



# MISSISSAUGA

## THE CORPORATION OF THE CITY OF MISSISSAUGA PROHIBIT ACCIDENT SCENE SOLICITATION ON HIGHWAYS BY-LAW 83-15

**WHEREAS** section 11 of the *Municipal Act, 2001*, S.O. c. 25 as amended, (the “*Municipal Act*”) grants authority to municipalities to pass by-laws with respect to the health, safety and well-being of persons; and the protection of persons and property, including consumer protection;

**AND WHEREAS** section 11 of the *Municipal Act* grants authority to municipalities to pass by-laws with respect to highways, including parking and traffic on highways;

**AND WHEREAS** subsection 101(1) of the *Municipal Act* authorizes municipalities to provide for the removal and impounding or restraining and mobilizing of any vehicle, at the vehicle owner’s expense, parked or left in contravention of this By-law and provides that subsection 170(15) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, applies;

**AND WHEREAS** the Council of the City of Mississauga considers it desirable to enact a by-law to prohibit solicitation at accident scenes;

**NOW THEREFORE** the Council of the Corporation of the City of Mississauga **ENACTS** as follows:

1. In this By-law:

“**Business**” means a business as defined in section 150 of the *Municipal Act, 2001*;

“**City**” means the municipality of the City of Mississauga or the geographic area of the City of Mississauga, as the context requires;

“**Council**” means the council of the City of Mississauga;

“**Emergency Personnel**” means the operator, driver, attendant or other personnel of an ambulance, a fire department vehicle, a police service vehicle, public utility vehicle, a Ministry of Ontario emergency vehicle; or a vehicle operated by an officer appointed to carry out the provisions of the *Highway Traffic Act*, the *Public Vehicles Act* or the *Environmental Protection Act* while the officer is in the course of his or her employment;

“**Highway**” means a highway as defined in subsection 1(1) of the *Municipal Act, 2001*;

“**Tow Truck**” means a motor vehicle which is designed, modified or used for pulling, towing, carrying, or lifting other motor vehicles, be they damaged, disabled, abandoned or otherwise, with or without the assistance or use of lifts, winches, dollies, trailers or similar equipment;

“**Towing Services**” means the provision, or use of a Tow Truck including the assistance of the owner, operator, driver, or any passenger of a vehicle through the use of the equipment on or used in conjunction with the Tow Truck for pulling, towing, carrying or lifting of a motor vehicle at a place located within the City; and

“**Vehicle**” means a vehicle as defined in subsection 1(1) of the *Highway Traffic Act*;

2. No person shall solicit or make or convey an offer of Business services or goods to the driver or any other person involved in a Vehicle accident or apparent accident while the person soliciting or making or conveying the offer of Business services or goods is within 200 metres of:
  - (a) the scene of the Vehicle accident or apparent accident; or
  - (b) a Vehicle involved in an accident on a Highway.
3. No person shall solicit the hiring of a Tow Truck or make or convey an offer of Towing Services while that person is within 200 metres of:
  - (a) the scene of the Vehicle accident or apparent accident; or
  - (b) a Vehicle involved in an accident on a Highway.
4. No person shall park, stop, or stand a Tow Truck on a Highway within 200 metres of:
  - (a) the scene of the Vehicle accident or apparent accident; or
  - (b) a Vehicle involved in an accident
5. Sections 2, 3 and 4 of this By-law do not apply to:
  - (a) a person who is within 200 metres of the scene of an accident or a Vehicle involved in an accident at the request of Emergency Personnel, a person engaged in Highway maintenance or a person involved in the accident.
  - (b) a person licenced as a Tow Truck driver with the City, where there are fewer Tow Trucks at the scene of an accident than Vehicles that may require the services of a Tow Truck.
6. Every person who fails to comply with this By-law is, upon conviction, guilty of an offence and is liable to a fine of not more than:
  - (a) \$5,000 for a first offence;
  - (b) \$25,000 for a second offence; or
  - (c) \$100,000 for a third or subsequent offence
7. A police officer or a municipal law enforcement officer, upon discovery of any Tow Truck parked or standing in contravention of this By-law, may cause the Tow Truck to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removal, care and storage of the Tow Truck, if any, are a lien upon the Tow Truck, which may be enforced in the manner provided by the *Repair and Storage Lien Act*.
8. If a court of competent jurisdiction declares any subsection, section or party of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.
9. This By-law may be referred to as the “Prohibit Accident Scene Solicitation on Highways By-law”.

**ENACTED AND PASSED this 1<sup>st</sup> day of April, 2015.**

**Signed by: Bonnie Crombie, Mayor and Crystal Greer, City Clerk**