

BY-LAW NO. 2021 - xx

A by-law of the City of Ottawa to amend By-law No. 2002-189, as amended, with respect to the licensing and regulation of tow service operators, tow truck drivers, and vehicle storage facility operators.

The Council of the City of Ottawa enacts as follows:

1. Section 1 of By-law No. 2002-189, entitled “A by-law of the City of Ottawa respecting the licensing, regulating and governing of certain businesses”, as amended, is amended by inserting the following definitions:

"accident scene" means the area where an incident has occurred involving one or more vehicles including but not limited to incidents involving an impact by a vehicle or vehicles with another vehicle, structure, person, object or thing that may result in injury or damages and incidents to which emergency services personnel are required to respond;

“auto club” means an organization or entity to which persons pay an annual or monthly fee for the provision of emergency roadside assistance and other auto-related services, including tow services provided by the auto club through a licensed tow service operator or tow truck driver;

"collision" means an incident in which a vehicle has been impacted by or has impacted another vehicle or vehicles, has struck an object or was struck by an object, has turned over resulting in damages, was disabled by fire, or any similar situation;

“collision reporting centre” or “CRC” means a collision reporting centre designated by the Ottawa Police Service for the reporting of injuries or damages caused by collisions or accidents as required under the Highway Traffic Act;

"Consumer Protection Act" means the *Consumer Protection Act, 2002* R.S.O. 2002, c. 30, Sch. A, as amended, and the regulations passed under it;

"CVOR" means a Commercial Vehicle Operator's Registration Certificate issued under the Highway Traffic Act;

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"dolly" means a wheeled carriage used in towing to support the trailing end of the towed vehicle;

"drop fee" means any fee or commission paid to the tow service operator or tow truck driver in return for the towing or other conveyance of a motor vehicle to a location, which fee or commission is in addition to the amount that the tow service operator or tow truck driver is authorized to charge to the tow customer in accordance with the provisions of this By-law;

"flatbed tow truck" means a tow truck consisting of a platform body with a winch for loading and that is licensed by the Ministry of Transportation to safely carry a minimum of twenty-five hundred (2,500) kilograms above the registered gross weight of the tow truck and its affixed flatbed;

"GVWR" means the maximum total gross vehicle weight rating of the tow truck or motor vehicle used for towing services, as rated by the manufacturer specification stamp on the vehicle, which includes the weight of the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo;

"Provincial Offences Act" means the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, and the regulations passed under it;

"recovery service" means a service carried out to relocate or reposition a vehicle that involves the use of a winch or a specialized extraction device and that must be performed to prepare a vehicle for attachment or towing, but does not include the use of a hoisting device, a hook, a dolly, a flat bed, or other standard equipment used in the towing of a vehicle;

"run sheet" means a daily record of tows and towing services provided by a tow truck driver in a form that is dated and numbered by consecutively numbered bills or invoices;

"tow customer" means the owner of a towed motor vehicle, or in the absence of the owner,

- (a) the agent of the owner of the towed motor vehicle, duly authorized by the owner to exercise control of the towed motor vehicle on the owner's behalf; or,

- (b) any person having lawful custody of a motor vehicle or the legal right to possession thereof;

"tow service" means providing or offering the service of a tow truck, for compensation, from a point in the City of Ottawa to any point within or beyond the City of Ottawa, including but not limited to:

- (a) assisting the owner, operator, driver or passenger of a motor vehicle or trailer to pull, tow, carry, or lift a motor vehicle or trailer; or,
- (b) conveying the owner, operator, driver or passenger of a motor vehicle or trailer in a tow truck;

"tow service operator" means the owner or operator of a business providing one or more towing services;

"tow service plate" means the numbered metal plate issued by the City or Ottawa to be affixed to the tow truck as required under this by-law;

"tow truck" means a motor vehicle, including a flat bed tow truck, that is designed, modified or used for providing tow services including pulling, towing, carrying, lifting of a motor vehicle or trailer that may be damaged, disabled, abandoned, or otherwise;

"tow truck driver" means an individual who drives a tow truck at any time when the tow truck is providing or available to provide a tow service, including a tow truck operator who drives a tow truck he or she owns;

"Traffic and Parking By-law" means the City of Ottawa Traffic and Parking By-law No. 2017-301, as amended;

"vehicle storage facility" means a yard, lot, building, structure or facility, or a portion thereof, used for the temporary storage of motor vehicles towed from a collision scene or otherwise towed and awaiting repair or demolition or retrieval, and includes storage or impounding that is part of a towing service, but does not include accessory vehicle storage at a public garage;

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“vehicle storage facility operator” means an owner or operator of a vehicle storage facility;

2. Section 9 of the said By-law No. 2002-189 is amended by adding the following clauses immediately after clause (34):

(35) every person who is a tow service operator,

(36) every person who is a tow truck driver,

(37) every person who is a vehicle storage facility operator.

