



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 250 - 2016

To amend Mobile Licensing By-law 67-2014, regarding minor amendments to provide better clarity for the By-law in its schedules and appendices.

Whereas the *Municipal Act, 2001*, Section 11, provides that a municipality may regulate businesses for the health, safety and well being of persons;

Whereas the *Municipal Act, 2001*, Part IV – Licenses, provides that a municipality may pass by-laws for licensing, regulating and governing any business wholly or partly carried on within a municipality;

Whereas the *Municipal Act, 2001*, Subsection 151 (1), provides that a municipality may provide for a system of licenses with respect to a business and may prohibit the carrying on or engaging in the business without a licence, refusing, revoking or suspending a licence, imposing conditions on a licence, regulating property used for a business that requires a licence and regulating persons carrying on a business that requires a licence; and

Whereas the Council for the City of Brampton considers it desirable that certain amendments are required to the By-law to provide greater clarity.

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

1. Mobile Licensing By-law 67-2014, as amended, is further amended by DELETING Schedule 5 subsection 9(b);
 - 9(b) stop or park within 200 metres of the location of a Collision, unless there are fewer Tow Trucks at the Collision location than the number of Vehicles for which the services of a Tow Truck are required or unless the Driver has been summoned to the Collision location by the Hirer;
2. Mobile Licensing By-law 67-2014, as amended, is further amended by ADDING Schedule 5 section 9.1;
 - 9.1 Notwithstanding any other section of this By-law, there shall be no more Tow Trucks within two hundred (200) meters of any Collision or apparent Collision than the number of vehicles that require the services of a Tow Truck or unless the Driver has been summoned to the Collision location by the Hirer;

3. Mobile Licensing By-law 67-2014, as amended, is further amended by
DELETING Schedule 5 clause 10(1)(c);

10 (1)(c). provide and maintain on every Tow Truck owned or leased
by such Owner, the equipment set out in Section 19 of this
Schedule;
4. Mobile Licensing By-law 67-2014, as amended, is further amended by
ADDING revised Schedule 5 clause 10(1)(c);

10 (1)(c). provide and maintain on every Tow Truck owned or leased
by such Owner, the equipment set out in Section 20 of this
Schedule;
5. Mobile Licensing By-law 67-2014, as amended, is further amended by
renumbering the clauses in Schedule 5 subsection 12(c) to reflect (i) thru to
(iv);
6. Mobile Licensing By-law 67-2014, as amended, is further amended by
DELETING Schedule 5 Section 21;


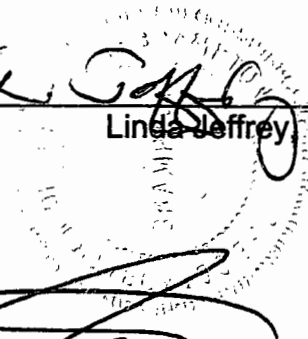

21. The items listed in Section 19(b) and 19(r) are not required
on a Flat Bed Tow Truck and Section 19(r) is not required on
a Tow Truck which tows transport trucks.
7. Mobile Licensing By-law 67-2014, as amended, is further amended by
ADDING revised Schedule 5 Section 21;

21. The items listed in Section 20(b) and 20(r) are not required
on a Flat Bed Tow Truck and Section 20(r) is not required on
a Tow Truck which tows transport trucks.
8. Mobile Licensing By-law 67-2014, as amended, is further amended by
DELETING Appendix E, Threshold Policy;
9. Mobile Licensing By-law 67-2014, as amended, is further amended by
ADDING the following revised Appendix E Threshold Policy attached to this
by-law as Appendix 1;

ENACTED and PASSED this 23 day of November, 2016.

Approved as to form. 2016/Nov/22 NK
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Approved as to content. 2016/Nov/14 Paul Morrison
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 _____ Linda Jeffrey, Mayor	
 _____ Peter Fay, City Clerk	

Appendix E - Mobile Licensing By-law THRESHOLD POLICY

POLICY STATEMENT:

This policy deals with Applicants or Licensees who must submit a police check or driver's abstract as part of their Licence Application. When a police check reveals a prior conviction for a serious offence, the Licence Issuer must conclude that it is not in the public interest for the person to be licensed and refuse or suspend the licence.

When a Licence is refused or suspended, the Licence Issuer will advise the Applicant or Licensee in writing, setting out the specific conviction that forms the basis of the decision, and tell the Applicant or Licensee of the right to appeal to the Brampton Appeal Tribunal and the deadline for appealing. Any appeal letter must contain reasons in support and be accompanied by the appropriate appeal fee as set out in the City's User Fee By-law. The Tribunal makes the final decision and there is no further right to appeal to City Council.

In the course of an application, the Licence Issuer may also inquire into pending court cases and issue a conditional Licence to 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:

The thresholds will apply to Licences issued by the City of Brampton pursuant to the following Schedules under Mobile Licensing By-law:

Schedule 1 Driving Schools	Schedule 4 Taxicabs
Schedule 2 Limousines	Schedule 5 Tow Trucks
Schedule 3 Refreshment Vehicles	

1-A Despite an application being complete and all fees paid the Licence Issuer shall refuse to issue or renew a Licence and in the case of an existing Licence, the Licence Issuer shall suspend the Licence, if an Applicant or Licensee has:

- (1) any code 01 conviction;
- (2) any code 02 conviction within the last ten years;
- (3) any code 03 conviction within the last five years;
- (4) two or more code 03 convictions within the last ten years;
- (5) any code 04 conviction within the last three years;
- (6) two or more code 04 convictions within the last five years;
- (7) any code 05 or 07 conviction within the last year;
- (8) any code 06 conviction within the last three years;
- (9) three or more code 08 convictions within the last year;
- (10) nine or more demerit points, as defined in the *Highway Traffic Act*, on the driver's abstract provided to the Licensing Department;
- (11) 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 within the twelve-months immediately preceding the date of issuance;

(12) any code 09 event within the last year; or

(13) overdue by-law fines, unless the Applicant or Licensee provides proof that such fines have been subsequently paid.

