



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 316-83

To license, regulate and govern
the owners and drivers of tow
trucks

WHEREAS paragraph 1 of section 227 of the Municipal Act (R.S.O. 1980, chapter 302, as amended) permits a board of commissioners of police of a city to pass by-laws licensing and regulating the owners and drivers of motor vehicles used for hire or any class or classes thereof;

AND WHEREAS section 142 of the Regional Municipality of Peel Act (R.S.O. 1980, chapter 440, as amended) permits the council of the City of Brampton to pass any by-law that a board of commissioners of police of a city is authorized to pass under the Municipal Act;

NOW THEREFORE the council of The Corporation of the City of Brampton ENACTS as follows:

ADMINISTRATION

1. (1) This by-law shall be administered and enforced, and the actions authorized herein taken, by the Commissioner of Public Works and Building, and by such other persons as the Commissioner directs to do so.

(2) A person acting under the direction of the Commissioner may take any of the actions this by-law authorizes the Commissioner to take.
2. Every person who contravenes any of the provisions of this by-law is guilty of an offence, and, upon conviction, shall be liable in respect of each offence to a fine of not more than two thousand dollars (\$2,000.00), exclusive of costs.

LICENCES

3. An application for a tow truck owner's licence, a tow truck driver's licence, or for the renewal of a licence, shall be on the form provided by the City.

4. To apply for an owner's licence in respect of a tow truck, or a renewal thereof, a person shall
- (a) file with the City:
 - (i) a completed application form,
 - (ii) the appropriate fees, as set out in Schedule A to this by-law,
 - (iii) a current and valid motor vehicle permit for the tow truck, issued by the Ministry of Transportation and Communications in the applicant's name, or, if the tow truck is leased, a copy of the lease agreement,
 - (iv) two prints of a passport size photograph of the applicant,
 - (v) an approved motor vehicle inspection report for the tow truck from the Ministry of Transportation and Communications,
 - (vi) evidence of insurance, in a form satisfactory to the City, in accordance with the requirements of Schedule B to this by-law,
 - (vii) if the applicant has any interest, either directly or indirectly, in any building, yard or place used for the storage or impounding of vehicles or in any business or operation involving the storage or repair and servicing of vehicles, full information as to the location and type of facilities in which such applicant has an interest, and the nature and extent of the interest,
 - (viii) if the applicant is a corporation, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government departments,
 - (ix) if the applicant is a registered partnership, a copy of the registered declaration of partnership, and
 - (b) submit the tow truck in respect of which the owner's licence application is being made to the City for inspection.

5. To apply for a tow truck driver's licence, or a renewal thereof, a person shall file with the City:
 - (a) a completed application form
 - (b) the appropriate fees, as set out in Schedule A to the by-law,
 - (c) a current driver's licence in good standing,
 - (d) two prints of a passport size photograph of the applicant,
 - (e) a letter from a licensed owner, stating that such owner is prepared to employ the applicant and has tested the applicant and found the applicant competent to operate a tow truck and its equipment.
6. The delivery of an application for a licence or for a renewal of a licence to the City shall constitute the consent of the applicant to the entry upon, and inspection of, the business premises of the applicant, at any reasonable time, by an employee of the City.
7. (1) An applicant is entitled to be licensed and a licensee is entitled to have a licence renewed, except where
 - (a) the past conduct of the applicant or licensee, or its officers or directors, affords reasonable grounds for belief that the applicant or licensee will not carry on the activity to be licensed in accordance with the law,
 - (b) issuing the licence would be contrary to the public interest.(2) The City may refuse to issue or renew, or may suspend or cancel, a licence for the reasons set out in subsection 7(1).
8. (1) Where an application for a licence or for the renewal of a licence is refused, any fees paid shall be fully refunded.
 - (2) If a licence is suspended or cancelled, the licensee is entitled to a refund of a portion of the licence fee in an

amount proportionate to the unexpired part of the term of the licence, except where the unexpired part of the term is less than four months.

