in any way, or to communicate to any Person the availability of, the services of a tow truck or the services of an owner or driver of a tow truck;

“**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**” has the same meaning as defined by the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;

“**Towing Authorization Form**” means a two part form, as provided by the Licence Issuer, 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 required by the hirer and a copy of which is provided by the tow truck driver to the hirer;

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

“**wrecker body**” means an after-market modification designed for the purposes of safely lifting, conveying or towing another motor vehicle which may include but is not limited to an underlift, tow bar, tow-sling or wheel lift or similar device and this shall include a flatbed carrier;

“**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.

## **GENERAL TOW TRUCK LICENSING PROVISIONS**

2. 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.
3. In the absence of any evidence to the contrary, the tow will be deemed to originate in the Town of Caledon.

## **LICENCE REQUIREMENTS**

4. No Person shall be licensed as an owner unless:
  - (1) in addition to Sections 9-14 of this by-law, he/she produces and files with a Licence Issuer a copy of the certificate of insurance for the tow truck for which he/she is the owner including but not necessarily restricted to the following coverages:
    - (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
  - (2) 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 Licence Issuer 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.
  - (3) Notwithstanding Section 17(3) of this by-law, in lieu of the Safety Standards Certificate, a tow truck may submit a current, valid Ministry of Transportation Annual Inspection Certificate issued under the *Highway Traffic Act*.
5. No Person shall be licensed as a Driver unless:
- (1) he/she submits a Vulnerable Record Search prepared by the police force having jurisdiction in the municipality in which the applicant resides, dated within 60 days of application.
  - (2) he/she has his/her photograph taken and submitted to a Licence Issuer.

## **INSPECTION**

6. (1) A Licence Issuer 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 Licence Issuer.
- (2) When a tow truck and its equipment have been examined by an 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 Officer or a licensed mechanic.
  - (3) When a tow truck is examined by an Officer or a licensed mechanic and a report states that the tow truck or equipment is dangerous or unsafe, the Owner or Driver shall remove and return to the Licence Issuer the Owner's Plate to be held until the Owner delivers to the Licence Issuer either an annual inspection certificate or a safety standards certificate and the tow truck and the equipment are certified to be safe by the Officer or licensed mechanic.
  - (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 the Licence Issuer 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 other 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 Licence Issuer and the Owner or Driver fails to do so, the Licence Issuer may remove the Licence and/or Owner's Plate.

- (6) Where the Officer has removed the permit and/or number plate issued by the Ministry of Transportation in respect of a tow truck, the Officer shall also remove the Owner's Plate.
8.
  - (1) An 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, including this schedule, have been complied with, and an Officer on completion of an inspection shall complete a written report on the inspection.
  - (2) Upon an inspection, the Officer is entitled 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 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.

### **OWNER AND DRIVER DUTIES**

9. 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 Licence Issuer, or as set out in Schedule 2 under this by-law.
  - (7) 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.

### **VEHICLE AND SAFETY REQUIREMENTS**

10. 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:
  - (1) a winching or hoisting device of sufficient capacity to lift safely the vehicle to be towed;

- (2) wheel lift or an underlift equipped and maintained in a manner to ensure the safe lifting and conveying of a vehicle to be towed. This equipment is not required on a flatbed truck.
- (3) one device for securing the steering wheel of a vehicle;
- (4) one charged, dry chemical fire extinguisher having an effective total rating equivalent to at least ABC, and weighing at least 2.27 kg (approximately 5 lbs.);
- (5) a minimum of two devices used for securing a vehicle such as chains or straps having a minimum length of 2.7432 metres (approximately 9 feet). All such devices must have working load limit tags or markings/stamps on chains;
- (6) four (4) safety pylons;
- (7) 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);
- (8) a broom;
- (9) a shovel;
- (10) a general purpose first aid kit;
- (11) a crowbar/pry bar at least 152.4 cm (60 inches) in length;
- (12) at least two wheel blocks;
- (13) flares or reflector kits;
- (14) wheel wrenches;
- (15) light bar for a rear extension carrier;
- (16) an audible reverse warning system;
- (17) a dolly, including tie-down strap. This equipment is not required on flatbed tow trucks;
- (18) absorbing material for the purpose of absorbing minor fluid spills at an incident;
- (19) any other equipment as may be required under the *Highway Traffic Act*.

