

REPORT NO. 143 of the
ENVIRONMENT, TRANSPORTATION & PUBLIC SAFETY
STANDING COMMITTEE
of its meeting held May 22, 2013

Present: **Councillor J. Gignac**
 Councillor A. Halberstadt
 Councillor R. Jones
 Councillor H. Payne
 Councillor F. Valentinis, Chair

That the following recommendations of the Environment, Transportation and Public Safety Standing Committee **BE APPROVED**:

Moved by Councillor Jones, seconded by Councillor Gignac,
THAT Public Vehicle Licensing Bylaw No. 137-2007 **BE AMENDED** by deleting the wording to Schedule 4, Section 10.1 (a) and replaced with the following:

"10.1 Every tow truck owner or tow truck driver licensed under this schedule for towing vehicles shall comply with the following:

- (a) *prior to towing a motor vehicle without the consent of the owner or operator of the vehicle, provide the Windsor Police Service with the following information:*
 - (i) *the name of the towing company;*
 - (ii) *the make, model and licence plate number of the vehicle being towed;*
 - (iii) *the public parking lot from which the vehicle is being towed;*
 - (iv) *the location within the City of Windsor to which the vehicle is being towed for storage;*
 - (v) *the date and time when the vehicle is going to be towed from the parking lot;*
 - (vi) *that the motor vehicle is being towed without the consent of the owner or operator; and,*
 - (vii) *any other particulars as the Windsor Police Service may require."* and

THAT Council adopt By-Law 87-2013 attached hereto as Appendix A.
Carried.

LIVELINK 16514, AB2013

Clerk's Note: The report of the Supervisor of Licensing/Deputy Licensing Commissioner (A) dated March 25, 2013 entitled "*Amendment of Schedule 4 to Public Vehicle Licensing By-Law No. 137-2007*" is **attached** as background information.



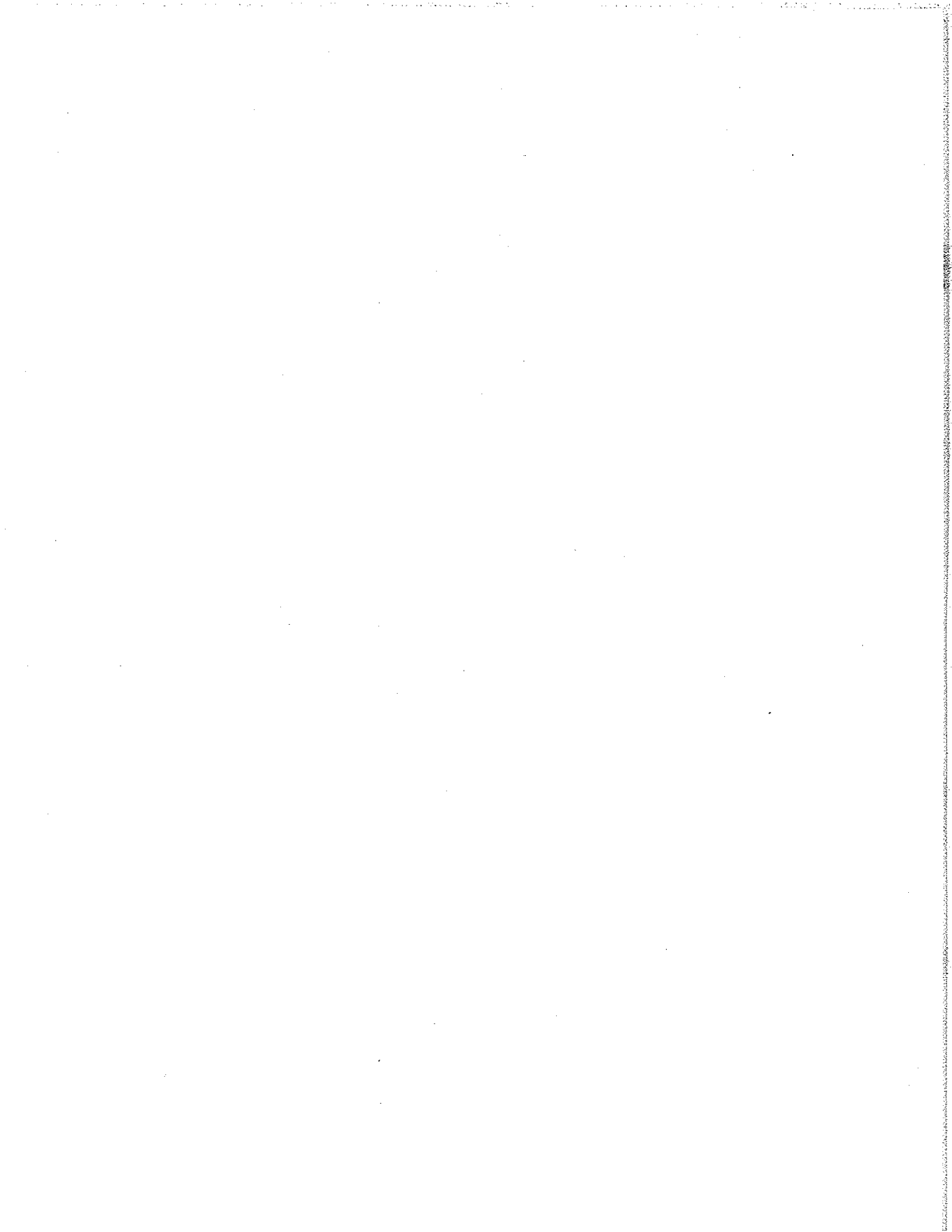
CHAIRPERSON



DEPUTY CLERK

NOTIFICATION:

Name	Address	Email Address	Telephone	FAX
See attached report				



THE CORPORATION OF THE CITY OF WINDSOR
Environment, Transportation & Public Safety Standing Committee
Admin Report – Public Safety



MISSION STATEMENT:

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

LiveLink REPORT #: 16514	Report Date: March 25, 2013
Author's Name: Craig Robertson, Supervisor of Licensing/Deputy Licence Commissioner (A)	Date to Standing Committee: May 22, 2013
Author's Phone: 519-255-6222 ext. 6869	Classification #:
Author's E-mail: <u>crobertson@city.windsor.on.ca</u>	

TO: Environment, Transportation & Public Safety Standing Committee

SUBJECT: Amendment of Schedule 4 to Public Vehicle Licensing By-law No. 137-2007

1. RECOMMENDATION: City Wide: Ward(s): _____

THAT Public Vehicle Licensing Bylaw No. 137-2007 **BE AMENDED** by deleting the wording to Schedule 4, Section 10.1 (a) and replaced with the following:

"10.1 Every tow truck owner or tow truck driver licensed under this schedule for towing vehicles shall comply with the following:

- (a) prior to towing a motor vehicle without the consent of the owner or operator of the vehicle, provide the Windsor Police Service with the following information:*
 - (i) the name of the towing company;*
 - (ii) the make, model and licence plate number of the vehicle being towed;*
 - (iii) the public parking lot from which the vehicle is being towed;*
 - (iv) the location within the City of Windsor to which the vehicle is being towed for storage;*
 - (v) the date and time when the vehicle is going to be towed from the parking lot;*
 - (vi) that the motor vehicle is being towed without the consent of the owner or operator; and,*
 - (vii) any other particulars as the Windsor Police Service may require." and*

THAT Council adopt By-Law _____ attached hereto as Appendix A.

2. EXECUTIVE SUMMARY:

N/A

3. BACKGROUND:

Schedule 4 to Public Vehicle Licensing By-law No. 137-2007 came into effect in 2007 and regulates the activities and business operation of Tow Truck Owners and Tow Truck Drivers. Further, Schedule 4 regulates the towing of a motor vehicle without consent of the owner. Without consent of the owner is defined under By-law No. 137-2007 as:

“without consent of the owner” in reference to a vehicle means:

- (a) the prior consent to the towing of a vehicle is given by the owner or operator of a vehicle to the tow truck owner or its employee or operator; or,*
- (b) consent to towing is deemed to be given by the owner or operator of the vehicle as a consequence of parking in a parking lot or where consent to towing is given by the owner or operator of the parking lot as an agent of the owner or operator of the vehicle.*

Under section 10.1 (a) of Schedule 4 to Public Vehicle Licensing By-law No. 137-2004, licensed tow truck owners and tow truck drivers are currently required to contact Windsor Police Service immediately after a tow without consent is completed.

“10. Towing Without Consent

10.1 *Every tow truck owner or tow truck driver licensed under this schedule for towing vehicles shall comply with the following:*

- (a) immediately after towing a motor vehicle without the consent of the owner or operator of the vehicle, provide the Windsor Police Service with the following information:*
 - (i) the name of the towing company;*
 - (ii) the make, model and licence plate number of the vehicle towed;*
 - (iii) the public parking lot from which the vehicle was towed;*
 - (iv) the location within the City of Windsor to which the vehicle was towed for storage;*
 - (v) the date and time when the vehicle was towed from the parking lot;*
 - (vi) that the motor vehicle was towed without the consent of the owner or operator; and,*

(vii) *any other particulars as the Windsor Police Service may require.*”

The Licensing Division received a request from Windsor Police Service that the above section be amended to reflect that licensed tow truck owners and tow truck drivers contact Windsor Police Service *prior* to towing a motor vehicle without consent so that they may determine if moving a motor vehicle could possibly contaminate evidence.

4. DISCUSSION:

The request from the Windsor Police Service is a result of the fact that the by-law currently requires tow operators to notify them *after* they have towed a vehicle without the consent of the vehicle owner. The problem this presents is that by hooking up a vehicle and towing it, a tow truck driver could potentially contaminate evidence if the motor vehicle in question was connected to or associated with a crime. If the towing company or driver contacted Windsor Police Service *prior* to lifting a vehicle or attending onsite for a tow, the police could identify it as a vehicle of interest and instruct the tow truck owner and/or driver not to interfere with the vehicle. Windsor Police Service would then dispatch a Unit to secure the scene. If the vehicle is not of interest to Windsor Police Service, then the tow truck owner and/or driver could proceed with the tow.

At the request of the Supervisor of Licensing/Deputy Licence Commissioner (A), Windsor Police Service met with the City of Windsor’s By-law Enforcement Manager and Supervisor of Parking Enforcement. It was determined that the proposed by-law amendment would not interfere or disrupt the service delivery of their respective areas.

5. RISK ANALYSIS

Administration does not foresee any negative outcomes or consequences of this action.

6. FINANCIAL MATTERS:

Preparing and implementing licensing by-law amendments are a normal function of the Licensing Department. There are no financial implications associated with this report.

7. CONSULTATIONS:

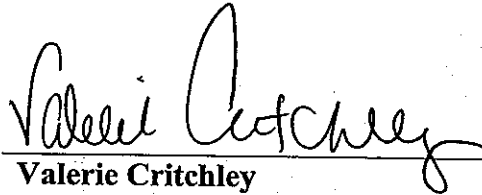
Inspector David Cassady – Windsor Police Service
Ann Kalinowski – Manager of By-law Enforcement
Bill Kralovenski – Supervisor of Parking Enforcement

8. CONCLUSION:

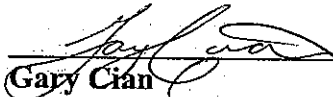
Administration is supporting the amendment to Section 10.1 (a) of Schedule 4 to Public Vehicle Licensing By-law No. 137-2007. The proposed amendment allows Windsor Police Service to provide approval prior to towing a motor vehicle without consent in order to prevent the possible contamination of evidence involved in a crime.



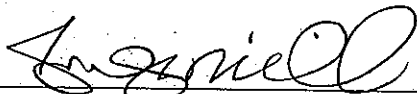
Craig Robertson
Supervisor of Licensing/Deputy Licence
Commissioner (A)



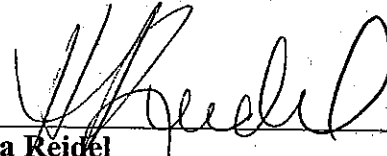
Valerie Critchley
City Clerk/Licence Commissioner and
Corporate Leader Public Engagement and
Human Resources



Gary Cian
Manager of Policy, Gaming & Licensing/
Deputy Licence Commissioner



George Wilkki
City Solicitor and Corporate Leader,
Economic Development and Public
Safety



Helga Reidel
Chief/Administrative Officer

CR

APPENDICES:

Proposed By-Law amendment attached as APPENDIX A

DEPARTMENTS/OTHERS CONSULTED:

Name:

Phone #: 519 ext.