3. Schedule A of the said By-law No. 2002-189 is amended by the addition of the following items:

Column 1	Column 2	Column 3
Description of License	Annual License Fee \$	Expiry Date
Tow Service Operator	1,300	Jan 31
Tow Trucks in Fleet	550 per vehicle	Jan 31
Tow Truck Driver	450	Jan 31
Replacement Tow Service Plate	30	Jan 31
Replacement Plate Renewal Sticker	20	Jan 31
Vehicle Storage Facility Operator	1,300	Jan 31

4. The said By-law No. 2002-189 is amended by adding the Schedule No. 35, attached hereto, relating to tow service operators, tow truck drivers, and vehicle storage facility operators, immediately after Schedule No. 34.

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EFFECTIVE DATE

5. This by-law shall come into force and effect on January 1, 2022.

ENACTED AND PASSED this XXth day of [Month] [Year].

CITY CLERK

MAYOR

SCHEDULE NO. 35

Relating to Tow Service Operators, Tow Truck Drivers and Vehicle Storage Facility Operators

LICENSE AND GENERAL REQUIREMENTS

1. (1) Every tow service operator who provides tow services within the City shall be deemed to carry on or be engaged in such business from a point in the City of Ottawa to any point within or beyond the City of Ottawa, and the provisions of this Schedule shall apply to said tow service operator.
- (2) No person shall carry on business as a tow service operator without first having obtained a tow service operator license issued under this by-law.
- (3) Every tow truck driver providing tow service in Ottawa shall obtain a tow truck driver license.
- (4) No person shall drive or operate a tow truck for the purpose of providing tow service unless the person is the holder of a valid and current tow truck driver license issued under this by-law.
- (5) Every tow truck driver not affiliated with a tow service operator licensed under this Schedule for the purposes of providing tow services shall obtain both a tow truck driver license and a tow service operator license under this by-law.
- (6) No person shall provide tow service unless the tow truck used for the provision of such service has a current tow service plate issued by the City affixed to it with such plate bearing a validation sticker for the current licensing year.
- (7) No person shall permit a tow service plate to be affixed on his or her tow truck unless the said tow service plate has been issued by the Chief License Inspector specifically for that vehicle under this Schedule.
- (8) No person shall publish or cause to be published or represent in any manner that the person is licensed under this by-law if they are not so licensed.

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- (9) No tow service operator or tow truck driver licensed under this Schedule is eligible for a private parking enforcement agency (PPEA) license under this by-law.
- (10) No person shall carry on business as a vehicle storage facility operator or permit a vehicle storage facility to be operated without first having a valid and current vehicle storage facility operator license issued under this by-law.

EXEMPTIONS

- 2. (1) This By-law does not apply to tow service operators, tow truck drivers, or vehicle storage facility operators who exclusively provide tow service or exclusively provide vehicle storage for:
 - (a) motor vehicles that have been donated to charitable or non-profit organizations for fund-raising purposes;
 - (b) wrecked or inoperative motor vehicles sold for scrap; or,
 - (c) motor vehicles that have been donated to school boards for teaching or fund-raising purposes.
- (2) Tow service operators and tow truck drivers do not require a license under this by-law in order to drop off motor vehicles in Ottawa that have been towed into the City of Ottawa from another municipality.

CONDITIONS OF ISSUANCE AND RENEWAL – TOW SERVICE OPERATOR

- 3. (1) No applicant for an original or renewal of a tow service operator license shall be issued or renewed such license unless:
 - (a) the applicant is at least eighteen (18) years of age;
 - (b) the applicant has completed and filed an application prescribed by the Chief License Inspector;
 - (c) the applicant has filed with the Chief License Inspector:
 - (i) a complete list of business or trade names used in the tow service and the respective business addresses, email addresses and telephone numbers relating to those businesses;

- (ii) the municipal address, email address and contact information of the applicant's main office and any other office used in connection with tow services;
- (iii) if the applicant is a natural person, the original documents, dated less than sixty (60) days prior to the date of application or renewal for a license, from the appropriate agency outlining the results of investigations related to the applicant for a Vulnerable Sector Check (Level 3), to the satisfaction of the Chief License Inspector;
- (iv) a valid CVOR issued by the Ministry of Transportation within one (1) year prior to the date of application for license or renewal under this Schedule, or proof of an equivalent vehicle operator registration issued by the Commission des Transports in the Province of Quebec, to the satisfaction of the Chief License Inspector;
- (v) a list of the names of all tow truck drivers employed or contracted by the applicant to provide tow services;
- (vi) a complete schedule of all rates and fees, including both the fees prescribed by this Schedule, to be charged by the applicant for the provision of tow services;
- (vii) details of any vehicle storage facility owned or operated by the applicant, or with which the applicant has any arrangement for provision of vehicle storage, including the business name, address, email address, telephone number and size for such facility;
- (viii) a declaration of any direct or indirect interest in a public garage or any other type of premises used for the repair, storage or servicing of motor vehicles, including the name of the business and its address, the telephone number and email address of the operator, and its size, and the extent of the applicant's interest in the business; and
- (ix) proof of insurance in accordance with the requirements of Section 20.

