

**TOWN
Of**



BY-LAW 2012-XXX

**A BY-LAW TO PROVIDE FOR THE LICENSING
AND REGULATION OF
OWNERS, OPERATORS, DRIVERS AND BROKERS OF MOBILE
BUSINESSES**

3/30/2012

BY-LAW 2012-XXX

To Provide for the Licensing and Regulation Of Owners, Operators, Drivers and Brokers Of Mobile Businesses

WHEREAS Section 151 of the Municipal Act, 2001 S.O. 2001, c.25, provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality; and,

WHEREAS Council wishes to exercise its powers over businesses, the persons carrying on or involved in the operation of the businesses including the powers to impose conditions on the obtaining, holding or renewing of licences and for the suspension, denial and revocation of licences; and,

WHEREAS the regulation of the businesses and the requirement for a licence and the imposition of conditions will aid in the administration and enforcement of this By-law and other laws, so as to identify and qualify the persons responsible for the operation of the business, identify the location of businesses, the regulation and inspection of equipment, vehicles, premises and other property used to carry on business, and allow for the protection of persons dealing with or affected by such businesses and persons;

NOW THEREFORE the Council of The Corporation of the Town of Markham enacts the following:

DEFINITIONS AND INTERPRETATION

1. In this By-law:

“ADDITIONAL FEE” means a fee, in addition to the licence fee, imposed by the municipality on a BUSINESS at any time during the term of the LICENCE for cost incurred by the municipality attributable to the activities of the BUSINESS.

“AIRPORT TAXICAB” means a TAXICAB that has been licensed by the TOWN as an AIRPORT TAXICAB and has been issued an AIRPORT TAXICAB PLATE, and bears a Greater Toronto Airport Authority (G.T.A.A.) taxicab permit to OPERATE at the Toronto Pearson International Airport as a TAXICAB.

“APPLICANT” means a PERSON applying for a LICENCE or renewal of a LICENCE thereof 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, 2001 and includes.

- (a) TAXICAB, TOW TRUCK and LIMOUSINE brokers;
- (b) DRIVING SCHOOLS;
- (c) REFRESHMENT VEHICLES.

“CERTIFICATE OF COMPLETION” means a document issued as proof that the LICENCEE attended and successfully completed a mandatory training program with a mark of at least seventy-five percent (75%).

“CERTIFICATE OF ATTENDANCE” means a document issued as proof that the LICENCEE attended but did not successfully complete a mandatory training program with a mark of at least seventy-five percent (75%).

“CLERK” means the CLERK of the TOWN or his/her duly appointed Deputy.

“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.

“CONVEYING” means to hold oneself out for hire by actions, words or availability for the transport or TOWING of vehicles by means of a TOW TRUCK or flatbed whether or not the vehicle is intact or in an inoperative condition, from a point within the municipality of the TOWN to either a point also within the municipality of the TOWN or to any point beyond its limits and includes seeking to convey and having care and control of the TOW TRUCK whether it is in motion or not and whether it is engaged in the act of TOWING or not.

“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.

“CORPORATION” means the Corporation of the Town of Markham.

“COUNCIL” means the Council for The Corporation of the Town 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 an 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 or PERSONS who have requested TAXICAB service, but does not include a request made directly to a TAXICAB DRIVER.

“DRIVER” means a PERSON licensed to drive a MOTOR VEHICLE regulated under this By-law.

“DRIVING SCHOOL” means any establishment operated for the purpose of instructing PERSONS to OPERATE a MOTOR VEHICLE or for preparing any PERSON for any examination for an ONTARIO DRIVER’S LICENCE.

“DRIVING SCHOOL INSTRUCTOR” means a PERSON who is licensed as a DRIVING SCHOOL INSTRUCTOR or is required to be licensed as such and who is EMPLOYED or self-employed in the BUSINESS of teaching PERSONS to OPERATE MOTOR VEHICLES.

“DRIVING SCHOOL LICENCE PLATE” means the identification issued by the LICENSING OFFICER to the OWNER or lessee of the MOTOR VEHICLES utilized for driving instruction purposes.

“DRIVING SCHOOL OPERATOR” means a PERSON who is licensed or is required to be licensed to carry on the BUSINESS of teaching PERSONS to OPERATE MOTOR VEHICLES and who OPERATES and or 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 BROKER 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 7.

“DUES” means any amount charged by a TAXICAB BROKER to a TAXICAB OWNER or to the lessee of a TAXICAB, to receive ORDERS from the TAXICAB BROKER.

“EMPLOYED” includes any BUSINESS relationship between an OPERATOR and INSTRUCTOR, 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 displayed on the TAXICAB METER at the conclusion of a TRIP, or the flat rate allowed under Schedule 6 for the TRIP, together with any additional charges allowed under Schedule 6.

“FLATBED” means a vehicle equipped with a platform body with a winch for loading and is required to be licensed as a TOW TRUCK.

“FOOD HANDLER’S CERTIFICATE” means a certificate issued by the York Region Health Department, to persons who complete the Proton Food Handling Training Program.

"HEARING" includes a HEARING or an opportunity given for a HEARING, where an APPLICANT or LICENSEE may show cause why the LICENCE should be granted, or not refused, revoked or suspended, with or without CONDITIONS.

“HIGHWAY” includes a common and public HIGHWAY, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of VEHICLES and includes the area between the lateral property lines thereof.

“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.

“INDIVIDUAL” means a PERSON and does not include a CORPORATION, partnership or association.

“LEASE” means an agreement between an OWNER and a DRIVER, under which the OWNER provides his 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 certificate issued by the LICENSING OFFICER under this By-law.

LICENCE APPEAL COMMITTEE” means a Committee of Council duly appointed to conduct HEARINGS under this By-law.

“LICENSE APPEAL FEE” means the fee payable to the TOWN prior to a hearing before the LICENSE APPEAL COMMITTEE.

“LICENSEE” means any PERSON licensed under this By-law.

“LICENSING OFFICER” means the supervisor within the Legislative Services Department and includes his or her designates.

“LICENSE RENEWAL STICKER” means an annual validation sticker issued to a LICENSEE for the term of the LICENCE.

“LICENSING SECTION” means the Licensing Unit within the Legislative Services Department.

“LIMOUSINE” means a MOTOR VEHICLE 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 uniformed DRIVER used for hire for the purpose of the transportation of passengers for gain or reward. This definition includes luxury Sport Utility Vehicle (S.U.V.) but does not include a panel truck, bus or van.

“MECHANICALLY SAFE” means that the vehicle has been inspected by a government-approved MOTOR VEHICLE inspection station and is determined to meet the minimum safety requirements for vehicles in the Province of Ontario, and receives the Safety Standard Certificate.

“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.

“MUNICIPAL ACT, 2001” means the Municipal Act, 2001, S.O. 2001, c.25, as amended and any regulations there under.

“MUNICIPAL LAW ENFORCEMENT OFFICER” means an employee of the TOWN that is appointed by By-law to enforce the provisions of the TOWN’s By-laws.

