

Authority: Planning and Transportation Committee Report No. 7, Clause No. 5,
as adopted by City Council on July 4, 5 and 6, 2000
Enacted by Council: October 5, 2000

CITY OF TORONTO

BY-LAW No. 634-2000

To amend further Metropolitan Toronto By-law No. 20-85, a by-law “Respecting the licensing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan Area”, a by-law of the former Municipality of Metropolitan Toronto, and to amend further By-law No. 574-2000, a by-law for the licensing, regulating and governing of trades, businesses and occupations in the City of Toronto, respecting manual coin-operated car washes.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Part 3 of Schedule 24 to By-law No. 20-85, a by-law respecting the licensing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan Area, a by-law of the former Municipality of Metropolitan Toronto, as amended, is further amended by adding the following sections:

6. (1) In this section,
 - (a) “Manual coin-operated car wash” means a facility for washing vehicles by means of a hand-held device which is activated by the placement or insertion of coins therein; and
 - (b) “Residential area” means an area zoned to permit residential uses.
- (2) Subject to subsection 3 of this section, no owner or keeper of a manual coin-operated car wash located within 122 metres of a residential area shall open such facility for business, or permit such facility to be open for business, between the hours of 9:00 p.m. to 7:00 a.m. from October 1 to May 31 and between the hours of 11:00 p.m. and 7:00 a.m. from June 1 to September 30.
- (3) An owner or keeper of a manual coin-operated car wash may apply to the Executive Director, or his or her designate, for an exemption from the provisions of subsection 2 of this section by completing such forms and supplying such information as may be required by the Executive Director, or his or her designate.
- (4) No owner or keeper of a manual coin-operated car wash shall be granted an exemption from the provisions of subsection 2 of this section unless such owner or keeper:

- (a) provides adequate lighting at the facility to maintain a minimum level of illumination of 10 lux (0.9 footcandles) measured at the floor or surface level of the facility, which lighting shall be shielded to shine away from any residential properties in the vicinity of the facility;
 - (b) operates and maintains the facility in compliance with any and all terms and conditions of any applicable site plan agreement;
 - (c) operates and maintains the facility in compliance with this By-law and any other applicable law, including any applicable order or decision of the Toronto Licensing Tribunal respecting the operation of the facility;
 - (d) posts and displays in a conspicuous location at the facility properly illuminated signs approved by the Executive Director, or his or designate, which signs clearly:
 - (i) prohibit the playing of loud music or making such other noise or sounds which may disturb persons residing in the vicinity of the facility;
 - (ii) display a 24-hour phone number for the owner or keeper of the facility, or an employee thereof, by which persons residing in the vicinity of the facility may receive an immediate response to complaints in respect of the facility; and
 - (iii) display the telephone number of the Municipal Licensing and Standards Division and the business telephone number of the owner or keeper of the facility.
- (5) The Executive Director, or his or her designate, shall, upon receipt of an application for an exemption in accordance with subsection 3 of this section, consult with the member of City Council for the ward in which the facility is located, and make or cause to be made such investigations as may be necessary to determine whether the applicant is entitled to an exemption in accordance with subsection 4 of this section, and shall:
- (a) if the investigation or any other information available to the Municipal Licensing and Standards Division discloses reasonable grounds to believe that the applicant may not be entitled to the exemption, forthwith cause notice of this fact to be sent by prepaid mail to the applicant at the address as shown on the application form; or

- (b) subject to the provisions of this By-law, grant the exemption.
- (6) A notice sent pursuant to clause 6(5)(a) shall include:
- (a) a statement that the applicant may request a hearing of the application by the Toronto Licensing Tribunal by delivering a written request for a hearing to the Municipal Licensing and Standards Division within 30 days of the date of the notice sent pursuant to clause 6(5)(a); and
 - (b) a statement that if no request for a hearing is delivered by the applicant in accordance with clause (a) of this subsection, the application will not be granted.
- (7) When the Municipal Licensing and Standards Division receives a request for a hearing from an applicant for an exemption, the application shall be referred forthwith to the Toronto Licensing Tribunal for a hearing.
- (8) When the Municipal Licensing and Standards Division has reasonable grounds to believe that an owner or keeper of a manual coin-operated car wash who has been granted an exemption is no longer entitled to such exemption in accordance with subsection 4 of this section, the Municipal Licensing and Standards Division shall refer the matter for a hearing before the Toronto Licensing Tribunal for a determination of whether or not such exemption should be rescinded.
- (9) The Toronto Licensing Tribunal may, subject to subsection 4 of this section, exempt an owner from the provisions of subsection 2 of this section on such conditions that the Tribunal considers appropriate and as are authorized by law, including but not limited to, a condition that the facility must be under constant supervision of an employee of the owner or keeper of the facility.