- (d) the applicant has filed the following with the Chief License Inspector in respect of each tow truck to be used in the provision of tow service, including any leased vehicles and vehicles owned by contractors or other third-parties:
- (i) proof of vehicle ownership including name and address of vehicle owner, and details of any applicable lease, to the satisfaction of the Chief License Inspector;
 - (ii) the make, model, year, vehicle identification number (VIN) and provincial license plate number;
 - (iii) a valid Ministry of Transportation motor vehicle permit issued pursuant to the Highway Traffic Act, or a similar valid motor vehicle permit issued by the Société de l'assurance automobile in the Province of Quebec, to the satisfaction of the Chief License Inspector;
 - (iv) either,
 - 1. a valid Ministry of Transportation Annual Inspection Certificate issued under the Highway Traffic Act for vehicles registered in excess of 4,500 kg or an equivalent valid inspection issued by the Société de l'assurance automobile in the Province of Quebec, within sixty (60) days prior to the date application or renewal, to the satisfaction of the Chief License Inspector, or
 - 2. a valid Ministry of Transportation safety standards certificate issued under the Highway Traffic Act or an equivalent valid safety standards certificate issued by the Société de l'assurance automobile in the Province of Quebec, within sixty (60) days prior to the date application or renewal for license is being made or renewed;
- (e) the applicant has provided the address and contact information of a place of business in Ontario, which is not a post office box, to which the City may send during business hours any notice,

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documentation, or communication that may be required under this by-law and at which the applicant or the applicant's agent will accept receipt of such notice, documentation, or communication;
and

- (f) the applicant has paid the applicable fees set out in Schedule A of this by-law.
- (2) A separate license shall be obtained in respect of each corporation or legal entity offering tow services.
- (3) A tow service operator shall not operate under any other name than the one endorsed on his or her license issued under this by-law.
- (4) The Chief License Inspector may impose a condition as a requirement of obtaining, continuing to hold, or renewing a tow operator license under this Schedule as he or she deems necessary for in the public interest or for public safety or consumer protection, and any condition shall be indicated on the license certificate.

CONDITIONS OF ISSUANCE AND RENEWAL – TOW TRUCK DRIVER

- 4. (1) No applicant for an original or renewal of a tow truck driver license shall be issued or renewed such license unless:
 - (a) the applicant is at least eighteen (18) years of age;
 - (b) the applicant has completed and filed a tow truck driver license application prescribed by the Chief License Inspector;
 - (c) the applicant has filed with the Chief License Inspector:
 - (i) proof of a current valid motor vehicle driver's licence issued by the Province of Ontario under the Highway Traffic Act, of a class authorizing the applicant to drive a tow truck, with no driving restrictions, or a current valid motor vehicle driver's licence of the appropriate class with no driving restrictions issued by the Société de l'assurance automobile in the Province of Quebec, to the satisfaction of the Chief License Inspector;

- (ii) a statement of driving record provided by the Ministry of Transportation for the last 3 years issued within thirty (30) days prior to the date application for license or for a renewal, or an equivalent statement of driving record issued by the Société de l'assurance automobile in the Province of Quebec, to the satisfaction of the Chief License Inspector;
 - (iii) the original documents, dated less than sixty (60) days prior to the date of application or renewal for a license, from the appropriate agency outlining the results of investigations related to the applicant for a Vulnerable Sector Check (Level 3), to the satisfaction of the Chief License Inspector; and
 - (iv) the name, address, email address and telephone number of any tow service operator for which, or in connection with, the applicant is providing tow service.
- (d) The applicant has paid the applicable fees set out in Schedule A of this by-law.
- (2) A separate license shall be obtained in respect of each tow truck driver.
- (3) The Chief License Inspector may impose a condition as a requirement of obtaining, continuing to hold, or renewing a tow truck driver license as he or she deems necessary in the public interest or for public safety or consumer protection.

