



## **BY-LAW 2022-XX**

### **A By-law to Provide for the Licensing and Regulation of Mobile Businesses in the City of Markham**

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**WHEREAS** Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (“*Municipal Act*”) provides that a municipality may pass by-laws respecting health, safety and well-being of persons and protection of persons and property, including consumer protection; and

**WHEREAS** Section 150 of the *Municipal Act* defines a business as any business, activity or undertaking wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality; and

**WHEREAS** Section 151(1) of the *Municipal Act* provides that a municipality may provide for a system of licenses with respect to a business, as defined in section 150 of the *Municipal Act*, and may prohibit the carrying on or engaging in the business without a license, refuse to grant a license or revoke or suspend a license, impose conditions as a requirement of obtaining, holding, or renewing a license, and license, regulate or govern real and personal property used for a business and the persons carrying it on or engaged in it; and

**WHEREAS** Section 391(1) of the *Municipal Act* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it; and

**WHEREAS** Section 434.1 of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the *Municipal Act*; and

**WHEREAS** Section 434.2(1) of the *Municipal Act* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

NOW THEREFORE the Council of The Corporation of the City of Markham enacts as follows:

#### **1.0 DEFINITIONS**

**“Accessible Taxicab”** means a Taxicab which can be used for the transportation of passengers unable to board regular vehicles due to physical disability, and for transporting of passengers in wheelchairs or who use other accessibility devices for hire or reward and which has been approved by the Licensing Officer for this purpose

**“Accessible Taxicab Driver”** means the operator of an Accessible Taxicab who holds and maintains or is required to hold and maintain a valid Accessible Taxicab Drivers License and who transports ambulatory and/or non-ambulatory passengers

**“Accessible Taxicab Owner”** means the owner of an Accessible Taxicab who is licensed or required to be licensed under the provisions of this By-law

**“Additional Fee”** means a fee, in addition to the Licence fee, imposed by the City on a Business at any time during the term of the Licence for cost incurred by the City attributable to the activities of the Business.

**“Airport Taxicab”** means a Taxicab with a valid Greater Toronto Airport Authority Taxicab permit to Operate at Toronto Pearson International Airport as a Taxicab.

**“Applicant”** means a Person applying for a Licence or Licence renewal under this By-law.

**“Appellant”** means a Licensee that is appealing a decision of the Licensing Officer under the provisions of this By-law.

**“Business”** has the same meaning as provided for in Section 150 of the *Municipal Act* and means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality and includes,

- (a) trades and occupations,
- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise,
- (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader,
- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire.

**“Certified Driver’s Abstract”** means a certified three (3) year driver’s record issued by the Ministry of Transportation.

**“City”** means The Corporation of the City of Markham.

**“Clerk” or “City Clerk”** means the Clerk of the City, as appointed under the authority of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

**“Collision”** means unintended contact resulting from the motion of a Motor Vehicle and/or its load with another Motor Vehicle or other thing.

**“Collision Scene”** means the general location or place where a Collision occurred.

**“Conditions”** includes special Conditions which are imposed upon a Business in a class that have not been imposed on all of the businesses in that class, as a requirement of obtaining, continuing to hold or renewing a Licence.

**“Council”** means the Council for The Corporation of the City of Markham.

**“Customer”** extends to any Person with whom a Business transacts, engages, or deals directly.

**“Customer Bill of Rights”** is a statement of principles outlining the rights, responsibilities and expectations of Taxicab Drivers and Passengers while engaged in the provision of Taxicab service.

**“Dispatch”** means the communication of a Taxicab Order or information in any manner between a Taxicab Broker and a Taxicab Driver, and includes the act or service of sending or directing a Taxicab, by electronic or any other means, to a Person who has requested Taxicab service, but does not include a request made directly to a Taxicab Driver.

**“Driver”** means a Person who is licensed or required to be licensed under this By-law to drive a Taxicab, Limousine, Tow Truck, Driving School Vehicle, or Refreshment Vehicle.

**“Driving School”** means any place or part thereof operated for the purpose of instructing a Person to Operate a Motor Vehicle or for preparing a Person for any examination for a Driver’s Licence issued by the Province of Ontario.

**“Driving School Instructor”** means a Person who is in the Business of teaching or giving instruction from within a motor vehicle to another Person on how to drive or operate a Motor Vehicle.

**“Driving School Owner”** means a Person who is the Owner of a Driving School Vehicle who is licensed or is required to be licensed to carry on the Business of teaching a Person to drive or Operate a Motor Vehicle, who may Employ a Driving School Driver, and who to teach or give instruction in the operation of a motor vehicle, and who owns a Driving School.

**“Drop Fee”** means any fee or commission paid to the Owner or Driver of a Tow Truck or to a Tow Truck Company in return for the Towing or otherwise conveying of a Vehicle to a particular place, which fee is in addition to the amount which the Owner or Driver of the Tow Truck is authorized to charge to the Customer in accordance with the provisions of Schedule 6.

**“Dues”** means any amount charged by a Taxicab Broker to a Taxicab Owner or to the Lessee of a Taxicab, to receive Taxicab Orders from the Taxicab Broker.

**“Employed”** includes any Business relationship between an Owner and Driver or Operator, whether on a salary, hourly wage, commission or independent contract or other basis, and the terms employee and employment have a corresponding meaning.

**“Exclusive Concession Agreement”** means an agreement which gives a Person the sole right to provide Taxicab service to or from any public transportation terminal, hotel, motel, Taxicab Stand or any other similar point of public assembly.

**“Fare”** means the amount that shall be calculated using a Taxicab Meter or PTC Platform in accordance with this By-law

**“Food Handler’s Certificate”** means a certificate issued by the Regional Municipality of York Public Health Department to a Person who has completed their Food Handling Certification Program.

**“Hearing”** means a proceeding held in person, by conference telephone, or by some other City-approved form of communication using Electronic Technology Devices allowing persons to communicate with one another and in accordance with the process set out in Section 15 of this By-law;

**“Hearing Non-appearance Fee”** means an Administrative Fee established by Council from time to time in respect of a Person’s failure to appear at the time and place scheduled for a review before a Hearing Officer

**“Hearing Officer”** means a person duly appointed to conduct Hearings under By-law 2022-XX, as amended.

**“Highway”** includes a common and public Highway, street, avenue, parkway, lane, driveway, square, place, bridge, viaduct or trestle, including the area between the lateral property lines thereof and includes unopened and unassumed road allowances.

**“Highway Traffic Act”** means the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended.

**“Illuminated Roof Light”** is a device containing a light and that is mounted on the roof of a Taxicab for the purpose of identifying the Vehicle as such, and which, when the Taxicab Meter is engaged, the light in the device is not illuminated indicating that the Taxicab is not available for hire.

**“Lease”** means an agreement between an Owner and a Driver, under which the Owner provides their Taxicab Owner’s Plate or Licence sticker to be used by the Taxicab Driver to Operate a Vehicle as a Taxicab.

**“Lessee”** means a Person who is in possession of a Taxicab Licence Plate under a Lease agreement with the Taxicab Licence Owner.

**“Licence”** means the plate or identification card issued under this By-law.

**“Licensee”** means any Person licensed under this By-law.

**“Licensing Officer”** means the Supervisor of Business Licensing & Standards and includes their designate(s)

**“Licence Renewal Sticker”** means an annual validation sticker issued to a Licensee for the term of the Licence.

**“Licensing Section”** means the Business Licensing & Standards Unit within the Legislative Services and Communications Department of the City of Markham.

**“Limousine”** means a Motor Vehicle which is not a Taxicab, not equipped with a Taxicab Meter, with a seating capacity for not less than five (5) Passengers and not more than eight (8) Passengers including the Driver. This definition includes Vehicles which are recognized by the automobile industry as luxury Vehicles and which may have been altered from the original manufacturer’s length dimensions, and are operated by a Driver used for hire for the purpose of the transportation of Passengers for gain or reward. This definition includes a luxury sport utility Vehicle, but does not include a panel truck, bus, or van.

**“Mechanical Defect”** means damage to, or failure of a part, component or feature of, a Motor Vehicle

**“Motor Vehicle”** includes an automobile and any other Vehicle propelled or driven other than by muscular power, but does not include the cars of electric or steam railways or other Motor Vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, or road building machine within the meaning of the *Highway Traffic Act*.

**“Motor Vehicle Permit”** means a permit issued by Registrar of Motor Vehicles for a Vehicle by the Ministry of Transportation.

**“Officer”** means a person designated by the City for the enforcement of this By-law and includes but is not limited to a Municipal Law Enforcement Officer employed by the City, an Ontario Provincial Police Officer, a York Regional Police Officer, or any other Person authorized by the City to enforce or perform inspections pursuant to this By-law;

**“Ontario Driver’s Licence”** means a Licence issued under Section 32 of the *Highway Traffic Act* to drive a Motor Vehicle on a Highway.

**“Operate”** means to drive or have care and control of a Vehicle whether the Vehicle is in motion or not and includes to hold oneself out for hire or Solicit for the transport, Towing or conveying of a Person or Vehicle and/or equipment.

**“Operator”** means the person directly or indirectly responsible for the operation of a vehicle including the conduct of the driver of the vehicle and the carriage of goods or passengers, if any, in the vehicle

**“Owner”** means a Person who is licensed or required to be licensed under this By-law as the Owner or Lessee of a Taxicab, Limousine, Tow Truck, Driving School Vehicle, or Refreshment Vehicle.

**“Park”** means land and land covered by water and all portions thereof owned or made available by lease, agreement or otherwise to the City of Markham that is or hereafter may be established, dedicated, set apart, or made available for use as public open space including a natural park area or as environmentally significant area,

**“Passenger”** means any Person in a Vehicle licensed by the City other than the Driver.

**“Person”** includes an individual, a corporation, partnership, proprietorship or other form of Business association and their heirs, executors, administrators, successors and assigns, or other legal representatives .

**“Person with a Disability”** means a Person who has a disability as defined in Section 2 of the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, Chapter 11, as amended.

**“Plate”** means any Licence Plate, metal or otherwise, issued by the City for the purposes of this By-law.

**“Platform”** means any software, technology, or service, including a radio, telephone line, website, or smartphone application, intended to connect passengers with a Private Transportation Company, and may also include the facilitation of payment.

**“Prearranged”** means a written or oral reservation made with a Limousine in advance of the service by a Person requesting Limousine service for a specified time.

**“Premises”** means any premises licensed or required to be licensed under this By-law and includes any trade or calling required to be so licensed.

**“Private Transportation Company” or “PTC”** means any Person who facilitates or operates a Ride-Sharing Service through a Platform

**“Private Transportation Company (PTC) Driver”** means any Person who drives a Motor Vehicle to provide Ride-Sharing Services.

**“Products”** includes goods, wares, crafts, jewellery, refreshments, foodstuffs, merchandise or any other items whatsoever.

**“Property”** means a building or part of a building, and includes the lands and properties appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and fixtures thereon whether heretofore or hereafter erected, and includes vacant Property;

**“Public Garage”** means a parking station or parking lot where a charge is made for such service, a building or place where motor vehicles are hired or kept or used for hire, a building or

place where gasoline or oils are stored or kept for sale, a building or place used as a motor vehicle repair shop, a building or place used for washing or cleaning motor vehicles, or a Vehicle Pound.

**“Public Place”** means a place to which the public has access.

**“Refreshment”** means any food, beverage, or any other edible commodity meant for human consumption.

**“Refreshment Vehicle”** means a Vehicle which is used or is intended to be used for the Sale of Refreshments and includes a Refreshment Vehicle – Type 1, 2, and 3.

**“Refreshment Vehicle Operator”** means a Person licensed or required to be licensed who is employed by a Refreshment Vehicle Owner and Operates or assists in any Refreshment Vehicle.

**“Refreshment Vehicle – Type 1”** means a Motor Vehicle that is licensed or required to be licensed and is designed for or intended to be used for the Selling, offering for sale, serving, and/or dispensing of Refreshments, and includes but is not limited to Vehicles such as coffee trucks.

**“Refreshment Vehicle – Type 2”** means a trailer or cart that is licensed or required to be licensed and is designed for or intended to be used for the Selling, offering for sale, serving, and/or dispensing of Refreshments, and includes but is not limited to hot dog carts.

**“Refreshment Vehicle – Type 3”** means a Vehicle licensed or required to be licensed and is designed for or intended to be used for the Selling, offering for sale, serving, and/or dispensing of ice cream;

**“Refreshment Vehicle – Type 4”** means a large motorized vehicle, equipped with facilities for cooking, selling, and offering for sale, serving and/or dispensing food or refreshments, including but not limited to Vehicles such as Food Trucks;

**“Registered Lessee”** means a Person licensed as a Driver and operating a licensed Taxicab, under the terms of a Lease which is filed with the Licensing Section.

**“Registered Owner”** means the person shown to be the Owner of a Motor Vehicle according to the records maintained by the Registrar of Vehicles for the Province of Ontario.

**“Ride Sharing Service”** means the use of a Platform of a PTC and a Motor Vehicle with a capacity of fewer than eight Passengers, other than a licensed Taxicab, Accessible Taxicab, or Limousine, for the conveyance of Passengers for a fee.

**“Run Sheet”** means a record of Tows and/or conveyances made by a Tow Truck Driver.

**“Safety Standard Certificate”** means a Safety Standard Certificate issued pursuant to Sections 88 to 100 of the *Highway Traffic Act* and is issued by a government-approved Motor Vehicle

inspection station after a Vehicle passes an inspection which covers the minimum safety requirements for vehicles in the Province of Ontario.

**"Schedule"** means one or all the Schedules attached to this By-law.

**"Schedule of Rates"** means the rates charged by a Licensee for service performed.

**"Secretary"** means the Licensing Co-ordinator of the Business Licensing & Standards Department

**"Sell"** or **"Sale"** means to display, place or expose any refreshments to a customer.

**"Smoke or Smoking"** includes the holding or carrying of a lighted cigar, cigarette, pipe, e-cigarette, electronic vaporizer or any other lighted, heated or otherwise activated smoking or vaporizing equipment, used to smoke or consume any tobacco or non-tobacco substance or product;

**"Solicit"** means to present for consideration, acceptance or refusal, and/or to express readiness or show intention to be made available by verbal, gesture, printed, or graphic connotations, and includes the graphic or printed detailing on a Vehicle.

**"Special Event"** means any event which is being held either as a community, social, sporting, cultural group celebration, or other similar event where Refreshments are offered for Sale;

**"Special Event Organizer"** means the organizer and/or coordinator of a Special Event;

**"Special Event Vendor"** means an Owner or Operator of a Refreshment Vehicle, licensed or required to be licenced, that is participating in a Special Event;

**"Stage"** means stopping, parking or otherwise placing a Limousine in a loading or curb side area, not including a parking lot, where the Limousine is not engaged in a Prearranged Trip.

**"Student Driver"** means a Person that receives driving instruction from a Driving School Driver.

**"Taxicab"** means a Motor Vehicle as defined in the *Highway Traffic Act* and includes any Motor Vehicle used for hire in the conveying of a Person from place to place within the City to any point inside or outside that area, but does not include a Limousine or Vehicle operated by a PTC Driver

**"Taxicab Broker"** means any Person who carries on the Business of accepting Taxicab Orders for, or Dispatching Taxicabs in any manner.