#### **OWNER AND DRIVER PROHIBITIONS**

11. A licensed Owner or Driver shall not
  - (1) 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;
  - (2) 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;
  - (3) 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;

- (4) demand or request payment for his/her services other than in accordance with the applicable schedule of rates filed with a Licence Issuer;
  - (5) demand, request or receive a Drop Fee or administration fee;
  - (6) charge a hirer for time lost through defects or inefficiency of the tow truck, or the incompetence of the tow truck Owner or Driver;
  - (7) 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;
  - (8) permit a person to be a passenger in a tow truck, except under the following circumstances:
    - (a) the passenger is the hirer of the tow truck;
    - (b) 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;
    - (a) 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.
  - (9) make representation in any form that the towing company, tow truck Owner or tow truck Driver has the endorsement of the Town, the Ontario Provincial Police or any other government agency except with the written permission from the Town, the Ontario Provincial Police or any other government agency.
12. 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.

#### **TRAINEES – INSTRUCTION**

13. Where an application for a driver's licence has been submitted to the Licence Issuer, and where the applicant for such driver's licence will be receiving instructions on driver training from the licensed Owner, the Licence Issuer shall issue a trainee licence which shall expire thirty (30) days from the date that the application is submitted.

#### **DRIVER'S DUTIES**

14. 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) wear high visibility florescent safety equipment on the upper torso when working on a Highway;
  - (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;
- (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 Officer, or a Licence Issuer;
- (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 an Officer or a Licence Issuer.

#### **DRIVER PROHIBITION**

- 15. (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) remove any Vehicle from an Incident Scene or immediate vicinity of an Incident Scene of which a report is required by law to be made to an Officer, until such report has been made and the investigating Officer has completed his/her investigation in respect of such Vehicle, or has stated that the presence of such Vehicle is no longer required for the investigation;
  - (c) alter the Towing Authorization Form;
  - (d) stop, or park within two hundred (200) 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 (a) or where there are fewer tow trucks at the collision location than vehicles apparently requiring the services of a tow truck;
  - (e) 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 (200) metres (approximately 656 feet) of a collision location, where the actions of the driver or agent constitute a nuisance;
  - (f) 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;

- (g) 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,
- (h) remain at the scene of a tow after a Officer at the scene has requested that the driver leave the scene immediately;
- (i) charge mileage to the owner's Pound;
- (j) where the use of a Dolly is required, leave the scene until the vehicle to be towed is secured using the appropriate safety device including but not limited to safety chains or straps;
- (k) cause or permit passengers to occupy the vehicle to be towed while connected to the tow vehicle.

## **OWNER DUTIES**

16. A licensed Owner shall

- (1) immediately notify a Licence Issuer 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 Licence Issuer 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, such schedule of rates to be considered public information;
- (4) charge the rates, as set out in the schedule of rates filed with a Licence Issuer 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 Licence Issuer 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 Licence Issuer 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 Licence Issuer, in letters and figures not less than eight centimetres (approximately three inches) in height the operating 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 Licence Issuer the owner's plate issued for that tow truck;
- (11) notify forthwith a Licence Issuer 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 Licence Issuer;
- (12) give written notice of the sale or other disposition of a tow truck to a Licence Issuer 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**

##### 17. 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 Licence Issuer without first giving at least thirty 30 days written notice to a Licence Issuer.

#### **SCHEDULE OF RATES**

18. (1) The schedule of rates filed with a Licence Issuer for all types of towing, except collision towing and towing set out in Part B of this Schedule 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 Licence Issuer.
- (3) An owner and driver of a tow truck shall charge only those fees in accordance with the schedule of rates filed with the Licence Issuer.

19. 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 Licence Issuer under this by-law or the amount of the estimate, which ever is lower.
20. 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 Licence Issuer prior to supplying any services thereunder.
21. Notwithstanding the provisions of sections 18, 19 and 20 of this Schedule, the Driver and Owner who offers to tow a passenger vehicle, light van or truck not exceeding 6000 pounds (2722 kg) in towing weight, within the Town of Caledon or to the Owner's pound, shall charge only the following all inclusive fees, and shall not charge any other service fee except applicable federal and provincial taxes as set out in Part B of this Schedule.
22. Mileage may be charged in addition to the rates referred to in Part B of this Schedule, in accordance with the rate sheet referred to in Section 12, provided the customer requests that the vehicle be towed to a location outside of the Town of Caledon other than the Owner's pound.
23. The fee described in Section 20 of this schedule shall not be charged or cause to be charged when the Vehicles are damaged as a result of mechanical failure, non-collision vehicle fire or other similar cause.
24. Where Section 21 of this schedule applies, an Owner and Driver of a Tow Truck may only charge or cause to be charged a fee in accordance with the schedule or rates filed with the Licence Issuer.
25. If the tow is subject of a contract with another level of government, notwithstanding sections 17, 18, 19 and 20 of this Schedule the fees approved with the program contract shall prevail.