“NUISANCE” includes the obstruction or interference with:

- (a) PERSONS involved in a MOTOR VEHICLE COLLISION or otherwise in need of the services of a TOW TRUCK;
- (b) PERSONS responding to a MOTOR VEHICLE COLLISION including, but not limited to, police officers, members of a fire department, members of an ambulance service, and other TOW TRUCK DRIVERS or owners; or
- (c) Pedestrian or vehicular traffic.

“ONTARIO DRIVER’S LICENCE” means a licence issued under Section 32 of the Highway Traffic Act R.S.O. 1990, CHAPTER H.8 to drive a MOTOR VEHICLE on a highway.

“OPERATE” means to drive a vehicle or to have care and control of a vehicle whether the vehicle is in motion or not and includes to hold oneself out for hire by action, words or availability for the transport, TOWING or conveyance 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.

“ORDER” means a request for TAXICAB service received by a TAXICAB BROKER.

“OWNER” means the PERSON licensed under this By-law as the OWNER or Lessee of a TAXICAB, LIMOUSINE, TOW TRUCK, Driving School Vehicle, REFRESHMENT VEHICLE or a push cart from which PRODUCTS are sold.

“PASSENGER” means any PERSON in a LIMOUSINE or TAXICAB other than the DRIVER.

“PERSON” includes a CORPORATION and its directors and officers, and the heirs, executors, assignees and administrators or the other legal representatives of an INDIVIDUAL and their respective successors and assignees.

“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 TOWN for the purposes of this By-law.

“PREARRANGED” means a written or oral reservation made with a LIMOUSINE company 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.

“PRIORITY LIST” means a list of APPLICANTS for a TAXICAB OWNER’S LICENCE maintained by the LICENSING SECTION with names set out there on in chronological order as to date and time of receipt of application.

“PRODUCTS” include goods, wares, crafts, jewellery, refreshments, foodstuffs, merchandise or any other items whatsoever.

“PROOF OF INSURANCE” means a certified copy of a policy of insurance or a Certificate of Insurance that shows the proof of liability coverage as required by the applicable Schedule to this By-law issued by a company authorized to carry on the BUSINESS of insurance in the Province of Ontario in accordance with the *Insurance Act*, R.S.O. 1990, c. I.8, as amended; such insurance policy shall contain an endorsement to provide the LICENSING OFFICER with ten (10) days prior written notice of cancellation or of a material change that would diminish coverage.

“PROOF OF OWNERSHIP” means:

- (a) A current MOTOR VEHICLE REGISTRATION for each MOTOR VEHICLE to be used for any business purpose regulated by any Schedule in this By-law, issued pursuant to the Highway Traffic Act in the name of the APPLICANT for a business LICENCE; or
- (b) A signed, certified copy of a leasing agreement, in the name of the APPLICANT for the OWNER’S LICENCE, for each MOTOR VEHICLE to be used for a business purpose regulated by any Schedule in this By-law.

“PUBLIC PLACE” means a place to which the public has access.

“REFRESHMENT” means food and drink and includes sandwiches, cakes, doughnuts, hot dogs, ice cream, pies that have been prepared and packaged on the vehicle or a location other than on the vehicle.

“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 AND REFRESHMENT VEHICLE TYPE 2.

“REFRESHMENT VEHICLE OPERATOR” means a person who operates a refreshment vehicle and includes operator’s carts or trailers for which a Provincial Driver’s License is not required, who is licensed or required to be licensed under the provisions of this By-law.

“REFRESHMENT VEHICLE OWNER” means the owner of a refreshment vehicle who is licensed or required to be licensed under the provisions of this By-law.

“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.

“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.

“RETAIL” or “RETAIL SALE” means the sale of PRODUCTS or goods to the ultimate consumer, usually in small quantities, in the ordinary course of BUSINESS.

“RUN SHEET” means a record of tows made by a TOW TRUCK Driver including the Driver’s name, TOW TRUCK number, date, start and finish time of each tow, pick-up and drop location for each tow, the distance travelled a breakdown of the fees charged for each trip.

"SAFETY STANDARD CERTIFICATE" means a SAFETY STANDARD CERTIFICATE issued pursuant to Sections 88 to 100 of the *Highway Traffic Act* R.S.O. 1990, c H. and is issued by a government-approved MOTOR VEHICLE Inspection station (MVIS) 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 licensed TOW TRUCK OWNER or OPERATOR for service performed on behalf of a CUSTOMER.

“SECRETARY” means the SECRETARY of the LICENCE APPEAL COMMITTEE.

“SELL” means to SELL for RETAIL, offer for RETAIL sale, display, and place or expose any PRODUCTS for RETAIL sale.

“SOLICIT” means an appeal for CUSTOMERS by bell, horn, whistle, words or gestures directed at INDIVIDUALS or groups of PERSONS.

“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.

“STANDARD TAXICAB” means a TAXICAB that has been licensed by the TOWN as a standard TAXICAB and has been issued a standard TAXICAB PLATE.

“STANDARD TAXICAB PLATE HOLDER” means a PERSON to whom a standard taxi PLATE holder LICENCE and accompanying taxi PLATE have been issued pursuant to Schedule 6.

“STUDENT DRIVER” means a PERSON that receives driving instruction from a DRIVING SCHOOL INSTRUCTOR.

“TAXICAB” means a MOTOR VEHICLE as defined in the Highway Traffic Act, other than a car pool vehicle, and is equipped with four (4) passenger accessible doors and having a seating capacity of not less than four (4) passengers and not more than seven (7) passengers, exclusive of the DRIVER, and that is equipped with a TAXICAB METER and hired for one specific TRIP for the transportation exclusively of one PERSON or group of PERSONS, and or goods for hire or reward, one FARE or charge only being collected or made for the TRIP.

“TAXICAB BROKER” means any PERSON who carries on the BUSINESS of accepting ORDERS for, or DISPATCHING TAXICABS in any manner.

“TAXICAB DRIVER REFRESHER TRAINING COURSE” means the TAXICAB training course provided to TAXICAB DRIVERS that are renewing their licences in the TOWN .

“TAXICAB DRIVER TRAINING COURSE” means the TAXICAB training course provided to new TAXICAB DRIVERS in the TOWN.

“TAXICAB METER” means a measuring device used in a TAXICAB to calculate the FARE payable for a TRIP.

“TAXICAB STAND” means the area set aside and designated by the TOWN to be used by a TAXICAB while it is waiting for, or picking up, goods or passengers.

“THREE YEAR DRIVER RECORD SEARCH” means a three year snapshot of a driver's history containing the driver's name, licence number, class, expiry date, conditions/restrictions, height, date of birth, gender and status information, driver's Highway Traffic Act and Criminal Code of Canada convictions, suspensions reinstatements over the past 3 years as well as conviction dates, earliest licensed date available, demerit point total and medical due date for commercial drivers.

"TOW TRUCK" means a MOTOR VEHICLE used for hire for TOWING or otherwise CONVEYING VEHICLES.

“TOW TRUCK BROKER” means a PERSON who arranges for the provision for hire to a CUSTOMER of the services of a TOW TRUCK not owned by such PERSON.

"TOWED VEHICLE" means a vehicle or any part thereof towed or otherwise conveyed by a TOW TRUCK, under an agreement between the OWNER of the vehicle to be towed and the DRIVER or OWNER 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 TOWN.

“TOWN” means The CORPORATION of the TOWN.

"TREASURER" means the TREASURER of the TOWN.

“TRIP” means the distance and time travelled or the distance and time to be travelled, measured from the time and point at which the passenger first enters the TAXICAB or when the TAXICAB METER is first engaged, whichever comes first, to the time and point at which the passenger finally leaves the TAXICAB or the TAXICAB METER is disengaged, whichever comes last.

“TRIP SHEET” means a record of trips made by a Taxicab Driver including the Driver’s name, Taxicab number, date, start and finish time of each trip, pick-up and drop location for each trip and the fare collected for each trip.

“VEHICLE” means a MOTOR VEHICLE that is operated for the purpose of driving instruction, as a TAXICAB or LIMOUSINE for the conveyance of passengers, a TOW TRUCK used for either TOWING or otherwise CONVEYING VEHICLES, or a or MOTOR VEHICLE from which PRODUCTS or refreshments are sold.

“VEHICLE IDENTIFICATION NUMBER” means the unique number assigned to all MOTOR VEHICLES that contains information about the registered owner of a vehicle as of a specific date and contains the owner's name, renewal date, vehicle description, class, status, empty weight for commercial vehicles and trailers, brand, vehicle declaration, plate details, validation sticker number, validation declaration, validation start and expiry dates, registered gross weight for commercial vehicles, permit number and date of issue.

“VEHICLE POUND” means a lot or portion thereof used for the temporary storage and 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 SCREEN REPORT” means a police reference check program for applicants seeking a licence to drive a vehicle for hire or conduct a certain class of business that may have for its clientele, that portion of the population that could be considered vulnerable.

“YEAR DATE” means the figures appearing under the heading "year" in the current Ontario Ministry of Transportation passenger MOTOR VEHICLE PERMIT for the VEHICLE.

ADMINISTRATION AND ENFORCEMENT

2. In this By-law and attached Schedules, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.
3. Subject to the terms of this or other By-laws, or the directions of Council:

- (1) Administration of this By-law shall be by the staff of LICENSING SECTION, Legislative Services Department in the Corporate Services Commission of the TOWN;
- (2) Enforcement of this By-law shall be by persons appointed by Council for the purpose of enforcing the provisions of this By-law, which shall include the following:
 - (a) MUNICIPAL LAW ENFORCEMENT OFFICERS; and
 - (b) any duly appointed police officer.

SCHEDULES

4. The following Schedules form part of this By-law:

SCHEDULES TO BYLAW 2011-XX	
Schedule 1	Term of Licence
Schedule 2	Standard Character and Driving Record Criteria for Variable Terms, Conditional Issuance and Refusal of Mobile Licences.
Schedule 3	Driving School Operators and Instructors
Schedule 4	Limousine Owners and Drivers
Schedule 5	Refreshment Vehicles
Schedule 6	Taxi Brokers, Owners and Drivers
Schedule 7	Tow Truck Owners and Drivers

LICENCE REQUIREMENT

5. The following PERSONS must be in possession of a LICENCE authorizing them to carry on their BUSINESS in the TOWN, and shall pay to the TOWN upon application for or renewing, the LICENCE the required fee:
 - (1) every PERSON who owns or OPERATES a Driving School;
 - (2) every DRIVING SCHOOL INSTRUCTOR;
 - (3) every PERSON who owns or OPERATES a LIMOUSINE;
 - (4) every PERSON who drives a LIMOUSINE;
 - (5) every PERSON who owns or OPERATES a REFRESHMENT VEHICLE;
 - (6) every PERSON who drives a REFRESHMENT VEHICLE;
 - (7) every TAXICAB BROKER;
 - (8) every PERSON who owns or OPERATES a TAXICAB;

- (9) every PERSON who drives a TAXICAB;
 - (10) every PERSON who owns or OPERATES a TOW TRUCK; and
 - (11) every PERSON who drives a TOW TRUCK.
6. No PERSON shall carry on, OPERATE or engage in a BUSINESS referred to in Section 5 unless a current and valid LICENCE has been issued in their name by the TOWN under this By-law.

COMPLIANCE WITH SCHEDULES

7. No PERSON shall fail to comply with any regulation contained in the Schedules attached to this By-law that regulates the BUSINESS that they are licensed to carry on under this By-law.

REPRESENTATION OF LICENSING

8. No PERSON shall hold himself out to be licensed if he is not.

DUTIES OF THE LICENSING OFFICER

9. The duties of the LICENSING OFFICER include:
- (1) receiving and processing all applications for licences and renewals of licences;
 - (2) 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;
 - (3) ensuring that the APPLICANT has paid the fees required for the term of the LICENCE, prior to processing the application;
 - (4) in the case of a TAXICAB and LIMOUSINE OWNER'S LICENCE, ensuring that there is a LICENCE available for issuance;
 - (5) imposing special CONDITIONS on a BUSINESS in a class that have not been imposed on all of the BUSINESSES in that class in order to obtain, continue to hold or renew a LICENCE;
 - (6) imposing special CONDITIONS as a requirement of continuing to hold a LICENCE at any time during the term of the LICENCE where the LICENSING OFFICER is of the opinion that a term or condition of a LICENCE should be imposed;
 - (7) 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 22;

- (8) the maintenance and retention of all applications received and licences issued as provided for by the TOWN'S Record Retention By-law and policies;
- (9) the prohibition of the carrying on or engaging in a BUSINESS without a required LICENCE;
- (10) generally performing all the administrative functions conferred upon the LICENSING OFFICER by this By-law and the attached Schedules; and
- (11) coordination and direction of the enforcement of this By-law and Schedules.

GENERAL LICENSING APPLICATION REQUIREMENTS

- 10. Every APPLICANT for a LICENCE and for the renewal of a LICENCE issued under this By-law shall:
 - (1) submit a completed application for a LICENCE or the renewal of a LICENCE on the forms provided;
 - (2) where the APPLICANT is an INDIVIDUAL or a partner of a partnership, file proof satisfactory to the LICENSING OFFICER that they are eighteen (18) years of age or older, a citizen of Canada or a landed immigrant or produce a valid work permit issued by the Government of Canada; to work in the occupation of the LICENCE type that they are applying for;
 - (3) submit to the taking of photographs for the production of "Photo Identification" licences for general identification purposes;
 - (4) if the APPLICANT is a CORPORATION, file a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department;
 - (5) if the APPLICANT is a registered partnership, file a copy of the registered declaration of partnership;
 - (6) any other document relating to the operation of the BUSINESS requested by the LICENSING OFFICER including but not limited to Provincial Driver's Licence statutory declarations, VULNERABLE SECTOR SCREEN REPORT and Criminal Conviction Background Search issued by the Police Service in which the APPLICANT resides, Harmonized Sales Tax number, proof of citizenship or landed immigrant status; Ontario Ministry of Transportation vehicle Ownership Permit, York Regional Health Department Inspection Certificate, Insurance Certificates, medical certificates, letters of employment, Ministry of Transportation Driver's Abstract, vehicle lease agreements;
 - (7) be of good character as provided for in Schedule 2 of this By-law;

- (8) return with the application the OWNER'S LICENCE PLATE in the case of a renewal of the LICENCE;
- (9) pay the required fee in the Licensing Fees and Charges By-law;
- (10) pay any ADDITIONAL FEE imposed under TOWN Licensing Fees and Charges By-law,
- (11) pay any outstanding fine owed to the TOWN .

