

THE CORPORATION OF THE TOWN OF WASAGA BEACH

BY-LAW NUMBER 2009 - 21

**A BY-LAW TO AMEND BY-LAW #2007-38
OF THE CORPORATION OF THE TOWN OF WASAGA BEACH**

WHEREAS By-Law #2007-38 passed the 27th day of March, 2007 being a By-Law to licence, regulate and govern businesses carried on within the municipality;

AND WHEREAS it is deemed necessary and expedient to amend the said By-Law to include provisions to licence Tow Truck Driver;

NOW THEREFORE, be it resolved that the Council of The Corporation of The Town of Wasaga Beach enacts as follows:

1. **THAT** By-Law #2007-38 Schedule "A" is hereby amended by adding the following:

SCHEDULE "A68" TOW TRUCK DRIVER

2. **THAT** By-Law #2007-38 Schedule "B" is hereby amended by adding a licensing fee for:

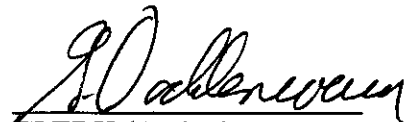
SCHEDULE "A68" TOW TRUCK DRIVER

3. **Effective Date**

- 3.1 This by-law shall come into full force and take effect from the date of its passing.

Read a first, second and third time and finally passed this 10th day of March 2009.


MAYOR


CLERK (Acting)

SCHEDULE "A68" TO BY-LAW 2007-38

TOW TRUCK DRIVER

A. DEFINITION:

1. "Tow Truck Driver" means the driver of a tow truck who is licensed as such under this By-law.

SCHEDULE "A68" TO BY-LAW 2007-38

B. REASONS FOR REQUIRING LICENCE AND/OR IMPOSING CONDITIONS:

1. For the purpose of consumer protection to ensure that the services are being provided by individuals with acceptable backgrounds, and to ensure that the business does not create a nuisance to the health and safety of the public

C. REQUIREMENTS AND CONDITIONS OF LICENCE:

1. No person shall operate or maintain the business as a tow truck driver within the Town without first obtaining a licence to do so.
2. At the time of application or renewal, the applicant shall provide the following to the Business Licencing Officer:
 - a. two pieces of identification, one of which shall be photographic identification detailing the applicant's birth date, legal name and current residential address;
 - b. proof that he has and maintains a current valid driver's licence of the appropriate class issued pursuant to the Highway Traffic Act. R.S.O 1990, c.H.8 as amended and the regulation there under, other than a Class G1 or Class G2 driver's licence;
 - c. a Canadian Police Information Centre Clearance letter that shall fail to reveal a record, furnished by the police agency where the applicant resides. The clearance letter shall be dated within thirty (30) days preceding the date of application;
 - d. a certificate signed by him, confirming that he does not have any currently outstanding criminal charges or warrants pending before any courts;

SCHEDULE "A68" TO BY-LAW 2007-38

- e. a three year Driver Record Search issued by the Ministry of Transportation, Safety and Regulations Division, dated within thirty (30) days preceding the date of application. This search shall fail to reveal any convictions or found guilty of driving under suspension, speeding over 50 km above the limit, careless driving, racing on a highway, leaving the scene of an accident, flight from police or any Criminal Code offence committed by means of a motor vehicle or while driving or having care of a motor vehicle:
 - f. two (2) colour photographs of the applicant, 2" x 2 ½" in size.
3. An applicant's record of past conduct shall be such that it would not be contrary to the public interest for a licence to be granted or renewed.
 4. The past conduct of the applicant or licensee shall not afford reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he is to be licenced or continue to be licenced in accordance with the law and with integrity and honesty.
 5. No person shall provide any services or operate as a tow truck driver for any tow truck company which is not licenced under the provisions of this Schedule.
 6. A separate tow truck driver's licence is required for each tow truck company for whom the driver is employed.
 7. No person shall drive any vehicle operated as a tow truck unless such vehicle is licenced as a tow truck under the provisions of this By-law.
 8. No person shall receive calls dispatched from a tow truck company which is not licenced under the provisions of this By-law.
 9. Every tow truck driver shall be familiar with the provisions of this By-law, the laws and regulations relating to traffic and the geography of the Town of Wasaga Beach, and be fluent in the English Language.
 10. No tow truck driver shall fail to place his tow truck driver's photographic identification card, as issued by the Business Licencing Officer, in such a manner in the tow truck he is driving as to be conveniently seen and read by passengers.
 11. No driver shall fail to notify the Business Licencing Officer in writing of any change of address within forty-eight (48) hours.
 12. No driver shall fail to travel by the most direct route to the point of destination unless otherwise directed by the person engaging the taxicab.

SCHEDULE "A68" TO BY-LAW 2007-38

13. No driver shall fail to be neat and clean in his person and appearance.
14. While in charge of a tow truck for hire, no person shall solicit any person to take or use the tow truck he is driving by calling out or shouting. The person wishing to use or engage the tow truck shall be left to choose without interception or solicitation.
15. While in charge of a tow truck for hire, no driver shall carry a greater number of persons than the tow truck is intended to seat according to the manufacturer's rate of seating capacity or than specified in the licence issued under this By-law.
16. While in charge of a tow truck for hire, no driver shall permit or allow any immoral, indecent, illegal or disorderly conduct in his tow truck.
17. While in charge of a tow truck for hire, no driver shall fail to, upon request of any passenger, give in writing the driver's name and the tow truck company name, address and telephone number.
18. No owner or driver shall fail to give a passenger a receipt when requested or whenever there is dispute over the charge which shall also contain the information noted in Section 17 above.
19. No owner or driver shall fail to keep an orderly record of all calls answered by tow trucks owned by him, showing the date, time, origin, destination, amount charged for each trip, tow truck vehicle licence number and the name of the driver. The records shall be retained for a period of twelve (12) months from the date of entry and shall be open for inspection by any Municipal Law Enforcement Officer, Police Officer or other duly appointed individual at any reasonable time, and may be removed and retained for any reasonable period of time.
20. Every licensee who drives a tow truck of which he is not the owner shall, once in each calendar day that he has driven, deliver to the owner of the tow truck the trip record for that day, and produce the trip records upon the request of any Office
21. No owner shall fail to file with the Business Licencing Officer a current duplicate copy of the tariff of fares displayed in the vehicle, and no owner or driver shall fail to prominently display in each tow truck owned by him a copy of tariff of fares.

