

SCHEDULE 3 TO THE STATIONARY BUSINESS LICENSING BY-LAW

RELATING TO

AUTOMOBILE SERVICE STATIONS, AND VEHICLE SALES, LEASING AND RENTALS

1. In this Schedule:

"Automobile Service Station" means a building or structure or part thereof open to the public where Motor Vehicles are washed, detailed, serviced, repaired, fueled, leased, sold or displayed and may include, but are not limited to a gas bar, car wash, automotive dealership, car rental establishment, body shop or general or specialty repair shop;

"Car Wash" means a building or structure used for the washing or detailing of Motor Vehicles;

"Motor Vehicle" means an automobile, truck, motorcycle, motor-assisted bicycles and scooters, and any other vehicle propelled or driven, electric or hybrid, other than by muscular power but does not include a motorized snow vehicle or motor-assisted vehicle;

"Parking Lot" means any lot, building, structure or part thereof used for the temporary storage of more than 3 Motor Vehicles, excluding transport trailers and cabs, boats, recreational vehicles, etc., where consideration is paid for such storage but does not include parking facilities provided by landlords for tenants or by Condominium Corporations to unit owners or tenants.

2. No Person or Individual shall operate an Automobile Service Station unless the Person or Individual obtains the appropriate property class of Automobile Service Station Licence under this Schedule, the classes of which are described as follows:

- (a) "Class A" includes any Premises where:
 - (i) gasoline, oil or lubrication is dispensed or electric or hybrid vehicles are charged, excluding employer provided dispensing stations;
 - (ii) minor automotive parts, supplies and accessories are kept for sale;
- (b) Tire installation and sales; Class "B" includes any Premises used for the repair and servicing of Motor Vehicles (i.e. electronic installations);
- (c) "Class C" includes Out-of-Town Car Rentals;
- (d) "Class D" includes any Premises used for carrying on the business of a Car Wash whether by mechanical means, non-mechanical means or coin operated, or car detailing;
- (e) "Class E" includes any Premises used for carrying on the business of renting, leasing, buying or selling of new or used Motor Vehicles;

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- (f) "Class F" includes any Premises used for carrying on the business of window tinting or repairing, rebuilding, painting or vehicle wrapping of the exterior portions of Motor Vehicles.
3. No Person or Individual operating a licensed Automobile Service Station facility shall:
 - (a) Commence any work on a Motor Vehicle without first preparing a written and sequentially numbered work order, unless the owner of the Motor Vehicle waives the preparation of the order;
 - (b) Use or permit any exterior portion of the property on which the Automobile Service Station is located to be used for storing Motor Vehicles, that are in a state of disrepair, for a period in excess of 30 days, unless he or she is required by law to retain the Motor Vehicle for a longer period of time; and
 - (c) Charge a hazardous waste fee that exceeds \$10.00 all inclusive, other than the applicable taxes.
 - (d) Permit excessive noise or other emissions in the operation of a motor vehicle, contrary to any provincial legislation or regulation or the City's Noise By-law or other such City by-law or policy, as may be established and amended from time or time;
 - (e) Modify any motor vehicle, including vehicle emission control systems, contrary to any provincial legislation or regulation or other such City by-law or policy, as may be established and amended from time or time.
 - (f) In particular, a person must not do any of the following before 7:00 a.m. and after 9:00 p.m. on weekdays or before 9:00 a.m. and after 9:00 p.m. on Saturdays, Sundays and statutory holidays:
 - (g) repair, rebuild, modify or test out of doors any motor vehicle, motorcycle, motor boat, outboard motor or recreational vehicle within 150 m of a residential property.
4. Every Licensee under this Schedule:
 - (a) May charge a parking fee, as per the Repair and Storage Liens Act, not to exceed an all-inclusive fee of \$40.00 per day with no other additional service charges, if a vehicle is not picked up within 24 hours of being repaired, for every 24-hour period that the vehicle remains at the vehicle repair facility, to a maximum of 7 days not to exceed \$280;
 - (b) Shall enter into a written agreement with the owner of the Motor Vehicle that clearly details all the fees and costs that the owner of the Motor Vehicle may be required to pay for the parking or storage of the Motor Vehicle;
 - (c) Shall accept cash, debit and credit methods of payment for fees and costs incurred by the vehicle owner
5. An Automobile Service Station shall not be issued a Licence under this By-law unless the Licence Issuer is satisfied that all other applicable laws and any other regulations have been complied with.
6. Every Licensee under this Schedule shall:
 - (a) Not use an Automobile Service Station for the wrecking of Motor Vehicles;
 - (b) Conduct the repair of Motor Vehicles or any parts thereof, or exhibit for sale Motor Vehicle tires, tubes, tire accessories, electric light bulbs, spark plugs, batteries or other minor vehicle parts within an enclosed service building on the Licensed Premises;

