



**Consolidated, As Amended by By-Law 56-2012
By-Law 94-2010
of The Corporation of the City of Oshawa**

Being a By-law to prohibit tow trucks from parking, stopping or standing within two hundred (200) metres of a collision scene on any road in the City of Oshawa.

Now therefore the Council of The Corporation of the City of Oshawa enacts as follows:

1. Short Title

1.1. The short title of this By-law is the “Tow Truck By-law”.

2. Interpretation

2.1. In this By-law:

- (a) **City** means The Corporation of the City of Oshawa or the geographic area of the City of Oshawa, as the context requires.
- (b) **Collision** means the unintended contact resulting from the motion of a motor vehicle and/or its load.
- (c) **Collision Reporting Center** means a facility specified by a police service where a motor vehicle which has been involved in a collision may be taken for the purpose of reporting such a collision.
- (d) **Director** means the City’s Director, Municipal Law Enforcement and Licensing.
- (e) **Firefighter** means any person employed in, or appointed to, a fire department and assigned to undertake fire protection services.
- (f) **Highway**, for the purposes of this By-Law, includes a common and public highway, street, avenue, parkway, driveway, square, place, viaduct or trestle, any part of which is intended for or used by the general public for the passage of motor vehicles or persons, and includes the area between the lateral property lines thereof, including sidewalks and boulevards.
- (g) **Manager** means the City’s Manager, Municipal Law Enforcement.
- (h) **Motor Vehicle** includes automobile, motorcycle, van, truck, trailer, bus, mobile home, traction engine, farm tractor, road-building machine, bicycle, motor-assisted bicycle, motorized snow vehicle, street car and any other motor vehicle drawn, propelled or driven by any kind of power, including muscular power.
- (i) **Officer** means each of
 - (i) the Director;
 - (ii) the Manager;
 - (iii) a Municipal Law Enforcement Officer appointed by Council or by the Director to enforce this By-law; and
 - (iv) a police officer employed by a municipal police force, by the Ontario Provincial Police or by the Royal Canadian Mounted Police.

- (j) Person includes the owner and/or operator of a tow truck, and may be an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives.
- (k) 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 or use of lifts, winches, dollies, trailers or any like equipment.

3. Prohibited Activity

- 3.1. No person shall solicit, make or convey an offer of services of a tow truck while that person is within two hundred (200) metres of,
 - (a) the scene of a collision or apparent collision;
 - (b) a motor vehicle involved in a collision; or
 - (c) a collision reporting center.
- 3.2. No person shall park, stop or stand a tow truck on any highway within two hundred (200) metres of,
 - (a) the scene of a collision or apparent collision;
 - (b) a motor vehicle involved in a collision; or
 - (c) a collision reporting center.
- 3.3. Subsections 3.1 and 3.2 do not apply to a person who is at the scene of a collision or collision reporting center at the request or direction of an officer, a firefighter or a person involved in the collision.
- 3.4. No person operating a tow truck or other motor vehicle parked, stopped or standing within two hundred (200) metres of the scene of a collision or apparent collision or a motor vehicle involved in a collision or an apparent collision shall fail to move immediately on the direction of any officer or firefighter the tow truck or motor vehicle to a location more than two hundred (200) metres from the scene of a collision or apparent collision or to any other location as directed by an officer or firefighter.
- 3.5. No person operating a tow truck parked, stopped or standing within two hundred (200) metres of a collision reporting centre shall fail to move immediately on the direction of any officer or firefighter the tow truck to a location more than two hundred (200) metres from the collision reporting centre.
- 3.6. Subsection 3.5 does not apply to a person who is at a collision reporting centre for the purpose of dropping off or picking up a motor vehicle.

4. Offences

- 4.1. Each person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine of:
 - (a) not less than \$500 and not more than \$5,000;
 - (b) not less than \$600 and not more than \$10,000 for a second conviction of the same offence; and
 - (c) not less than \$1,000 and not more than \$25,000 for a third or subsequent conviction of the same offence.

5. Conflict

- 5.1. This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 5.2. If there is a conflict between a provision of this By-law and a provision of provincial legislation or any other City By-law, the provision that establishes the higher standard to protect the health and safety of the public.

6. Severability

- 6.1. If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in certain circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

7. Effective Date

- 7.1. This By-law is effective on the date of its passing.

By-law passed this seventh day of September, 2010.

Mayor

City Clerk

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