

SCHEDULE 9 TO BY-LAW # 332-2013

RELATING TO

DRIVEWAY PAVING CONTRACTORS

1. In this Schedule:

“Contravention Administration Costs” means outstanding fees for Licences, penalties, administrative and enforcement costs, fees set out in the User Fee By-law, and related charges incurred by the Driveway Paving Contractor in the event that the contractor fails to comply with any applicable by-laws or statutory obligations.

“Driveway” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle.

“Driveway Paving Contractor” means a Person engaged in the business of paving, repairing or sealing Driveways, lanes, roadways and parking areas situated on privately owned property which may include municipal boulevards adjacent to such private property.

“Driveway Paving Information Course” is an online course, which provides training related to the City’s zoning requirements pertaining to paving, repairing or sealing Driveways, lanes, roadways and parking areas situated on privately owned property which may include municipal boulevards adjacent to such private property. The Driveway Paving Information Course is current to the year of issue

“Paving Work” means any Paving Work on a Driveway, including installing, constructing, paving, resurfacing, sealing, repairing, expanding or altering a Driveway, lane, roadway or parking area.

2. Every Person licensed as a Driveway Paving Contractor under this By-law shall deposit a Letter of Credit or other security satisfactory to the Licence Issuer in the amount of \$15,000.00 that shall be valid for the term of the Licence.

- (a) This security shall be used for purposes as set out in the “Security Acknowledgement” which the Contractor shall enter into with and the City prior to licence issuance. Execution of the Security Acknowledgement is a condition of the licence issuance.
- (b) Any funds drawn upon the security for breach of the Acknowledgement must be replaced within 48 hours or the licence will be subject to revocation.
- (c) Should the security posted not be sufficient to cover the Contravention Administrative Costs in which the security was drawn upon, the City shall charge any additional costs related to the contravention under Section 22 of this By-law which shall be paid by the Driveway Paving Contractor.
- (d) The City shall maintain the security for up to 180 days after the licence expires or is cancelled to perform any required inspections on paving work completed to ensure compliance.

3. Notwithstanding Clause 2, any Driveway Paving Contractor whose sole business involves the application of a protective sealcoating to an existing paved driveway shall be exempt from depositing a \$15,000.00 security at the time of application

4. No Person shall be licensed as a Driveway Paving Contractor unless the Person has a regular place of business and, if the Person is an individual is at least 18 years old.
5. Every Driveway Paving Contractor licensed under this Schedule shall:
 - (a) Submit proof, to the satisfaction of the Licence Issuer, that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act*, 1997, S.O. 1997, c.16, as amended;
 - (b) Display the Licensee's name using letters with a minimum height of 10 centimetres on both sides of all vehicles owned, leased or used on a regular basis by the Licensee in the course of business;
 - (c) Have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising material, the Licensee's name, address and telephone number;
 - (d) Prepare a written contract which shall be signed by the Licensee and the person for whom the Paving Work is being done before commencing any work and a copy of this agreement shall be given to the Person for whom the work is being done and the agreement shall contain:
 - (i) The name, address and telephone number of the Licensee and the name and address of the Person for whom the Paving Work is being done;
 - (ii) The address where the Paving Work is being done;
 - (iii) A description of the materials and services supplied, including the depth of asphalt, concrete, gravel or other material to be applied (this description may be supplemented by a sketch);
 - (iv) The itemized price for the materials and services to be supplied a detailed statement of the terms of payment;
 - (v) Warranties or guarantees, if any; and
 - (vi) The estimated date of completion;
 - (e) Obtain all necessary permits required by law prior to the commencement of any Paving Work.
 - (f) Provide confirmation of completion by the Applicant, and any other required employees of the business, in the current calendar year, of the Driveway Paving Information Course from the City of Brampton.
6. No Person licensed as a Driveway Paving Contractor shall:
 - (a) Perform Paving Work that is extra or additional to an existing agreement unless the Licensee has entered into a second or additional contract with the Person for whom the work is being done;
 - (b) Permit the use of the Licensee's name by any other Person, either directly or indirectly, for the purpose of obtaining a permit to do any Driveway Paving Work; or
 - (c) Perform any Paving Work that requires a licence or permit without such licence or permit.

- (d) Perform any Paving Work that requires a permit unless the permit is displayed in view of the public in the area in which the Paving Work is being performed;
 - (e) Perform any Paving Work that is not in compliance with the City's Zoning By-Law 270-2004, as amended, or any other City by-law, unless a valid permission, supporting decision or approval required by law is obtained prior to the commencement of any Paving Work.
 - (f) Allow paving work to be completed without having, on site, either the contractor or an employee who has successfully completed the City of Brampton Driveway Paving Information course and test.
 - (g) Should a zoning violation be found in relation to the work performed by the contractor, the licence may be suspended until such time as the zoning infraction has been remedied by the Contractor at the Contractor's expense
7. Despite an Application being complete and all fees paid, the Licence Issuer shall refuse to issue or renew a Licence and in the case of an existing Licence, the Licence Issuer shall suspend the Licence, if an applicant or Licensee has six (6) or more by-law related convictions within the last twelve (12) months concerning the licensed business or individual, or any other of the individual's businesses that were licensed or were required to be licensed, or any other of the individual's prior businesses that were licensed or are required to be licensed.
 8. The Licence Issuer may issue a warning letter to be placed in an applicant's or Licensee's file if, at the time of an application for a licence or renewal, the applicant has four (4) or more by-law related convictions concerning the licensed business or individual, or any of the individual's prior businesses that were licensed or required to be licensed, within the last twelve (12) months immediately preceding the date of issuance or renewal. The warning letter must advise the applicant or licensee about the specific applicable threshold.
 9. A Person licensed under this Schedule may carry on business under a trade name other than his or her own but shall not carry on business under more than one name and only one Licence shall be issued.