ZONING BY-LAW COMPLIANCE

11. No LICENCE shall be issued contrary to the provisions of any TOWN Zoning By-law.

APPLICATION FORMS RETURNED

12. Where an APPLICANT fails to comply with any requirements of Section 10, or instructions in that regard, or where no licences are available to be issued under Section 9 (4), the application shall be returned and not processed further.
13. Where the application is refused under Section 10, the APPLICANT may be advised personally if present and the application returned, or may be advised by letter sent by regular or electronic mail or facsimile to the APPLICANT'S BUSINESS or electronic address as disclosed by the application, or previous last known address, if any.

ISSUE OF LICENCE OR RENEWAL OF LICENCE

14. When an application for a LICENCE or for a renewal of a LICENCE is in accordance with, and meets all the requirements of this By-law, the LICENSING OFFICER shall issue a LICENCE.
15. Unless provided otherwise, a PERSON, who is the OWNER of more than one VEHICLE, shall obtain a separate LICENCE for each VEHICLE which is to be operated as a part of a BUSINESS licensed under this By-law.
16. Except where electronic internet applications for new licences and renewals are accepted by the LICENSING OFFICER, or where renewal applications are accepted through postal or other methods, all applications for a LICENCE or renewal of a LICENCE shall be made by:
 - (1) The APPLICANT, as sole proprietor of the business, personally to the LICENSING SECTION;
 - (2) If a CORPORATION, by an officer or director of the CORPORATION, to the LICENSING SECTION; or
 - (3) If a Partnership, by one of the partners, to the LICENSING SECTION.

TIME FOR RENEWAL

17. An application for renewal of a LICENCE shall be delivered to the LICENSING SECTION on or before the expiry date. An expired LICENCE may be renewed without being subject to any new application requirements within one year 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.
18. When an application for renewal of a LICENCE is delivered to the LICENSING SECTION any time after one year after the expiry date of the LICENCE, the APPLICANT shall complete an application as a new APPLICANT.

TERM OF LICENCE

19. Every LICENCE expires on the expiry date as set out in Schedule 1 to this By-law.

LICENCE NOT TRANSFERABLE

20. No LICENCE issued under this By-law is transferable except as specifically provided for within the attached Schedules.

GROUND FOR REFUSAL TO ISSUE OR TO RENEW A LICENCE

21. An APPLICANT, whose application meets all the requirements of this By-law and its Schedules is entitled to a LICENCE, or renewal of a LICENCE, except where:
 - (1) there are reasonable grounds to believe that any application or other document provided contains a false statement or provides false information;
 - (2) the past or present conduct of the APPLICANT, or of any partner, or any director, or officer of a CORPORATION, affords reasonable cause to believe that the APPLICANT, partner, or officer will not carry on the activity for which the LICENCE is to be issued, or to continue to be licensed in accordance with the law, or with honesty and integrity;
 - (3) 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;
 - (4) the issuance of the LICENCE or renewal of the LICENCE would be contrary to the public interest;
 - (5) the APPLICANT has failed to pay a fine or fines imposed by a court as a sentence arising from convictions for breach of a By-law enacted by the TOWN;
 - (6) the fee payable in respect of the LICENCE applied for has not been paid;

- (7) a complaint which, in the opinion of the LICENSING OFFICER, is not frivolous or vexatious, has been received about the holder of a DRIVER'S LICENCE relating to the DRIVER'S ability to transport a disabled customer, or to OPERATE a licensed VEHICLE safely, or the DRIVER'S knowledge of the TOWN's geography, or the DRIVER'S ability to communicate in English;
- (8) the APPLICANT for a LICENCE fails to produce a "CERTIFICATE OF COMPLETION" where mandatory training is required;
- (9) the APPLICANT for a renewal of a licence fails to produce a "CERTIFICATE OF COMPLETION" or a "CERTIFICATE OF ATTENDANCE" where mandatory training is required;
- (10) the APPLICANT for a renewal of a LICENCE produces a "CERTIFICATE OF ATTENDANCE" and a licence was issued with an attached condition and the LICENSEE failed to comply with the attached condition;
- (11) the LICENSEE failed to attend and complete any other training required by the LICENSING OFFICER;
- (12) the LICENSEE is carrying on activities that are, or would be in contravention of the By-law and/or Schedules;
- (13) the LICENSEE fails to comply with any requirement in the By-law and/or Schedules to obtain or maintain or renew a LICENCE under this By-law;
- (14) any ADDITIONAL FEE imposed on a LICENCE remains unpaid after the due date as indicated in the "Notice of Additional Fee."

THE LICENSING OFFICER'S POWER TO REFUSE TO ISSUE OR RENEW A LICENCE OR CANCEL, REVOKE OR SUSPEND OR TO ATTACH CONDITIONS TO A LICENCE

- 22. (1) The administrative power and authority to refuse to issue a LICENCE, to cancel, revoke or suspend a LICENCE, or to impose CONDITIONS on a LICENCE, are hereby delegated to the LICENSING OFFICER and his or her delegates, pursuant to Section 23.2 of the Municipal Act, 2001, as amended.
- (2) Where the LICENSING OFFICER is of the opinion that:
 - (a) an application for a LICENCE or renewal of a LICENCE should be refused; or
 - (b) a reinstatement should not be made; or
 - (c) a LICENCE should be revoked; or

- (d) a LICENCE should be suspended; or
- (e) a LICENCE should be cancelled; or
- (f) a condition should be imposed,

the LICENSING OFFICER shall make that decision.

- (3) When making a decision pursuant to Subsection (2) the LICENSING OFFICER shall consider among other matters the Standard Character and Driving Record Criteria in Schedule 2 of this By-law.

WRITTEN DECISION OF THE LICENSING OFFICER

- 23. (1) The LICENSING OFFICER shall provide written notice to the APPLICANT or LICENSEE of the decision with respect to the LICENCE application, renewal, or its status.
- (2) The written notice under Subsection (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 LICENCE APPEAL COMMITTEE.

APPEAL OF A DECISION OF THE LICENSING OFFICER

- 24. An APPLICANT or LICENSEE who is not satisfied with the decision, or any term or CONDITION that has been imposed, may apply for an appeal to the LICENCE APPEAL COMMITTEE by sending by registered mail or personal service to the LICENSING OFFICER a written notice of appeal along with the appeal fee, to the SECRETARY of the LICENCE APPEAL COMMITTEE, Office of the Town CLERK, within ten (10) days of receipt of the decision.

APPEAL DOES NOT ACT AS A STAY OF DECISION

- 25. An appeal, under Section 24, of a decision does not act as a stay of that Decision.

REASONS FOR APPEAL

- 26. PERSONS may appeal the decision of the LICENSING OFFICER if they believe that any of the following circumstances apply:
 - (1) the decision of the LICENSING OFFICER was wrong in law, fact, or both law and fact; or

- (2) there was a failure to observe a principle of natural justice.

CONFIRMATION OF A DECISION

27. A decision of the LICENSING OFFICER that is not appealed within the timeframe referred to in Section 24 shall be deemed to be confirmed.

LICENCE APPEAL COMMITTEE

28. A LICENCE APPEAL COMMITTEE is hereby established pursuant to Section 23.5 of the Municipal Act, 2001, under the name "TOWN'S LICENCE APPEAL COMMITTEE", which shall be composed of not fewer than three members of Council who are appointed by resolution of Council.
29. The LICENCE APPEAL COMMITTEE has the powers and authority to conduct appeals of decisions made by the LICENSING OFFICER.
30. The LICENCE APPEAL COMMITTEE shall designate one of the members as Chair and may designate one or more other members as Vice-Chairs of the LICENCE APPEAL COMMITTEE.
31. The Chair shall have general supervision and direction over the conduct of the affairs of the LICENCE APPEAL COMMITTEE. Three members of the LICENCE APPEAL COMMITTEE constitute a quorum.
32. In place of the Council, the LICENCE APPEAL COMMITTEE shall hear the parties to a HEARING or afford the parties an opportunity to be heard, and make decisions and recommendations from HEARINGS so held.
33. The LICENCE APPEAL COMMITTEE shall apply the By-laws of the Council and have the powers, duties and rights as applicable under the Statutory Powers Procedures Act, R.S.O. 1990, c. S. 22.
34. There shall be a SECRETARY to the LICENCE APPEAL COMMITTEE, who shall attend all meetings of the LICENCE APPEAL COMMITTEE and shall keep all necessary records and perform such other duties required by the LICENCE APPEAL COMMITTEE.
35. The SECRETARY shall arrange the sittings of the LICENCE APPEAL COMMITTEE and assign members to panels to conduct HEARINGS as circumstances require, except that no more than three members may sit on a panel.
36. The LICENCE APPEAL COMMITTEE shall require that parties submit disagreements to mechanisms of alternate dispute resolution before they are entitled to a HEARING before the LICENCE APPEAL COMMITTEE on the subject matter of the disagreement.

37. The oral evidence given before the LICENCE APPEAL COMMITTEE at a HEARING shall be recorded.
38. Where a HEARING is conducted, an APPELLANT must “show-cause” as to why the LICENCE should be granted, or why it should not be cancelled, refused, revoked or suspended, with or without CONDITIONS.
39. Where the LICENCE APPEAL COMMITTEE is satisfied that the application for the HEARING is frivolous or vexatious, the Committee may refuse to grant a HEARING to the APPELLANT.
40. Where the LICENCE APPEAL COMMITTEE refuses to grant a HEARING, the appeal fee is non-refundable.
41. The provisions of Sections 5 to 15 and 21 to 24 of the Statutory Powers Procedure Act R.S.O. 1990, c.S.22, as amended, shall apply to all HEARINGS conducted by the LICENCE APPEAL COMMITTEE under this By-law.

DISCLOSURE OF DOCUMENTS AND THINGS

42. Each party to a HEARING shall disclose to all other parties not less than ten (10) BUSINESS days before the HEARING or, as otherwise ordered by the LICENCE APPEAL COMMITTEE, the existence of every document or thing that it will refer to, or give in evidence at the HEARING.

FAILURE TO ATTEND HEARING

43. When the APPELLANT who has been given written notice of the HEARING does not attend at the appointed time and place, the LICENCE APPEAL COMMITTEE may proceed with the HEARING in the APPELLANT’S absence and the APPELLANT shall not be entitled to any further notice of the proceedings.

DISMISSAL OF HEARING

44. After confirming the APPELLANT received notice of the HEARING, the LICENCE APPEAL COMMITTEE may;
 - (1) where the APPELLANT fails to appear, or fails to submit any material, dismiss the appeal; or
 - (2) where the APPELLANT appears and the HEARING proceeds, dismiss the appeal at any time during the HEARING if the LICENCE APPEAL COMMITTEE finds it without merit.

COSTS

45. The LICENCE APPEAL COMMITTEE may not make any order as to costs.

WRITTEN DECISION

46. At the conclusion of a HEARING, the LICENCE APPEAL COMMITTEE may give its decision orally or reserve its decision, but in any case, shall provide its decision in writing, with reasons, within fourteen (14) days of the HEARING to the APPELLANT and the LICENSING OFFICER.

POWERS OF THE LICENCE APPEAL COMMITTEE

47. On an appeal, the LICENCE APPEAL COMMITTEE has all the powers and functions of the LICENSING OFFICER who made the decision and may make any decision that the LICENSING OFFICER was entitled to make in the first instance, and the LICENCE APPEAL COMMITTEE may do any of the following things if, in its opinion, doing so would maintain the general intent and purpose of the By-law:
- (1) modify or rescind the decision or any condition;
 - (2) extend any time for complying with a decision or any condition.
48. The LICENCE APPEAL COMMITTEE, after a HEARING, may consider:
- (1) a breach of the provisions of this By-law; and
 - (2) anything which may be in any way adverse to the public interest; and
 - (3) the belief that the PERSON will not carry on or engage in the BUSINESS in accordance with applicable law or with honesty and integrity; and
 - (4) if any PERSON has made a false statement in the application for the LICENCE or a renewal thereof; and
 - (5) any other matter which the LICENCE APPEAL COMMITTEE is authorized by law to consider.
49. The LICENCE APPEAL COMMITTEE shall send a copy of its final decision or order, including any reasons, to each party to a HEARING, or to the PERSON who represented the party by:
- (1) regular mail;
 - (2) electronic mail, transmission of a facsimile; or
 - (3) such other method that the LICENCE APPEAL COMMITTEE specifies.

EFFECT OF DECISION

50. A decision that has been confirmed, modified or rescinded by the LICENCE APPEAL COMMITTEE, as the case may be, shall be final and binding upon the APPELLANT who shall comply with the decision within the time specified and in the manner specified in the decision where applicable.

ADDITIONAL FEES ON A LICENCE

51. 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 municipality attributable to the activities of the BUSINESS.
52. The “Notice of Additional Fee” shall be sent to the LICENSEE and shall provide the LICENSEE with sixty (60) days from the date of the “Notice of Additional Fee” is deemed to have been made to pay the outstanding amount.

