

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW 1999 - 83

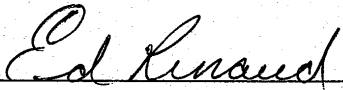
A by-law to amend By-law 1999-09 respecting the issue of
Business Licenses (driving instructors)

WHEREAS it is deemed expedient to amend By-law 1999-09 to add provisions for the regulation of persons who carry on the business of teaching persons to operate motor vehicles and every driving instructor employed in such business

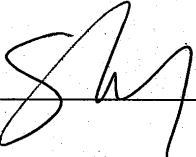
NOW THEREFORE THE CORPORATION OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:

1. **That** Page 7 of Schedule "A" to By-law 1999-09 is hereby amended by adding thereto under the column entitled "Appendix", the number "22" across from Article 22.
2. **That** the Appendices to Schedule A" of By-law 1999-09 is hereby amended by adding thereto "Appendix 22" in the form as attached hereto and forming part of this By-law.
3. **That** this by-law shall come into force and take effect upon the day of final passing thereof.

Read a First, Second and Third Time and Finally passed this 9th day of November, 1999.



Ed Renaud, Mayor



S.M. Brophey, Clerk

Relating to Driving School Operators and Driving Instructors

1. Every applicant for a licence under subsection (22) of Schedule "A" of Section 2 of this by-law shall be at least 21 years of age before such licence is issued to him/her.
2. Every applicant for a licence under subsection (22) of Schedule "A" of Section 2 of this by-law shall obtain through the Ontario Provincial Police, Tecumseh Detachment a police clearance.
3. Every application shall be signed by the applicant and shall be accompanied by two photographs of the applicant, one of which shall be attached to the Licence, if granted, and the other shall be filed with the Clerk's Office. On any application for renewal of any such licence, the applicant shall furnish new photographs.
4. Every operator of a driving school shall be required to be licensed under this by-law and shall take out a separate licence for each vehicle to be used in the business of a driving school, and shall pay for each such licence a fee of Ten Dollars (\$10.00.). The said licence shall be carried with the vehicle in respect of which it was issued.
5. The operator of every driving school shall at the time of making application for a licence notify the Clerk's Office in writing of the year, make, model and licence number of all vehicles to be used in the business of the driving school, and shall also advise the Clerk's Office in writing of any vehicles which commence to be used, or cease to be used in the business within one week after the said vehicle commences or ceases to be used in the business.
6. The operator of every driving school shall provide to the Clerk's Office a safety standards certificate for each vehicle owned and operated by such operator.
7. No licence under subsection 22 of Schedule "A" of Section 2 of this By-law shall be issued except under authority of the Clerk's Office or City Council and provided an instructor's permit issued by the Department of Transport for the Province of Ontario is filed with the Clerk's Office.
8. Every operator of a driving school shall, at the time of making application for a licence or for any renewal thereof, deposit a policy or certificate of liability insurance, conditioned upon the payment of any judgment which may be obtained against the operator or any person in charge of any vehicle used in the business of the driving school, arising from any negligence or misconduct in the operation of the vehicle described in the application for a licence, including any liability imposed by law.
9. The said policy of insurance shall be issued by an insurer duly authorized to issue such insurance within the Province of Ontario and shall provide indemnity as aforesaid in the amount of at least One Million Dollars (\$1,000,000.00) inclusive, for personal injury or property damage arising out of any one accident or occurrence.
10. The said insurance policy shall further provide that it may not be cancelled by the insurer until after ten (10) days' written notice of such cancellation has been given to the Clerk's Office.
11. The licence for any vehicle used in the business of the driving school shall expire and become void upon the lapse or termination of the said insurance policy covering its operation, and the said policy or certificate thereof shall be retained by the Clerk's Office while the licence is current.
12. All persons licensed under subsection 22 of Schedule "A" of Section 2 of this by-law shall in teaching any person to operate a motor vehicle use only motor vehicles which have in addition to the standard controls and brakes for use by the driver, extra braking equipment placed in a position for ready use by the instructor seated beside the driver.

13. No person licensed under subsection 22 of Schedule "A" of Section 2 of this by-law who is teaching any person to operate any motor vehicle shall permit any person other than him/herself and the student driver and the owner or proprietor of the business, or his appointee, to be in a motor vehicle in which driving instruction is given, except where the student is a female, in which case there may be one other person seated in the back seat.
14. No person licensed under subsection 22 of Schedule "A" of Section 2 of this by-law shall teach any female person to operate a motor vehicle except during the time or hours between seven o'clock in the forenoon and nine o'clock in the afternoon of any day.
15. Every person licensed under subsection 22 of Schedule "A" of Section 2 of this by-law who carries on the business of teaching persons to operate motor vehicles shall have attached to the back on the outside of all motor vehicles used in the business a sign at least 20 inches by 10 inches clearly indicating the name of the business.
16. No person shall be issued a licence under subsection 22 of Schedule "A" of Section 2 of this by-law unless the location of the business is satisfactory to the Council and no business shall be permitted to be located in a residential zone.
17. No person licensed under subsection 22 of Schedule "A" of Section 2 of this by-law shall permit any student driver to operate a motor vehicle unless the student driver is the holder of a Motor Vehicle Operator's Temporary Instruction Permit, or a Motor Vehicle Operator's Licence issued pursuant to *The Highway Traffic Act*, and produces such permit or licence for inspection by the instructor.
18. Every person licensed under subsection 22 of Schedule "A" of Section 2 of this by-law shall keep a record of each driving lesson given by him and every instructor shall give such record made by him to the operator of the business who shall keep and make the same available to the Clerk's Office or his representative and the Chief Constable or any officer designated by him and such record shall include the following:
 - a) the name and address of the student driver;
 - b) the number of his motor vehicle operator's licence or temporary instruction permit;
 - c) the date and time of the giving of each lesson.
19. Every person licensed under subsection 22 of Schedule "A" of Section 2 of this by-law shall refrain from giving driving instructions upon such streets and within such parts of the Town of Tecumseh as may from time to time be designated by the Council.
20. When the operator of a driving school employs an instructor he shall, within two days thereafter, notify the Clerk's Office in writing that he had employed such instructor, giving the driver's full name and address, and he shall within the same period give written notice to the Clerk's Office when any driver is no longer employed and shall specify the reasons therefor.
21. The owner and driver of every vehicle used in the business of a driving school shall keep both the interior and exterior of such vehicle clean, dry and in good repair, and whenever the owner of any such vehicle receives notice, given either to him or to his driver, signed by the Clerk, stating that such vehicle is not in a fit or proper condition for use and setting forth briefly the items complained of, such driver shall within the time set forth in such notice, put the same in a fit and proper condition.
22. Every vehicle used in the business of a driving school shall be inspected by the Police Constable or his representative authorized by him before it is used in such business and thereafter shall be inspected from time to time as required by the Council and no owner or operator of such vehicle shall do any act to prevent or interfere with such inspection.

Appendix 22 cont'd

23. Every person licensed under subsection 22 of Schedule "A" of Section 2 of this by-law shall be properly dressed, neat and clean in his person and at all times civil and respectful to his students and the general public. No person while in charge of any vehicle used in the business of the driving school shall consume or have in his possession any intoxicating liquor as defined by the *Liquor Control Act of Ontario*, nor shall he use any intoxicating liquor or smoke while driving any student.
24. No person licensed under subsection 22 of Schedule "A" of Section 2 of this by-law shall loiter or cruise about the streets for the purpose of obtaining students.