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- (c) Not store or park, or allow to be stored or parked on the Licensed Premises any trailer used for human habitation;
 - (d) Keep the premises and any sidewalk or street upon which the premises abut in a clean and neat condition, free from debris, snow, ice, dirt, rubbish or other substances that may be derived from the licensed premises or resulting from the use of the Licensed Premises;
 - (e) Not deposit any snow or ice on any public sidewalk or on any roadway that abut the Licensed Premises;
 - (f) Provide adequate storage facilities for all waste materials;
 - (g) Only run the engine of a Motor Vehicle during a repair within an enclosed building that has adequate ventilation to ensure the dilution or removal of any carbon monoxide fumes;
 - (h) Keep and maintain all washroom facilities in a clean and sanitary condition;
 - (i) Park all Motor Vehicles on the Licensed Premises in a neat and orderly manner;
 - (j) Be the holder of a valid Ontario driver's licence issued under the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, if he or she engages in driving, operating or moving Motor Vehicles parked or stored at or upon the Licensed Premises, and shall not employ any person or permit any employee to drive or operate any Motor Vehicle unless such person is the holder of such an Ontario driver's licence;
 - (k) If the Licensed Premises is open to the public, display in a conspicuous place at or upon the Licensed Premises, the applicable rates or charges, including for the parking or storing of Motor Vehicles and the hours during which the Licensed Premises are open to the public; and
 - (l) Whenever any Motor Vehicle remains continuously without lawful excuse at or upon the Licensed Premises, forthwith, prior to removal, report to the Police the make and Provincial permit number or vehicle identification (VIN) of the Motor Vehicle.
7. Every Licensee shall comply with all relevant legislation pertaining to the storage and disposal of hazardous materials on the Licensed Premises.
8. Every Applicant for an Automobile Service Station Licence shall include in his or her Application, a site plan showing:
- (a) The location and dimension of the lands and buildings in respect of which he or she seeks a Licence; and
 - (b) The maximum number of Motor Vehicles proposed to be parked or stored at or upon the Licensed Premises at any one time.
9. Every Premises of a "Class B" Automobile Service Station, shall have at least one licensed mechanic on staff but this section does not apply to a "Class B" Automobile Service Station that only permits the Owners of Motor Vehicles to carry out the repairs and servicing.
10. Every Licensee of a "Class F" Automobile Service Station shall:
- (a) Have at least one licensed body person on staff; and
 - (b) Not charge an administrative fee that exceeds \$50.00 all inclusive, other than the applicable taxes.
11. Every Licensee of a "Class C" Automobile Service Station shall:
- (a) Ensure that all Out-of-Town Car Rental businesses has a valid business licence to operate in the municipality that the business is located in, as

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required.

- (b) No Person or Individual licensed as a "Class C" Automobile Service Station shall commence any proceedings in relation to a rental vehicle until the customer is made fully aware of rates and charges prior to entering into a contract and every rental transaction shall be subject to a signed contract.
12. Every Licensee of a "Class D" Automobile Service Station shall:
- (a) Ensure that lighting fixtures used are of a type and are arranged so that they do not cause nuisance or distraction to passing traffic or adjoining properties;
 - (b) Use signs that are legible and that do not distract or confuse motorists or pedestrians;
 - (c) Identify all entrance and exit driveways so that they are clearly visible from the street;
 - (d) Ensure that all Motor Vehicles awaiting the car wash are parked or remain standing on the licensed premises.
13. Every Licensee of a "Class B" and "Class F" Automobile Service Station shall, when a Motor Vehicle is left at the Licensed Premises for automotive service or body work:
- (a) Maintain a register in a form approved by the Licence Issuer in which shall be entered:
 - (i) Time and date of receipt of Motor Vehicle
 - (ii) A description of the Motor Vehicle, including make, model and year; and
 - (iii) Name, address and telephone number of the Motor Vehicle owner.
 - (b) Retain the register in subsection 13.(a) for a period of 2 years;
 - (c) Request that the Motor Vehicle ownership document be removed from the vehicle and deposited with the Licensee to be securely stored on the Licensed Premises, and the document shall be returned upon completion of the work;
 - (d) Inform the person for whom the work is being done that personal information is being collected and that this information will only be used, if necessary, for law enforcement purposes;
 - (e) Open the register to inspection, at all times during regular business hours, by the Licence Issuer, Police or any other person duly authorized by the Licence Issuer, and permit them to remove specific entries from the register required for use in any Court or other law enforcement proceedings.
14. No Person or Individual licensed as a "Class E" Automobile Service Station shall commence any proceedings in relation to a rental vehicle until the customer is made fully aware of rates and charges prior to entering into a contract and every rental transaction shall be subject to a signed contract.
15. No Person or Individual licensed under this Schedule shall:
- (a) Park any Motor Vehicle on any highway adjacent to the Licensed Premises; or

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- (b) Make any Motor Vehicle repairs unless licensed so to do under this Schedule and the vehicle owner has requested that the Motor Vehicle be repaired.
- 16. No Person or Individual licensed as a "Class B" and a "Class F" Automobile Service Station shall accept a work order for repairs to a Motor Vehicle that has been towed to their facility that:
 - (a) Is not signed by the hirer; or
 - (b) Is signed by the hirer and does not contain an itemized written estimate of the total cost of the work required to repair the Motor Vehicle from the Automobile Service Station to which the vehicle has been towed.

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