CANCELLATION OF A LICENCE

53. Any LICENCE issued under this By-law may be cancelled by the LICENSING OFFICER at any time upon the written request of the LICENSEE.

RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

54. 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 LICENCE APPEAL COMMITTEE, and the LICENSING OFFICER may enter the BUSINESS premises or VEHICLE belonging to the LICENSEE for the purpose of receiving, taking, or removing the said LICENCE or LICENCE PLATE.
55. When a PERSON has his or her LICENCE revoked or suspended under this By-law, he or she shall deliver the LICENCE to the LICENSING OFFICER and in no way shall obstruct or prevent the LICENSING OFFICER from obtaining the LICENCE.

POSTING OF LICENCES

56. Each LICENCE issued to a driving school OPERATOR or TAXICAB BROKER shall be posted in a conspicuous place on the BUSINESS premise or VEHICLE.

LICENCE PRODUCTION

57. Every licensed DRIVER shall carry his LICENCE with him at all times while he is operating a VEHICLE and shall surrender the LICENCE for reasonable inspection upon demand by an THE LICENSING OFFICER or MUNICIPAL LAW ENFORCEMENT OFFICER.

NOTIFICATION OF CHANGE OF INFORMATION

58. A LICENSEE shall carry on BUSINESS in the TOWN in the name which is set out on the LICENCE and shall not carry on BUSINESS in TOWN in any other name unless he has first notified the LICENSING SECTION.
59. When a LICENSEE changes his name or address or any information relating to his LICENCE, he shall notify the LICENSING SECTION within forty-eight (48) hours of the change, and shall return the LICENCE immediately to the LICENSING SECTION for amendment.
60. The LICENSEE shall report any changes to the following information:
- (1) the names, addresses of officers and directors; or
 - (2) the address of the corporate head office; or if a partnership,
 - (3) names and addresses of all partners.

MEDICAL CERTIFICATE

61. The LICENSING OFFICER may require a DRIVER to provide him 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 he feels it may be in the public interest.

ONTARIO DRIVER'S LICENCE SUSPENDED

62. When a licensed DRIVER has had his 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* R.S.O. and the DRIVER shall immediately return the LICENCE issued under this By-law to the LICENSING SECTION.

RE-PHOTOGRAPHING OF DRIVERS

63. 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.

INSURANCE CERTIFICATE

64. Every APPLICANT for an OWNER'S PLATE shall submit and file with the LICENSING SECTION a certificate of insurance for the VEHICLE for which the APPLICANT is the OWNER and the insurance policy shall:
- (1) 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
 - (2) insure in respect to any one claim, a liability limit of at least two million dollars (\$2,000,000) and be endorsed to include all PERSONS who have any interest in the VEHICLE.

INSURANCE CERTIFICATE RENEWALS

65. Every licensed OWNER shall file with the LICENSING OFFICER at least five (5) days prior to the expiry date of the current insurance policy all insurance renewal policies or certificates of insurance.

FAIL TO HAVE INSURANCE

66. 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 LICENCE shall only be reinstated by providing to the LICENSING OFFICER written PROOF OF INSURANCE in accordance with the provisions of this By-law.
67. When the licensed OWNER has his LICENCE suspended under Section 66, he shall forthwith remove the OWNER'S PLATE and return the PLATE and the LICENCE to the LICENSING OFFICER.
68. When a licensed OWNER cancels his current insurance before the expiry date of the policy, he must produce a certificate of newly acquired insurance or return the PLATE to the LICENSING OFFICER on the date and time of cancellation.

SERVICE OF NOTICE OR ORDER

69. (1) Any notice or order required to be given or served under this By-law is sufficiently served if delivered personally or sent registered mail or by electronic mail or facsimile, addressed to the PERSON to whom delivery or service is required to be made, at the last address for service appearing in the records of the LICENSING SECTION.

- (2) When service is made by registered mail, the service shall be deemed to be made on the seventh day (7) after the date of mailing, unless the PERSON on whom service is being made establishes he did not, through absence, accident, illness, or other cause beyond his control, receive the notice or order until a later date.

POWERS OF ENTRY (authorized under Sections 435, 436 and 438 of the Municipal Act, 2001, as amended S.O. 2006, C. 32, Sched. A,s. 184)

70. The TOWN may enter on a lot at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (1) The provisions of this By-law;
 - (2) An order issued under this By-law; or
 - (3) An order made under Section 431 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
71. Where an inspection is conducted by the TOWN, the person conducting the inspection may,
 - (1) require the production for inspection of documents or things relevant to the inspection;
 - (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (3) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and
 - (4) 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 the inspection.
72. The TOWN may undertake an inspection pursuant to an order issued under s.438 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
73. The TOWN's power of entry may be exercised by an employee, officer or agent of the TOWN or by a member of the York Regional Police Service, as well as by any person under his or her direction.
74. Every DRIVER or OWNER licensed under this By-law shall on request of the Officer produce his LICENCE issued under this By-law and such other documentation as is requested upon an inspection under Section 71.

ORDERS AND REMEDIAL ACTION (authorized under Sections 444, and 446 of the Municipal Act, 2001 as amended S.O. 2006, C.32, Sched. A, s.184)

75. If a person contravenes any of the provisions of this By-law, the TOWN may issue an order to the person to discontinue the contravening activity. The order shall set out the reasonable particulars of the contravention adequate to identify the contravention and the date by which there must be compliance with the order. The order may be served in accordance with the service provisions contained in this By-law.
76. If a person has contravened a provision of this By-law, the TOWN may issue a work order to the person who contravened or permitted the contravention of this By-law, as well as to the OWNER of the lot on which the contravention occurred, to do work to correct the contravention. The order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date by which there must be compliance with the order. The order may also provide that if the person or OWNER fails to correct the contravention, the TOWN may do the work to correct the contravention at the expense of the person and the OWNER. The order may be served in accordance with the service provisions contained in this By-law.
77. If the TOWN has issued an order directing or requiring a person or an OWNER to do a matter or thing to correct a contravention of this By-law, and the person or the OWNER has failed to correct the contravention, the TOWN may enter upon the lot between the hours of 9:00 am and 5:00 pm Monday to Friday to do all work necessary to correct the contravention, and the TOWN may recover the cost of the doing the matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll of the OWNER and collecting them in the same manner as property taxes.
78. An order issued under this By-law may be served personally or may be served by registered mail sent to the last known mailing address of the person as indicated on the TOWN's assessment roll. If an order is served on a person by registered mail, it shall be deemed to have been served on the person on the 5th day after mailing of the order, which deemed service may be rebutted by the person proving, on a balance of probabilities, that they did not receive the order.
79. Upon an inspection under Section 71, the Officer or other PERSON so authorized is entitled to request and have produced all relevant licences and permits and to have access to the invoices, vouchers, appointment books or TRIP SHEETS or like documents of the PERSON being inspected, provided such documents are relevant for the purposes of the inspection and the PERSON inspecting may remove any of the aforementioned documents for the purpose of photocopying, provided a receipt is given to the LICENSEE and the documents are returned to the LICENSEE within two (2) BUSINESS days of removal.
80. Every DRIVER or OWNER licensed under this By-law shall on request of the Officer produce his LICENCE issued under this By-law and such other documentation as is requested upon an inspection under Section 73.