**"Taxicab Meter"** means a measuring device used in a Taxicab to calculate the Fare payable for a Trip.

**"Taxicab Order"** means a request for Taxicab service received by a Taxicab Broker.



**“Taxicab Stand”** means the area set aside and designated by the City to be used by a Taxicab while it is waiting for, or picking up, goods or Passengers.

**"Tow Truck"** means a Motor Vehicle used for hire for Towing or otherwise conveying Vehicles.

**"Tow Truck Company"** means a Person who in pursuance of a trade, calling business, or occupation arranges for the provision for hire to a customer of the services of a Tow Truck;

**“Towing”** means the movement of a Vehicle by a Tow Truck, whether such Vehicle is picked up at, or delivered to, a location within the City, and the terms Tow and Towed have a corresponding meaning.

**“Trip”** means each journey in a Taxicab, Limousine or PTC vehicle commencing when a Passenger enters the Vehicle, continuing for the period that the Vehicle is continuously occupied, and ending when all Passengers exit the Vehicle.

**“Trip Sheet”** means a record of Trips made by a Driver where required pursuant to this By-law.

**“Vehicle”** means a Motor Vehicle that is operated for the purpose of driving instruction, as a Taxicab or Limousine for the conveying of Passengers, a Tow Truck used for either Towing or otherwise conveying Vehicles, a Ride Sharing Service, or a Motor Vehicle from which Refreshments are sold.

**"Vehicle Pound"** means any Property used for the temporary storage or impounding of Vehicles taken from a Collision Scene or otherwise Towed and awaiting repair or demolition or retrieval.

**“Vending”** means the supplying of any good or service.

**“Vulnerable Sector Screening Report”** means a criminal background check designed to ensure a Person dealing with vulnerable Customers through Employment do not have a criminal history, or any other history which may indicate that they may pose a threat to a vulnerable Customer.

**“Work Order”** means an order issued under this By-law to a Person who contravened the by-law or who caused or permitted the contravention to discontinue the contravening activity or to do work to correct the contravention.

## **2.0 SCHEDULES**

2.1 The following Schedules form part of this By-law:

SCHEDULE 1	Threshold Policy for Conditional Issuance and Refusal, Suspension, or Revocation of Mobile Licence Applicants
SCHEDULE 2	Driving School Owners and Drivers
SCHEDULE 3	Refreshment Vehicle Owners and Operators
SCHEDULE 4	Limousine Owners and Drivers
SCHEDULE 5	Taxicab Owners, Drivers, and Brokers

SCHEDULE 6	Tow Truck Owners, Drivers and Brokers
SCHEDULE 7	Private Transportation Companies and Drivers

### **3.0 LICENCE REQUIREMENT**

3.1 The following Persons must be in possession of a licence authorizing them to carry on their Business in the City, and shall pay to the City upon application for, or renewing the Licence the required fee:

- (a) every Person who owns or Operates a Driving School;
- (b) every Driving School Instructor;
- (c) every Person who owns or Operates a Refreshment Vehicle;
- (d) every Special Event Vendor;
- (e) every Person who owns or Operates a Limousine;
- (f) every Person who drives a Limousine;
- (g) every Taxicab Broker;
- (h) every Person who owns or Operates a Taxicab;
- (i) every Person who drives a Taxicab;
- (j) every Tow Truck Company;
- (k) every Person who owns or Operates a Tow Truck;
- (l) every Person who drives a Tow Truck; and
- (m) every Taxicab Broker.
- (n) every Private Transportation Company

### **4.0 GENERAL PROVISIONS**

4.1 No Person shall:

- (a) carry on, Operate or engage in a Business referred to in Section 3 unless a current and valid Licence has been issued in their name by the City under this By-law;
- (b) enter into any lease agreement pertaining to the Owner's Plate;

- (c) be permitted to transfer a Licence issued under this By-law;
- (d) smoke or permit smoking within a Vehicle affiliated to a Licence under this By-law;
- (e) Operate a Vehicle required to be licensed in this By-law until the Vehicle has been inspected and approved for use by the Licensing Officer;
- (f) enjoy a vested right in the continuance of a Licence or Plate and upon the issuance, revocation, cancellation or suspension thereof;
- (g) alter or permit an alteration of any Licence or Plate or part thereof;
- (h) attach the Plate other than to the Vehicle for which the Plate was issued;
- (i) Drive or act as a Driver within the City unless the Owner, or where applicable the Lessee, of the Vehicle being driven is licensed pursuant to this By-law;
- (j) as an Owner, employ a Driver unless the Driver is licensed pursuant to this By-law;
- (k) Drive or Operate or permit a licenced Vehicle to be driven or Operated with mechanical defects of which they are aware;
- (l) discriminate against any member of the public in the carrying on of the Business on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability; or
- (m) refuse to permit any Person with a Disability being accompanied by a service animal to enter or remain in their Vehicle, by only the presence of the service animal.

4.2 Every Person shall:

- (a) carry their Licence with them at all times while they are Operating a Vehicle;
- (b) surrender the Licence for inspection upon demand by the Licensing Officer or Officer;
- (c) submit their Vehicle for inspection when required to do so by the Licensing Officer or Officer for inspection at an appointed date, time, and place;
- (d) affix the Plate issued by the Licensing Officer in a secure and visible manner to the rear window of the Vehicle to be utilized in a licensed Business;
- (e) affix the Licence Renewal Sticker to the Plate issued by the Licensing Officer in a secure manner;

- (f) who is the Owner of more than one Vehicle, obtain a separate Licence and Plate for each Vehicle which is to be Operated as a part of a Business licensed under this By-law;
- (g) carry on Business only in the name in which they are licensed;
- (h) when a Plate, Licence Renewal Sticker, or a Licence is damaged, lost, or faded, the Licensee shall apply to the Licensing Section for a replacement and shall pay the appropriate fee as required under the Licensing, Permit and Services Fees By-law 2012-137, as amended;
- (i) as an Owner or Lessee, keep the current Vehicles Owner's Licence issued under this By-law at all times in the Vehicle of which they are the Owner or Lessee;
- (j) before commencing Operation, and at the end of each work shift, examine the licenced Vehicle for defects, and report forthwith and defects to the Owner or Lessee.
- (k) return or have removed a Licence or Plate whenever required to do so by the Licensing Officer or Officer; and
- (l) return a Plate when the licensed Vehicle is sold or disposed of to the Licensing Officer within seven (7) days of any such sale or disposal.

4.3 Every Licence and Plate issued pursuant to this By-law shall be and remain the property of the City.

## **5.0 DUTIES OF THE LICENSING OFFICER**

5.1 The duties of the Licensing Officer include:

- (a) receiving and processing all applications for Licences and renewals of Licences;
- (b) ensuring that applications are complete and signed by the Applicant, or where the application is from a partnership or corporation respectively, signed by a partner or the president or other authorized signing officer of the corporation;
- (c) ensuring that the Applicant has paid the fees required for the term of the Licence, prior to processing the application;
- (d) imposing Conditions on a Licence where the Licensing Officer is of the opinion that a term or Condition of a Licence should be imposed;
- (e) refusing to issue or renew a Licence, or revoke or suspend a Licence where the Licensing Officer is of the opinion that the Applicant is not entitled to a Licence under Section 12;

- (f) the maintenance and retention of all applications received and Licences issued, refused, revoked or suspended as provided for by the City Record Retention By-law and policies;
- (g) generally performing all the administrative functions conferred upon the Licensing Officer by this By-law; and
- (h) the coordination and direction of enforcement of this By-law.

## **6.0 APPLICATION REQUIREMENTS**

6.1 Every Applicant for a Licence and for the renewal of a Licence issued under this By-law shall:

- (a) submit a completed and truthful application for a Licence or the renewal of a Licence on the forms provided by the Licensing Section;
- (b) at least eighteen (18) years of age;
- (c) a Canadian citizen, a permanent resident of Canada, or hold a valid employment authorization issued by the Government of Canada;
- (d) submit to the taking of photographs for the production of a photo identification Licence card and for general identification purposes;
- (e) where the Applicant is a corporation, provide a copy of the incorporating documents, a copy of the last annual information return, and a copy of the business name registration;
- (f) where the Applicant is a registered partnership, provide a copy of the registered declaration of partnership and a copy of the Business name registration;
- (g) where the applicant is a sole proprietor, provide a copy of the Business name registration;
- (h) proof of Harmonized Sales Tax (HST) registration;
- (i) a Vulnerable Sector Screening Report furnished by the Police Service having jurisdiction where they reside dated within thirty (30) days preceding the application date upon initial application or request of the Licensing Officer;
- (j) a Criminal Record Check dated within thirty (30) days prior to the date of the annual renewal date;
- (f) meet the thresholds as provided for in Schedule 1 of this By-law;

- (g) be able to read, write, and speak the English and/or French language with sufficient fluency as to render them, in the opinion of the Licensing Officer, competent to exercise their business;
- (h) pay the required fee set out in the City Licensing, Permit and Services Fees By-law 2012-137 as amended;
- (i) pay any additional fee imposed under City Licensing, Permit and Services Fees By-law 2012-137, as amended;
- (j) pay any outstanding fine owed to the City; and
- (k) any other document or information of the Applicant as may be required by the Licensing Officer.

6.2 Every application for an Owner's Licence and Plate shall include:

- (a) the Owner's Licence and Plate in the case of a renewal of the Licence;
- (b) the Vehicle to be licensed for an inspection and approval;
- (c) a valid Motor Vehicle Permit issued by the Ministry of Transportation in the Applicant's name; or, if the Motor Vehicle is a leased Motor Vehicle, provide a copy of the lease agreement for the Motor Vehicle;
- (d) a valid Safety Standards Certificate with respect to the Vehicle, dated not more than thirty (30) days prior to the application date or yearly renewal date;
- (e) a valid alternate fuel certificate with respect to the Vehicle, if applicable; and
- (f) a valid insurance policy with respect to the Vehicle which shall:
  - (i) be endorsed to provide the Licensing Officer with at least ten (10) days' notice in writing of a proposed cancellation or expiration of the insurance policy, or of a variation in the amount of the policy; and
  - (ii) provide coverage in the amount of least two million dollars (\$2,000,000) inclusive of bodily injury, death, and property damage resulting from any one accident.

6.3 Every Applicant for a Driver's/Operator's Licence issued under this By-law shall:

- (a) be the holder of a valid Ontario Driver's Licence - Class G issued pursuant to the *Highway Traffic Act*;

- (b) provide a Certified Driver's Abstract from the Ministry of Transportation dated not more than thirty (30) days prior to the application date or yearly renewal date;
- (c) provide a letter of potential Employment from a licenced Owner, if applicable; and
- (d) the Licensing Officer may require a Driver to provide them with a certificate prepared by a physician, attesting as to whether or not the Driver is physically fit and able to operate a Motor Vehicle, at any time if they feel it may be in the public interest.

6.4 Except where electronic internet applications for Licences and renewals are accepted by the Licensing Officer, or where renewals applications are accepted through postal or other methods, all applications for a Licence or renewal of a Licence shall be made personally to the Licensing Section by:

- (a) the Applicant, as Sole Proprietor of the Business;
- (b) an officer or director of the corporation;
- (c) one of the partners in a Partnership; or
- (d) an authorized agent, provided they have written authorization to do so from the Applicant and provides one piece of Canadian government photo identification deemed suitable by the Licensing Officer.

## **7.0 APPLICATION FORMS RETURNED**

7.1 Where an Applicant fails to comply with any requirements of Section 6, or instructions in that regard, the application shall be returned or disposed of and not processed further.

7.2 Where the application is refused under Section 6, the Applicant may be advised personally if present and the application returned, or may be advised by letter sent by regular, email, or facsimile to the Applicant's Business or email address as disclosed by the application, or previous last known address, if any.

## **8.0 NEW MOTOR VEHICLE**

8.1 Where an Owner licensed under this By-law disposes or otherwise ceases to use their Vehicle and acquires another vehicle for the purposes permitted under this By-law, before using the Vehicle shall:

- (a) return the City issued Plate for the Vehicle;
- (b) submit the newly acquired Vehicle for inspection and approval;

- (c) produce either a Ministry of Transportation Vehicle Inspection Report showing that the Vehicle has been accepted within the previous thirty (30) days, or a Safety Standard Certificate issued under the *Highway Traffic Act* within thirty (30) days of the application; and
- (d) file with the Licensing Section all documents required to record the change, including, if applicable, a leasing arrangement or similar documentation relating to ownership, or Vehicle operation.

## **9.0 CHANGES IN INFORMATION**

- 9.1 When a Licensee changes their name or address or any information relating to their Licence, the Licensee shall attend within seven (7) days of the date of the change to the Licensing Section to have the License and licensing records amended accordingly.
- 9.2 If at any time the Driver's photograph required on the application for a Licence is not a reasonable likeness of the Driver for any reason, the Licensing Officer may require the Driver to have another photograph taken.
- 9.3 Every licensed Owner shall file with the Licensing Section at least seven (7) days prior to the expiry date of the current insurance policy all insurance renewal policies or certificates of insurance.

## **10.0 TIME FOR RENEWAL**

- 10.1 An application for renewal of a Licence shall be delivered to the Licensing Section on or before the expiry date.
- 10.2 An expired Licence may be renewed without being subject to any new application requirements within sixty (60) days of the Licence expiry date providing all Licence fees, including late fees, and charges are paid in full and where all required documentation is submitted.
- 10.3 When an application for renewal of a Licence is delivered to the Licensing Section any time after sixty (60) days after the expiry date of the Licence, the Applicant shall complete an application as a new Applicant.
- 10.4 Fees may be pro-rated by calculating the fee based upon the month in which the application is made to the Licensing Section to the expiry date of the Licence.

## **11.0 TERM OF LICENCE**

- 11.1 Every Licence listed in this By-law is valid for the corresponding term of the Licence unless:



- (a) the Licence has been suspended or revoked;
- (b) the Licence has been cancelled at the request of the Licensee; or
- (c) payment of the said Licence has not been made.

