

<b>TO:</b>	<b>CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE PUBLIC PARTICIPATION MEETING ON DECEMBER 3, 2019</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>TOW TRUCK OPERATOR LICENCE BUSINESS LICENCE BY-LAW L.131-16</b>

**RECOMMENDATION**

That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official:

- a) the attached proposed by-law (Appendix 'A') **BE INTRODUCED** at the Municipal Council meeting to be held on December 10, 2019 to amend the Business Licencing By-law No. L.-131-16, to add a new category, definition and fees related to Tow Truck Operators Licence.

**PREVIOUS REPORTS**

September 10, 2019 – Community and Protective Services Committee. Information Report on Tow Truck Solicitation at accident scenes.

**BACKGROUND**

On September 17, 2019, Municipal Council resolved that the Civic Administration be directed to prepare an amendment to the Business Licensing By-law to include Motor Vehicle Towing as a Class of Licence and hold a public participation meeting at a future meeting of the Community and Protective Services Committee.

Over the last few years, there has been an increased concern with tow truck solicitation at motor vehicle accident occurrences. Generally, anti-solicitation towing by-laws aim to serve and protect the public at motor vehicle accident scenes from aggressive solicitation by tow truck services and associated auto body repair shop operators. The purpose of this proposed by-law is to licence tow truck operators while prohibiting tow trucks from parking, stopping or standing within 200 metres of a collision scene on any road in the City of London.

**DISCUSSION**

In Ontario, numerous municipalities have licensing by-laws addressing the towing industry. Several of these municipalities have also enacted anti-solicitation regulations using minimum distances from accident scenes. Some of these municipalities include: Waterloo, Hamilton, Mississauga and Brampton. Section 171 (1) - Tow truck services of The Highway Traffic Act, also includes regulations that prohibit persons from making or conveying an offer of services of a tow truck while that person is within 200 metres of the scene of an accident or apparent accident or a vehicle involved in an accident.

Based on the industry consultation and discussions with first responders, Civic Administration is of the opinion that an amendment to the Business Licensing By-law to add Tow Truck Operator as a class of business would address towing solicitation at accident scenes. The municipal purpose of adding this class of business is consumer protection and public safety. Adding a new business class category would not have a financial impact on the administration and enforcement of the Business Licensing By-law. The By-law is enforced by Municipal Law Enforcement Officers and the London Police Service.

Administration is currently reviewing set fines for a number of various by-laws including the Business Licencing By-law. Staff are exploring options to possibly move towards an Administrative Monetary Penalties System (AMPS) instead of the current Provincial Offenses Act model.

<b>CONCLUSION</b>
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The City of London deems it to be in the public interest, having regard to both public health and safety and consumer protection, to protect persons involved in motor vehicle accidents on highways and to ensure that highways are kept free of obstructions and impediments at accident scenes for emergency vehicles and emergency personnel.

The proposed Business Licencing By-law amendment will serve to protect accident victims from aggressive business solicitation from operators who are not authorized to be at accident scenes. Only tow truck operators authorized by the London Police Service and those requested by motor vehicle operator involved in an accident would be permitted to attend accidents.

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>OREST KATOLYK, MLEO (C) CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>

Bill No. --  
2019

By-law No. L.-131(\_\_)-\_\_

A by-law to amend By-law No. L.-131-16 entitled  
“A by-law to provide for the Licensing and  
Regulation of Various Businesses”.

AND WHEREAS section 5(3) of the Municipal Act, 2001 S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 23.2 of the Municipal Act, 2001 permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS the City deems it to be in the public interest, having regard to both public health and safety and consumer protection, to protect persons involved in motor vehicle accidents on highways and to ensure that highways are kept free of obstructions and impediments at accident scenes for emergency vehicles and emergency personnel.

AND WHEREAS it is deemed expedient to amend By-law No. L.-131-16, entitled “A by-law to provide for the Licensing and Regulation of Various Businesses”, passed on December 12, 2017;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Business Licensing By-law L.-131-16 is hereby amended by adding “Tow Truck Operator” to the Business Licence By-law Schedule.
2. The Business Licensing By-law L.-131-16, Schedule 1 – *Business Licence Fees* is hereby amended by adding a Tow Truck Operator fee of \$130.

**“Appendix A”  
TOW TRUCK OPERATOR**

**1.0 DEFINITIONS**

1.1 In this Schedule:

**“Highway”**: means a highway as defined in the Highway Traffic Act, under the City of London jurisdiction.

**“Highway Traffic Act”**: means the Highway Traffic Act, R.S.O. 1990, as amended.

**“Motor Vehicle”**: means a motor vehicle as defined in the Highway Traffic Act.

**“Tow Truck Operator”**: means the operator or driver of a Tow Truck.

**“Tow Truck”**: means a Motor Vehicle that is designed, modified or used for pulling, towing, carrying or lifting of other Motor Vehicles with or without the assistance of lifts, winches, dollies, trailers or any like equipment.

**“Vehicle”**: means vehicle as defined in the Highway Traffic Act.

**2.0 PROHIBITIONS:**

1. No Tow Truck Operator shall solicit or make or convey an offer of the services of a Tow Truck, within 200 metres of:
  - a) the scene of a Motor Vehicle accident or apparent accident or;
  - b) a Vehicle involved in an accident, on a Highway.
2. No Tow Truck Operator shall park, stop or stand a Tow Truck on a Highway within 200 metres of the scene of a Motor Vehicle accident or apparent accident.
3. Section 1 and 2 do not apply to a person who is at the scene of an accident at the direction of a police officer, a firefighter, a person engaged in Highway maintenance, or person involved in the accident.
4. No person shall drive or operate a Tow Truck without a current valid Tow Truck Operator Licence issued under this By-law.

**3.0 APPLICATION FOR LICENCE AND RENEWALS:**

Every Applicant for a Tow Truck Operator Licence or renewal shall:

- a) submit to the Licence Manager a complete application form for such licence;
- b) submit to the Licence Manager a valid licence issued by the Province on Ontario which is in good standing according to the records of the Ministry of Transportation;
- c) submit to the Licence Manager a Police Record Check dated no later than 60 days prior to the application for a Licence;
- d) submit to the Licence Manager a Ministry of Transportation drivers abstract dated no later than 60 days prior to the application for a Licence.

**4.0 FEES**

Schedule ‘1’ – (Business Licence Fees) is amended by adding the following:

- a) Tow Truck Operator - \$130 per year

This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on December 10, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk