



BY-LAW NO. 2023-0090

A By-law to delete Schedule No. 10, Support Activity for Road Transportation, of Business Licensing By-law 2005-0067 and replace with new Schedule I.

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a local municipality may license and regulate any business, wholly or partly carried on within the municipality, even if the business is being carried on from a location outside the municipality;

AND WHEREAS Council for the Town of Halton Hills passed and enacted By-law No. 2005-0067, being a by-law to license, regulate and govern any business carried on within the Town of Halton Hills;

AND WHEREAS on September 18, 2023, Council for the Town of Halton Hills approved Report No.ADMIN-2023-025, dated July 26, 2023, in which certain recommendations were made relating to Business Licensing By-law 2005-0067.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. **THAT** Schedule No. 10 – Support Activity for Road Transportation is hereby deleted and replaced with Schedule “I” – Driving School Operators.
2. **THAT** section 1. of By-law 2005-0067 be amended to remove the following definitions:
 - 1.83 – Support Activity for Road Transportation
 - 1.93 – Towing Service Company
 - 1.94 – Towing Storage Compound
 - 1.95 – Tow Truck Driver
3. **THAT** section 2.1 be amended by removing Support Activity for Road Transportation and replacing with Driving School Operator;
4. **THAT** section 2.5 be amended by removing Support Activity for Road Transportation and replacing with Driving School Operator;
5. **THAT** in all other aspects of By-law 2005-0067, as amended, remains in full force and effect.
6. **THAT** this By-law be enacted as of January 1, 2024.

BY-LAW read and passed by the Council for the Town of Halton Hills this 10th day of October, 2023.

MAYOR – ANN LAWLOR

TOWN CLERK – VALERIE PETRYNIAK

Schedule “I” to By-law No. 2005-0067 Driving School Operator

In addition to the other requirements of this By-law, the following regulations apply to Driving Schools as defined in this Schedule.

Interpretation

1. In addition to the terms defined in the general section of this By-law, the following terms shall have the corresponding meanings;

“*Driving School Operator*” means a Person who has possession or control of Motor Vehicles for the purpose of teaching an individual, through on-road instruction, to operate a Motor vehicle.

Licence Required

2. No Person shall carry on the business of *Driving School Operator* within the Town of Halton Hills without first obtaining a licence in accordance with the requirements of this by-law.
Upon issuance, each licence shall be posted in a conspicuous place on the premises so licensed.

Application Requirements – General

3. In addition to the application requirements as set out in the general section of this By-law, every person at the time of making application for a *Driving School Operator* licence shall provide:
 - a) a Certificate of Insurance completed and signed by the applicant’s Insurance Broker providing proof of Commercial General Liability insurance in a minimum amount of not less than (2) million dollars (\$2,000,000) with an endorsement that notice will be given to the Certificate Holder in writing at least (30) days prior to cancellation, expiration, or variation thereof. The Town of Halton Hills must be listed as the Certificate Holder, unless otherwise specified in this By-law.
 - b) the Motor Vehicle ownership for each Motor Vehicle to be used by the driving school for instruction;
 - c) a Safety Standards Certificate for each Motor Vehicle to be used by the driving school for instruction except in the case of brand new Motor Vehicles obtained within six (6) months from the effective date of the Motor Vehicle registration;
 - d) a copy of each instructor’s driving instructor’s licence issued pursuant to the Regulations enacted under the Highway Traffic Act;
 - e) a Statement of Rates and Charges for all services provided by the driving school;
 - f) two (2) pieces of identification, one (1) of which contains a photograph to the satisfaction of the Issuer of Licences;
 - g) a current Ontario Driver’s Licence Abstract from the Ministry of Transportation obtained within thirty (30) days of application; and
 - h) a copy of a Security Clearance Request including where provided a vulnerable Sector Screening issued by the Halton Regional Police Service or the Police Service in the jurisdiction in which the applicant or licensee resides, obtained within (30) days of application.

Vehicle Requirements

4. Every Driving School Operator shall ensure that every Motor Vehicle used for driving instruction is:
 - a) equipped with a dual control braking system and dual mirrors in good working order, and placed in a position for ready use by the driving instructor seated beside the student;
 - b) in a safe condition and roadworthy, certified and approved by the Town for use;

- c) identified by an Owner's Plate issued by the Town and affixed to the rear of the Motor Vehicle in a visible location; and
- d) identified by a roof sign on the Motor Vehicle displaying the name of the driving school clearly visible at a distance of fifteen (15) metres.

Driver Requirements

- 5. Every Driving School Operator shall:
 - a) keep a permanent record of every student driver's name, address, driver's licence number, the date and time of each driving lesson, and the name of the instructor who provided lessons to the student;
 - b) affix a copy of the Driving School Operator's licence with a photograph of the driving instructor in every Motor Vehicle plainly visible to the student driver; and
 - c) inform and provide the student driver with a copy of all rates and charges filed with the town before commencing driving lessons.

Prohibitions

- 6. No Driving School Operator shall:
 - a) give instruction to any Person who does not possess a valid G1, M1 (or higher) licence issued by the Ministry of Transportation;
 - b) give instruction on private property without the consent of the registered property owner;
 - c) give instruction while in an impaired condition or to a Person who is in an impaired condition; or
 - d) permit any Person who does not possess a current valid driver's instruction licence and a current valid driver's licence issued pursuant to the Regulations enacted under the Highway Traffic Act to give driving instruction to any Person.