11.2 Every Licence expires annually on the expiry date as follows:

<b>LICENCE TYPE</b>	<b>EXPIRY DATE</b>
Driving School Owners and Drivers	September 30 <sup>th</sup>
Refreshment Vehicle Owners and Operators	March 31 <sup>st</sup>
Limousine Owners	December 31 <sup>st</sup>
Limousine Drivers	Annual on Birthday
Taxi Brokers	April 30 <sup>th</sup>
Taxi Owners	April 30 <sup>th</sup>
Taxi Drivers	Annual on Birthday
Tow Truck Owners, Drivers and Brokers	June 30 <sup>th</sup>
Private Transportation Companies	April 1 <sup>st</sup>

## **12.0 AUTHORITY REGARDING THE ISSUANCE AND STATUS OF LICENCES**

12.1 An Applicant whose application meets all the requirements of this By-law is entitled to a Licence, or renewal of a Licence, except where:

- (a) there are reasonable grounds to believe that any application or other document provided contains a false statement or false information;
- (b) past or present conduct of the Applicant or Licensee, or of any partner, in the case of a partnership, or of any director, shareholder or officer of the corporation, if the Applicant or Licensee or a party having a direct or indirect interest in the Business is a corporation, affords reasonable grounds to believe that such Applicant or Licensee will not carry on or has not carried on their Business or other activity in accordance with the law or with honesty and integrity;
- (c) the financial position of the Applicant affords reasonable grounds to believe that the activity for which the Business is to be licensed or to continue to be licensed, will not be carried on in a financially responsible manner;
- (d) there are reasonable grounds to believe that the carrying on of the Business by the Applicant or Licensee may be adverse to the public interest;
- (e) the Applicant has failed to pay a fine(s) imposed by a court as a sentence arising from convictions for breach of a By-law enacted by the City;

- (f) the fee payable in respect of the Licence applied for has not been paid;
- (g) any Additional Fee imposed on a Licence remains unpaid;
- (h) a complaint which, in the opinion of the Licensing Officer, is not frivolous or vexatious, has been received about the Applicant;
- (i) the Applicant failed to comply with an attached Licence Condition;
- (j) the Licensee failed to attend and complete any training required by the Licensing Officer;
- (k) there are reasonable grounds to believe that the Applicant is carrying on activities that are, or would be in contravention of the By-law;
- (l) the Applicant fails to comply with any requirement in the By-law to obtain or maintain or renew a Licence under this By-law;
- (m) the Applicant fails to meet a threshold set out in Schedule 1; or
- (n) a Licence was issued in error.

12.2 Upon reasonable grounds the Licensing Officer may make the decision to:

- (a) refuse an application for a Licence or renewal of a Licence;
- (b) refuse the reinstatement of a Licence;
- (c) revoke a Licence;
- (d) suspend a Licence;
- (e) cancel a Licence; or
- (f) impose Conditions on a Licence.

12.3 An Applicant or a Licensee whose Licence has been refused or revoked, shall not be entitled to make a new application for a similar type of Licence for a period of twelve (12) months from the date of refusal or revocation.

12.4 If the Licensing Officer is satisfied that the continuation of a Business licensed under this By-law poses an immediate danger to the health or safety of Person or Property, the Licensing Officer may suspend the Licence without a Hearing on conditions it considers appropriate, subject to the following:

- (a) before suspending the Licence, the Licensing Supervisor shall provide the Licensee with reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and
- (b) the suspension shall not exceed 14 days.

12.5 Any Licence issued under this By-law may be cancelled by the Licensing Officer at any time upon the written request of the Licensee.

### **13. WRITTEN DECISION OF THE LICENSING OFFICER**

13.1 The Licensing Officer shall provide written notice of the decision with respect to the Licence application, renewal, or its status.

13.2 The written notice under Subsection 13.1 shall:

- (a) set out the grounds for the decision;
- (b) give reasonable particulars of the grounds;
- (c) be signed by the Licensing Officer; and
- (d) state that the Applicant or Licensee is entitled to request a Hearing to be conducted by the Hearing Officer.

### **14.0 LICENCE APPEAL**

- (a) The powers and authority to hear appeals from decisions made by the Licensing Officer pursuant to section 12 are hereby delegated to the Hearings Officer.
- (b) The Hearings Officer shall hear all appeals from decisions made by the Licensing Officer pursuant to section 12.

14.1 An Applicant or Licensee may appeal the Licensing Officer's decision to refuse, cancel, revoke, suspend, or to impose any Condition on a Licence to the Hearing Officer by sending a request for appeal by email to [clerkspublic@markham.ca](mailto:clerkspublic@markham.ca) within ten (10) days of the written notice.

14.2 Where no appeal is registered within the required time period, the decision of the Licensing Officer shall be final.

14.3 An appeal of a decision does not act as a stay of that decision.

14.4 The City Clerk, upon receipt of the notice of appeal, shall determine and give notice in writing to all parties of:

- (a) the place, date and time of the Hearing;
- (b) the purpose of the Hearing; and
- (c) a statement that if the party notified does not attend at the Hearing, the Hearing Officer, may proceed in the party's absence and the party will not be entitled to any further notice in the proceeding.

#### **15.0 LICENCE APPEAL HEARING**

- 15.1 The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, apply to all Hearings by the Hearing Officer under this By-law.
- 15.2 There shall be a Secretary to the Hearing Officer, who shall attend all meetings of the Hearing Officer and shall keep all necessary records and perform such other duties required by the Hearing Officer.
- 15.3 At a Hearing the onus shall be upon the Appellant to show cause why the Licence should be granted, or why it should not be cancelled, refused, revoked or suspended, with or without Conditions.
- 15.4 The Hearing Officer may dismiss a proceeding without a Hearing if the proceeding is frivolous, vexatious or is commenced in bad faith.
- 15.5 When the Appellant who has been given written notice of the Hearing does not attend at the appointed time and place, the Hearing Officer may proceed with the Hearing in the Appellant's absence and the Appellant shall not be entitled to any further notice of the proceedings and the Appellant shall pay to the City a Hearing Non-appearance Fee pursuant to By-law 2022-XX, Schedule "A".
- 15.6 A Hearing shall be open to the public except where the Hearing Officer is of the opinion that:
  - (a) matters involving public security may be disclosed; or
  - (b) intimate financial or personal or other matters may be disclosed at the Hearing that are of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that Hearings be open to the public;

in which case the Hearing Officer may hold the Hearing, or portion thereof, in the absence of the public.

- 15.7 The Hearing Officer shall have regard to the following matters where relevant, as may be raised at a Hearing:
- (a) this By-law and other applicable law;
  - (b) circumstances and facts raised by the evidence of the parties involved;
  - (c) if the Business puts or could put public safety at risk; and
  - (d) the belief that the Appellant will not carry on, or engage in the Business in accordance with the law or with honesty or integrity.
- 15.8 The Hearing Officer may make any decision that the Licensing Officer was entitled to make in the first instance, and the Hearing Officer may:
- (a) modify, rescind or confirm a decision or any Condition; or
  - (b) extend time for complying with a decision or any Condition.
- 15.9 At the conclusion of a Hearing, the Hearing Officer may give their decision orally or reserve their decision, but in any case shall provide their decision in writing, with reasons, within fourteen (14) days of the Hearing to the applicant or Licensee or to the Person who represented the party by:
- (a) regular mail; or
  - (b) email or facsimile.
- 15.10 A decision that has been confirmed, modified or rescinded by the Hearing Officer, as the case may be, shall be final and binding upon the Appellant or City who shall comply with the decision within the time specified and in the manner specified in the decision where applicable.

## **16.0 RETURN OF LICENCE AFTER REVOCATION OR SUSPENSION**

- 16.1 When a Licence has been revoked, cancelled or suspended, the holder of the Licence shall return the Licence to the Licensing Section within twenty-four (24) hours of service of written notice of the decision of the Licensing Officer or, where an Appeal had been filed, the decision of the Hearing Officer.

## **17.0 LICENCE DEEMED SUSPENDED**

- 17.1 When a licensed Driver has had their Ontario Driver's Licence cancelled, suspended or revoked or has expired, the Licence issued under this By-law shall be deemed to be suspended as of the date of cancellation, suspension, revocation or expiry under the

*Highway Traffic Act* and the Driver shall within twenty-four (24) hours return the Licence issued under this By-law to the Licensing Section.

- 17.2 When a licensed Owner ceases to have a current and valid Ontario standard automobile insurance policy in good standing and properly endorsed, the Licence shall be deemed to be suspended and the Owner shall within twenty-four (24) hours return the Owner's Plate and Licence issued under this By-law to the Licensing Section.
- 17.3 When a Licensee is convicted of an offence that causes them to be in contravention of any thresholds listed in Schedule 1, the Licence shall be deemed to be suspended and the Licensee shall within twenty-four (24) hours return any Plate and Licence issued under this By-law to the Licensing Section.
- 17.4 A Licence or Plate shall only be reinstated under this Section by providing to the Licensing Officer:
- (a) proof of valid insurance;
  - (b) a valid Ontario Driver's Licence; and
  - (c) proof that all thresholds set out in Schedule 1 are met.

## **18.0 ADDITIONAL FEES**

- 18.1 Notwithstanding any other provisions of the By-law, the Licensing Officer may impose Additional Fees on a Licence, by way of a notice of Additional Fee at any time during the term of the Licence for costs incurred by the City attributable to the activities of the Business.
- 18.2 The notice of Additional Fee shall be sent to the Licensee and provide the Licensee with sixty (60) days from the date the notice of Additional Fee is deemed served to pay the outstanding amount.

## **19.0 WORK ORDERS**

- 19.1 Where a Person contravenes any provision of this By-law, an Officer may issue a Work Order to the Person, directing them to do the work or discontinue the contravening activity set out in the Work Order to correct the contravention.
- 19.2 The Person shall bring all contraventions identified in the Work Order into compliance within the time specified in the Work Order, failing which the City may do so at the Person's expense and may enter upon a Property at any reasonable time for such purpose.
- 19.3 A Work Order shall set out:

- (a) the reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and
- (b) the work to be done and the date by which the work must be done.

19.4 A Work Order may be given in writing in any of the following ways and is deemed served:

- (a) on the date served personally upon the person whom it is addressed;
- (b) posted on site;
- (c) immediately upon the sending of an email; or
- (d) on the fifth (5) day when sent by regular mail.

19.5 For the purpose of Section 19.4, the Person's last known address and last known email address shall be deemed to include those disclosed by the application, or previous last known address, if any.

## **20.0 NOTICES**

20.1 A written notice, notice of Additional Fee, or any other notice pursuant to this By-law may be given in writing in any of the following ways and is deemed served:

- (a) on the date served personally upon the Person whom it is addressed;
- (b) on the fifth (5) day when sent by regular mail;
- (c) upon the conclusion of the transmission by facsimile; or
- (d) immediately upon the sending of an email.

20.2 For the purpose of Section 20.1, the Person's last known address, last known facsimile transmission number, and last known email address shall be deemed to include those disclosed by the application, or previous last known address, if any.

## **21.0 POWERS OF ENTRY AND INSPECTION**

21.1 An Officer or other Person so authorized who is performing a duty or exercising a power under this By-law may at any reasonable time enter upon and inspect a Property or inspect a Vehicle, of any Licensee or Person requiring to be licensed, to ensure that the provisions of this By-law have been complied with.

- 21.2 An Officer is authorized for the purposes of inspection to determine compliance with the By-law to:
- (a) require the production for inspection of documents or things relevant to the inspection, including the removal of the documents for the purposes of making copies or extracts;
  - (b) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of inspection; and
  - (c) require information from any Person concerning a matter related to the inspection.

## **22. ADMINISTRATION AND ENFORCEMENT**

- 22.1 Administration of this By-law shall be by the staff of the Licensing Section in the Legislative Services and Communications Department of the City.
- 22.2 The provisions of this By-law may be enforced by an Officer.
- 22.3 An Officer or other Person so authorized who has reasonable grounds to believe that a Person has contravened any provision of this By-law may require that Person to provide their identification and City Licence to the Officer.
- 22.4 Every person who is required by an Officer or other Person so authorized to provide identification under Section 22.3 shall identify themselves to the Officer. Giving their correct name, date of birth, and address shall constitute sufficient identification. Failure to provide sufficient identification shall constitute obstruction of the Officer as set out in Section 23.2 of this By-law.

## **23.0 OFFENCES**

- 23.1 Any Person who contravenes or fails to comply with any provision of this By-law or any Work Order or notice issued under this By-law is guilty of an offence.
- 23.2 No Person shall hinder or obstruct, or attempt to hinder or obstruct an Officer or other Person so authorized who is performing a duty or exercising a power under this By-law.
- 23.3 If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 23.4 Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.



## **24.0 REBUTTABLE PRESUMPTION**

- 24.1 An Owner shall be presumed to have created, caused, allowed, permitted or continued a violation under this By-law that has occurred in conjunction with the Owner's Vehicle or Plate, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

## **25.0 ADMINISTRATIVE PENALTIES**

- 25.1 Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended for a breach of any provision of this By-law, an Order, a Work Order, or any other order issued pursuant this By-law, an Officer may issue an administrative penalty to the Person who has contravened this By-law.
- 25.2 The Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended. If an administrative penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.
- 25.3 The amount of the administrative penalty for a breach of a provision of this By-law, a Work Order or Order issued under this By-law is fixed as set out in By-Law 2016-84, being a By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences, as amended, or any successor by-law.
- 25.4 A Person who is issued an administrative penalty shall be subject to the procedures as provided for in By-Law 2016-84, being a By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences, as amended, or any successor by-law.

## **26.0 PENALTIES**

- 26.1 Every Person who is guilty of an offence under this By-law shall be subject to the following penalties:
- (a) upon a first conviction, to a fine of not less than \$400 and not more than \$50,000.
  - (b) upon a second or subsequent conviction for the same offence, to a fine of not less than \$500 and not more than \$100,000.
  - (c) upon conviction for a continuing offence, to a fine of not less than \$100 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may not exceed \$100,000.
  - (d) upon conviction for multiple offences, for each offence included in the multiple offences, to a fine of not less than \$100 and not more than \$10,000. The total of all fines for each included offence is not limited to \$100,000.

- 26.2 Where a Person convicted of an offence is a corporation, the corporation is liable to a fine not less than \$400 and not more than \$100,000.

**27.0 COLLECTION OF UNPAID FINES**

- 27.1 Where a fine is in default, the City may proceed with civil enforcement against the Person upon whom the fine has been imposed, pursuant to the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
- 27.2 The City may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine, and collect it in the same manner as municipal taxes.

**28.0 SEVERABILITY**

- 28.1 Notwithstanding that any clause, subsection, section or schedule of this By-law, or any part, or any part thereof, may be found by any court of law to be invalid or beyond the power of the Council to enact, such clause, subsection, section or Schedule or parts thereof shall be deemed to be severable, and all other clauses, subsections, sections and schedules of this By-law or parts thereof, are separate and independent there from and enacted as such.

**29.0 INTERPRETATION**

- 29.1 The provisions of the *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F, as amended shall apply to this By-law.

**30.0 REPEAL**

- 30.1 That By-law 2012-92, as amended, be repealed.

**31. EFFECTIVE DATE**

- 31.1 This By-law comes into force and takes effect on March 8<sup>th</sup>, 2022

**32. SHORT TITLE**

- 32.1 This By-law shall be known as the Mobile Business Licensing By-law.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
\_\_\_ DAY OF \_\_\_\_\_, 2022.

"Kimberley Kitteringham"

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KIMBERLEY KITTERINGHAM  
CITY CLERK

"Frank Scarpitti"

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FRANK SCARPITTI  
MAYOR

## **SCHEDULE 1**

### **Threshold Policy for Conditional Issuance and Refusal, Suspension, or Revocation of Licence Applicants**

#### **1.0 POLICY STATEMENT**

- 1.1 This Schedule is intended to provide an objective and transparent way to identify Applicants who have been convicted of offences whose behaviours are incompatible with the type of Business based on health and safety and consumer protection, and an appropriate way to deal with the Licence.
- 1.2 Notwithstanding this Schedule, the Licensing Officer may refuse or revoke a Licence due to:
- (a) potential threat to the public;

- (b) number of individual convictions versus multiple convictions during one incident;
- (c) severity of the conviction;
- (d) any outstanding charges;
- (e) findings of not guilty by reason of a mental condition; or
- (f) probation, prohibition or other judicial order which are in effect.

