



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

Meeting Date: Monday, February 22, 2021

To: Members of Council

From: Jennifer Willoughby, Director of Legislative Services/Clerk

Report: LS2021-03

Subject: **Proposed Tow Truck Licensing By-law
Dufferin County - Local Municipalities**

Recommendation

BE IT RESOLVED THAT Council receives report #LS2021-03 from the Clerk for information;

AND THAT the Council of the Town of Shelburne opts in to have the Town of Orangeville develop a uniform tow truck licensing by-law;

AND THAT staff are authorized to forward the required contribution in the amount of \$1,000.00.

Background

At the November 9, 2020 meeting of Council, Council reviewed a report from S. Sgt. Randall and Sgt. Beaton regarding the status of towing services within the County of Dufferin, attached as Appendix 1, subsequently the following resolution was passed:

WHEREAS, Council for the Town of Shelburne supports the development of a uniform Tow Truck Licensing Bylaw throughout the County of Dufferin that takes into consideration any recommendations of the provincial task force established to look at improving safety, consumer protections and industry standards of the Towing Industry;

AND WHEREAS, the Town of Orangeville has an established business licensing and enforcement program;

NOW THEREFORE the Town of Shelburne hereby requests the Town of Orangeville to work with Dufferin County municipalities in the development of a uniform Tow Truck Licensing By-law and to oversee the administration and enforcement of the By-law across the County upon its adoption.

Analysis

At the January 11, 2021 Orangeville Council meeting report CPS-2021-004 was presented and is attached as Appendix 2, that outlines the stages, costs associated and timeline for By-law development and implementation of a tow truck licensing and enforcement program. The report notes a financial impact to the Town of Orangeville in the amount of \$10,900.00 and recommends that if any Dufferin County local municipality opts to have the Town of Orangeville develop a uniform tow truck licensing by-law on their behalf that they contribute \$1000.00 towards the cost.

With the Town of Shelburne having 2 major highways (HWY 10 & 89) incorporated into our roadway system, staff are recommending that Shelburne opt in to further participate and have the Town of Orangeville develop a tow truck licensing by-law.

Policies and Implications

None

Financial Impact

To opt into the Town of Orangeville's program, the cost is \$1,000.00. The \$1000 contribution was not included in the 2021 budget. The contribution can be funded through the By-law Department line item #2040-7350.

Consultation and Communications

Shelburne Senior Management Team

Council Strategic Priorities

Council's Strategic Priorities have three Goals - Sustainable, Engaged and Livable. There are a total of 12 targets with the three Goals.

This report aligns with the sustainable goals within the targets:

Target T7 – promote partnerships and collaboration

Target T11 – improve community connections

Supporting Documentation

Appendix 1 – OPP Report, Status of Towing services in Dufferin County 2020

Appendix 2 – Town of Orangeville Report, CPS-2021-004, Proposed Tow Truck Licensing By-law Dufferin County - Local Municipalities

Respectfully Submitted and Prepared By:

Jennifer Willoughby, Director of Legislative Services/Clerk

Reviewed By:

Denyse Morrissey, CAO

Report to Stakeholders

Status of Towing services in Dufferin County 2020

By S/Sgt N. Randall and Sgt. P. Beaton

Background:

On November 12, 2009, the County of Dufferin enacted a by-law to regulate the towing industry in Dufferin County. The impetus for this was the protection of consumers who quite often utilize a tow truck after they have had a collision or breakdown. Many of these motorists found themselves in an unfortunate and stressful situation where they felt pressured to select a tow service without due consideration. The majority of tow truck operators are hardworking and honest; however, some failed to adhere to common best practices established within the industry.

As a result, the Dufferin Area Towing Association (here after referred to as DATA) was established by members of the towing industry within Dufferin County and the surrounding area. DATA was utilized by the OPP on a rotational basis for collisions and other incidents in which an officer requested a tow truck. Members of DATA committed to follow a code of conduct that was established by the association and included rules to carry certain items of equipment, rules in regard to dress and behaviour, and follow a fee schedule established by the association. One of the primary benefits of DATA was to eliminate tow trucks racing to collision scenes on a 'first available' system where inconsistent rates being charged, as well as upselling different service practices such as using a flat bed or dollies when not required.