CONDITIONS OF ISSUANCE AND RENEWAL – VEHICLE STORAGE FACILITY OPERATOR

5. (1) No applicant for an original or renewal of a vehicle storage facility operator license shall be issued or renewed such license unless:
- (a) the applicant is at least eighteen (18) years of age;
 - (b) the applicant has filed with the Chief License Inspector the prescribed application form containing:
 - (i) the full name of the applicant;
 - (ii) the full municipal address of the vehicle storage facility;

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- (iii) if the applicant is a corporation, the relevant duly certified incorporating documents and an updated annual return with a list of shareholders of the corporation;
 - (iv) if the applicant is a partnership, documents indicating the name partnership and the names and addresses of each partner;
 - (v) a telephone number and email address at which the applicant can be reached; and,
 - (vi) any other information required by the Chief License Inspector;
- (c) the address of a place of business in the Province of Ontario which is not a post office box, to which the Chief License Inspector may send during business hours any notice or documentation or communication that may be required under this by-law and at which the applicant or the applicant's agent will accept receipt of such notice, documentation or communication;
 - (d) proof of insurance that meets the requirements of Section 20; and
 - (e) payment in full of the applicable fees set out in Schedule A of this by-law.
- (2) A separate license shall be obtained in respect of each vehicle storage facility.
 - (3) The Chief License Inspector may impose a condition as a requirement of obtaining, continuing to hold, or renewing a vehicle storage facility operator license as he or she deems necessary in the public interest or for public safety or consumer protection.

REFUSAL - ISSUANCE OR RENEWAL OF LICENSE

- 6. (1) The Chief License Inspector may refuse to issue or renew a license under this Schedule if:
 - (a) There are reasonable grounds for belief that the carrying on of the business by the applicant has resulted or will result in a breach of

this by-law or any other law or may be adverse to the public interest; or

- (b) The conduct of the applicant affords reasonable grounds for belief that the applicant has not carried on, or will not carry on, his or other business in accordance with the law and with integrity and honesty.
- (2) Despite any other provision of this by-law, no license shall be issued or renewed under this Schedule if the applicant or licensee has any unpaid fines imposed under the Provincial Offences Act.

SUSPENDED OR REVOKED PROVINCIAL APPROVALS

- 7. (1) Every tow operator licensee shall inform the Chief License Inspector immediately, in writing, if their CVOR issued by the Ministry of Transportation, or equivalent vehicle operator registration issued under the Commission des Transports, is suspended, ceases to be valid, is revoked or expires.
 - (2) If a tow operator licensee's CVOR certificate issued by the Ministry of Transportation or equivalent vehicle operator registration issued by the Commission des Transports referred to in subsection (1) is suspended, ceases to be valid, is revoked, or expires, the tow operator license under this Schedule is suspended for the entirety of the period that the CVOR certificate issued by the Ministry of Transportation or equivalent vehicle operator registration issued by the Commission des Transports is suspended, ceases to be valid, is revoked or is expired.
- 8. (1) Every tow truck driver licensee shall inform the Chief License Inspector immediately, in writing, if their provincial driver's license issued by the Ministry of Transportation or equivalent driver's license issued by the Société de l'assurance automobile is suspended, ceases to be valid, is revoked, or expires.
 - (2) If a tow truck driver licensee's provincial driver's license issued by the Ministry of Transportation or equivalent driver's license issued by the Société de l'assurance automobile referred to in subsection (1) is suspended, ceases to be valid, is revoked, or expires, the tow truck license under this Schedule is suspended for the entirety of the period that

the license by the Ministry of Transportation or equivalent driver's license issued by the Société de l'assurance automobile is suspended, ceases to be valid, is revoked or is expired.

REQUIREMENTS FOR TOW SERVICE OPERATOR LICENSE HOLDERS

9. (1) Every tow service operator shall:
- (a) ensure that at all times during the provision of tow service the following records are kept in each tow truck used by the business and are provided to a By-law Officer or police officer on request:
 - (i) a current valid motor vehicle permit issued by the province of Ontario for that particular vehicle or similar valid motor vehicle permit issued by the Province of Quebec;
 - (ii) a copy of the tow service operator license under which the tow truck has been listed; and
 - (iii) the certificate of insurance confirming insurance coverage required under Section 20 of this Schedule;
 - (b) ensure that any person operating a tow truck or other vehicle used for the provision of tow service holds a current and valid tow truck driver license under this Schedule;
 - (c) ensure that all motor vehicles used in the provision of tow service comply in all respects with Section 15 of this Schedule;
 - (d) ensure that the name under which the tow service operator license has been issued and the contact telephone number for the operator are clearly indicated and permanently displayed in a prominent location on both sides of every tow truck and vehicle used in the business, in letters and figures not less than fifteen (15) centimetres in height in a colour contrast ratio of at least 2:1 with the vehicle's colour and in an Arial font;
 - (e) have a schedule of rates for tow services available in each tow truck and vehicle providing tow services and make it available immediately to any tow customer upon request; and

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- (f) maintain a current record of the names, addresses, contact information, and tow truck license numbers of each tow truck driver operating a tow truck or other motor vehicle used for towing service in the business, including the dates and times that each driver provided tow service, and produce this record upon request to the Chief License Inspector.
- (2) No tow service operator shall demand, request or receive a drop fee from a vehicle storage facility or public garage as part of the provision of tow service.
- (3) It is the obligation of a tow service operator to ensure that every tow truck driver providing tow services for the business is made aware of the requirements and obligations found in this Schedule.