1.3 In the course of an application, the Licence Officer may inquire into pending court cases and issue a conditional Licence to the date of the expected court date. Withholding the fact of a pending court date from the Licence Officer is itself a ground for refusal, suspension, or revocation of a Licence.

1.4 The Licensing Officer may place Conditions and issue a warning notice on a Licence if an investigation of a Licensee reveals circumstances that may in the future cause the Licensee to be in contravention of any of the thresholds listed.

1.5 The warning notice must advise the Applicant or Licensee about the specific applicable threshold.

## **2.0 THRESHOLDS FOR LICENCES**

2.1 Despite an application being complete and all fees paid the Licence Officer shall refuse to issue or renew a Licence and in the case of an existing Licence, the Licence Officer shall suspend or revoke the Licence, if an Applicant has:

- (a) any code 01 conviction;
- (b) any code 02 conviction within the last ten years;
- (c) any code 03 conviction in the last seven years;
- (d) two or more code 03 convictions in the last ten years;
- (e) any code 04 conviction within the last three years;
- (f) two or more code 04 convictions within the last five years;
- (g) any code 05 or 07 conviction within the last year;
- (h) any code 06 conviction within the last three years;
- (i) two or more code 06 convictions within the last five years;

- (j) three or more code 08 convictions within the last year;
- (k) any code 09 event within the last year;
- (l) six or more demerit points, as defined in the *Highway Traffic Act* on the driver's abstract provided to the Licensing Section;
- (m) four or more driving convictions within the last year;
- (n) six or more by-law related\* convictions within the last year concerning the licensed Business or Applicant, or any other of the Applicant's Businesses that are licensed or are required to be licensed, or any of the Applicant's Businesses that were licensed or were required to be licensed;
- (o) four or more By-law and related\* convictions within the twelve months immediately preceding the date a Licence was issued; or
- (p) overdue By-law fines, unless the Applicant provides proof that such fines have been subsequently paid.

\*Related legislation may include, but is not limited to, City of Markham By-laws.

<b>Criminal Code Offences</b>	<b>Description</b>	<b>Code</b>
Sexual Offences (minors)	Interference, invitation, exploitation, procuring sexual activity (parent or guardian), permitting sexual activity (householder) corrupting children, luring a child, exposure, incest (with minor)	01
Terrorism	Providing, collecting property; using, possessing property; providing, making available property	02
Homicide	Homicide, manslaughter, infanticide, murder, attempt to commit, accessory	02
Major Assault and Sexual Assault Offences	Sexual assault with weapon, causing bodily harm, aggravated, assault with weapon	02

Sexual Offences (other than minors)	Exploitation of persons with a disability, incest, indecent act, sexual assault	03
Confinement	Kidnapping, hostage taking, abduction	03
Hate Propaganda	Advocating genocide, public incitement of hatred	03
Robbery, Extortion	All offences	03
Criminal Organization	Participating in activities of	03
Criminal Negligence	Criminal negligence, causing death, causing bodily harm	04
Assault	Assault, of a peace officer	04
Harassment, Threats	Criminal harassment, uttering threats	04
Explosives	Using, possession	04
Weapons	Possession, carrying, trafficking	04
Firearms	Using in commission of offence, careless use, pointing, possession, acquisition without certificate, causing bodily harm with intent (firearm, air gun, or pistol)	04
Theft Offences	All offences	04
Forgery Offences	All offences	04
Break and Enter	Break and enter	04
Crime - Possession of Property	Possession of property obtained by crime	04
Fraud	Fraud offences, falsifying documents	04
Arson	All offences	04
Counterfeit Money	Uttering, advertising, dealing	04
Proceeds of Crime	Laundering	04
Noxious Thing, Poison	Administering to harm	04
Noxious Thing, Poison	Administering to annoy, to aggrieve	05
Traps	Setting	05
Mischief	Mischief	05
Conspiracy	Conspiracy to commit an indictable offence	05
Prostitution	Offences related to	05

Bawdy Houses	Keeping, transporting person to, procuring	05
Operation of Motor Vehicle, Vessels, or Aircraft	Dangerous operation, failing to stop for police, failure to stop at scene of accident, operation while impaired, operation with more than 80 milligrams of alcohol in blood, driving while disqualified	06
Other	All other Criminal Code convictions	07

Controlled Drugs and Substances Act Offences	Description	Code
Trafficking	Of Schedule I or II substance	03
	Of Schedule III substance	04
	Of Schedule IV substance	05
Importing, Exporting	Of Schedule I or II substance	03
	Of Schedule III substance	04
	Of Schedule IV substance	05
Production	Of Schedule I or II substance	03
	Of Marijuana	04
	Of Schedule III substance	04
	Of Schedule IV substance	05
Possession	Possession	05

Highway Traffic Act Offences	Description	Code
Speeding	Exceeding speed by 50 km/hr	06
Careless	Careless driving	06
Fail to remain	Fail to remain at the scene of an accident	06
Fail to Stop	When signaled or requested by a police officer	06
	For a school bus	06
Racing	Racing	06
Section 43(1)	Driving while license suspended	06
Section 36	Driving while license suspended	07

By-Law Offences	Description	Code
Discrimination	Discriminate against a member of the public	08
Service Refusal	Refuse to serve a person with a disability (with or without a service animal)	08
Plate Removal	Any instance of plate removal or licence revocation	09

## **SCHEDULE 2**

### **Relating to Driving School Owners and Drivers**

#### **1.0 LICENSING REQUIREMENTS FOR DRIVING SCHOOL OWNERS**

- 1.1 In addition to the application requirements for licensing established in this By-law, every Applicant for a Driving School Owner Licence shall produce with their application:
- (a) a list of each Vehicle to be Operated as a Driving School Vehicle in accordance with the Business, identifying the make, model year, Provincial licence plate, and vehicle identification number;
  - (b) the current Schedule of Rates on the Applicant's letterhead, to be charged to Customers for all services; and
  - (c) a list of the name and address of each Driving School Driver Employed by them.

#### **2.0 LICENSING REQUIREMENTS FOR DRIVING SCHOOL DRIVERS**



2.1 In addition to the application requirements for licensing established in this By-law, every Applicant for a Driving School Driver Licence shall produce with their application:

- (a) a valid driving instructor licence issued pursuant to the *Highway Traffic Act*.

### **3.0 REQUIREMENTS OF DRIVING SCHOOL OWNERS**

3.1 Every Driving School Owner shall:

- (a) notify the Licensing Officer no later than seventy-two (72) hours, in writing, of the name and address of each newly Employed or terminated Driving School Driver with the date of such Employment or termination;
- (b) provide each Student Driver with their Schedule of Rates before instruction is given; and
- (c) keep a permanent record of the name and address of each student, the date of the commencement of instruction, the date, time and name of the instructor for each lesson, and the number of the Student Driver's Provincial driver's licence.

### **4.0 REQUIREMENTS OF DRIVING SCHOOL DRIVERS**

4.1 Every Driving School Driver shall:

- (a) be properly dressed, neat and clean;
- (b) be civil and well behaved;
- (c) place their Licence identification card in the frame or other device for holding the Licence identification card when giving instruction to any Student Driver;
- (d) ensure that every Student Driver is the holder and in possession of a current Ontario Driver's Licence - Class G1, G2 or G; and
- (e) immediately at the end of the driving instruction search the Driving School Vehicle for any property or money lost or left therein and forthwith deliver over to the Person owning the property or money, or if the owner cannot be found, then to the nearest police station with all pertinent information.

### **5.0 VEHICLE REQUIREMENTS**

5.1 Every Driving School Owner and Driving School Driver shall ensure that every Vehicle utilized as a Driving School Vehicle in their Business is:

- (a) maintained in good repair so that the exterior is clean and it does not have body or paint damage, holes in floorboards, unserviceable tires, doors that do not close or lock properly, cracked or chipped windshield or windows, or any other mechanical defect that would render the Vehicle unsafe;
- (b) maintained so that the interior is clean, dry and free from litter, and the interior upholstery is not torn, worn or soiled;
- (c) equipped with a dual control braking system in good working order placed in a position for ready use by the instructor seated beside the Student Driver;
- (d) equipped with an extra rear view mirror for the use of the Driving School Driver when giving driving instruction;
- (e) equipped with a frame or other device, in visible sight, for holding the Licence identification card of the Driving School Driver to a Student Driver; and
- (f) equipped with a plastic roof sign that shall have the name of the Driving School on the front and back of the sign, be at least twenty (20) centimeters high by sixty-five (65) centimeters wide, and be securely affixed to the roof of the Vehicle except when the Vehicle is not being used for the purpose of Driving School instruction, or as otherwise approved by the Licensing Officer.

## **6.0 DRIVING SCHOOL DRIVER PROHIBITIONS**

### **6.1 No Driving School Driver shall:**

- (a) provide driving instruction to any Student Driver whose driving ability appears to be impaired by any means;
- (b) provide driving instruction to any Student Driver who is not registered as a student at the Driving School where the Driving School Driver is Employed;
- (c) provide driving instruction without a driving instructor licence issued pursuant to the *Highway Traffic Act* in their possession;
- (d) carry a greater number of Passengers than is set out in the manufacturer's rating of seating capacity for the Vehicle and that a seat belt is available for each Passenger;
- (e) permit the use of cell phones or other communications devices by any Person in the Vehicle during the instruction period; and
- (f) provide instruction on any primary traffic artery, main Highway route or heavily travelled thoroughfare, during the first hour of any Student Driver's training period.

## **7.0 RESTRICTED AREAS**

- 7.1 No Driving School Driver shall give driving instructions:
- (a) in any public park;
  - (b) in any City Property; or
  - (c) upon any Highway abutting a school or playground, which, together with the adjoining Highways, forms the block in which such school or playground is situated.

### **SCHEDULE 3**

#### **Relating to Refreshment Vehicle Owners and Operators**

#### **1.0 LICENSING REQUIREMENTS FOR REFRESHMENT VEHICLE OWNER'S LICENCE**

- 1.1 In addition to the application requirements for licensing established in this By-law, every Applicant for a Refreshment Vehicle Owner's Licence shall produce with their application:
- (a) where a Refreshment Vehicle uses propane, file annually with the City, a propane inspection certificate signed by a certified propane inspector, confirming that the inspection has been done in accordance with the National Standard of Canada CSA-B149.5-05, and further, all companies performing this task shall be a registered contractor under the *Technical Standards and Safety Act*, as amended under the direction of the Ministry of Government and Consumer Services;
  - (b) a current Food Handler Certificate issued by the York Region Public Health Department;

- (c) a list of the name and address of each Refreshment Vehicle Operator Employed by them who Operate the Refreshment Vehicle in the City;
- (d) for Refreshment Vehicles – Type 2, a letter of authorization from the Property Owner to operate on the Property; and
- (e) for Refreshment Vehicles – Type 2 where the Business is not Operated by means of a Motor Vehicle, a valid general liability insurance coverage in the amount of least two million dollars (\$2,000,000).

## **2.0 LICENSING REQUIREMENTS FOR REFRESHMENT VEHICLE OPERATOR'S LICENCE**

- 2.1 In addition to the application requirements for licensing established in this By-law, every Applicant for a Refreshment Vehicle Operator's Licence shall produce with their application:
- (a) a current Food Handler Certificate issued by the York Region Public Health Department.

## **3.0 REQUIREMENTS OF REFRESHMENT VEHICLE LICENSEES**

- 3.1 Every Refreshment Vehicle Licensee Shall:
- (a) when Selling or handling Refreshments:
    - (i) wear clean clothes;
    - (ii) wear appropriate headwear that confines their hair;
    - (iii) have clean hands; and
    - (iv) be civil and well behaved;
  - (b) ensure all Refreshments sold from a Refreshment Vehicle shall be clean, fresh, and wholesome;
  - (c) ensure no prepared Refreshments other than those kept in unopened cans shall be sold more than 24 hours after their preparation;
  - (d) ensure all condiments, milk, cream, and sugar only be dispensed from containers approved by the Licensing Officer;

- (e) hard ice cream and related products are maintained in a hard condition in the Vehicle at all times and no thawed, or partially thawed products shall be refrozen, stored or sold from the Vehicle; and
- (f) have present when Operating the Refreshment Vehicle their current Food Handler Certificate issued by the York Region Public Health Department;

3.2 Every Refreshment Vehicle – Type 1 and Type 3 Licensee shall:

- (a) prior to departing from any stop made for the Sale of Refreshments that all wrappers or other related refuse are disposed of in a proper garbage or recycling container; and
- (b) make a complete safety tour around the Vehicle and check the mirror system around the Vehicle before departing from any stop made for the purpose of selling Refreshments.

3.3 Every Refreshment Vehicle – Type 2 Licensee Shall:

- (a) clean up any debris, refuse or garbage resulting from the Operation of the Vehicle in the immediate vicinity of the serving location for the Vehicle.

**4.0 VEHICLE REQUIREMENTS**

4.1 Every Refreshment Vehicle Licensee shall ensure that every Vehicle utilized as a Refreshment Vehicle in their Business is:

- (a) at all times, is safe, mechanically sound and free of any defect that may cause damage to the refreshment carried therein;
- (b) equipped with a refuse or litter container which shall be used for the disposal of all refuse and be kept clean and sanitary at all times and emptied at least once per day;
- (c) equipped with a properly maintained and operational audible sound-emitting warning device which is activated when the Vehicle is operating in reverse;
- (d) stocked only with single service disposable cups, containers, cutlery, and serviettes provided in dispensers approved by the Licensing Officer or individually wrapped shall be used in the sale of all Refreshments;
- (e) present with markings in contrasting colour on both sides in letters and figures at least ten (10) centimeters high, the name and Business address of the Owner thereof, and Owner's Plate number preceded by the letter M;

- (f) along with all parts and equipment thereof for use in the dispensing of Refreshments shall at all times be kept in a clean and sanitary condition and in good repair;
- (g) equipped with storage shelves therein which are painted or covered with suitable impervious materials; and
- (h) equipped with adequate refrigeration at a temperature no higher than five (5) degrees Celsius for perishable Refreshments which shall be kept so refrigerated, and such area be equipped with an accurate, indicating thermometer.

4.2 Every Refreshment Vehicle – Type 1 Licensee shall ensure that every Vehicle utilized as a Refreshment Vehicle in their Business is:

- (a) equipped with body, doors and windows of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other nuisances;
- (b) equipped with a floor made of suitable material, in good condition, kept clean and be readily washable;
- (c) equipped so as to maintain hot prepared Refreshments at a temperature of not less than sixty-six (66) degrees Celsius, and such Refreshments shall be kept so heated with such area equipped with an accurate, indicating thermometer;
- (d) where stocked with milk products, be sold only in individual disposable containers; and
- (e) where stocked with sandwiches, cakes, doughnuts, hot dogs, hamburgers, pies and other similar Refreshments, be wrapped and sold in individual servings clearly marked with the date of preparation.

4.3 Every Refreshment Vehicle – Type 3 Licensee shall ensure that every Vehicle utilized as a Refreshment Vehicle in their Business is:

- (a) equipped with a properly maintained and operational audible sound-emitting warning device which is activated when the Vehicle is operating in reverse;
- (b) equipped with body, doors and windows are of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other nuisances;
- (c) equipped with a floor made of suitable impervious material, free of holes, cracks or crevices, and the surface thereof shall be readily washable and shall be kept clean and in good condition;

- (d) equipped with a storage area from which hard ice cream and related products are sold, maintained at a temperature no higher than minus-fifteen (-15) degrees Celsius and such area be equipped with an accurate, indicating thermometer;
- (e) equipped with at least two (2) amber lights attached at the top or near the highest point of the Vehicle and must be visible by a Person one-point-five-two (1.52) metres in height at a distance of not more than one-point-two (1.2) metres in front of or behind the Vehicle, and the Vehicle shall be equipped with a mechanical device causing such amber lights to flash alternately at all times when the Vehicle is stopped for the sale of ice cream products and other frozen confections, and such device shall be so operated at all such times;
- (f) present with and conspicuously displayed on the rear of the Vehicle in black letters on a yellow background "Watch for Children" in letters at least fifteen (15) centimetres high, and such background shall be at least twenty-three (23) centimetres wide;
- (g) equipped with a cover attached over each of its bumpers which shall be on a curve or angle to prevent a Person from standing, stepping on or hanging from the bumpers;
- (h) equipped with two (2) sinks of adequate size and non-corrodible material equipped with hot running water;
- (i) equipped with a tank to receive sink wastes;
- (j) equipped with storage for dry products, sundae toppings, and syrups, which storage shall be easily cleanable and where necessary of a type readily dismantled for cleaning;
- (k) equipped with mechanical air-conditioning in the Vending part of the Vehicle;
- (l) equipped with adequate insulation to prevent fumes from the engine or engines from reaching the vending section of the Vehicle;
- (m) equipped with a "Mirror System" which makes it possible for the Driver to complete a 360 degree visual inspection of the area around the Vehicle;
- (n) equipped with a properly maintained and operational device by which the engine of the vehicle cannot be started or operated while the serving windows of the vehicle are open; and
- (o) equipped with a diesel generator for the refrigeration system of the Vehicle.

4.4 Every Refreshment Vehicle – Type 4 Licensee shall:

- (a) Where the Refreshment Vehicle is over one hundred eighty (180) kilograms in weight (fully equipped excluding Food and Drink items for sale), a Safety Standards Certificate issued by a certified Class “A” or Class “B” mechanic in Ontario dated not more than thirty-six (36) days prior to the issuance or renewal of a License;
- (b) Ensure that vehicles shall be equipped with a properly maintained and operational device by which the engine of the vehicle cannot be started or operated while the service window(s) of the vehicle are open;
- (c) Ensure that all vehicles shall be equipped with a properly maintained and operational audible sound-emitting warning device which is activated when the vehicle is operating in reverse;
- (d) Ensure that the body, doors and windows of such vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things;
- (e) Ensure that the floor of such vehicle shall be of a suitable impervious material, free of holes, cracks or crevices, and the surface thereof shall be readily washable and shall be kept clean and in good condition;
- (f) Ensure that the vehicle shall be equipped with either a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily, or a disposable litter container which shall be replaced daily; and such containers shall be used for the disposal of all refuse;
- (g) Ensure that all vehicles where food products are prepared and sold shall have:
  - i. two (2) sinks of adequate size and of non-corrodible material equipped with hot running water;
  - ii. a tank to receive sink wastes;
  - iii. a refrigerated cabinet for storage of perishable food products which cabinet shall be maintained at a temperature no higher than five (5) degrees Celsius and shall be equipped with an accurate, indicating thermometer;
  - iv. storage for dry products shall be easily cleanable and where necessary of a type readily dismantled for cleaning;
  - v. mechanical air-conditioning in the vending and dispensing part of the vehicle;
  - vi. adequate insulation to prevent fumes from the engine or engines from reaching the vending and dispensing section of the vehicle; and,



- vii. Screens or other devices to ensure adequate protection against flies and dust;
- (h) Ensure that every vehicle shall have attached thereto at the top or near the highest point thereof at least two (2) amber lights visible by a person one-point-five-two (1.52) metres in height at a distance of not more than one-point-two (1.2) metres in front of or behind the vehicle, and the vehicle shall be equipped with a mechanical device causing such amber lights to flash alternately at all times when the vehicle is stopped for the sale of food products, and such device shall be so operated at all such times;
- (i) Ensure that every vehicle shall have a cover over each of its bumpers which cover shall be on a curve or angle to the rear of the vehicle;
- (j) Ensure that every refreshment vehicle to which this section relates shall have painted in contrasting colour on both side panels in letters and figures at least ten (10) centimetres high the name and business address of the owner thereof; and below such name and address in letters at least six-point-three (6.3) centimetres high the words “Markham License” followed by the license number of such vehicle in figures at least fifteen (15) centimetres high;
- (k) Ensure that whenever required so to do by the licensing officer bring such vehicle to any person designated by the licensing officer for inspection at the place and time indicated by the licensing officer;
- (l) Ensure only single service disposable cups, plates, containers, forks, spoons and serviettes provided in dispensers approved by the licensing officer or individually wrapped shall be used in the sale of all food and refreshments;
- (m) Ensure that every person preparing, selling or handling food or refreshments:
  - (i) have clean clothes, appropriate headwear that confines their hair,
  - (ii) be clean and neat in appearance,
  - (iii) have clean hands;
  - (iv) have a current food handler’s certificate issued by the York Region Health Department and shall keep with him and produce for inspection by the licensing officer such food handler’s certificate at all times.

## **5.0 REFRESHMENT VEHICLE LICENSEE PROHIBITIONS**

### **5.1 No Refreshment Vehicle Licensee shall:**

- (a) sell any Refreshment or related product to which this section relates not prepared, assembled and wrapped under conditions complying entirely with the requirements of any Regional, Provincial, or Federal Government agency or law;
- (b) serve any Person Refreshment who is standing on a traveled portion of a Highway;
- (c) stop or park a Refreshment Vehicle in any way that impedes or obstructs traffic, private roadways or driveways;
- (d) stop for the Sale of Refreshments within:
  - (i) fifteen (15) meters of any intersection;
  - (ii) thirty (30) metres of any public park;
  - (iii) fifty (50) meters of any stationary eating establishment;
  - (iv) one hundred (100) metres of any school grounds; or
  - (v) one hundred (100) metres of the boundary of a Special Event, except when approved as part of a Special Event;
- (e) amplify any sounds, ring any bells or chimes, or utilize any other means of recognition:
  - (i) after 8:30 pm;
  - (ii) at intervals of less than five (5) minutes; or
  - (iii) not lasting longer than five (5) seconds at a time;
- (f) Operate a Vehicle on private property without written consent of the Property Owner or management company; and
- (g) Operate on any City property except when permission is first obtained in writing, dated not more than seven (7) days old, from the Licensing Officer.

5.2 No Refreshment Vehicle – Type 1 Licensee shall:

- (a) stop on a Highway for the Sale of Refreshments unless necessary to service a construction site or work crew, and in no case shall the duration of such stop exceed ten (10) minutes;

- (b) shall not park on any lot, Highway, or other location, while carrying on the Business for which it is licensed, for a period of time exceeding two (2) hours, during any twenty-four (24) hour period; and
- (c) park or stop on any Highway within a residential plan of subdivision for the Sale of Refreshments, unless such subdivision is still in the process of development and houses thereon are still in the process of construction.

5.3 No Refreshment Vehicle – Type 3 Licensee shall:

- (a) Operate a Refreshment Vehicle between the hours of 10:00 p.m. of one day and 10:00 a.m. of the next day; and
- (b) have the Refreshment Vehicle remain stationary for a period of more than ten (10) minutes when Refreshments are being Offered for Sale on a Highway.

5.4 No Refreshment Vehicle – Type 4 Licensee shall:

- (a) permit any Refreshment Vehicle operator to sell or offer to sell food or refreshments from a Refreshment Vehicle – Type 4 without first obtaining a license;
- (b) operate a Refreshment - Type 4 unless it has the license and the owner's plate issued by the Licensing Officer permanently affixed thereto;
- (c) park or stop such vehicle, on any road within a Residential Plan of Subdivision, unless such subdivision is still in the process of development and houses thereon are still in the process of construction;

**6.0 SPECIAL EVENT VENDOR LICENCES**

6.1 In addition to the application requirements for licensing established in this By-law, every Applicant for a Special Event Vendor's Licence shall produce with their application:

- (a) a City Special Event permit where a Special Event is to occur on City Property;
- (b) a valid general liability insurance coverage in the amount of least two million dollars (\$2,000,000);
- (c) York Region Public Health Department's vendor application form approval; and
- (d) a letter from the Special Event Organizer:
  - (i) listing all Refreshment Vehicles Operating in conjunction with the Special Event;

- (ii) indicating the location of the Special Event;
  - (iii) indicating the date(s) and time of the Special Event; and
  - (iv) York Region Public Health Department's organizer application form approval.
- 6.2 A Special Event Licence issued under this Schedule shall only be valid for the date(s) and location listed on the Licence.
- 6.3 All Refreshment Vehicles Owners/Operators and Special Event Vendors operating at a Special Event shall comply with the provisions of this By-law.
- 6.4 A Special Event Vendor in lieu of possessing a City issued Refreshment Vehicle Owner/Operator Licence may provide a copy of a valid Refreshment Vehicle Owner/Operator Licence or an equivalent Licence from another municipality in Ontario at the approval of the Licensing Officer.
- 6.5 A Person is exempt from obtaining a Special Event Vendor's Licence where Refreshments are those of their owned farmed food products.

## **SCHEDULE 4**

### **Relating to the Limousine Owners and Drivers**

#### **1.0 LICENSING REQUIREMENTS FOR LIMOUSINE OWNERS LICENCE**

- 1.1 In addition to the application requirements for licensing established in this By-law, every Applicant for a Limousine Owner's Licence shall produce with their application:
  - (a) a list of the name and address of each Limousine Driver Employed by them who Operate the Limousine in the City; and
  - (b) the current Schedule of Rates on the Applicant's letterhead, to be charged to Customers for all services.

#### **2.0 REQUIREMENTS OF LIMOUSINE OWNERS**

- 2.1 Every Limousine Owner shall:

- (a) notify the Licensing Officer no later than seventy-two (72) hours, in writing, of the name and address of each newly Employed or terminated Limousine Driver with the date of such employment or termination;
- (b) ensure that each Driver keeps a daily Trip Sheet in the Vehicle at all times which contain the following information:
  - (i) the name and licence number of the Limousine Driver;
  - (ii) Limousine Plate number;
  - (iii) the total amount paid by the Customer; and
  - (iv) the date, time and location of the beginning and termination of each Trip;
- (c) collect all Trip Sheets from the Driver within seven (7) days of the conclusion of the Driver's shift.
- (d) retain all Trip Sheets for a minimum of six (12) months; and
- (e) Must comply with the Integrated Accessibility Standards Regulation, O.Reg. 191/11, Section 80.

2.2 For purposes of this Schedule, an Applicant for a Limousine Owner licence who, in the opinion of the Licensing Officer, is satisfactorily licensed by another municipality shall be considered licensed by the City of Markham and may operate within the City's boundaries, subject to the following:

- (a) the Applicant is not in breach of the City's Threshold Policy for Licenses, as per Schedule 1 of this By-law;
- (b) the Applicant owes no amounts to the City as a result of outstanding fees or fines;
- (c) the Applicant has paid the required licensing fee
- (d) once licensed, the Licensee continues to either:
  - i. be licensed with the other municipality and meet the requirements of this subsection
  - ii. meet the renewal requirements for the licence under this by-law for Limousine Drivers

2.3 For purposes of complying with application and renewal provisions for Limousine Drivers, a Limousine Owner holding a valid City of Markham licence may, on behalf of a Limousine Driver, submit and maintain the required documents and, under such circumstances, the Limousine Driver shall be required to consent to access to those documents by the City for purposes of the administration and enforcement of this By-law.

### **3.0 REQUIREMENTS OF LIMOUSINE DRIVERS**

#### **3.1 Every Limousine Driver shall:**

- (a) only provide Limousine service on a pre-arranged basis;
- (b) inform the Customer of the rates to be charged at the time of contracting conveyance, and no greater amount shall be demanded or received;
- (c) provided the Passenger with a printed or electronic receipt at the end of conveyance that includes the amount paid, Driver's name, and Vehicle Plate number;
- (d) maintain a Trip Sheet of all Trips made by the Limousine during a shift and turn the Trip Sheet over to the Limousine Owner within seven (7) days of the conclusion of the shift;
- (e) be attired in a business suit, including a necktie, or a uniform supplied by the Owner of the Limousine, and such apparel shall be kept in a neat and tidy condition at all times while conveying Passengers;
- (f) be civil and well behaved;
- (g) take the shortest possible route to the destination desired, unless the Passenger designates another route;
- (h) take due care of all property delivered or entrusted to them for conveyance or safekeeping;
- (i) immediately at the end of the conveyance search the Limousine for any property or money lost or left therein and forthwith deliver over to the Person owning the property or money, or if the owner cannot be found, then to the nearest police station with all pertinent information;
- (j) where the Passenger is a person with a disability, make the receipt available in an "alternate format" suited to the specific needs of the Passenger; and
- (k) must comply with the *Integrated Accessibility Standards Regulation*, O.Reg. 191/11, Section 80.

### **4.0 VEHICLE REQUIREMENTS**

#### **4.1 Every Limousine Owner and Limousine Driver shall ensure that every Vehicle utilized as a Limousine in their Business is:**

- (a) at least a four (4) door Vehicle;

- (b) no more than ten (10) years old;
- (c) equipped with fully functioning air-conditioning and heating system;
- (d) equipped with a Trip Sheet as outlined in this Schedule;
- (e) maintained in good repair so that the exterior is clean and it does not have body or paint damage, holes in floorboards, unserviceable tires, doors that do not close or lock properly, cracked or chipped windshield or windows, or any other mechanical defect that would render the Vehicle unsafe; and
- (f) maintained so that the interior is clean, dry and free from litter, interior upholstery that is free of tears, wear or soil.

4.2 Notwithstanding Subsection 4.1(b) of this Schedule, a Limousine Owner may apply to continue to Operate the Limousine for an additional year by making an application to the Licensing Officer. Such an application may not be made if the model year of the Limousine is more than eleven (11) years old or for an initial licensing application.

4.3 An application under subsection 4.2 must be made at the time of renewal and shall require an inspection and the approval of the Licensing Officer.