Additional safeguards were and remain in place that protect the motoring public. Tow operators have a requirement to comply with the Consumer Protection Act in that they must display their rate sheets within their vehicles, ensure they communicate to customers in advance of the fees, and accept credit and debit cards in addition to cash for payment.

If a tow operator wanted to conduct business in Dufferin County, not just related to police calls for service, they were required to join the DATA.

Due to the inability to enforce the by-law, the County rescinded the bylaw on April 1, 2018.

Implications of withdrawing the By-Law

While the by-law is no longer in place, tow operators are still required to follow the guidelines of the Consumer Protection Act. Those tow operators who voluntarily remained members of DATA are still required to abide by the policies of the association. Example of these rules include: carrying certain items on their vehicle, and to act and dress in a standard established by the association. There are currently no requirements for tow trucks offering their services within Dufferin County to be a member of DATA.

The OPP became implicated in unfair business practices almost immediately. The OPP received complaints that DATA was not permitting new towing operators to join their association. Subsequent inquiries by the Detachment Commander revealed that DATA was not willing to admit any new members, prohibiting fair and equal business practices. Unbeknownst to the OPP, the continued use of the rotational call out list by police permitted the exclusion of non-DATA members to provide services for non – urgent calls such as property damage collisions or vehicle impoundments.

On July 15, 2018, the Dufferin OPP ceased utilizing the DATA rotational tow list for towing in Dufferin County. A list of local towing companies who wished to be considered for towing at OPP scenes was created within the detachment. The towing list is alphabetical order and does not favour one company over another. The tow operators only requirement outside of the normal Consumer Protection Act requirements is that the company has an impound within the boundaries of Dufferin County. Tow operators may not tow a vehicle outside of the County without the knowledge and consent of the owner of the motor vehicle. They may not charge mileage if they are towing outside of the County at their request.

Officers have received training and direction related to the utilization of towing companies and every effort is made to ensure that the owner of a motor vehicle selects the company that they desire.

The OPP consulted with each municipality over the weeks that followed the by-law being rescinded to determine if the municipalities felt a need to institute their own tow by-laws. At the time of the consultations, there were very few complaints about towing behaviour. The municipalities in the northern portion of the county are largely unaffected by the change in the bylaw as there are relatively few instances of towing in those areas. However, in the southern municipalities of Dufferin County the impact was greater as the commuter corridor created a greater need for towing services. The chief complaint to the OPP were from competing tow companies over perceived favouritism.

In the absence of towing by-laws, the Dufferin OPP relies heavily on the Highway Traffic Act (HTA) and the Consumer Protection Act (CPA) when utilizing towing services.

Over the two-year period since the by-law has been rescinded there have been a number of tow truck operators charged for traffic offences, or for soliciting tow services. Two companies have been suspended from the towing list for unacceptable behaviour for three months and one month, respectively.

There has been an increase in complaints to the OPP in regard to exorbitant towing fees charged. Several tow companies have chosen not to continue with their DATA membership over the accepted rates DATA members are recommended to charge. There has been an increase in tow drivers refusing to accept any payment other than cash. These instances have been addressed immediately; however, it is unknown how many clients have not complained to the OPP.

In June 2018, the Provincial Towing Association for Ontario in conjunction with the CAA launched the 'Towing Bill of Rights'. This bill of rights closely resembles the requirements of the Consumer Protection Act when referring to towing operations.

Current State July 2020

An increase in violence related to the towing industry in the Greater Toronto Area (GTA) has been observed over the past year or so. There have been multiple tow trucks burned, shootings and assaults, and at least one murder. The industry is plagued by organized crime influences and most recently an investigation revealed police officers have been arrested and/or suspended for being involved in corrupt practices in the towing industry.

In Dufferin County there has been an increase in aggressive selling techniques observed by police officers. There have been complaints of 'chasing', harassment between tow operators and allegations of officers conducting unfair practices (using their cell phones to call a tow truck). Some officers describe it as the 'wild west'.

The Covid pandemic has resulted in far less traffic on the highways (up until June) and a marked decrease in the number of motor vehicle collisions. There was an almost equally reciprocal increase in stunt and other aggressive driving charges. The towing industry has been as affected by Covid, and many are breaching traffic statutes in their desperation to get to crashes/call for service. Officers are experiencing more instances of chasing and arguing between tow operators.