9. The City may issue or renew a licence subject to certain terms and conditions, if such terms and conditions are first consented to by the applicant or licensee.
10. Where an application for a licence or for a renewal of a licence for a tow truck owner is made in accordance with and complies with all requirements of this by-law, the City shall issue to the owner a licence and a licence plate, which shall both set out the expiry date of the licence and the licence plate number, and the applicant shall thereby be licensed as a tow truck owner.
11. Where an application for a licence for a tow truck driver is made in accordance with and complies with all requirements of this by-law, the City shall issue to the driver a licence which shall set out the expiry date of the licence and the licence number, and the applicant shall thereby be licensed as a tow truck driver.
12. A renewal licence or a renewal licence plate shall not be issued until the previous licence or previous licence plate is returned to the City.
13. A licence shall be valid until the expiry date, as recorded thereon, unless earlier suspended or cancelled.
14. (1) A licence issued under this by-law is not transferable from one vehicle to another vehicle or from one person to another person.
(2) A licence plate issued under this by-law is and remains the property of the City, notwithstanding that it is in the possession of an owner or driver.
15. (1) The City may suspend or cancel a licence
 - (a) if an owner fails to operate a tow truck for a period of 60 consecutive days and does not provide a reasonable explanation therefor,
 - (b) if so requested, in writing, by the licensee,

- (c) if the insurance required by this by-law is no longer in effect, or
 - (d) if an owner or driver is not complying with any of the requirements of this by-law.
- (2) Except in cases to which subsection 15(3) applies, seven days prior written notice of the intention to suspend or cancel a licence shall be given to the licensee.
- (3) Where the Commissioner or a person acting under the Commissioner's direction is of the opinion that it is not possible or appropriate to give prior written notice of the intention to suspend or cancel a licence, notice of the suspension or cancellation shall be given to the licensee immediately after the action is taken.
16. Where a licence has been suspended or cancelled, the licensee shall return the licence and the licence plate, if any, to the Commissioner within 24 hours of the receipt of notification of the suspension or cancellation of the licence.
17. A licensed driver shall return the licence issued to such driver to the City within three days after the driver's licence issued to such driver under the Highway Traffic Act has been suspended or cancelled.
18. An owner shall return to the City the licence issued to such owner and the licence plate for a tow truck if such owner disposes of or is no longer operating or using that tow truck.

PROHIBITIONS

19. A person shall not operate a tow truck, or cause a tow truck to be operated, unless such person is licensed as an owner in respect of that tow truck.
20. A person shall not drive a tow truck, or act as a driver of a tow truck, unless such person is licensed as a tow truck driver.
21. A person licensed as a driver shall not drive a tow truck, or act as a driver, unless the owner is licensed in respect of that tow truck.
22. A person shall not publish, or cause to be published, any

representation that such person is licensed under this by-law if such person is not.

23. A licensed owner shall not attach a tow truck licence plate issued under this by-law to any tow truck other than the particular tow truck for which the licence plate was issued.
24. A licensed owner or licensed driver shall not use or operate a tow truck unless the tow truck is equipped in accordance with the requirements of this by-law, and all such equipment is in good condition and fully operational.
25. A licensed owner or licensed driver shall not use or permit to be used a tow truck that is unsafe or defective.
26. A licensed driver shall not
 - (a) commence to tow 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 the person responsible for the vehicle, or by a peace officer, a member of the municipal fire department, or any person authorized to direct removal of the vehicle,
 - (b) suggest or recommend to any person that any motor vehicle in respect of which the driver's services are given or requested be towed, driven or delivered to any particular salvage yard, body shop, storage yard or any other public garage, building or place, unless the driver is responding to an inquiry by such person,
 - (c) stop or park within 60 metres of the location of an accident, unless there are fewer tow trucks at the accident location than vehicles apparently requiring the services of a tow truck, or the driver has been summoned to the accident location by one of the persons referred to in section 26(a),
 - (d) approach the person responsible for any motor vehicle involved in an accident and offer or make available for hire the services of the driver or the tow truck of the driver, unless permitted to do so in accordance with section 26(c)