#### **NEW AND REPLACEMENT VEHICLE APPROVAL**

26. 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 return the Owner's Plate issued in respect of the truck to the Town.

## PART B – TOW TRUCK LICENSING PROVISIONS

### 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: Mileage charges are in addition to this rate if the hirer requests that the vehicle be towed to a location outside of the Town of Caledon other than the owner's pound.	\$300.00
2.	Where the vehicle to be towed is off the traveled portion of the roadway and off the shoulder and requires winching for recovery, the Owner and Driver of a tow truck may charge an additional fee of:	\$120.00
3.	Where it is necessary to have a second tow truck to assist in removing the vehicle as determined by an Officer, the Owner or Driver of the tow truck may charge an additional fee of:	\$150.00

### NON-COLLISION TOWING INVOLVING POLICE

4. A maximum tow rate of \$150.00 where the tow of a vehicle is the result of non-collision incident where police involvement is required.

### GENERAL

5. The above noted rates include the use of dollies and an administrative fee.

### Appendix A to Consolidated Licensing By-law 2013-127

As used in this Appendix, the following term shall have the meaning indicated:

- “Conviction” Without restricting the generality of the definition, includes any convictions registered against:
- (a) The applicant, and where the applicant is a corporation or partnership, against any officers, directors or partners;
  - (b) Any other businesses of the applicant that are currently licensed or required to be licensed; and
  - (c) Any prior businesses of the applicant that were licensed or required to be licensed

### Threshold Policy

The Thresholds are intended to identify those applicants and licencees who have been convicted of offences which behaviours are incompatible with the type of business, based on health and safety and consumer protection. The Thresholds will also provide an objective and transparent way of identifying such individuals and an appropriate way to deal with the licence.

In the course of an application, the Licence Issuer may also inquire into pending court cases and issue a temporary licence to expire on the date of the expected court date. Withholding the fact of a pending court date from the Licence Issuer is itself a ground for suspension of the licence.

### Scope

This policy applies to all types of business licensing provided for in this by-law.

### Offences and Corresponding Codes

<b>Criminal Code Offences</b>	<b>Description</b>	<b>Code</b>
Sexual Offences (minors)	Sexual offences under Part V of the Criminal Code of Canada	01
Culpable Homicide (murder)	Culpable homicide as under Part VIII of the Criminal Code of Canada including attempt/accessory/conspiracy/co-accused	01
Terrorism	Any offence committed under Part II.1 of the Criminal Code of Canada	02
Major assault and sexual assault offences	Sexual assault with weapon; threats to a third party or causing bodily harm; aggravated sexual assault; assault with weapon; unlawfully causing bodily harm	02
Criminal organization	Participation in criminal organization; commission of offence for criminal organization; instructing commission of offence for criminal organization	02
Sexual offences (where victim is 18 years and older)	Exploitation of person with disability; incest; indecent act; sexual assault under Part VIII of the Criminal Code of Canada.	03
Confinement, kidnapping, trafficking in persons, Hostage taking, Abduction	Offences committee under Part VIII of the Criminal Code of Canada.	03
Hate propaganda	Advocating genocide; public incitement of hatred	03
Robbery, extortion	Robbery; extortion – all related offences under Part IX of the Criminal Code of Canada	03
Assault	Assault; assaulting a peace officer	03
Operation of vehicles, vessels or aircraft	Dangerous operation; flight; causing death by criminal negligence (street racing); causing bodily harm by criminal negligence (street racing); dangerous operation of motor vehicle while street racing; failing to stop for police; failure to stop at scene of accident; operation while impaired; operation with more than 80 milligrams of alcohol in blood; operation while disqualified	03
Criminal negligence	Causing death by criminal negligence; causing bodily harm by criminal negligence	04
Noxious thing, poison	Administering noxious thing to harm	04
Harassment, threats	Criminal harassment; uttering threats, intimidation	04
Explosives	Using explosives; possession	04
Firearms and weapons	Any firearms or weapons offence committed under Part III of the Criminal Code of Canada	04
Theft offences	All offences	04
Forgery offences	All offences	04
Fraud	Fraud offences; falsifying documents	04
Traps	Setting traps likely to cause bodily harm	04
Break and enter	Break and enter	04