REQUIREMENTS FOR TOW TRUCK DRIVER LICENSE HOLDERS

- 10. (1) Every tow truck driver shall:
 - (a) carry a copy of their tow truck driver license issued under this by-law on his or her person at all times when he or she is available to provide tow services or is providing tow service;
 - (b) produce for inspection his or her tow truck driver license issued under this by-law when requested to do so by a by-law officer, Ministry of Transportation officer or police officer;
 - (c) carry in his or her vehicle no more passengers than the maximum number set out in the manufacturer's rating of seating capacity;
 - (d) comply with the requirements of Section 13 at all times when providing tow service;
 - (e) wear a high visibility fluorescent safety vest or clothing on the upper torso when working on a highway;
 - (f) clean up and remove from any highway any debris, fragments of glass, vehicle parts, personal property, or other materials at the accident scene prior to the tow of any vehicle, excluding loads dumped during collisions or any hazardous materials;

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- (g) comply with all reasonable instructions from the tow customer with respect to the location to which the vehicle shall be towed;
- (h) when towing a vehicle, drive the tow truck by the most direct route to the destination requested by the tow customer and in the most expeditious manner, unless otherwise directed by the tow customer;
- (i) provide the tow customer with access to the motor vehicle that is the subject of the tow, at no charge, in order to permit the removal of property contained in the motor vehicle, including money, valuables, documents and records, unless otherwise directed by a police officer;
- (j) not demand, request or receive a drop fee from a vehicle storage facility or public garage;
- (k) not induce any person to employ or hire a tow truck by knowingly misleading or deceiving such person as to the location or distance of any place or as to any other thing, or by making any false representation to such person;
- (l) not induce a person to make false representations to any third-party such as an insurer regarding the need for towing services, storage services, repairs to a vehicle, or any similar matter;
- (m) not suggest or recommend to any tow customer or other person requesting the tow services that the vehicle be towed, driven or delivered to any salvage yard, body shop, vehicle storage facility, or any other public garage, building or place, unless otherwise requested by the tow customer or police officer;
- (n) report any defects or damages occasioned in the tow truck as soon as practicable to the tow service operator;
- (o) be affiliated with a licensed tow service operator under this Schedule or hold a valid tow service operator license under this Schedule;
- (p) comply with all lawful instructions or directions made by a police officer or any other authorized individual at an accident scene; and,

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- (q) report any incidents involving damage or injury to any person or property occurring during the provision of tow services immediately to their tow service operator.
- (2) No tow truck driver shall tow any vehicle, or hook, lift, or connect the vehicle to a tow truck, or perform any related services, unless first requested so to do by one of the following:
- (a) a tow customer with lawful authority to cause the vehicle in question to be removed;
 - (b) a police officer;
 - (c) a Ministry of Transportation enforcement officer;
 - (d) a By-law Officer;
 - (e) any member of a Fire Service or Paramedic Service;
 - (f) a deputized officer of a licensed private parking enforcement agency, in accordance with the provisions of Schedule 30 of this by-law, or
 - (g) any person authorized by law to direct the removal of the motor vehicle from municipal property or highway.
- (3) No tow truck driver shall remove any vehicle from the accident scene or immediate vicinity of an accident in respect of which a report is required by law to be made to a police officer, until the report has been made and the investigating officer has completed the investigation, or has stated that the presence of such vehicle is no longer required for the investigation.
- (4) Despite subsection (3), a tow truck driver may remove or relocate a vehicle free of charge for the purpose of preventing injury or damage to any person or property, or for the purpose of avoiding undue interference with traffic on a highway.
- (5) No tow truck driver shall charge or permit to be charged to a tow customer a fee to transport a tow customer or anyone from the accident scene to a garage, collision reporting centre, or other destination to which a vehicle is also being towed.

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COMPLIANCE WITH OTHER LEGISLATIVE REQUIREMENTS

11. (1) Every tow service operator or tow truck driver shall comply with the City's Traffic and Parking By-law including but not limited to:
 - (a) parking and stopping regulations found in Part II of the by-law; and
 - (b) tow truck services setback distances from a collision scene and vehicles obstructing traffic regulations found in Part VIII of the by-law.
- (2) Every tow service operator, tow truck driver, and vehicle storage facility operator, as applicable, shall comply with tow truck services setback distance provisions from a collision scene found in Section 171 of the Highway Traffic Act;
- (3) In addition to subsections (1) and (2), all licensees must comply with all applicable Federal and Provincial laws and regulations, and with all applicable by-laws.