More recently there have been complaints from both insurance companies and customers related to the fees charged, the inability to access their vehicles, insistence for cash payments by drivers and general unprofessional behaviour by drivers.

By way of recent example, a tow operator having scheduled custody of his infant son, attended to a collision scene because he was nearby. In his desperation to secure the tow, he attended the call with his infant in his arms, argued with a customer at the roadside, while wearing flip flops, shorts and a reflective vest. This tow operator was suspended as a result of his behaviour.

Provincial Government Announcement

On June 29, 2020 Premier Ford announced the development of a task force in response to the growing reports of corruption and criminal activity within the towing industry. A provincial survey was open to the public until July 17, 2020.

'As part of the review, the task force may consider opportunities for increased protections for consumers against the first-to-scene unethical business practices that lead to accident chasing, insurance savings through a crackdown on insurance fraud rings, and improved consumer choice for payments and repairs'. (IBC.ca 'CISION' 29 June 2020)

It is unclear at this point what those protections look like however it does not appear that the province will initiate regulations regarding rates, vehicles and equipment, driver licencing, criminal record checks, operator behaviour or impound yards.

Options for Consideration

Prior to Premier Ford's announcement, Dufferin NCO's expressed concerns related to the status of the towing industry in Dufferin County. As a result, Sgt Beaton and S/Sgt Randall decided to conduct research, develop options to manage the problem, and present those options to municipal councils within the county.

On July 8, 2020 Dufferin OPP hosted a teleconference to discuss the issues and options with each municipality policed by the OPP. Two options were delivered by email immediately following the teleconference. Although the Towns of Orangeville and Shelburne were not represented during that initial teleconference, this report will be presented to both municipalities via email.

Option 1:

This by-law is currently in place in Wellington County and Minto Township. This is a very simple by-law designed to provide enforcement options on county roads and in the Township of Minto. It closely resembles the Highway Traffic Act (HTA) s. 171 and specifically addresses Tow Truck Services. This by-law is enforceable under the Provincial Offences Act of Ontario (POA) and drivers can be charged by way of a Provincial Offences Notice.

This option does not speak to regulating or licencing of tow truck operators, drivers or vehicles. Wellington County does have a Towing Association and the OPP use a rotational list. The towing association closely monitors and regulates their membership to ensure all are adhering to association policies.

Option 2:

This by-law is in place by two municipalities in the Nottawasaga Detachment area, Essa and New Tecumseth. This by-law is identical in each municipality however it is administered by the Township of Essa in exchange for the fees received for licencing and plating. This by-law addresses infractions included in section 171 of the HTA and is enforceable under the POA. This by-law also addresses licencing requirements for tow companies, trucks and drivers (including criminal record checks), mechanical inspections and equipment standards. It speaks to responsibility of tow truck drivers at collision scenes including cleanup and disposal of debris. The by-law addresses impound and storage, ensures companies adhere to the requirements of the Consumer Protection Act related to posting of rates and fees, payments and driver behaviour.

Option 3:

There is the option of waiting for the task force to deliver their report and identify changes that will be implemented in relation to the towing industry. As indicated in the initial announcement, it does not appear that the task force will address issues such as licencing, inspections, criminal record checks, impound yards and the like.

Additional information

S/Sgt Randall conducted inquiries with the Township of Essa to determine the relative costs associated with the design, implementation and enforcement of their towing by-law. The Municipal Law Enforcement and Licencing Coordinator for New Tecumseth reported at the costs are minimal apart from the staff required to conduct inspections and issue (re)new licences. Ms. McCreight feels that the by-law is beneficial to the municipality, and the regulation of towing industry and fees as reduced consumer the number of consumer complaints.

The CAO of Essa Township reports that it took a great deal of time for staff to design the by-law (meetings, research, reporting and drafting of the by law) however she does not believe they tracked the cost of this process. She feels overall that they are satisfied with the resulting by-law and that she would recommend a co-ordinated by-law to others.

The Clerk of Essa, Ms. Lisa Lehr has confirmed that town staff did not track the time spent researching and writing the by-law however the process took over 18 months. Ms. Lehr reports that the Township of Essa collects the fees related to the licencing of all tow trucks, however any revenue from POA infractions are revenue for the municipality in which the offence occurs.