27. A licensed owner or licensed driver shall not interfere with a contract of hiring with any other licensed owner or licensed driver.
28. A licensed owner or licensed driver shall not demand or request payment for the services rendered or to be rendered other than in accordance with the applicable schedule of rates filed with the City.
29. A licensed owner shall not alter or amend the schedule of rates filed with the City until thirty days after having provided to the City written notice of the changes.
30. Where an estimate is given of the cost of service or equipment to be provided by a licensed owner or a licensed driver, the charge to the person contracting for such service or equipment shall not exceed the charges set out in the schedule of rates filed with the City, or the amount of the estimate, whichever is lower.
31. A licensed owner or licensed driver shall not charge a person who has hired such owner or driver for time lost because of a breakdown of the tow truck or its equipment.
32. A licensed owner or licensed driver shall not demand, request, accept or receive, directly or indirectly, any charge, gift, payment, drop fee, thing or other consideration from any person who owns or has an interest, directly or indirectly, in any motor vehicle pound, motor vehicle body shop, public garage or any other yard, shop, building or place, used for the storage, repair or servicing of motor vehicles, in respect of or in consideration for the towing or conveying of a motor vehicle to such building or place.

OBLIGATIONS

33. A licensed owner shall carry on the business of operating a tow truck only under the name which is set out in the licence issued to the owner.
34. When the name or address of the licensed owner or licensed driver changes, or if any of the information provided on such owner's or driver's application for the licence or for its renewal has changed, such owner or driver shall notify the City

within seven days of the change, and return the licence to the City within fourteen days for amendment or replacement.

35. A licensed owner shall give written notice of the sale or other disposition of a tow truck of the owner to the City within seven days thereof.
36. A licensed owner shall provide and maintain on, or in, every tow truck owned or leased by such owner, and in respect of which such owner is licensed under this by-law, the equipment set out in Schedule C to this by-law.
37. A licensed owner shall keep all equipment required by section 36 in a good state of repair, and shall have the fire extinguisher required inspected and serviced annually.
38. A licensed owner and a licensed driver shall keep each tow truck operated or driven by such owner or driver, and its equipment, clean and in good repair.
39. A licensed owner shall
 - (a) have attached to, or printed on, both sides of a tow truck, in a location acceptable to the Commissioner, words and markings showing the name under which the business is operated (as shown on the licence) in letters and figures not less than eight centimetres in height, and
 - (b) have affixed to the front of the vehicle, in a location acceptable to the Commissioner, the licence plate issued under this by-law.
40.
 - (1) A licensed owner shall file with the City a schedule of the rates to be charged for the towing of vehicles and for any other services offered by or available from such owner or from the drivers employed by such owner.
 - (2) The schedule of rates filed with the City shall be based only on the factors set out in Schedule D to this by-law.
 - (3) Where rates are to vary with the time of day or location served, or in accordance with some other factors, the formula for determining exactly the rates to be charged shall be set out in the schedule of rates filed with the City.

41. The provisions of section 28 do not prohibit a licensed owner from entering into a written agreement with any person, group or company to provide towing services at rates lower than those shown in the schedule of rates filed, provided that a copy of such written contract or agreement is filed with the City at least ten days before any services to which such contract or agreement applies are to be provided.
42. A licensed owner and licensed driver shall keep in the tow truck, and show on demand to any person to whom services are being provided, a copy of the schedule of rates then on file with the City.
43. Before demanding payment for any services, a licensed owner or licensed driver shall present to the person for whom the services were performed, a bill itemizing the cost of all services and equipment.
44. Every licensed owner and licensed driver shall keep a daily record of the work performed by the tow truck owned or driven by such owner or driver, either on a continuous log sheet or with consecutively numbered bills or invoices, showing, in every instance,
 - (a) the name of the person for whom work was done,
 - (b) a description and licence plate number of the vehicle towed or conveyed,
 - (c) from where and to where the vehicle was towed or conveyed, and
 - (d) the rate charged and the total fee collected thereon.
45. A licensed driver shall
 - (a) keep in the truck, at all times while operating a tow truck, the tow truck driver's licence issued to such driver
 - (b) be properly dressed and well groomed, and
 - (c) behave courteously.
46. A licensed driver shall
 - (a) clean up any debris, fragments of glass, vehicle parts, or other materials (excluding loads dumped during accidents)

from any highway or roadway prior to towing any vehicle from the scene,

- (b) take due care of all vehicles and property delivered to or entrusted to such driver for towing,
- (c) tow a vehicle by the most direct route reasonably possible in the circumstances, and in the most expeditious manner, unless otherwise directed by the person responsible for the towed vehicle,
- (d) comply with all reasonable instructions of the person responsible for the vehicle.