RECORD KEEPING

12. (1) Every tow service operator shall:
 - (a) for every tow service provided, ensure that a run sheet is created and maintained so as to be accessible and legible for a period of two (2) years following the provision of service;
 - (b) make available to the Chief Licensing Inspector any run sheet required under clause (a) within forty-eight (48) hours following a request by the Chief License Inspector;
 - (c) ensure that every tow truck driver who provides tow service records on the required run sheet the work performed, either on a continuous log sheet or with consecutively numbered bills or invoices, showing:
 - (i) the date and time for pick-up and drop off;
 - (ii) the name of the tow customer;
 - (iii) the licence plate number of the vehicle towed;

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- (iv) the commencement and final destination points of the tow service; and
 - (v) the total fee collected.
- (2) Every tow truck driver shall keep a run sheet of the work performed that meets the requirements of subsection (1).

TRANSACTIONAL RULES

- 13. (1) In respect of every tow service provided, every tow truck driver:
 - (a) must not charge the tow customer for time lost through defects or inefficiency of the tow truck or the actions of the tow truck owner or driver;
 - (b) must allow a tow customer reasonable access to the tow customer's vehicle to remove any personal property at no additional cost or fee, unless otherwise directed by a police officer;
 - (c) must accept payment for tow and related services by either credit card, debit card or cash; and,
 - (d) may keep an electronic record under this subsection, without the need to retain its original, so long as the electronic copy clearly reproduces the original in its entirety and without alteration to its contents.
- (2) Every tow truck driver must obtain written authorization from a tow customer before providing or charging the tow customer for any tow service.
- (3) The written authorization required under subsection (2) shall include:
 - (a) the correct name and contact information of the tow services operator with which the tow truck driver is affiliated;
 - (b) the tow truck driver's license number as issued by the Chief License Inspector;
 - (c) the tow service plate number of the tow truck providing the service;
 - (d) the date and time the tow truck arrived on scene;

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- (e) the name, address, and contact information of the tow customer and the vehicle owner, if not the same person;
 - (f) the make, model, year, Vehicle Identification Number (VIN), and license plate number of the vehicle to be towed;
 - (g) the location where the tow originated;
 - (h) the destination of the tow as directed by the tow customer or other authority;
 - (i) an itemized bill listing the services to be provided, the charge or estimated charge for each service, and the total cost of all such services;
 - (j) the name, badge number, and detachment of the police officer leading the accident investigation, where applicable;
 - (k) the signature of the tow customer or, where applicable, the police officer leading the accident investigation; and,
 - (l) the signature of the tow truck driver.
- (4) The written authorization required under subsection (2) shall be made in duplicate and administered as follows:
- (a) every tow truck driver shall provide one copy of the written authorization to the tow customer or police officer at the time it is completed and shall retain a copy; and,
 - (b) every tow service operator shall:
 - (i) collect from tow truck drivers all such written authorizations, retain them for at least two years after the date the tow service is provided; and,
 - (ii) make them available to the Chief License Inspector, if requested.
- (5) This Section does not apply to a tow service provided:
- (a) through a contract with the Ottawa Police Services or the City of Ottawa, or

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- (b) through agreement with or membership in an automobile dealership, auto club, association, or other entity where the towing services are either free of charge or prepaid.

FARES AND RATES

14. (1) Every licensed tow service operator or tow truck driver must charge the prescribed fares and rates for specified tow service set out in Appendix A of this Schedule.
- (2) Subsection (1) does not apply to tow services provided:
- (a) under a contract with the City of Ottawa or the Ottawa Police Service,
 - (b) through agreement with or membership in an automobile dealership, auto club, association, or other entity where the towing services are either free of charge or prepaid, or,
 - (c) for vehicles with a GVWR greater than 4,500 kg.
- (3) The Chief License Inspector is authorized to adjust the prescribed tow service rates found in Appendix A of this Schedule on a yearly basis to account for annual changes in the Consumer Price Index for Ottawa-Gatineau Area, as reported by Statistics Canada in the "All-Items" line of Table 18-10-0005-01 (Ottawa-Gatineau, Ontario Part, Ontario/Quebec geographic area), or any successor table.
- (4) Where the tow customer's vehicle is being processed through a collision reporting centre, tow service operators or tow truck drivers shall charge the appropriate rate for tow service under Appendix A for:
- (a) the prescribed tow from the accident scene to the collision reporting centre;
 - (b) the prescribed waiting fee while the vehicle is processed; and,
 - (c) if necessary, the prescribed re-tow rate from the collision reporting centre to any subsequent destination.
- (5) For the off-road recovery and repositioning of vehicles, every tow truck driver shall:

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- (a) take a minimum of two clear photographs that demonstrate the need for recovery service each time they are performed,
- (b) retain the photographs required under clause (a) electronically for at least two years after the recovery service is performed, and,
- (c) make the photographs required under clause (a) available for inspection by the Chief License Inspector upon request.