## **5.0 LIMOUSINE OWNER/DRIVER PROHIBITIONS**

5.1 No Limousine Owner or Limousine Driver shall:

- (a) Solicit any Person to hire the Limousine or hold out the Limousine as being available for hire by any Person at or in any Public Place;
- (b) Stage the Limousine so as to Solicit any Person to hire the Limousine; and
- (c) carry a greater number of Persons, inclusive of the driver, than that indicated by the manufacturer's rating of seating capacity for the Motor and, that a seat belt is available for each Person.

## **6.0 VEHICLE PROHIBITIONS**

6.1 No Limousine shall:

- (a) be equipped with a Taxicab Meter or other device registering distance travelled or computing a Fare to be paid; or
- (b) be equipped with an Illuminated Roof Light or other advertising devices.

## **SCHEDULE 5**

### **Relating to Taxicab Owners, Drivers, and Brokers**

#### **1.0 LICENSING REQUIREMENTS FOR TAXICAB OWNERS**

- 1.1 In addition to the application requirements for licensing established in this By-law, every Applicant for a Taxicab Owner Licence shall produce with their application:
- (a) the current Schedule of Rates on the Applicant's letterhead, to be charged to Customers for all services;
  - (b) a sample of the Illuminated Roof Light and identifying decal;
  - (c) where applicable, a contract of the licensed Taxicab Broker with whom they are associated with;
  - (d) where applicable, a copy of the Lease with the licensed Driver; and



- (e) a list of the name and address of each Taxicab Driver Employed by them who Operate the Taxicab in the City.

1.2 Notwithstanding any other provisions of the By-law an Airport Taxicab may make application to be licenced as a Taxicab within the City and shall produce with their application:

- (a) a valid Greater Toronto Airport Authority Taxicab permit to Operate at Toronto Pearson International Airport as a Taxicab.

1.3 In addition to the general requirements for licensing established in the City's Mobile Business Licensing By-law and those for Taxicab Owners, every Applicant for an Accessible Taxicab Owner's Licence and for the renewal of an Accessible Taxicab Owner's Licence shall produce with his application:

- (a) approval from the Ministry of Transportation to operate as an accessible vehicle; and
- (b) all fares and other charges for services provided from his or her Accessible Taxicabs.

## **2.0 LICENSING REQUIREMENTS FOR TAXICAB BROKERS**

2.1 In addition to the application requirements for licensing established in this By-law, every Applicant for a Taxicab Broker Licence shall produce with their application:

- (a) the current Schedule of Rates on the Applicant's letterhead, to be charged to Customers for all services;
- (b) a list showing in numerical order by Owner's Plate number, the name of every Driver operating any Taxicab with which they have entered into any arrangement for the provision of Taxicab Brokerage services;
- (c) a sample of the Illuminated Roof Light and identifying decal;
- (d) a list of the Taxicab Brokerage rules and procedures, including the terms and conditions of payment of Taxicab Drivers;
- (e) their Federal Radio Licence call sign and frequency number, if any;
- (f) a list showing the number of Taxis available for service to the public on any particular day, including the times when each such Taxi went on the road and the time when it was last available for service on that day and also including the number

of Dispatched calls serviced by each such Taxi;

- (g) a description of any Platform and/or Trip Meter used in the provision of services;
- (h) the means by which customers interact with the Platform;
- (i) types of data collected from customers;
- (j) all types of data provided to customers;
- (k) means by which the customer is provided with the fare amount;
- (l) how payment is made through the Platform and/or what forms of payment are accepted;
- (m) the basis upon which the Trip meter calculates fares, if applicable;
- (n) any additional information the Licensing Officer deems necessary for the purpose of determining the issuance of a licence; and
- (o) must comply with the Integrated Accessibility Standards Regulation (IASR), O.Reg. 191/11, Section 80.

2.2 No Person shall be licensed as a Taxicab Broker unless they are a Driver licensed under this By-law.

2.3 When more than one Driver holds shares in a Taxicab brokerage which is a corporation, the corporation shall designate one of the Drivers as manager, or as the Person in control of the brokerage.

### **3.0 REQUIREMENTS OF TAXICAB OWNERS**

3.1 Every Taxicab Owner or Registered Lessee shall:

- (a) notify the Licensing Officer no later than seventy-two (72) hours, in writing, of the name and address of each newly Employed or terminated Taxicab Driver with the date of such Employment or termination;
- (b) upon ceasing to deal through a Taxicab Broker:
  - (i) remove from their Vehicle the Illuminated Roof Light, radio crystals and telephone number of the Taxicab Broker they are leaving;
  - (ii) change and remove from the Vehicle the colour scheme and all decals or other Taxicab Brokerage markings on the Vehicle;

- (iii) return all Business cards and other equipment belonging to that Taxicab Broker; and
  - (iv) within seventy-two (72) hours notify the Licensing Officer of a change to an affiliated Taxicab Brokerage;
- (c) when disposing of or otherwise ceasing to use as a Vehicle as a Taxicab, immediately remove from the said Vehicle:
  - (i) the Illuminated Roof Light;
  - (ii) the Taxicab Meter;
  - (iii) all identifying decals or marking; and
  - (iv) all other items which make the Vehicle appear to the public to be a Taxicab;
- (d) ensure that each Taxicab Driver keeps a daily Trip Sheet in the Vehicle at all times which contain the following information:
  - (i) the name and licence number of the Taxicab Driver;
  - (ii) the Taxicab Plate number;
  - (iii) the total amount paid by the Customer; and
  - (iv) the date, time and location of the beginning and termination of each trip;
- (e) collect all Trip Sheets from the Taxicab Driver within seven (7) days of the conclusion of the Driver's shift;
- (f) retain all Trip Sheets for a minimum of twelve (12) months; and
- (g) must comply with the Integrated Accessibility Standards Regulation (IASR), O.Reg. 191/11, Section 80

#### **4.0 REQUIREMENTS OF TAXICAB DRIVERS**

##### **4.1 Every Taxicab Driver shall:**

- (a) have a current Schedule of Rate card available at all times and produce on request to any prospective Customer or Passenger;
- (b) have mounted and displayed at all times, in a location approved by the Licensing Officer, an information decal approved by the Licensing officer containing the Customer Bill Of Rights including the Driver's photograph;

- (c) notwithstanding Subsection (b), where the Passenger is a Person with a Disability, provide the Customer Bill Of Rights in an alternate format where requested to do so that meets the needs of the particular Passenger;
- (d) maintain a Trip Sheet of all Trips made by the Taxicab during a shift and turn the Trip Sheet over to the Taxicab Owner or Registered Lessee within seven (7) days of the conclusion of the shift;
- (e) be civil and behave courteously;
- (f) be properly dressed, well groomed, neat and clean in appearance;
- (g) provided the Passenger with a printed or electronic receipt at the end of conveyance that includes the amount paid, Driver's name, and Vehicle Plate number when requested;
- (h) except when they have a previous Taxicab Order or engagement, serve the first Person requiring the service of their Vehicle at any place within the City, at any time, except when the Person:
  - (i) is intoxicated or disorderly;
  - (ii) refuses to state their destination;
  - (iii) is in possession of an animal other than a personal assistance animal;
  - (iv) is eating or drinking any food or beverage;
  - (v) has not paid a previous Fare or cancellation fee; or
  - (vi) is, in the opinion of the Driver, unable or unwilling to pay the Fare and has been unable or unwilling to satisfy the Driver that they have the funds to pay the Fare;
- (i) punctually keep all their hiring engagements, and shall not make any further engagement or Taxicab Order if a previous engagement would prevent them from fulfilling it;
- (j) take due care of all property delivered or entrusted to them for conveyance or safekeeping;
- (k) immediately at the end of the conveyance search the Taxicab for any property or money lost or left therein and forthwith deliver over to the Person owning the property or money, or if the owner cannot be found, then to the nearest police station with all pertinent information;

- (l) take the shortest possible route to the destination desired, unless the Passenger designates another route;
- (m) only enter a Taxicab Stand by taking their position at the end of any line formed by the Taxicabs already on the stand;
- (n) while waiting at a Taxicab Stand or at any other Public Place:
  - (i) not obstruct or interfere in any way with the normal use of the Taxicab Stand or Public Place, or interfere with the surrounding traffic patterns;
  - (ii) not make any loud noise or disturbance;
  - (iii) be sufficiently close to their Taxicab to have it under observation at all times;
  - (iv) not wash the Taxicab; or
  - (v) not make repairs to their Taxicab, unless the repairs are immediately necessary;
- (o) not pick up any Passenger within sixty (60) meters of a Taxicab Stand when there are one or more Taxicabs upon the stand:
  - (i) unless an arrangement has been previously made with the Passenger to pick them up at that location; or
  - (ii) unless the Passenger exhibits a preference for that Taxicab, and the chosen Taxicab Driver notifies the Driver of the first Taxicab on the Taxicab Stand;
- (p) engage the Taxicab Meter at the commencement of the Trip and keep it engaged throughout the Trip, except where a contract exists with the Regional Municipality of York to provide Taxicab service;
- (q) be allowed to engage the Taxicab Meter before the Passenger enters the Vehicle, only after the Taxicab Driver has notified the Passenger of their arrival and has waited more than 10 minutes after the due time of the Order;
- (r) at the conclusion of the Trip, place the Taxicab Meter in the time-off status and after payment, place in the vacant status;
- (s) turn off any radio, tape player or any other sound producing mechanical device in their Taxicab and turn down the volume on the two-way radio upon being requested to do so by any Passenger, and having done so, shall leave such devices in the off or turned down position until termination of the Trip with that Passenger; and

- (t) upon ceasing to deal through a Taxicab Broker:
  - (i) remove from their Vehicle the Illuminated Roof Light, radio crystals and telephone number of the Taxicab Broker they are leaving;
  - (ii) change and remove from the Vehicle the colour scheme and all decals or other Taxicab Brokerage markings on the Vehicle;
  - (iii) return all Business cards and other equipment belonging to that Taxicab Broker; and
  - (iv) within seventy-two (72) hours notify the Licensing Officer of a change to an affiliated Taxicab Brokerage.
- (u) Must comply with the Integrated Accessibility Standards Regulation (IASR), O.Reg. 191/11, Section 80

4.2 In addition to the general requirements for licensing established in the City's Mobile Business Licensing By-law and those for Taxicab Drivers, every Applicant for an Accessible Taxicab Driver's Licence and for the renewal of an Accessible Taxicab Driver's Licence shall produce with his application:

- (a) a certificate of completion of an Accredited Securement Training course, as approved by the Licensing Officer; and
- (b) any other documentation or information requested by the Licensing Officer

4.3 Every Person operating an Accessible Taxicab shall:

- (a) offer such assistance as required to facilitate the entry or exit of a physically disabled Person into or out of an Accessible Taxicab
- (b) where a wheelchair is being used by a passenger, ensure that the wheelchair and occupant restraint system is properly secured in the area so provided;
- (c) ensure that the passenger's seatbelt is properly secured.

## **5.0 REQUIREMENTS OF TAXICAB BROKERS**

5.1 Every Taxicab Broker shall:

- (a) require all Taxicab Owners who have entered into arrangements with them for the provisions of Taxicab Brokerage services, to use the same design, shape and colour scheme of Illuminated Roof Light, and to attach to each front door of the Taxicab

an identifying decal which shall include the name of the Taxicab Broker, in a form approved by the Licensing Officer;

- (b) notify the Licensing Section, in writing, within ten (3) days of any additions or deletions from their Employee list;
- (c) keep a record of each Taxicab Dispatched on a Trip, the time and date of receipt of the Taxicab Order, and the pick-up location, and retain these records for a period of at least three (6) months;
- (d) upon request, inform any Customer of the anticipated length of time required for a Taxicab to arrive at the pick-up location;
- (e) when volume of Business is such that service will be delayed to a prospective Customer, the Taxicab Broker shall inform the Customer of the approximate length of the delay, before accepting the Taxicab Order;
- (f) Dispatch a Taxicab to the first Person requesting service within the City, unless the Person requesting service has not paid for a previous Trip and these facts are verified by the Taxicab Broker;
- (g) on instructions of the Licensing Officer, not Dispatch calls to any Taxicab, if the licensed Owner or licensed Driver, in the opinion of the Licensing Officer, may have contravened any section of this By-law, which substantially affects the public;
- (h) employ or use only the services of an Owner or Driver licensed as such by the City; and
- (i) must comply with the Integrated Accessibility Standards Regulation (IASR), O.Reg. 191/11, Section 80.

## **6.0 VEHICLE REQUIREMENTS**

6.1 Every Taxicab Owner and Taxicab Driver shall ensure that every Vehicle utilized as a Taxicab in their Business is:

- (a) equipped with four (4) doors;
- (b) equipped with an extra tire wheel and jack;
- (c) equipped with a Trip Sheet as outline in this By-law;
- (d) equipped with fully functioning air-conditioning and heating system;

- (e) present with markings in contrasting colour on both sides in letters and figures at least ten (10) centimeters high, the Owner's Plate number preceded by the letter M on both front fenders;
  - (f) affixed to the rear of the front seat, in a holder, or at a location in a manner approved by the Licensing Officer, the current Schedule of Rates and Vehicle Plate number;
  - (g) equipped with a Taxicab Meter of the type approved, sealed and mounted in a position approved by the Licensing Officer so that it is clearly visible to the Passengers in the front and rear seats of the Taxicab;
  - (h) equipped with an electrically Illuminated Roof Light which is securely attached to the top of the Taxicab in a manner approved by the Licensing Officer co-ordinated with the operation of the Taxicab Meter such that, when a Trip is in progress, the Illuminated Roof Light shall be extinguished and, when no Trip is in progress, the Illuminated Roof Light shall be illuminated;
  - (i) equipped with a sleeve inside the Vehicle facing the backseat displaying the Customer Bill of Rights and a photograph of the Taxicab Driver;
  - (j) maintained in good repair so that the exterior is clean and it does not have rust, body or paint damage, holes in floorboards, unserviceable tires, doors that do not close or lock properly, cracked or chipped windshield or windows, or any other mechanical defect that would render the Vehicle unsafe;
  - (k) maintained so that the interior is clean, dry and free from litter, and the interior upholstery is not torn, worn or soiled;
  - (l) is a model years no older than ten (10) years calculated from and including the current calendar year; and
  - (m) when solely engaged in transporting children to and from school, equipped with a sign at the rear of the Vehicle not less than twenty-seven (27) centimetres by thirty-five (35) centimetres in size, clearly visibly displaying the words "School Vehicle" in black letters on a white or yellow background.
- 6.2 Notwithstanding Section 6.1(l) of this Schedule, a Taxicab Owner may apply to continue to Operate the Taxicab for an additional year by making an application to the City. Such an application may not be made if the model year of the Taxicab is more than ten (10) years old or for an initial licensing application.
- 6.2 Notwithstanding Section 6.1(g) of this Schedule, when the Licensing Officer is not available to seal the Taxicab Meter, the Licensee who has had the Taxicab Meter altered, repaired or replaced in the Taxicab, may Operate the Taxicab on a weekend for a period of up to seventy two (72) hours and during the week for a period of up to forty-eight (48) hours, provided that the licensed Taxicab Driver has in their possession a certificate or



receipt for the repair or installation of the Taxicab Meter, signed by the Person who made the repairs or installation, and the receipt sets out the date, time, and nature of the repairs or installation.