2. Part 3 of Schedule 22 to By-law No. 574-2000, a by-law respecting the licensing, regulating and governing of trades, businesses and occupations in the City of Toronto, as amended, is further amended by adding the following sections:

6. (1) In this section,
- (a) “Manual coin-operated car wash” means a facility for washing vehicles by means of a hand-held device which is activated by the placement or insertion of coins therein; and
 - (b) “Residential area” means an area zoned to permit residential uses.

- (2) Subject to subsection 3 of this section, no owner or keeper of a manual coin-operated car wash located within 122 metres of a residential area shall open such facility for business, or permit such facility to be open for business, between the hours of 9:00 p.m. to 7:00 am from October 1 to May 31 and between the hours of 11:00 p.m. and 7:00 a.m. from June 1 to September 30.
- (3) An owner or keeper of a manual coin-operated car wash may apply to the Executive Director, or his or her designate, for an exemption from the provisions of subsection 2 of this section by completing such forms and supplying such information as may be required by the Executive Director, or his or her designate.
- (4) No owner or keeper of a manual coin-operated car wash shall be granted an exemption from the provisions of subsection 2 of this section unless such owner or keeper:
 - (a) provides adequate lighting at the facility to maintain a minimum level of illumination of 10 lux (0.9 footcandles) measured at the floor or surface level of the facility, which lighting shall be shielded to shine away from any residential properties in the vicinity of the facility;
 - (b) operates and maintains the facility in compliance with any and all terms and conditions of any applicable site plan agreement;
 - (c) operates and maintains the facility in compliance with this By-law and any other applicable law, including any applicable order or decision of the Toronto Licensing Tribunal respecting the operation of the facility;
 - (d) posts and displays in a conspicuous location at the facility properly illuminated signs approved by the Executive Director, or his or designate, which signs clearly:
 - (i) prohibit the playing of loud music or making such other noise or sounds which may disturb persons residing in the vicinity of the facility;
 - (ii) display a 24-hour phone number for the owner or keeper of the facility, or an employee thereof, by which persons residing in the vicinity of the facility may receive an immediate response to complaints in respect of the facility; and

- (iii) display the telephone number of the Municipal Licensing and Standards Division and the business telephone number of the owner or keeper of the facility.
- (5) The Executive Director, or his or her designate, shall, upon receipt of an application for an exemption in accordance with subsection 3 of this section, consult with the member of City Council for the ward in which the facility is located, and make or cause to be made such investigations as may be necessary to determine whether the applicant is entitled to an exemption in accordance with subsection 4 of this section, and shall:
 - (a) if the investigation or any other information available to the Municipal Licensing and Standards Division discloses reasonable grounds to believe that the applicant may not be entitled to the exemption, forthwith cause notice of this fact to be sent by prepaid mail to the applicant at the address as shown on the application form; or
 - (b) subject to the provisions of this By-law, grant the exemption.
- (6) A notice sent pursuant to clause 6(5)(a) shall include:
 - (a) a statement that the applicant may request a hearing of the application by the Toronto Licensing Tribunal by delivering a written request for a hearing to the Municipal Licensing and Standards Division within 30 days of the date of the notice sent pursuant to clause 6(5)(a); and
 - (b) a statement that if no request for a hearing is delivered by the applicant in accordance with clause (a) of this subsection, the application will not be granted.
- (7) When the Municipal Licensing and Standards Division receives a request for a hearing from an applicant for an exemption, the application shall be referred forthwith to the Toronto Licensing Tribunal for a hearing.
- (8) When the Municipal Licensing and Standards Division has reasonable grounds to believe that an owner or keeper of a manual coin-operated car wash who has been granted an exemption is no longer entitled to such exemption in accordance with subsection 4 of this section, the Municipal Licensing and Standards Division shall refer the matter for a hearing before the Toronto Licensing Tribunal for a determination of whether or not such exemption should be rescinded.

- (9) The Toronto Licensing Tribunal may, subject to subsection 4 of this section, exempt an owner from the provisions of subsection 2 of this section on such conditions that the Tribunal considers appropriate and as are authorized by law, including but not limited to, a condition that the facility must be under constant supervision of an employee of the owner or keeper of the facility.
3. (1) Section 1 of this by-law shall come into force on the date of its enactment.
- (2) Section 2 of this by-law shall come into force on January 1, 2001.

ENACTED AND PASSED this 5th day of October, A.D. 2000.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)