Finally, S/Sgt Randall and Sgt Beaton are both familiar with the Town of Caledon towing by-law that was implemented in response to issues similar to those existing in Dufferin County. In order to conduct business in the Town of Caledon a tow truck must be licenced and plated in the Town of Caledon. Customer complaints outside of provincial and criminal offences about tow truck drivers or companies are dealt with swiftly and penalties can include suspension of the company's licence to operate in the Town.

Conclusion

With the amalgamations of Orangeville and Shelburne municipalities into the OPP for the purposes of policing, it is more important than ever before to have a consistent towing by-law throughout the county. Currently Orangeville Police Service utilize DATA on a rotational list. For the reasons cited above, as of October 1, 2020 the OPP will not utilize this towing dispatch method.

The implementation of a simple anti-chasing by-law will remedy some issues that exist in relation to towing in Dufferin County however it does little to protect the consumer and promote fair business practices within this industry.

A regulatory by-law that requires inspection, criminal record checks, equipment standards, standardized business practices and rates will dramatically reduce the number of incidents related to towing within Dufferin County. A regulatory by-law creates enhanced consumer protection and recourse in the event of complaint or conflict related to business practices.

Recommendation

The Dufferin OPP command team recommends that should our municipalities chose to adopt a by-law, that the municipalities adopt Option 2, a co-ordinated, regulatory by law, administered by a single municipality.

It is also recommended that, should a coordinated by-law be adopted, a rotational list for dispatching be created from the pool of licenced tow companies. A rotational list for dispatching to non-exigent calls is inclusive of all companies and is as fair and unbiased as possible.

<https://www.newswire.ca/news-releases/insurance-bureau-of-canada-ibc-congratulates-ontario-government-on-announcement-to-increase-oversight-of-towing-industry-829323680.html>

From: [Fred Simpson](#)
To: [clerk](#); [Nicole Martin](#); [Jennifer Willoughby](#); [Jessica Kennedy](#); [Denise Holmes](#); [Meghan Townsend](#); [Tracey Atkinson](#); [mdunne@dufferincounty.ca](#)
Subject: Tow Truck Licensing By-law
Date: Thursday, September 17, 2020 1:52:02 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the contents to be safe.

Mono Council passed the following resolution on Tuesday September 8, 2020:

Resolution #6-VC11-2020

Moved by John Creelman, Seconded by Ralph Manktelow

WHEREAS, Council for the Town of Mono supports the development of a uniform Tow Truck Licensing By-law throughout the County of Dufferin that takes into consideration any recommendations of the provincial task force established to look at improving safety, consumer protections and industry standards of the Towing Industry;

AND WHEREAS, the Town of Orangeville has an established business licensing and enforcement program;

NOW THEREFORE the Town of Mono hereby requests the Town of Orangeville to work with the Dufferin County municipalities in the development of a uniform Tow Truck Licensing By-law and to oversee the administration and enforcement of the By-law across the County upon its adoption.

"Carried"

Fred Simpson

Deputy Clerk

Town of Mono

519.941.3599, 234



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Denise Holmes

From: Karen Landry <klandry@orangeville.ca>
Sent: Wednesday, August 26, 2020 10:13 AM
To: wayne7w@bell.net; Darren White; sstone@eastgarafraxa.ca; tatkinson@mulmur.ca; kcufaro@mulmur.ca; Sedgwick@cooperators.ca; Josh@hoskinfamily.com; john.creelman@townofmono.com; ssoloman@townofgrandvalley.ca; mj.walker@sympatico.ca; mtownsend@townofgrandvalley.ca; cheyanne.hancock@townofmono.ca; dennis.connie@zing-net.ca; ggardhouse@eastgarafraxa.ca; blundellsja@gmail.com; jwillmetts@mulmur.ca; David Thwaites; Denise Holmes; walterkolodziechuk@gmail.com; Randall, Nicol (OPP); Alan Blundell; jeff_sedgwick@cooperators.ca
Subject: FW: Draft Resolution

Hello Everyone,

Further to the meeting held yesterday here is a draft resolution for your consideration:

Whereas Council for the (insert municipality) supports the development of a uniform Tow Truck Licensing By-law throughout the County of Dufferin that takes into consideration any recommendations of the provincial task force established to look at improving safety, consumer protections and industry standards of the Towing Industry; and

Whereas the Town of Orangeville has an established business licensing and enforcement program;

Now therefore the (insert municipality) hereby requests the Town of Orangeville to work with the Dufferin County municipalities in the development of a uniform Tow Truck Licensing By-law and to oversee the administration and enforcement of the By-law across the County upon its adoption.