## **7.0 TAXICAB OWNER PROHIBITIONS**

### **7.1 No Taxicab Owner or Registered Lessee shall:**

- (a) in any manner, permit a Taxicab not owned or Leased by them, to be Operated under the authority of their Owner's Plate, unless they have entered into a Lease or sub-Lease agreement and a copy of the Lease or sub-Lease has been filed with the Licensing Section;
- (b) permit their Taxicab to be Operated when it has exterior body damage or rust;
- (c) put any name, address or telephone number or identification other than that of themselves or the Taxicab Broker with whom they are affiliated, on their Taxicab or Illuminated Roof Light;
- (d) Operate, use or permit on their Taxicab, any emblem, decal, Illuminated Roof Light or other markings which are the same shape and/or colour or similar to any distinctive emblem, decal, Illuminated Roof Light or other markings being used by any Taxicab Broker with whom they are not affiliated;
- (e) Operate or permit their Taxicab to be Operated in affiliation with a Taxicab Broker who is not licensed under this By-law;
- (f) permit their Owner's Licence to be Operated under a Lease which restricts the movement of the said Licence into or out of any licensed Taxicab Brokerage, unless the Owner is a Taxicab Broker and wishes to keep the Owner's Plate in their own Taxicab Brokerage;
- (g) display or permit the display of any sign, emblem, decal, ornament or advertisement, on or in their Taxicab, except in a form approved by the Licensing Officer; and
- (h) Operate or permit their Taxicab to be Operated, unless the Taxicab Meter is an approved type, listed with the Licensing Section, and has been tested and sealed by the Licensing Officer.

## **8.0 TAXICAB DRIVER PROHIBITIONS**

### **8.1 No Taxicab Driver shall:**

- (a) carry a greater number of Persons, inclusive of the driver, than that indicated by the manufacturer's rating of seating capacity for the Motor and, that a seat belt is available for each Person;

- (b) Operate a Taxicab with luggage or any object placed in, hung on or attached to the Vehicle in such a manner as will obstruct the Driver's view of the Highway;
- (c) take on any additional Passengers after the Taxicab has departed with one or more Passengers from any one starting point, except under the following circumstances:
  - (i) when done at the request of a Passenger already in the Vehicle;
  - (ii) in an emergency situation;
  - (iii) when operating a Vehicle which is being used exclusively for the transportation of children to and from school; or
  - (iv) for the transportation of a Person with a Disability provided for in agreement with the York Region Transit Mobility Plus services;
- (d) be required to accept any Taxicab Order when the expenditure of money by the licensed Taxicab Driver is required on behalf of the Passenger;
- (e) recommend hotels, restaurants or other like facilities unless requested to do so by the Passenger;
- (f) be required to provide change for any note larger than fifty dollars (\$50.00) unless the Fare is at least one-half (1/2) of the value of the said note;
- (g) Operate a Taxicab when the Taxicab Meter has not been adjusted in accordance with the current Schedule of Rates, or when the operation has not been approved by the Licensing Officer;
- (h) Operate a Taxicab when the Taxicab Meter does not operate properly;
- (i) Operate a Taxicab when the Taxicab Meter seal is improperly affixed;
- (j) Solicit any Person to by any misleading or deceiving statement or representation to that Person about the location or distance of any destination named by that Person;
- (k) recover or receive any Fare or charge from any Person to whom they have refused to show the Schedule of Rates;
- (l) make any charge for time lost through defects or inefficiency of the Vehicle or the incompetence of the Driver;
- (m) make any charge for the time elapsed due to early arrival of the Taxicab in response to a call for the Taxicab to arrive at a fixed time;

- (n) enter into or become a party to an Exclusive Concession Agreement;
- (o) agree to pay, accept a fee or consideration or do any other act or thing pursuant to an Exclusive Concession Agreement;
- (p) not charge, demand or received a rate grater to the amount set in the Businesses Schedule of Rates;
- (q) not charge a senior citizen or a Person with a Disability for any baggage or wheelchair;
- (r) while waiting for hire or engagement, park the Taxicab they are Operating on private property except at a Taxicab Stand where Taxicab Stands are present as listed in this Schedule;
- (s) use or permit to be used a two-way radio or monitoring device in their Taxicab which enables them to transmit and/or receive any frequency of a Taxicab Broker licensed under this By-law, with whom they are not affiliated; and
- (t) be actively affiliated with more than one licensed Taxicab Broker at any one time.

## **9.0 TAXICAB BROKER PROHIBITIONS**

### **9.1 No Taxicab Broker shall:**

- (a) charge Dues, or increase their Dues unless they have first:
  - (i) submitted in writing, a notice of intent, to the Licensing Officer, at least one (1) month prior to the proposed effective date of any increase; and
  - (ii) prominently display in the Taxicab Broker office, a copy of the notice of intent for at least one (1) month prior to the proposed effective date of any increase;
- (b) display the rules and procedures outlined in Section 2.1(d) of this Schedule prominently in the Taxicab Brokerage office and abide by them;
- (c) implement any changes in the rules and procedures outlined in Section 2.1(d) of this Schedule, until the said change is filed with the Licensing Section and displayed prominently in the Taxicab Broker office;
- (d) accept Taxicab Orders for, or in any way Dispatch or direct Taxicab Orders to a Taxicab, licensed under this By-law when the activity would be illegal under another municipal By-law or Provincial statute;

- (e) Dispatch or direct Taxicab Orders for a parcel delivery to a Taxicab Driver unless the Taxicab Driver first consents to make the parcel delivery;
- (f) be permitted to have exclusive rights to any Taxicab Stand in the City;
- (g) enter into or become a party to any Exclusive Concession Agreement;
- (h) require any Taxicab Driver to accept any Taxicab Order necessitating the expenditure of money, by the Taxicab Driver, on behalf of the Customer;
- (i) enter into an agreement for the provision of Taxicab Broker services with a Taxicab Driver or Taxicab Owner who is already affiliated with another Taxicab Broker;
- (j) make any charge or financial demand, directly or indirectly, of a Taxicab Owner, Lessee or sub-Lessee of a Taxicab, other than Dues;
- (k) not charge, demand or received a rate grater to the amount set in the Businesses Schedule of Rates; and
- (l) not charge a senior citizen or a Person with a Disability for any baggage or wheelchair.

#### **10.0 AUTHORIZED STANDS FOR TAXICABS**

<b>Municipal Address</b>	<b>Approximate Location</b>	<b>Property's Operating Name</b>	<b>Number of Spaces</b>
7755 Bayview Avenue	South West corner of parking lot	Thornhill Community Centre	6
6041 Highway 7 East	South East corner of parking lot	Markham Village Community Centre	4
377 Church Street	In front of building	Markham Stouffville Health Centre	2
50 East Valhalla Drive	East side of parking lot, beside entrances	Edward Hotel Markham	4
7095 Woodbine Avenue	North side of parking lot	Courtyard by Marriott	2
5000 Highway 7 East	South side (In front of Sporting Life)	Markville Shopping Centre	2
5000 Highway 7 East	North side (In front of Best Buy)	Markville Shopping Centre	2
2900 Steeles Avenue East	South West corner of parking lot	The Shoppes on Steeles and 404	5
4300 Steeles Avenue East	South West corner of parking lot	Pacific Mall	3

## **11.0 CUSTOMER BILL OF RIGHTS**

### **The CORPORATION of the CITY of MARKHAM CUSTOMER BILL OF RIGHTS**

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#### **City of Markham taxicab passengers are entitled to a professional driver who:**

- prominently displays their taxicab driver licence inside the taxicab;
- is knowledgeable and knows the major routes and destinations in the City of Markham;
- is well-groomed, neat and clean in personal appearance;
- speaks, reads, and understands English;
- is courteous and provides assistance;
- provides a safe ride;
- knows and obeys City of Markham by-laws and all traffic laws;
- offers a silent ride if desired;
- takes the most direct route to the destination unless otherwise directed by the passenger;
- is physically able to assist passengers into the vehicle and to assist them with their belongings;
- keeps the interior of their taxicab clean and free of debris;
- issues a receipt upon request noting the date and time of the trip, place of pick up, place of discharge, taxicab licence number, Provincial plate number and the fare charges paid; and
- accommodates a personal service animal.

#### **City of Markham taxicab passengers are entitled to a quality taxicab:**

- in good mechanical and physical condition;
- with a properly calibrated and sealed taximeter;
- with a clean exterior, passenger area and trunk;
- which is heated or air conditioned on demand;
- with easy access to seatbelts; and
- is a smoke free environment.

#### **City of Markham taxicab passengers are responsible for:**

- paying the required fare;
- not eating, drinking or smoking inside the taxicab; and
- not interfering with the taxicab driver in the conduct of their duties.

#### **Compliments or Complaints**

Telephone: (905) 477-7000

## **SCHEDULE 6**

### **Relating to the Tow Truck Owners, Drivers and Brokers**

#### **1.0 LICENSING REQUIREMENTS FOR TOW TRUCK OWNERS**

1.1 In addition to the application requirements for licensing established in this By-law every Applicant for a Tow Truck Owner Licence shall produce with their application:

- (a) the current Schedule of Rates on the Applicant's letterhead, to be charged to Customers for all services;
- (b) a sample invoice on the Applicant's letterhead;
- (c) a sample Run Sheet on the Applicant's letterhead;

- (d) a current list of City licensed Tow Truck Drivers Operating the Tow Truck;
- (e) where applicable, a contract of the licensed Tow Truck Broker with whom they are associated with;
- (f) where affiliated or Operating out of a Public Garage that is located within or outside of the City shall provide:
  - (i) the name, address, and telephone number of the Public Garage; and
  - (ii) a copy of any agreements with the Public Garage;
- (g) a City zoning search for the Vehicle Pound utilized by the Business providing the address and use is permitted within the City;
- (h) comprehensive general liability insurance of two million dollars (\$2,000,000.00);
- (i) insurance in the amount of at least one-hundred thousand dollars (\$100,000.00) against legal liability for damage to Customers' Vehicles while being Towed or while in the care, custody or control of the Licensee, caused by Collision, theft or all perils damage; and
- (j) in respect of any one claim, cargo liability insurance in the amount of at least fifty thousand dollars (\$50,000.00) to indemnify the Licensee against loss by reason of their legal liability for direct physical loss or damage to Vehicles and other items of property accepted by the Licensee for Towing or conveyance.

## **2.0 LICENSING REQUIREMENTS FOR TOW TRUCK BROKERS**

- 2.1 In addition to the application requirements for licensing established in this By-law, every Applicant for a Tow Truck Broker Licence shall produce with their application:
- (a) the current Schedule of Rates on the Applicant's letterhead, to be charged to Customers for all services;
  - (b) a list showing in numerical order by Owner's Plate number, the name of every Driver operating any Tow Truck with which they have entered into any arrangement for the provision of Tow Truck Brokerage services;
  - (c) a list of all Tow Truck Owners that operate out of such Brokerage.
  - (d) where affiliated or Operating out of a Public Garage that is located within or outside of the City shall provide:
    - (i) the name, address, and telephone number of the Public Garage; and

- (ii) a copy of any agreements with the Public Garage;

- 2.2 No Person shall be licensed as a Tow Truck Broker unless they are a Tow Truck Driver licensed under this By-law.
- 2.3 When more than one Tow Truck Driver holds shares in a Tow Truck Brokerage which is a corporation, the corporation shall designate one of the Drivers as manager, or as the Person in control of the Tow Truck Brokerage.

### **3.0 REQUIREMENTS OF TOW TRUCK OWNERS**

- 3.1 Every Tow Truck Owner shall:

- (a) notify the Licensing Officer no later than seventy-two (72) hours, in writing, of the name and address of each newly Employed or terminated Tow Truck Driver with the date of such Employment or termination;
- (b) only charge the rates filed with the Licensing Officer and provide written notice to Licensing Officer thirty (30) days before any change to such Schedule of Rates;
- (c) before demanding payment for services, present to the Customer an itemized bill for the services, setting out the cost of all services and equipment provided, or to be provided on the basis of the rates set out in the Schedule of Rates filed with the Licensing Officer;
- (d) ensure that each Tow Truck Driver keeps a daily Run Sheet in the Vehicle at all times which contain the following information:
  - (i) the name and address of every Customer;
  - (ii) a description of the Vehicle Towed or conveyed including the Provincial motor vehicle permit number;
  - (iii) the name and licence number of the Tow Truck Driver;
  - (iv) the Tow Truck Plate number;
  - (v) the services provided;
  - (vi) the total amount paid by the Customer; and
  - (vii) the date, time and location of the beginning and termination of each Tow or conveyance;



- (e) collect all Run Sheets from the Tow Truck Driver within seven (7) days of the conclusion of the Driver's shift;
- (f) retain all Run Sheets for at least twelve (12) months; and
- (h) upon ceasing to deal through a Tow Truck Broker:
  - (i) change and remove from the Vehicle all decals or other Taxicab Brokerage markings on the Vehicle of the Tow Truck Broker they are leaving;
  - (ii) within seventy-two (72) hours notify the Licensing Officer of a change to an affiliated Tow Truck Brokerage.

#### **4.0 REQUIREMENTS OF TOW TRUCK DRIVERS**

##### **4.1 Every Tow Truck Driver shall:**

- (a) be civil and behave courteously;
- (b) be properly dressed, well groomed, neat and clean in appearance, and properly dressed in a uniform shirt displaying the Business name;
- (c) deliver the Vehicle being Tow or otherwise conveyed by the shortest possible route to the destination desired, unless the Customer designates another route;
- (d) have a current Schedule of Rate card available at all times and produce on request to any prospective Customer or Passenger;
- (e) before demanding payment for services, present to the Customer an itemized bill for the services, setting out the cost of all services and equipment provided, or to be provided on the basis of the rates set out in the Schedule of Rates filed with the Licensing Officer;
- (f) clean up any debris, fragments of glass, Vehicle parts or other materials (excluding loads dumped during the collision) which may be a danger to the public from any Highway prior to Towing the Vehicle from the Collision Scene;
- (g) take due care of all Vehicles and property delivered or entrusted to them for Towing; and
- (i) upon ceasing to deal through a Tow Truck Broker:
  - (i) change and remove from the Vehicle all decals or other Taxicab Brokerage markings on the Vehicle of the Tow Truck Broker they are leaving; and

- (ii) within seventy-two (72) hours notify the Licensing Officer of a change to an affiliated Tow Truck Brokerage.

## **5.0 REQUIREMENTS OF TOW TRUCK BROKERS**

5.1 Every Tow Truck Broker shall:

- (a) notify the Licensing Section, in writing, within ten (10) days of any additions or deletions from their Employee list; and
- (b) Employ or use only the services of an Owner or Driver licensed as such by the City.

