

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: March 19, 2013	
SUBJECT/REPORT NO: Amendment to By-law 07-170 - Schedule 28 - Tow Trucks (PED09019(e)) (City Wide)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Al Fletcher (905) 546-2424 Ext. 1358 William Young (905) 546-2424 Ext. 2469
SIGNATURE:	

RECOMMENDATION

That the minor housekeeping amendments respecting matters related to practical implementation of Schedule 28 Tow Trucks of the City's Licensing By-Law, as outlined in Report PED09019(e) be approved, and that the draft by-law attached as Appendix "A" to Report PED09019(e), which has been prepared in a form satisfactory to the City Solicitor, be enacted.

EXECUTIVE SUMMARY

In consultation with the industry while implementing the tow truck licensing requirements approved by Council on May 23, 2012, it was concluded that minor amendments are required to provide more clarity in the by-law and to better align some of the requirements with standard industry practices. The proposed amendments do not affect the intent of the by-law.

Alternatives for Consideration – Not Applicable

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND (Chronology of events)

Since the original direction from the former Economic Development and Planning Committee on November 22, 2007 to investigate if the City of Hamilton should licence tow trucks, staff reported back to Committee on January 20, 2009, January 19, 2010 and September 21, 2010 culminating with Council's passage of a by-law on May 23, 2012 requiring that tow truck operators and drivers be licensed.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services and Tow Truck Industry representatives were consulted in the preparation of this Report.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Since the Licensing By-law was amended to include a requirement that tow truck operators and drivers be licensed, staff has received a number of suggestions from industry stakeholders to provide more clarity in the by-law and to better align some of the requirements with standard industry practices including:

- Changing the tow truck identifier from requiring a metal license plate on the vehicle to a "tow truck number" decal. Also, the size, font and colour contrast has been added to the by-law for easy identification, subject to the approval of the Issuer of Licences.
- Changing the requirement to add the Provincial issued Commercial Vehicle Certificates, Vehicle Inspection Reports and Safety Standards Certificates as satisfactory proof of the fitness of tow trucks. These documents are required on a yearly basis by the Province to prove vehicle safety.
- Revising the size of the fire extinguishers and waste containers required to be on the vehicle at all times.

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- Changing the requirement for the tow truck operator to retain complaint records from one to three years at the outset of the implementation of the by-law in order to allow staff to better manage investigation of complaints.

While not all of the changes suggested by the tow truck industry are being recommended, staff felt it prudent to make the recommended changes as they remove unintended difficulties for tow truck operators in complying with the by-law without compromising the intent which is consumer protection and public safety.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

APPENDICES / SCHEDULES

Appendix “A” to Report PED09019(e) – Amending By-law to By-law No. 07-170

AF/dt

Authority: Item , Committee
Report (Staff report number)
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend By-law No. 07-170, a By-law to License and Regulate Various
Businesses**

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170;

AND WHEREAS this By-law amends Schedule 28 of City of Hamilton By-law No. 07-170 which licenses and regulates tow truck businesses;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in sections 1 to 14 include any necessary grammatical changes.
2. Section 1 of Schedule 28 of By-law 07-170 is amended by deleting the definition of "tow truck plate" and adding the following new definition, in alphabetical order:

"tow truck number" means the number, which may consist of numbers or letters or both, issued for each approved tow truck by the Issuer of Licences;
3. Subparagraph 7(d)(ii)2 of Schedule 28 of By-law 07-170 is deleted and replaced by the following new subparagraph 7(d)(ii)2:
 2. have been issued:
 - a. either:

- i. an Ontario Ministry of Transportation Vehicle Inspection Report showing approval and acceptance; or
 - ii. a Safety Standards Certificate under the Highway Traffic Act,
no more 36 days before the proof is provided; or
 - b. a CVOR Certificate under the Highway Traffic Act; and
4. Paragraph 10(d)(iv) of Schedule 28 of By-law 07-170 is deleted and replaced by the following new paragraph 10(d)(iv):
- (iv) a fire extinguisher no smaller than 2.5 kilograms with a rating of 10-B:C kept in working order and securely mounted at a place readily accessible to the driver;
5. Paragraph 10(d)(viii) of Schedule 28 of By-law 07-170 is deleted and replaced by the following new paragraph 10(d)(viii):
- (viii) a waste container, including a flexible waste container, at least 20 litres in volume;
6. Paragraph 10(d)(xx) of Schedule 28 of By-law 07-170 is deleted.
7. Subsection 10(f) of Schedule 28 of By-law 07-170 is deleted and replaced by the following new subsection 10(f):
- (f) ensure the tow truck number is:
 - (i) affixed to the door on either side of the truck, below the side view mirror, or to another location on the tow truck approved in advance by the Issuer of Licences;
 - (ii) in letters and numbers at least 6 centimetres in height;
 - (iii) in Verdana or Arial font;
 - (iv) in a colour that contrasts with the background colour by at least 75%; and
 - (v) plainly visible in its entirety at all times;

8. Paragraph 10(j)(i) of Schedule 28 of By-law 07-170 is deleted and replaced by the following new paragraph 10(j)(i):
 - (i) meets the standards required for the issue of:
 - a. an approval and acceptance under an Ontario Ministry of Transportation Vehicle Inspection Report;
 - b. a Safety Standards Certificate under the Highway Traffic Act; or
 - c. a CVOR Certificate under the Highway Traffic Act;
9. Paragraph 11(e)(iv) of Schedule 28 of By-law 07-170 is deleted and replaced by the following new paragraph 11(e)(iv):
 - (v) a fire extinguisher no smaller than 2.5 kilograms with a rating of 10-B:C kept in working order and securely mounted at a place readily accessible to the driver;
10. Paragraph 11(e)(viii) of Schedule 28 of By-law 07-170 is deleted and replaced by the following new paragraph 11(e)(viii):
 - (viii) a waste container, including a flexible waste container, at least 20 litres in volume;
11. Paragraph 11(e)(xx) of Schedule 28 of By-law 07-170 is deleted.
12. Subsection 11(g) of Schedule 28 of By-law 07-170 is deleted and replaced by the following new subsection 11(g):
 - (g) ensure the tow truck number is:
 - (i) affixed to the door on either side of the truck, below the side view mirror, or to another location on the tow truck approved in advance by the Issuer of Licences;
 - (iv) in letters and numbers at least 6 centimetres in height;
 - (v) in Verdana or Arial font;
 - (iv) in a colour that contrasts with the background colour by at least 75%; and

(v) plainly visible in its entirety at all times;

13. Subsection 11(k) of Schedule 28 of By-law 07-170 is deleted and replaced by the following new subsection 11(k):

(k) provide a current Ontario Ministry of Transportation Vehicle Inspection Report showing approval and acceptance, a current Safety Standards Certificate issued under the Highway Traffic Act or a current CVOR Certificate issued under the Highway Traffic Act for the tow truck at such time as prescribed by this Schedule or as requested by the Issuer of Licences;

14. Subsection 11(m)(iii) is amended by deleting "one" and replacing it with "three".

PASSED this day of , 2013 .

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R. Bratina Mayor	R. Caterini City Clerk