TOW TRUCK VEHICLE STANDARDS

15. (1) Every tow service operator shall ensure that every motor vehicle used in the provision of tow services is:
- (a) free of any mechanical defects;
 - (b) appropriate and purpose-built for the service that is being provided;
 - (c) in fit condition for the purpose for which the vehicle is to be used;
 - (d) in a safe driving condition; and,
 - (e) appropriately sized for the type of vehicle being towed.
- (2) If the Chief License Inspector has reasonable cause to believe that a motor vehicle used in the provision of tow services is or could be in an unsafe condition, the Chief License Inspector may inspect the vehicle in accordance with Section 17.
- (3) Every licensed tow service operator shall provide and maintain the following on or in every tow truck used for the provision of towing services in the business:
- (a) a winching or hoisting device of sufficient capacity to safely lift the motor vehicle to be towed, and a tow cradle, tow bar or tow sling equipped and maintained in a manner to ensure the safe lifting and conveying of towed vehicles;
 - (b) one device for securing the steering wheel of a vehicle;
 - (c) an automatic audible warning device for reversing, which is not subject to manual override and that is in proper working order;
 - (d) emergency flares (30 minutes each) or reflective triangles;

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- (e) an intermittent amber warning light system consisting of at least one light which is clearly visible in all directions from a distance of at least one hundred (100) metres;
- (f) at least one 2.27 kg. chemical fire extinguisher having an effective total rating equivalent to at least 4-B, C;
- (g) straps, chains and cables and other devices compatible with the National Safety Code Standard 10 – Cargo Securement; and,
- (h) towing lights (magnetic) which shall be attached as close to the rear of the vehicle in tow for illumination and braking.

TOW SERVICE PLATE

16. (1) Upon issuance of a tow service operator license pursuant to Section 1(1), the Chief License Inspector shall issue to the licensee a tow service plate and validation sticker bearing the year of issuance for each motor vehicle that the licensee has declared is providing tow service for the business.
- (2) Upon renewal of a tow service operator license, the Chief License Inspector shall furnish to the licensee a validation sticker bearing the appropriate licensing year for each motor vehicle that the licensee has declared is providing tow service for the business.
- (3) No tow service operator licensee shall fail to affix the identifying number that is on the tow service plate to each front fender of the truck to which the plate is affixed, in an area between the top of the wheel well and the upper front door panel in reflective characters that are not less than ten (10) centimetres in height in a colour contrast ratio of at least 2:1 with the vehicle's colour and that are in Arial font.
- (4) No tow service licensee shall fail to securely affix, or ensure that this is affixed, on the rear left side of the vehicle, in a prominently visible area, a tow service plate bearing the appropriate validation sticker to each motor vehicle that the licensee has declared is providing tow service for the business and ensure that it is clearly visible in daytime and nighttime conditions to any person that is behind the tow truck.

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- (5) All tow service plates remain at all times the sole and exclusive property of City of Ottawa and shall be removed and returned to the City at the request of the Chief License Inspector.

VEHICLE INSPECTIONS

17. (1) Where there are reasonable grounds to believe that a tow truck or its equipment is mechanically or physically defective, the Chief Licensing Inspector is authorized to:
 - (a) require the holder of a tow service operator license to produce any tow truck used in the tow service for inspection, at the licensee's cost, immediately upon request; and
 - (b) specify a date, time and location for such inspection.
- (2) At the time of inspection required under subsection (1), the Chief License Inspector may require the tow service operator to provide the following information:
 - (a) a current Ministry of Transportation of Ontario safety standards certificate or an equivalent Société de l'assurance automobile safety verification certificate in the Province of Quebec, acceptable to the Chief License Inspector;
 - (b) a copy of any work order or other documentation issued by a licensed public garage in the processing or granting of the above-noted safety standards certificate;
 - (c) the tow service operator license;
 - (d) a certificate of insurance confirming that the licensee continues to maintain insurance coverage required under this by-law; and,
 - (e) a current valid Ministry of Transportation of Ontario motor vehicle permit with respect to the motor vehicle under inspection, or other equivalent permit issued by the Société de l'assurance automobile in the Province of Quebec, to the Chief License Inspector.
- (3) Where there are reasonable and probable grounds to believe that a tow truck or its equipment is dangerous or unsafe, the Chief Licensing Inspector may remove the tow truck number plate from the vehicle and

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require the tow service operator or tow truck driver to submit the tow truck for examination by a qualified third-party mechanic immediately, at the licensees cost.

- (4) No person shall obstruct, hinder, or otherwise interfere with any inspection undertaken pursuant to this Schedule.