RIGHT OF INSPECTION OF LICENSED PREMISES OR VEHICLES/DUTY TO PRODUCE

81. The LICENSING OFFICER, MUNICIPAL LAW ENFORCEMENT 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 the BUSINESS PREMISES or VEHICLE of any LICENSEE to insure that the provisions of this By-law have been complied with, and on completion of an inspection shall complete and file a written report on the inspection.
82. Upon an inspection under Section 70, the LICENSING OFFICER or other PERSON so authorized is entitled to request and have produced all relevant licences and permits and to have access to the invoices, vouchers, appointment books or TRIP SHEETS or like documents of the PERSON being inspected, provided such documents are relevant for the purposes of the inspection and the PERSON inspecting may remove any of the aforementioned documents for the purpose of photocopying, provided a receipt is given to the LICENSEE and the documents are returned to the LICENSEE within two (2) BUSINESS days of removal.
83. Every DRIVER or OWNER licensed under this By-law shall on request of the LICENSING OFFICER produce his LICENCE issued under this By-law and such other documentation as is requested upon an inspection under Section 70.

VEHICLE INSPECTION

84. The LICENSING OFFICER may require at any time an OWNER to submit his VEHICLE for inspection at an appointed place.
85. The OWNER shall submit his VEHICLE for inspection when required to do so by the LICENCE OFFICER under Section 84.

OBSTRUCT INSPECTOR

86. No PERSON shall hinder or obstruct, or attempt to hinder or obstruct, the LICENSING OFFICER, MUNICIPAL LAW ENFORCEMENT OFFICER or other PERSON so authorized who is performing a duty or exercising a power under this By-law pursuant to Section 426 of the Municipal Act, 2001.

PENALTY FOR CONTRAVENTION BY A PERSON

87. Every PERSON who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
88. 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.

89. If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
90. Every person who is guilty of an offence under this By-law shall be subject to the following penalties:
- (1) Upon a first conviction, to a fine of not less than \$300.00 and not more than \$50,000.00;
 - (2) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
 - (3) Upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000.00 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00.
91. For the purposes of this By-law, “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
92. For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

PENALTY FOR CONTRAVENTION BY A CORPORATION

93. Despite Section 90, where a CORPORATION is convicted of an offence under the provisions of this By-law pursuant to Section 429 (1) of the Municipal Act, 2001, the CORPORATION is liable to a fine not less than \$300.00 and not exceeding \$100,000.00.

ORDER TO DISCONTINUE ACTIVITY

94. Pursuant to the provisions of Section 444 of the Municipal Act, 2001, in addition to any other remedy and to any penalty imposed, the TOWN may make an order requiring the PERSON who contravened the By-law or who caused or permitted the contravention, or the OWNER or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
95. Any PERSON who contravenes an order issued under Section 94 is guilty of an offence pursuant to Subsection 425 (1) of the Municipal Act, 2001.

STATEMENT OF THE CLERK

96. For the purposes of prosecution, under this By-law and pursuant to Subsection 447 (6) of the Municipal Act, 2001, a statement as to the licensing or non-licensing of any premise or PERSON, signed by the CLERK is, without proof of the office or signature, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein.

COURT ORDERS/BARRING OF ENTRY/CLOSING OF PREMISES

97. The provisions of Section 447 of the Municipal Act, 2001 respecting the issuance of court orders, the banning of entry, and the closing of PREMISES shall apply to this By-law where required.

COLLECTION OF UNPAID LICENSING FINES

98. Where any part of a fine for a contravention of this By-law remains unpaid after the fine becomes due and payable under Section 66 of the Provincial Offences Act, R.S.O. 1990, c. P 3, including any extension of time for payment ordered under that Section the TOWN is hereby authorized, pursuant to Section 441 (2) of the Municipal Act, 2001, to give the PERSON against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty-one (21) days after the date of the notice, by delivering the notice or causing it to be delivered to that PERSON at the PERSON's residence or place of BUSINESS.

DISTRESS FOR UNPAID FINES

99. Pursuant to Subsection 441 (3) of the Municipal Act, 2001, where a fine remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed to be unpaid taxes and, pursuant to Subsection 351 (1) of the Municipal Act, 2001, the TREASURE of the TOWN, or agent may seize the following to recover the taxes and costs of seizure, subject to the exemptions provided for in Subsection 351 (3) and (4) of the Municipal Act, 2001:
- (1) The personal property belonging to or in the possession of the PERSON fined.
 - (2) The interest of the PERSON fined in any personal property including such PERSON's right to the possession of any personal property under a contract for purchase or a contract to which the PERSON fined becomes the OWNER of the property upon performance of any condition.
 - (3) The personal property on the land and any interest therein, as described in Subsection (2) of this Section, of the OWNER of the land, even if the OWNER'S name does not appear on the tax roll.
 - (4) Any personal property on the land, title to which is claimed under any assignment or transfer made for the purpose of defeating the seizure.

- (5) Subsections 351 (5), (7), (8), (9), (10), (13) and (14) of the Municipal Act, 2001, apply with necessary modifications to a seizure for an unpaid licensing fine under this By-law.

LEVY OF FINES UNDER WARRANT

100. (1) Despite Section 99 of this By-law, the TREASURER or an Officer of the TOWN may seize personal property, pursuant to Subsection 351 (2) of the Municipal Act, 2001, after a tax bill has been sent but before the due date if:
- (a) the TREASURER or an officer has good reason to believe that the personal property subject to the seizure is about to be removed from the TOWN before its due date;
 - (b) the TREASURER or an Officer makes an affidavit to that effect before a Justice of the Peace or the Head of Council of the TOWN; and
 - (c) the Justice of the Peace or head of Council of the TOWN issues a warrant authorizing the TREASURER or an Officer to levy for the fines and costs in the manner provided by this Section.
- (2) Subsections 351 (5), (7), (8), (9), (10), (13) and (14) of the Municipal Act, 2001, apply with necessary modifications to a seizure for an unpaid licensing fine under this By-law.
- (3) No defect, error or omission in the form or substance of the notice required by this By-law invalidates any subsequent proceedings for the recovery of a fine.

PROCEEDS OF FINES

101. Pursuant to the provisions of Subsection 433 (1) of the Municipal Act, 2001, where a PERSON has been convicted of any offence under this By-law, every fine imposed for a contravention of this By-law belongs to the TOWN.

SEVERABILITY

102. Notwithstanding that any Section, Schedule, or any part or parts thereof of this By-law may be found by any court of law to be invalid or beyond the power of the Council to enact, such Section, Schedule or part or parts thereof shall be deemed to be severable, and all other Sections and Schedules of this By-law, or parts thereof, are separate and independent there from and enacted as such.