Thanks,
Karen

Karen M. Landry | Town Clerk | Corporate Services
Town of Orangeville | 87 Broadway | Orangeville, ON L9W 1K1
519-941-0440 Ext. 2242 | Toll Free 1-866-941-0440 Ext. 2242 | Mobile: 519-940-6435
klandry@orangeville.ca | www.orangeville.ca

From: [Nicole Martin](#)
To: [Fred Simpson](#); [clerk](#); [Jennifer Willoughby](#); [Jessica Kennedy](#); [Denise Holmes](#); [Meghan Townsend](#); [Tracey Atkinson](#); [mdunne@dufferincounty.ca](#)
Subject: RE: Tow Truck Licensing By-law
Date: Monday, October 26, 2020 3:13:51 PM
Attachments: [image002.png](#)

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The Township of Amaranth at its regular meeting of Council on October 22, 2020 passed the following resolution:

Resolution #7

Moved by: H. Foster – Seconded by: G. Little

BE IT RESOLVED THAT:

WHEREAS, Council for the Township of Amaranth supports the development of a uniform Tow Truck Licensing By-law throughout the County of Dufferin that takes into consideration any recommendations of the provincial task force established to look at improving safety, consumer protections and industry standards of the Towing Industry;

AND WHEREAS, the Town of Orangeville has an established business licensing and enforcement program;

NOW THEREFORE the Township of Amaranth hereby requests the Town of Orangeville to work with the Dufferin County municipalities in the development of a uniform Tow Truck Licensing By-law and to oversee the administration and enforcement of the By-law across the County upon its adoption.

CARRIED.

Thank you, Nicole

Nicole Martin, Dipl. M.A.

Acting CAO/Clerk | Township of Amaranth
374028 6th Line | Amaranth | ON | L9W 0M6
Tel: 519-941-1007 ext. 227 | Fax: 519 - 941-1802

All municipal facilities and parks are closed until further notice during the COVID-19 pandemic. Staff is working to keep critical services operational during this difficult time. Updates will be posted to our website (www.amaranth.ca) and through our Facebook accounts. Calls to the office at 519-941-1007 will be answered as soon as possible.

For accurate information on COVID-19 please visit: www.ontario.ca/COVID-19



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The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525

Fax No. - (519) 925-1110

Website: www.melancthontownship.ca

Email: info@melancthontownship.ca

September 8, 2020

Town of Orangeville
87 Broadway
Orangeville, Ontario
L9W 1K1

Attention: Karen Landry, Town Clerk

Dear Karen:

At the meeting of Council held on September 3, 2020, the following resolution was introduced and passed:

Moved by Thwaites, Seconded by Mercer

Be it resolved that: "Whereas Council for the Township of Melancthon supports the development of a uniform Tow Truck Licensing By-law throughout the County of Dufferin that takes into consideration any recommendations of the Provincial Task Force established to look at improving safety, consumer protections and industry standards of the Towing Industry; and **Whereas** the Town of Orangeville has an established business licensing and enforcement program; **Now therefore be it resolved** that the Township of Melancthon hereby requests the Town of Orangeville to work with the Dufferin County Municipalities in the development of a uniform Tow Truck Licensing By-law and to oversee the administration and enforcement of the By-law across the County upon its adoption." **Carried.**

Yours truly,

Denise B. Holmes, AMCT
CAO/Clerk

- c. Towns of Grand Valley, Mono and Shelburne
Townships of Amaranth, East Garafraxa and Mulmur
Dufferin OPP



Report

Subject: Proposed Tow Truck Licensing By-law Dufferin County -
- Local Municipalities

Department: Corporate Services

Division: Clerks

Report #: CPS-2021-004

Meeting Date: 2021-01-11

Recommendations

That Report CPS-2021-004 regarding proposed Tow Truck Licensing By-law Dufferin County Local Municipalities be received; and