NOTIFICATION :				
Name	Address	Email Address	Telephone	FAX
Windsor Police Service - Inspector David Cassady	P.O. BOX 60 WINDSOR, ON N9A 6J5	dcassady@police.windsor.on.ca	519-255-6100 ext 4210	
469311 ONTARIO LTD. O/A MYERS TOWING	1208 MYERS RD BELLE RIVER, ON N0R 1A0		519-728-3010	519-728- 1596
1512081 ONTARIO LTD. O/A ABRAMS TOWING SERVICES LTD.	835 CAMPBELL AVE WINDSOR, ON N9B 2H8		519-977-5588	
2303681 ONTARIO INC. O/A NEBRAS TRANSPORTATION	1285 ERIE ST E WINDSOR, ON N9A 3Z6		519-818-3000	
1414321 ONTARIO LTD. O/A AAA'BURG TOWING	491 MCLEOD AVE AMHERSTBURG, ON N9V 2Y8		519-736-0735	
487665 ONTARIO LTD. O/A BRIAN'S TOWING	2304 MEIGHEN RD WINDSOR, ON N8W 4B9		519-977-5249	519-945- 9328
KIFAH AUTO SALES	1215 WYANDOTTE ST E WINDSOR, ON N9A 3K6		519-971-9083	
A.M-P.M. TOWING	2700 CENTRAL AVE. WINDSOR, ON N8W 4J5		519-255-1711	
COXON'S TOWING SERVICE (2000) LTD.	4891 MANNING RD. MAIDSTONE, ON N0R 1K0	donnaricard@ctscoxons.com	519-979-5421	
DR TOWING	3943 SANDWICH ST. WINDSOR, ON N9C 1B3		519-903-0869	
ELMAIS ROADSIDE ASSISTANCE	3943 TECUMSEH RD E UNIT 104 WINDSOR, ON N8W 1J4		519-992-6627	
2300991 ONTARIO INC. O/A FAST AUTO SERVICE	2500 MCDUGALL ST WINDSOR, ON N8X 3N9		519-966-2222	
WINDSOR CAR WASH (2003) INC. O/A ALL CARE AUTO LUBE & TIRE	1490 UNIVERSITY W UNIT B WINDSOR, ON N9B 1B7		519-253-9353	

BY-LAW NUMBER -2013

**A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 137-2007,
BEING A BY-LAW RESPECTING THE LICENSING AND
REGULATING OF PUBLIC VEHICLES**

Passed the day of 2013.

WHEREAS administration was directed by M -2013 to amend By-law Number 137-2007 being a by-law respecting the licensing and regulating of public vehicles, passed the 16th day of July, 2007;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. That Section 10.1 (a) of Schedule 4 to By-law Number 137-2007 be deleted and the following be substituted therefore:

"10.1 Every tow truck owner or tow truck driver licensed under this schedule for towing vehicles shall comply with the following:

(a) prior to towing a motor vehicle without the consent of the owner or operator of the vehicle, provide the Windsor Police Service with the following information:

- (i) the name of the towing company;
- (ii) the make, model and licence plate number of the vehicle being towed;
- (iii) the public parking lot from which the vehicle is being towed;
- (iv) the location within the City of Windsor to which the vehicle is being towed for storage;
- (v) the date and time when the vehicle is going to be towed from the parking lot;
- (vi) that the motor vehicle is being towed without the consent of the owner or operator; and,
- (vii) any other particulars as the Windsor Police Service may require."

2. This by-law amendment shall come into force and take effect on the day of the final passing thereof.

EDDIE FRANCIS, MAYOR

CLERK

First Reading - 2013
Second Reading - 2013
Third Reading - 2013