REQUIREMENTS REGARDING STORAGE OF TOWED VEHICLES

18. (1) Every vehicle storage facility operator shall ensure that the vehicle storage facility:
 - (a) keeps, as a minimum, business hours from Monday to Friday – 8:00 a.m. to 6:00 p.m. excluding statutory or public holidays;
 - (b) is enclosed and lit at night to enhance security;
 - (c) is accessible to a police officer for emergency or investigative purposes; and,
 - (d) complies with the City’s zoning requirements.
- (2) Every vehicle storage facility operator shall:
 - (a) maintain a log of all vehicles stored at the vehicle storage facility for a period of twelve (12) months after vehicle release, which shall include:
 - (i) vehicle information including make, model, vehicle identification number (VIN) and license plate number;
 - (ii) owner or agent of the vehicle with contact information; and,
 - (iii) dates of entry and exit of vehicle from facility;
 - (b) provide the vehicle owner, or the owner’s authorized representative, with access, at no charge, to the motor vehicle that is being stored in order to permit the removal of personal property contained in the motor vehicle, including money, valuables, documents and records, unless otherwise directed by a member of a police service;

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- (c) comply with the vehicle storage rates found in Appendix A of this schedule;
- (d) provide notice to the vehicle owner of the location of their vehicle and the procedure and related contact information for the return of the subject vehicle within seventy-two (72) hours of receiving the vehicle; and,
- (e) for the purposes of clause (d), notice may be provided by means of email, fax, delivery in person, or prepaid courier, with proof of delivery satisfactory to the Chief License Inspector.

INDEMNIFICATION

19. Every licensee under this Schedule agrees to indemnify and save harmless the City of Ottawa from any and all claims, demands, causes of action, losses, costs or damages that the City of Ottawa may suffer, incur, or be liable for resulting from the performance or non-performance by the applicant or licensee of the requirements and obligations under this by-law, whether with or without negligence on the part of the applicant or licensee, their employees, directors and agents.

INSURANCE

20. (1) Every tow service operator and vehicle storage facility operator shall obtain and maintain the following minimum insurance requirement while licensed under this by-law:
- (a) Commercial general liability insurance subject to limits of not less than two million dollars (\$2,000,000.00) per occurrence for bodily injury, death, and damage to property, including loss of use thereof. Coverage shall include blanket contractual liability, premises, property and operations liability, products and completed operations liability, contingent employers liability, personal injury, owners and contractors protective coverage, broad form property damage, occurrence property damage, cross liability, and severability of interest, and shall extend coverage where operation of attached equipment is excluded under an Automobile policy;
 - (b) Automobile Liability Insurance for owned and leased motor vehicles with an inclusive limit of not less than two million dollars

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(\$2,000,000.00) per occurrence for bodily injury, death, and damage to property;

- (c) Cargo liability with a limit of not less than fifty thousand dollars (\$50,000.00) per occurrence; and
 - (d) Legal liability insurance for damage to a tow customer's vehicle while in the care, custody or control of the tow services operator, tow truck driver, or vehicle storage facility operator. Coverage shall be subject to a limit of not less than one hundred thousand dollars (\$100,000) for All Perils coverage as understood under Ontario Automobile policies, including employee theft.
- (2) The insurance required in clause (a) of subsection (1) shall be in the name of the applicant or licensee, as the case may be, and shall name the City of Ottawa as an additional insured.
 - (3) The proof of insurance required in subsection (1) shall contain an endorsement to provide the Chief License Inspector with thirty (30) days' prior written notice of any cancellation.
 - (4) The City Solicitor is authorized to approve alternative and equivalent insurance coverage.

TRANSFERS

- 21. Any license, plate, or sticker issued under this by-law is not transferrable.

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Appendix A – Prescribed Tow Service and Vehicle Storage Rates and Fares

Tow Service - vehicles up to 4500 kg GVWR	Flat rate charge
Standard collision tow, up to 3000 kg GVWR	\$300
Medium collision tow, from 3001 kg to 4500 kg GVWR	\$350
Flat Bed tow	\$350
Non collision tow	\$175
Mileage after 20km for all towing	\$3.25 per km
Winching (from ditch or off/road) Recovery Service	\$125
Upright overturned vehicle, including repositioning	\$125
Second tow truck to assist	\$125
Re-tow from CRC	\$150
CRC standing wait time	\$60 per hour
Vehicle storage (daily)	\$60 (indoor or outdoor)
HST. Tax	Added to above flat rates

The following activities are deemed to be included as part of the prescribed tow service rates found above in this Appendix:

1. conveyance of the motorist while his/her vehicle is being towed;
2. hook up and drop of vehicle;
3. battery disconnect;
4. the use of dollies;
5. fuel and mileage up to 20km;
6. dispatch, notice or any other administrative fees;
7. straps or chains required further to National Safety Standards on load securement;
8. jack and block;
9. standing wait time at accident scene;
10. accident scene clean-up; and
11. lot pull out.