<b>Criminal Code Offences</b>	<b>Description</b>	<b>Code</b>
Crime – possession of property	Possession of property obtained by crime; possession of property obtained by excise offences	04
Arson	All offences	04
Counterfeit money	Making counterfeit money; uttering counterfeit money; advertising; dealing	04
Proceeds of Crime	Laundering proceeds of excise offences; laundering proceeds of crime	04
Mischief	Public mischief; mischief	05
Conspiracy	Conspiracy to commit an indictable offence	05
Bawdy houses	Keeping common bawdy house; transporting person to bawdy house; procuring;	05
Prostitution	Offences related to prostitution	05
Other	All other criminal code convictions	07

<b>Controlled Drugs and Substances Act Offences</b>	<b>Description</b>	<b>Code</b>
Possession	Possession of substance	05
Trafficking	Of Schedule I or II substance	03
	Of Schedule III substance	04
	Of Schedule IV substance	05
Importing and Exporting	Of Schedule I or II substance	03
	Of Schedule III substance	04
	Of Schedule IV substance	05
Production	Of Schedule I or II substance (except Marijuana)	03
	Of Schedule III substance	04
	Of Schedule IV substance	05

<b>Highway Traffic Act Offences</b>	<b>Description</b>	<b>Code</b>
Driving prohibited while license suspended	Driving prohibited while licence suspended or disqualified.	04
Suspension while prohibited from driving	Driving while licence suspended	06
Rate of speed/ stunt driving/racing	Where the court has determined that the person convicted was driving at a rate of speed of 50 or more kilometers per hour greater than the speed limit	04
Careless driving	Careless driving	04
Fail to remain	Fail to remain at the scene of an accident	04
Fail to stop for police officer	Fail to stop when signaled or requested by a police officer	04
Fail to stop for school bus	Fail to stop for a school bus	04

In respect of any licence issued under this licensing By-law:

1A A Licence Issuer shall not issue or renew a licence and may recommend Committee not issue or renew a licence if, at the time of an application for a licence or renewal, an applicant has:

- (1) any Code 1 convictions;
- (2) any Code 2 convictions within the last 10 years;
- (3) any Code 3 convictions within the last 5 years;
- (4) two or more Code 3 convictions within the last 10 years;
- (5) any Code 4 conviction within the last 3 years;
- (6) two or more Code 4 convictions within the last 5 years;
- (7) any Code 5 conviction with in the last year;
- (8) six or more by-law related\* convictions within the last year concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or were required to be licensed; four or more by-law and related\* convictions with in the twelve months immediately preceding the date of issuance; or
- (9) overdue by-law fines, unless the applicant or licensee provides proof that such fines have been subsequently paid;

1B In addition to the thresholds noted above, the following thresholds also apply to any business, trade or calling for which a vehicle and its driver are licensed or required to be licensed under this By-law;

- (1) any Code 6 conviction within the last 3 years;
- (2) any Code 7 conviction within the last year;
- (3) nine or more demerit points, as defined in the *Highway Traffic Act*, on the driver's abstract provided to the Licensing Division;

1C Despite the application being complete and all fees paid, the Licence Issuer shall refuse to issue or renew the licence should any one of these thresholds apply. In the case of an existing licence, the Licence Issuer shall suspend the licence should any one of these thresholds apply.

1D The Licence Issuer may place conditions and issue a warning letter on a licence if an investigation of a licensee reveals circumstances that may in the future cause the licensee to be in contravention of any of the business licensing thresholds listed.

1E The Licence Issuer may issue a warning letter to be placed in an applicant's file if, at the time of an application for a licence or renewal, the applicant has:

- (1) Four (4) or more by-law and related\* convictions concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or required to be licensed, within the twelve (12) months immediately proceeding the date of issuance or renewal.

The warning letter must advise the applicant about the specific applicable threshold being applied.

\* related legislation may include, but is not limited to, Town of Caledon Licensing By-law 2013-127.

## SCHEDULE "G"

### DONATION BOXES

1. For the purposes of this Schedule:

**"Charity"** means a registered charity, as defined in the federal *Income Tax Act*, that has a registration number issued by the Canada Revenue Agency;

**"Donation box"** means any outdoor receptacle used for the purpose of collecting clothing donation items;

**"Licensee"** includes the holder of the license and an agent of the licensee that is responsible for the operation of the donation box licensed under this Schedule;

**"Property owner"** means the person holding registered title to the land, and/or a lessee, tenant, occupant, mortgagee in possession, or any person having charge of the land, upon which a donation box is located;

**"Site Plan"** means a document identifying the arrangement of buildings, parking, roads and any other structures in a graphic representation.

### LICENSING REQUIREMENTS

2. Every Licensee is required to obtain, from the Town a licence for each donation box located within the Town.
3. An Applicant that provides a valid charitable registration number, issued by the Canada Revenue Agency, as part of the licence application for a donation box may, without the payment of the application or renewal fee, locate one donation box, within the Town, on land which is primarily used for the operations or activities of the charity.
4. An application, and all required documents as outlines in this schedule, shall be submitted to the Town for approval prior to the donation box being located.