1-B The Licence Issuer shall issue, renew or reinstate a Licence, if at the time of the Application for a Licence or Licence renewal, the conviction or event has reached the age set out below.

(1) The code 02 conviction is more than ten years old;

(2) If the Licence was not issued because of a single code 03 conviction, when that conviction becomes more than five years old,

(3) If the Licence was not issued because of two or more code 03 convictions, when at least two of those convictions become more than ten years old;

(4) If the Licence was not issued because of a single code 04 conviction, when that conviction is more than three years old;

(5) If the Licence was not issued because of two or more code 04 convictions, when at least two of those convictions are more than five years old;

(6) If the Licence was not issued because of a single code 05 or code 07 conviction, when that conviction is more than a year old;

(7) If the Licence was not issued because of a single code 06 conviction, when that conviction is more than three years old;

(8) If the Licence was not issued because of two or more code 06 convictions, when at least two of those convictions are more than five years old;

(9) If the Licence was not issued because of a single code 07 conviction, when that conviction is more than one year old;

(10) If the Licence was not issued because of nine (9) or more demerit points, as defined in the *Highway Traffic Act*, on the driver's abstract provided to the Licence Issuer; when the driver's abstract falls below nine (9) demerit points;

(11) If the Licence was not issued because of three or more code 08 convictions, when three of those convictions are more than one year old;

(12) If the Licence was not issued because of a code 09 event, when that code 09 event is more than a year old; and

(13) If the Licence was not issued because overdue by-law fines, when those fines have been paid.

These thresholds shall be applied threshold for threshold. For example if the Applicant's or Licensee's Licence was not granted by reason of a recent code 02 conviction, the Licence shall be reinstated or issued when the code 02 conviction is more than 10 years old, provided there are no other applicable thresholds.

1-C 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 thresholds listed.

1-D The Licence Issuer may issue a warning letter to be placed in an Applicant's or Licensee's file if, at the time of an Application for a Licence or renewal, the Applicant has four 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 months immediately preceding the date of issuance or renewal.

The warning letter must advise the Applicant or Licensee about the specific applicable threshold.

* Related legislation may include, but is not limited to, City of Brampton Business Licensing By-law

Criminal Code Offences	<i>Description</i>	Code
Sexual Offences (minors)	Interference, invitation, exploitation, procuring sexual activity (parent or guardian), permitting sexual activity (householder) corrupting children, luring a child, exposure, incest (with minor)	01
Terrorism	Providing, collecting property; using, possessing property; providing, making available property	02
Homicide	Homicide, manslaughter, infanticide, murder, attempt to commit, accessory	02
Major assault and sexual assault offences	Sexual assault with weapon, causing bodily harm, aggravated, assault with weapon, causing bodily harm	02
Sexual offences (against person other than minor)	Exploitation of persons with a disability, incest, indecent act, sexual assault	03
Confinement	Kidnapping, hostage taking, abduction	03
Hate propaganda	Advocating genocide, public incitement of hatred	03
Robbery, extortion	All offences	03
Criminal organization	Participating in activities of	03
Criminal Negligence	Criminal negligence, causing death, causing bodily harm	04
Assault	Assault, of a peace officer	04
Noxious thing, poison	Administering to harm	04
Harassment, threats	Criminal harassment, uttering threats	04
Explosives	Using, possession	04
Weapons	Possession, carrying, trafficking	04
Firearms	Using in commission of offence, careless use, pointing, possession, acquisition without certificate, causing bodily harm	04

	with intent (firearm, air gun, or pistol)	
Theft offences	All offences	04
Forgery offences	All offences	04
Traps	Setting	05
Break and enter	Break and enter	04
Crime-possession of property	Possession of property obtained by crime	04
Fraud	Fraud offences, falsifying documents	04
Arson	All offences	04
Counterfeit money	Uttering, advertising, dealing	04
Proceeds of crime	Laundering	04
Noxious thing, poison	Administering to annoy, to aggrieve	05
Mischief	Mischief	05
Conspiracy	Conspiracy to commit an indictable offence	05
Prostitution	Offences related to	05
Bawdy houses	Keeping, transporting person to, procuring	05
Operation of motor vehicle, vessels, or aircraft	Dangerous operation, 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, driving while disqualified	06
Other	All other Criminal Code Convictions	07

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

Highway Traffic Act	<i>Description</i>	Code
36	Driving while license suspended	07
43(1)	Driving while license suspended	06
Speeding	Exceeding speed by 50 km/hr	06
Careless	Careless driving	06
Fail to remain	Fail to remain at the scene of an accident	06
Fail to stop	Fail to stop when signaled or requested by a police officer	06
Racing	Racing	06
Fail to stop	Fail to stop for a school bus	06

By-Law	<i>Description</i>	Code
	Discriminate against a member of the public	08
	Refuse to serve a blind person guided by a dog	08
	Refuse to serve a physically challenged person	08
	Any instance of plate removal	09