## **6.0 VEHICLE AND EQUIPMENT REQUIREMENTS**

6.1 Every Tow Truck Owner and Tow Truck Driver shall ensure that every Vehicle utilized as a Tow Truck in their Business is:

- (a) a dual rear-wheel truck;
- (b) equipped with a Run Sheet as outline in this By-law;
- (c) equipped with the Schedule of Rates sheet filed with the Licensing Officer;
- (d) maintained in good repair so that the exterior is clean, does not have rust, body or paint damage, holes in floorboards, unserviceable tires, doors that do not close or lock properly, cracked or chipped windshield or windows, or any other mechanical defect that would render the Vehicle unsafe;
- (e) maintained so that the interior is clean, dry and free from litter, and the upholstery is not torn, worn or soiled;
- (f) notwithstanding any other provision of this By-law, equipped to the rear portion on the outside of the Tow Truck, the Plate issued for the Tow Truck; and
- (g) present with markings in contrasting colour on both sides of the Vehicle in letters and figures at least ten (10) centimeters high:
  - i. the Owner's Plate number preceded by the letter M;
  - ii. the Tow Truck Owner's Operating name; and
  - iii. the Tow Truck Brokerage with which the Owner is associated with.

6.2 Every Tow Truck Owner and Tow Truck Driver shall ensure that every Vehicle utilized as a Tow Truck in their Business is present with the following equipment maintained clean and in good repair:

- (a) winching or hoisting device of sufficient capacity to safely lift the Motor Vehicle to be Towed;
- (b) tow cradle, tow bar or tow sling which is maintained in a manner to ensure the safe lifting and conveying of a Towed Vehicle, except where a flatbed type Tow Truck is being used;
- (c) two (2) safety chains having a minimum length of 2.7 metres (9 feet) each with links of at least 21 millimetre (1 inch) steel;
- (d) an intermittent amber warning light system consisting of at least one light, which, when activated, is clearly visible in all directions from a distance of at least one hundred (100) metres;
- (e) magnetic Towing lights, which shall be attached as close to the rear of the Vehicle in Tow, for illumination and braking;
- (f) 2.27 kilogram (5 pound) fire extinguisher with a rating equivalent to at least 40-B:C;
- (g) device for securing the steering wheel of a Vehicle;
- (h) push broom;
- (i) square shovel;
- (j) first aid kit;
- (k) pry bar at least 1.5 metres (5 feet) in length with a tapered end;
- (l) two (2) rubber or metal wheel chocks;
- (m) four (4) safety flares or four (4) reflective pylons at a minimum height of twelve (12) inches, or any combination of each totalling four (4);
- (n) wheel wrenches;
- (o) wheel straps;
- (p) booster cables;
- (q) reflective safety vest;
- (r) absorbent material capable of absorbing or removing any Vehicle fluid product from the road surface; and

- (s) garbage container with a minimum capacity of ten (10) litres (2.5 gallons).

## **7.0 TOW TRUCK OWNER/DRIVER PROHIBITIONS**

### **7.1 No Tow Truck Owner or Tow Truck Driver shall:**

- (a) put any name, address or telephone number or identification other than that of the Tow Truck Owner or the Tow Truck Broker with whom they are affiliated, on the Tow Truck;
- (b) be actively affiliated with more than one licensed Tow Truck Broker at any one time
- (c) demand or request payment for the services rendered, or to be rendered, other than in accordance with the applicable Schedule of Rates filed with the Licensing Officer;
- (d) recover or receive any payment from any Person to whom they have refused to show the Schedule of Rates;
- (e) permit any other Person other than a Driver licensed under this By-law to use, Operate or Drive a Tow Truck licensed under this By-law for the Towing or otherwise conveying of any Vehicle;
- (f) commence to Tow or otherwise convey or move any Vehicle, or hook, lift or connect a Vehicle to a Tow Truck, or perform any other services unless first requested so to do by a Customer, or a Police Officer, or any member of the City fire department, or any Person authorized by law to direct the removal of the Vehicle from private or public Property;
- (g) stop, or park within two hundred (200) metres of a Collision Scene unless the Tow Truck Driver has been summoned to the Collision Scene by one of the Person referred to in Section 7(1)(f) of this Schedule;
- (h) ask or seek out a Customer or allow or direct an agent to ask or seek out a Customer, at a Collision Scene or within two hundred (200) metres of a Collision Scene;
- (i) remove any Vehicle from a Collision Scene or immediate vicinity of a Collision Scene in respect of which a report is required by law to be made to a Police Officer, until such report has been made and the investigating Police Officer has completed their investigation in respect of such Vehicle, or has stated that the presence of such Vehicle is no longer required for the investigation;

- (j) interfere with any contract for hiring of a Tow Truck where a Person has hired or has indicated an intention to hire a Tow Truck, except under direction of a Police Officer in order to assist in an investigation;
- (k) interfere with:
  - (i) a Person involved in a motor vehicle collision or otherwise in need of the services of a tow truck;
  - (ii) a Persons responding to a Motor Vehicle Collision including, but not limited to, Officers, members of a fire department, members of an ambulance service, and other Tow Truck Drivers; or
  - (iii) pedestrian or vehicular traffic;
- (l) induce any Person to employ or hire a Tow Truck by making any false representations to any Person, including representations regarding the location of, or distance to, any place;
- (m) demand, request, or receive a Drop Fee;
- (n) charge a Customer for lost time though defects or inefficiency of the Tow Truck, or the incompetence of the Tow Truck Owner or Driver;
- (o) suggest or recommend to any Customer that any Motor Vehicle in respect of which their services are to be given or requested, be Towed, conveyed, Driven or delivered to any particular Vehicle Pound unless they have been requested to do so by the Customer;
- (p) demand or receive, directly or indirectly, any gift, payment, Drop Fee, or other consideration from any Person who owns or has a direct or indirect interest in any Vehicle Pound or Public Garage with respect to, or in consideration for, the Towing or conveying of a Vehicle to such Vehicle Pound or Public garage; and no Owner or Driver shall be a party to any transaction by which any such gift, payment, Drop Fee, or other consideration is paid or given, or is required to be paid or given; or
- (q) permit a Person to be a Passenger in a Tow Truck, except under the following circumstances:
  - (i) the Passenger is the Customer of the Tow Truck;
  - (ii) the Passenger has been issued a City Tow Truck Driver's Licence, and is receiving instructions as to the operation of a Tow Truck; or
  - (iii) the passenger is either the spouse, child, parent or similar relation of the Tow Truck Driver.

- 7.3 Section 6.1(p) of this Schedule does not prohibit where the Person making the payment is the Owner of a Tow Truck or is a Tow Truck Broker, the payment by such Owner to the Driver of a Tow Truck owned or provided by such Person, provided that:
- (a) full disclosure in writing of such payment and of the services in respect of which it is made, is made to the Customer before any charge is made to such Customer in respect of such services; and
  - (b) no charge is made to the Customer in respect of such services other than as authorized by the Businesses Schedule of Rates as supplied to the Licensing Officer.
- 7.4 Where a Person who is permitted to be a Passenger pursuant to Section 5.1(q)(ii) of this By-law is receiving instructions on Driver training such Passenger shall not be:
- (a) trained for more than one (1) thirty (30) day period commencing from the date the application for a Driver's License was submitted to the Licensing Section; or
  - (b) permitted more than one (1) such thirty (30) day training session regardless of the number of applications from a Driver's License the applicant may have made to the Licensing Section.
- 7.5 In such cases where a Person is permitted to be a Passenger pursuant to Section 6.1(q)(iii) of this By-law the Tow Truck Driver is not to Solicit or engage in any form of Towing or have their Tow Truck within two hundred (200) metres of a Collision Scene, nor shall the Driver cause or permit their Passenger to Solicit or take any actions to engage in any form of Towing.
- 7.6 Nothing contained in this section shall prevent the removal or moving of a Vehicle for the purpose of preventing injury or damage to any Person or Property.
- 7.7 This Schedule does not prohibit the entering into written contract or agreement between a Tow Truck Owner or a Tow Truck Broker and an automobile association, motor league, any government or local board thereof, or any limited corporation, containing a Schedule of Rates providing for the provision of Towing services at rates lower than those shown in the Schedule of Rates filed by the Tow Truck Owner as required by this Schedule, provided that:
- (a) a copy of such written Schedule of Rates and the contract or agreement relating thereto is filed with the City at least thirty (30) days before any services, to which such contract or agreement applies, are to be provided;
  - (b) any Customer to which such Schedule of Rates or such contract or agreement applies, is a party to such contract or agreement, or is a member or employee of such party at the time at which the services are performed;

- (c) no Owner or Driver to whom such contract or agreement applies shall demand or request payment for their services other than in accordance with the applicable Schedule of Rates filed with the Licensing Officer except to the extent to which such rates are modified by the Schedule of Rates set out in such contract or agreement, in which case the rates contained therein shall be charged; and
- (d) Notwithstanding the provisions of any other section of this Schedule, where an estimate is given to the Customer of the cost of services or equipment to be provided by an Owner or Driver, the charge to the Customer shall not exceed the charges indicated in the Schedule of Rates filed with the Licensing Officer under this Schedule or the amount of estimate, whichever is lower.

## **8.0 TOW TRUCK BROKER PROHIBITIONS**

### **8.1 No Tow Truck Broker shall:**

- (a) enter into an agreement for the provision of Tow Truck Broker services with a Tow Truck Driver or Tow Truck Owner who is already affiliated with another Tow Truck Broker; and
- (b) not charge, demand or received a rate greater to the amount set in the Businesses Schedule of Rates.

## **SCHEDULE 7**

### **Relating to the Licensing, Regulation and Governing of Private Transportation Companies and Drivers**

## **1.0 LICENSING REQUIREMENTS FOR PRIVATE TRANSPORTATION COMPANIES (PTC) AND PTC DRIVERS**

- 1.1 In addition to the general requirements for licensing established in the City's Mobile Business Licensing By-law 2022-XX every Applicant for a PTC Licence and for the renewal of a PTC Licence shall produce with their application:

a) a complete listing of all PTC Drivers and Motor Vehicles that have used its Platform to pick up passengers in the City in the month previous to the filing of an application.

(b) a description of the Platform used in the provision of services, including:

(i) means by which customers interact with the Platform;

(ii) all types of data collected from Customers;

(iii) all types of data provided to Customers;

(iv) description of method by which the Customer is provided with the fare amount;

(v) how payment is made through the Platform, if applicable; and

(vi) any other information the Licensing Officer may request;

(c) proof, satisfactory to the Licensing Officer, that the PTC has appropriate general liability insurance in the amount of \$5,000,000 or more; and

(d) either confirmation that the Passenger, prior to commencing a Trip, receives the full rate to be charged for the Trip or a complete listing of all Fares and/or basis upon which such Fares are calculated, as well as any other fees that may be charged customers for the services provided.

- 1.2 For purposes of this section, any PTC Driver who, in the opinion of the Licensing Officer, is satisfactorily licensed by another municipality shall be considered licensed by the City and may operate within the City's boundaries.
- 1.3 For purposes of complying with the application and renewal provisions for PTC Drivers, a PTC holding a valid City licence may, on behalf of a PTC Driver, submit and maintain the required documents and, under such circumstances, the PTC Driver shall be required to consent to access to those documents by the City for purposes of the administration and enforcement of this By-law.
- 1.4 A Motor Vehicle may only be licensed as a PTC if it is not older than ten model years old.
- 1.5 Despite section 1.4, a PTC Driver may apply to continue to operate a Motor Vehicle for an additional year by making an application to the City. Such an application may not be made if the model year of the PTC is more than ten (10) years old; or for an initial licensing application.
- 1.6 An application under section 1.5 must be made at the time of renewal and shall require an inspection and the approval of the Licensing Officer.



- 1.7 A PTC Driver's Licence shall be deemed to continue as long as the associated PTC pays its licensing fees in full and the PTC Driver complies with the provisions of this By-law.
- 1.8 Must comply with the Integrated Accessibility Standards Regulation (IASR), O.Reg. 191/11, Section 80.

## **2.0 PTC DRIVER DUTIES**

- 2.1 All PTC Drivers shall:
- (a) only provide Ride-Sharing Services on a pre-arranged basis which has been booked and confirmed through the PTC's Platform;
  - (b) while providing Ride-Sharing Services, display in a conspicuous place that is readily and easily viewable by any potential Passenger, the City-approved decal that identifies the name of the PTC;
  - (c) be civil and well-behaved;
  - (d) take the shortest possible route to the destination desired, unless the Passenger designates another route;
  - (e) not carry a greater number of Persons, inclusive of the PTC Driver, than that indicated by the manufacturer's rating of seating capacity for the Motor Vehicle;
  - (f) while providing Ride-Sharing Services, not operate a Motor Vehicle with luggage or other material piled or placed in a manner that obstructs the PTC Driver's view; and
  - (g) not dismiss or discharge any Passenger at a point other than the destination without adequate cause.

## **3.0 PTC DRIVER PROHIBITIONS**

- 3.1 No PTC Driver shall operate, or permit or allow to be operated, a Motor Vehicle being used to provide Ride-Sharing Services unless it is in good mechanical condition and in good repair as to both its exterior and interior.
- 3.2 No PTC Driver shall operate on a PTC Platform which is not licensed by the City.

## **4.0 PRIVATE TRANSPORTATION COMPANY DUTIES**

- 4.1 All PTC's shall ensure that:
- (a) every Motor Vehicle used to provide Ride-Sharing Services is free from mechanical defect to both its exterior and interior;

(b) no Motor Vehicle is being used to provide Ride-Sharing Services that the PTC knows or has reason to know has been damaged in a collision, without such damage being fully repaired;

(c) every Motor Vehicle that is operating through its Platform is properly displaying a City-approved decal that identifies the PTC; and

(d) every Motor Vehicle used to provide a Ride Sharing Service is only operated by the PTC Driver licensed to do so.

4.2 No PTC shall:

(a) accept orders for, or in any way dispatch or direct orders to, a Person licensed under this section when doing so would be illegal under another municipal by-law or provincial statute; or

(b) dispatch or direct orders to a Person other than a licensed PTC Driver.

4.3 Every PTC shall:

(a) provide the City on or before the 15<sup>th</sup> day of every third month with a count of the number of rides dispatched through its Platform originating in the City and shall concurrently, and in accordance with the City's Licensing, Permits and Service Fees By-law 2012-137, as amended, submit the corresponding quarterly fee;

(b) provide the Licensing Officer on or before the 15<sup>th</sup> day of every third month with a list of PTC Drivers and Motor Vehicles (including plate numbers) that are using its Platform in the City;

(c) keep for a minimum of six (6) months a record of every Motor Vehicle dispatched on a Trip, the date and time of dispatch, the place of pick-up and destination of such Trip;

(d) submit, upon reasonable notice, any such document deemed relevant by the Licensing Officer to any Person authorized to administer or enforce the provisions of this By-law;

(e) carry on business only in the name in which the PTC licence has been issued; and

(f) prior to accepting a Customer's request for service, provide in writing to the customer the full fare to be charged for the service.

4.4 No owner, director, officer or employee of a PTC shall refuse to provide information requested by the City for the purposes of an investigation pertaining to the administration or enforcement of this By-law.

- 4.5 No owner, director, officer or employee of a PTC shall refuse to cancel the access to its Platform to any PTC Driver whose licence has been refused, suspended or revoked by the City.