

THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW NO. 057-03

A By-Law of The Corporation of the Town of Innisfil to amend By-Law 093-02 more specifically Schedule '18' being the Tow Truck schedule which provides for the licensing, regulation and governing of certain businesses, trades or occupations carrying on business or engaged in business within the Town of Innisfil, and to repeal Schedule '18' which took effect as of the 18th day of December 2002.

WHEREAS the Ontario Municipal Act, 2001, section 150 provides municipalities with the power to license, regulate and govern any business, and;

WHEREAS section 154 also states that a by-law under section 150 for licensing regulating and government owners and drivers of tow trucks and vehicles, and;

WHEREAS Council at the Committee of the Whole meeting of June 18, 2003 Recommendation CW-182.03 as approved by Council on June 25, 2003 by Resolution CR-235.03 authorized amending Schedule 18 of By-Law 093-02; and

WHEREAS Council deems it appropriate to revise Schedule '18' of By-Law 093-02 in order to make the licensed tow truck business less restrictive and complicated.

NOW THEREFORE be it resolved that the Council of the Corporation of the Town of Innisfil enacts the following:

1. That Schedule '18' attached to this by-law is hereby confirmed as the revised Tow Truck Schedule '18' of By-Law 093-02.
2. That Schedule '18' (Pages 48 to 53) of By-Law 093-02 is hereby repealed.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 25TH DAY OF JUNE, 2003.

Brian H. Jackson **Mayor**

Paul G. Landry, **Clerk**

SCHEDULE '18'

TOW TRUCKS

Authority: Municipal Act, 2001, Section 154 as may be amended from time to time.

DEFINITIONS

1. The definitions in this Section shall govern:
 - 1.1 “Owner” means the owner or lessee of a tow truck licensed pursuant to this Schedule.
 - 1.2 “Tow Truck” means a motor vehicle for hire for the towing or transporting of vehicles within the Town.
 - 1.3 “Tow Truck Owner” means any person who is the registered owner of a tow truck.

GENERAL PROVISIONS

2. No person, Tow Truck Broker, or owner shall operate a tow truck business in the Town without first having obtained a license to do so.

TOW TRUCK COMPANY REGULATIONS

3. Every Tow Truck Owner shall ensure that every driver of a tow truck shall be familiar with the provisions of this by-law, the laws and regulations relating to traffic and the geography of the Town of Innisfil.
4. Every person shall:
 - 4.1 keep an orderly record of all calls answered by tow trucks owned by him showing date, time, origin, destination, tow truck vehicle license number, and the name of the driver. The records shall be retained for a period of 12 months from 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 by such Municipal Law Enforcement Officer, Police Officer, or other duly appointed individual and retained for any reasonable period of time;

TOW TRUCKING BUSINESS

5. Every tow truck business licensed after the date of this by-law comes into force shall lease, rent or own and maintain an office for the purpose of dispatching and administration of the tow truck business, in a facility located in a commercial zone, as permitted in the Town's Zoning By-Law currently in effect.

PROHIBITIONS

6. No person shall drive a tow truck, or act as a driver, unless a business license has been issued in respect of that tow truck business.
 - 6.1 No person shall make or convey an offer of services of a tow truck while that person is within 200 metres of:
 - 6.1.2 the scene of an accident or apparent accident; or
 - 6.1.3 a vehicle involved in an accident, on any highway or Town road without first having obtained a Business License from the Town of Innisfil.

OBLIGATIONS

7. Every owner shall carry on the business of operating a tow truck only in the name to which the license was issued.
8. Every owner shall ensure that the business name under which the tow truck operates is clearly indicated on both sides of the tow truck, in a location acceptable to the License Issuer, in letters and figures not less than eight (8) centimeters (3 inches) in height;

RECORDS

9. Every owner and driver shall keep a daily record of the work performed by the tow truck company a log sheet or with consecutively numbered bills or invoices, showing, in every instance:
 - 9.1 the name of the person for whom work was done;
 - 9.2 a description and license plate number of the vehicle towed or conveyed;
 - 9.3 from where and to where the vehicle was towed or conveyed; and
- 10. Every company shall:**
 - 10.1 insure that the driver cleans 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;
 - 10.2 take due care of all vehicles and property delivered to or entrusted to such driver for towing and comply with all reasonable instructions of the customer.

INSURANCE

- 11.1. The applicant shall provide adequate proof of public liability insurance being one million dollars (\$1,000,000.00).
- 11.2. Produce a signed letter from their Insurance Agent confirming to the Town of Innisfil that should the insurance policy referred to under Section 11.1 above be cancelled for any reason, the Town of Innisfil Municipal Law Enforcement Department will be immediately notified in writing.