GENERAL

- 47. The Commissioner may require a driver, at any time, if the Commissioner feels it may be in the public interest, to provide to the Commissioner a certificate from a doctor, stating that the applicant is fit and able to operate a motor vehicle.
- 48. (1) If the Commissioner believes, on reasonable grounds, that a tow truck is not a fit and safe vehicle, in accordance with the requirements of the Highway Traffic Act, the Commissioner may give its owner or driver a written notice requiring such owner or driver to submit the tow truck for inspection at the location set out in the notice.
 - (2) The owner or driver shall submit the tow truck for inspection at the location set out therein within seven days of the receipt of a notice given pursuant to subsection 48(2).
 - (3) If the inspection reveals that the tow truck is unfit or unsafe, the owner shall immediately return to the City the licence and licence plate for that tow truck.
 - (4) An owner may recover from the City, at no charge, the licence and licence plate returned to the City pursuant to subsection 48(3) once the matters rendering the tow truck unfit or unsafe have been remedied.

DEFINITIONS

49. For the purposes of this by-law,

"Commissioner" means the Commissioner of Public Works and Building

"driver" means any person who drives a tow truck,

"licence" means, unless the contrary intention appears, a licence issued under this by-law to an owner or a driver

"licensed" means to have in one's possession a valid and current licence issued under this by-law

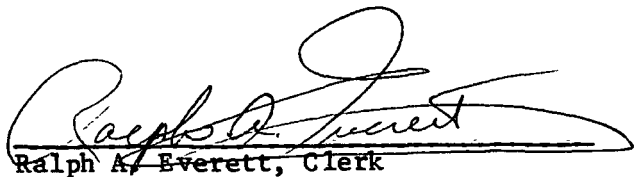
"owner" means the registered owner of a tow truck, or, where the registered owner is not the person responsible for operating the tow truck, the operator of a tow truck,

"tow truck" means a motor vehicle for hire for the towing of vehicles

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 12th day of December, 1983.



Kenneth G. Whillans, Mayor



Ralph A. Everett, Clerk

SCHEDULE A TO BY-LAW 316-83

Licence Fees

Tow truck owner's licence	\$ 75.00
Tow truck driver's licence	10.00

Other Fee

Fee for replacement of driver's or owner's licence	8.00
Fee for replacement of owner's plate	10.00

SCHEDULE C TO BY-LAW 316-83

1. a winching or hoisting device of sufficient capacity to safely lift the motor vehicle to be towed;
2. a tow cradle, tow-bar or tow-sling equipped and maintained in a manner to ensure the safe lifting and conveying of a towed vehicle;
3. one device for securing the steering wheel of a vehicle;
4. at least one 2.27 kg., chemical fire extinguisher having an effective total rating equivalent to at least 4-B,C;
5. at least two safety chains having a minimum length of 2.7432 m each with links of at least 21mm steel;
6. 2 safety pylons;
7. broom;
8. shovel;
9. first aid kit;
10. an intermittent amber warning light system consisting of at least one light which would be clearly visible in all directions for a distance of at least 100 metres;
11. prybar at least 152.4 cm in length;
12. 2 wheel blocks;
13. flares or reflector kits;
14. wheel wrenches.

Insurance requirements

Insurance policy will provide for following:

1. at least 10 days written notice to Commissioner prior to cancellation, lapsing, or variation in amount of coverage
2. coverage of at least \$1,000,000.00, exclusive of interest and costs, against liability resulting from bodily injury to, or the death of, any person or persons, and against liability from damage to property
3. coverage of at least \$1,000,000.00, exclusive of costs, against liability for damage to the vehicles of customers while in the care and control of applicant
4. coverage of at least \$50,000.00 against liability for damage to or theft of cargo or other goods of customers, subject to reasonable limitations

SCHEDULE D TO BY-LAW 316-83

1. time required to reach accident location after being hired
2. time required to perform services
3. standby time after being hired
4. distance to travel to reach scene after being hired
5. distance vehicle is towed or conveyed
6. weight and size of vehicle towed or conveyed
7. additional services -
 - (a) changing more than one wheel
 - (b) disconnecting driveshaft
 - (c) uprighting overturned vehicle
 - (d) moving vehicle to towing position
 - (e) opening locked vehicle without keys
 - (f) provision and use of dolly
 - (g) other specified services