That the multi-level working group regarding the Towing Industry in Dufferin and the Dufferin County local municipalities be advised that the Town will develop a uniform Tow Truck Licensing By-law in accordance with the steps outlined in Report CPS-2021-004; and

That any municipality wishing to participate in Stage 1 of the development of a uniform Tow Truck Licensing By-law contribute \$1000; and

That during the development of a uniform Tow Truck Licensing By-law staff:

- determine the costs of administering and enforcing the By-law;
- the licensing fees; and
- any other costs associated with the delivery of the program; and

That upon the passing of a by-law Town staff provide the Dufferin County local municipalities with the opportunity to opt into having Orangeville administer the licensing and enforcement of the by-law on a cost recovery basis.

Background and Analysis

Dufferin OPP invited Town staff to attend a multi-level working group regarding the Towing Industry in Dufferin on August 25, 2020 to discuss the feasibility of implementing a uniform Tow Truck Licensing By-law throughout Dufferin County.

At the meeting interest was expressed by the other Dufferin County municipalities in having the Town of Orangeville develop, administer and enforce a uniform Tow Truck Licensing By-law.

Subsequently, the respective Councils of the local municipalities throughout Dufferin County, between August and November, passed the following:

“WHEREAS, Council for the (name of municipality) supports the development of a uniform Tow Truck Licensing By-law throughout the County of Dufferin that takes into consideration any recommendations of the provincial task force established to look at improving safety, consumer protections and industry standards of the Towing Industry;

AND WHEREAS, the Town of Orangeville has an established business licensing and enforcement program;

NOW THEREFORE the (name of the municipality) hereby requests the Town of Orangeville to work with Dufferin County municipalities in the development of a uniform Tow Truck Licensing By-law and to oversee the administration and enforcement of the By-law across the County upon its adoption.”

Staff recommend that the above request be dealt with in two stages, as estimating costs for administering and enforcing such by-law is difficult to quantify in the absence of a regulatory framework being defined, understanding the potential number of licensees, and the licensing fees.

Stage 1 – By-law Development

The following outlines the steps, estimated timelines, staff hours and costs* required to develop a by-law to licence and regulate Tow Trucks and Tow Truck Drivers:

Activity	Timeline	Hours	Costs
Research – review legislative authority, gather and review other municipal by-laws including by-laws in adjacent municipalities, monitoring the progress and recommendations of the provincial towing task force	February - March	35	\$2,300

Draft By-law and conduct internal review with applicable staff and stakeholders	March – May	60	\$4,000
Coordinate, prepare and engage stakeholders, presentation at Public Meeting (Joint meeting for all Stage 1 participants) and responding to public inquiries	June - July	35	\$2,300
Evaluate and consider stakeholder and public input and report to Council with proposed By-law. Upon passing By-law, obtain short form wording and set fine approval.	August - September	35	\$2,300
		TOTAL	\$10,900

*developed on hourly wage and benefits of a By-law Enforcement Officer

Stage 2 – Licensing and Enforcement Program

During the development of the by-law, staff will determine the costs for implementing the licensing and enforcement program and the associated licensing fees.

The Dufferin County local municipalities can then determine if they want to opt into the program developed by the Town of Orangeville on a cost recovery basis.

Once the number of Stage 1 participants who would like to opt into Stage 2 has been determined, staff will assess and recommend (as part of Stage 2) the best approach for the delivery and coordination of a uniform program. e.g. local service agreements with delegated authority.

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Strong Governance

Objective: Positive relationships with other governments, agencies and private sector and Financial Responsibility

Sustainable Neighbourhood Action Plan

Theme: Corporate and Fiscal

Strategy: Encourage and support collaboration to implement sustainability initiatives between municipal and community organizations, local Indigenous groups, conservation authority, colleges, and adjacent municipalities and the County

Notice Provisions

Not applicable.

Financial Impact

The estimated costs for developing a Tow Truck Licensing By-law is \$10,900. It is recommended that if any Dufferin County local municipality opts to have the Town of Orangeville develop a uniform by-law on their behalf that they contribute \$1000.00 towards the cost.

Respectfully submitted

Andrea McKinney
General Manager, Corporate Services

Prepared by

Karen Landry
Town Clerk, Corporate Services

Attachment(s): Not Applicable