### APPLICATION REQUIREMENTS

5. In addition to the application requirements as set out in this By-law, all applications for a donation box licence must include:
  - (1) the name, contact e-mail, phone number and address of the applicant / Licensee;
  - (2) the municipal address where the donation box will be placed;
  - (3) a site plan identifying the exact location of the donation box on the premises;
  - (4) a signed consent letter from the property owner;
    - i) in a form specified by the Town;
    - ii) including the name, address and contact information of the property owner;
    - iii) permitting the donation box to be located at the location described in the site plan;
  - (5) if the applicant is a charitable organization, the charitable registration number provided by the Canada Revenue Agency;
  - (6) a list containing the addresses of all licensed donation boxes within the Town operated by the applicant / licensee;

- (7) proof of general liability insurance showing a minimum of two million (\$2,000,000) dollars coverage per occurrence, with the Town of Caledon appearing as one of the named, insured on the policy;
  - (8) payment of the appropriate application fee as outlined in the Town's Fees By-law, as amended; and
  - (9) any other documentation deemed necessary by the licence issuer to evaluate the application.
6. A Donation Box License application or renewal will not be reviewed and/or considered complete until payment of the appropriate fee, as set out in the Town's Fees By-law, as amended, is received.

#### **POSTING OF LICENCE**

7. There is no requirement under section 33 (1) and (2) of the Licensing By-law to post or for the licensee to keep the licence on their person for this schedule.

#### **TERM OF LICENCE**

8. All licences issued under this schedule will expire on February 28<sup>th</sup> of each year.

#### **DONATION BOX REQUIREMENTS**

9. All donation boxes must have posted on the exterior of the donation box:
- (1) The name of the licensee, posted in a conspicuous place, in lettering no smaller than 100 millimeters x 75 millimeters, and of a contrasting colour from the donation box, including:
    - (a) The Canada Revenue Agency registration number, if the Licensee is a registered charity; or
    - (b) The words "not a Charity";
  - (2) the Town Donation Box Licence Number provided by the licence issuer for that donation box;
  - (3) the address, phone number and e-mail address of the Licensee;
  - (4) the location of all other licenced donation boxes that the licensee has placed within the Town, and
  - (5) any other information as deemed necessary by the License Issuer.
10. Every licensee and property owner shall ensure that each donation box, for which a licence has been granted, is kept clean, in good repair, and free of graffiti.
- (1) Every licensee and property owner shall ensure that at all times the areas immediately adjacent to the donation box are kept clean and free of any overflow of donated items, litter, refuse and debris, and in compliance with the Town's Property Standards By-law, as amended.
11. No person shall operate a donation box in any location other than the location specified in the license issued.

#### **LOCATION REQUIREMENTS**

[By-law 2017-30 effective May 30/17]

12. Donation boxes shall only be permitted on properties that meet all of the following criteria:
- (1) on private property; and
  - (2) all areas identified as being zoned Commercial, Industrial and Institutional in the Town's Zoning By-law, as amended; and
  - (3) positioned at least two (2) meters from all property lines.

12. Re-location of a donation box shall only be permitted through the submission and approval by the Licence Issuer of a new application, including the payment of the applicable fee as outlined in the Town's Fees By-law, as amended.
13. No person shall permit more than two donation boxes to be located at each municipal address.

*Original section 15 was removed and the provisions renumbered accordingly as per By-law 2017-30 effective May 30, 2017.*

14. No person shall permit a donation box to be located on any property owned or maintained by the Town.

## **ENFORCEMENT**

15. If an Officer finds a donation box in contravention of this By-law, including this Schedule, the Officer may issue an Order upon the Licensee and/or the Property Owner as per the requirements of section 67 of this By-law.
16. Where a person to whom an Order has been issued pursuant to this By-law, fails to comply with the Order, the Town, in addition to any other remedies it may have, may do the work required to bring the Order into compliance, at the expense of the licensee and/or property owner.
  - (1) The cost of bringing the directions of the Order into compliance, plus administration fee, may be added to the tax roll and collected by the Town in the same manner as property taxes.
17. An Officer may enter upon the land at any reasonable time, in order to obtain compliance of the Order.
  - (1) In order to bring the Order into compliance, the Officer may utilize a third- party contractor.
18. The Town shall not be liable for any loss, damage or cost incurred by any Licensee, property owner or any other person due to, or arising from, the removal and/or disposal of any donation box by the Town.