SCHEDULES

103. All Schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

CONFLICT

104. Where there is a conflict between this By-law and any other TOWN By-law that regulates or governs the operation of mobile BUSINESSES, this By-law shall prevail.

INTERPRETATION

105. The provisions of the Legislation Act 2006, R.S.O. 2006, c.21, Sch. F, shall apply to this By-law.

REPEAL

106. By-laws 2002-294, 2002-301, 2002-303, 2002-305, 2002-308, 2002-310, as amended, are hereby repealed effective May 1, 2012.

EFFECTIVE DATE

107. This By-law comes into force and takes effect on May 1, 2012.

SHORT TITLE

108. 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 , 2012.

KIMBERLEY KITTINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR

SCHEDULE 1 - RELATING TO THE TERM, ISSUE, EXPIRY, AND PRORATING OF MOBILE BUSINESS LICENCES

TERM OF LICENCE

1. Every LICENCE listed in this Schedule 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 LICENCEE;
 - (c) payment of the said LICENCE has not been made.

TIME FOR RENEWAL

2. An application for renewal of a LICENCE shall be delivered to the LICENSING SECTION on or before the expiry date. An expired LICENCE may be renewed without being subject to any new application requirements within one year 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.
3. When an application for renewal of a LICENCE is delivered to the LICENSING SECTION any time after one year after the expiry date of the LICENCE, the APPLICANT shall complete an application as a new APPLICANT.
4. Except for Standard or AIRPORT TAXICAB licence PLATES, 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.

LICENCE TYPE	EXPIRY DATE
Driving School Operators and Instructors	September 30 th
Limousine Owners	December 31 st
Limousine Drivers	Annual on Birthday
Refreshment Vehicles	March 31 st
Taxi Brokers	April 30 th
Taxi Owners	April 30 th
Taxi Drivers	Annual on Birthday
Tow Truck Owners	June 30 th
Tow Truck Drivers	Annual on Birthday

**SCHEDULE 2 - RELATING TO THE STANDARD CHARACTER AND DRIVING
RECORD CRITERIA FOR VARIABLE TERMS, CONDITIONAL ISSUANCE,
REFUSAL, SUSPENSION, REVOCATION OF MOBILE LICENCES, APPLICATIONS
AND RENEWALS**

The fundamental purpose of any licence suspension, revocation and/or refusal to issue is to ensure that the LICENSEE will carry on or engage in the business with honesty and integrity and in accordance with all law, particularly where public safety may be at risk.

Code	Conviction Type	For All New Applications
N-A	<u>Criminal Code</u>	Refuse Licence if 2 or more Criminal Code convictions within 2 years of the application date.
N-B	<u>Criminal Code</u>	Refuse Licence if 3 or more Criminal Code convictions within 5 years of the application date.
N-C	<u>Criminal Code</u>	Refuse Licence if convicted of a Criminal Code offence where the sentence imposed was 5 years or longer.
N-D	<u>Criminal Code</u>	Refuse Licence for any Criminal Code convictions and/ or pending charges for a sexual offence including pornography, at any time.
N-E	<u>Highway Traffic Act</u>	Refuse Licence if 1 Criminal Negligence or Impaired Driving conviction within 1 year of application date.
N-F	<u>Highway Traffic Act</u>	Refuse Licence if 2 Criminal Negligence or Impaired Driving convictions (or 1 of each) between 1 and 4 years old from application date.
N-G	<u>Highway Traffic Act</u>	Refuse Licence if either 6 demerit points or 4 driving convictions within 1 year of application date.
N-H	<u>Criminal Code</u>	Issue Probationary Licence for 1 year if convicted of 1 Criminal Code conviction within 5 years of application date.
N-I	<u>Highway Traffic Act</u>	Issue Probationary Licence for 1 year if Criminal Negligence or Impaired Driving conviction, between 1 to 4 years from application date.
N-J	<u>Highway Traffic Act</u>	Issue Probationary Licence for 3 to 6 months if 3 to 5 demerit points or 3 driving convictions within 1 year of application date.

Code	Conviction Type	For All Renewals
R-A	<u>Criminal Code</u>	Refuse Licence if 2 or more Criminal Code convictions within 2 years of the annual renewal date.
R-B	<u>Criminal Code</u>	Refuse Licence if 3 or more Criminal Code convictions within 5 years of the annual renewal date.
R-C	<u>Criminal Code</u>	Refuse Licence for any Criminal Code convictions and/or pending charges for a sexual offence including pornography.
R-D	<u>Highway Traffic Act</u>	Refuse Licence for any Impaired Driving convictions or Driver Suspensions.
R-E	<u>Highway Traffic Act</u>	Refuse Licence if either 6 demerit points or 4 driving convictions within 1 year of previous renewal date.
R-F	<u>Criminal Code</u>	Issue Probationary Licence for 1 year if convicted of 1 Criminal Code conviction within 5 years of annual renewal date.
R-G	<u>Criminal Code</u>	Issue Conditional licence pending Criminal Code, Criminal Negligence or Impaired Driving charges trial outcome.
R-H	<u>Highway Traffic Act</u>	Issue Probationary Licence for 3-6 months if 3-5 demerit points or 3 driving convictions within 1 year of previous renewal date.
R-I	<u>Highway Traffic Act</u>	Issue Conditional licence for pending <u>Highway Traffic Act</u> driving charges within 1 year of renewal date.

In assessing an application, a number of factors must be considered, including, but not limited to:

- Potential threat to the public
- Number of individual convictions versus multiple convictions during one incident
- Severity of the incident/offences, such as; sexual offences, physical assault, or weapons
- Any outstanding charges
- Findings of not guilty by reason of mental disorder
- Probation, prohibition and other judicial orders which are in effect

SUSPENSIONS

- 30-Day licence suspension for first occurrence
- 60-Day licence suspension for second occurrence
- 90-Day licence suspension for third occurrence

SCHEDULE 3 - RELATING TO DRIVING INSTRUCTORS AND OPERATORS OF DRIVING SCHOOLS

TYPES OF LICENCES

1. The LICENSING OFFICER may issue the following types of licences in connection with the BUSINESS of teaching PERSONS to OPERATE a VEHICLE:
 - (a) a DRIVING SCHOOL INSTRUCTOR'S LICENCE;
 - (b) a DRIVING SCHOOL OPERATOR'S LICENCE.

NUMBER OF LICENCES

2. A DRIVING SCHOOL INSTRUCTOR or a DRIVING SCHOOL OPERATOR who is the OWNER or LESSEE of more than one VEHICLE that is utilized for driving instruction shall be issued a VEHICLE LICENCE PLATE for each VEHICLE that is owned or LEASED and OPERATED for the purpose of driving instruction.

AFFIXING THE LICENCE PLATE AND RENEWAL STICKER

3. No DRIVING SCHOOL INSTRUCTOR or DRIVING SCHOOL OPERATOR who is the OWNER or LESSEE of a VEHICLE that is utilized for driving instruction shall fail to affix in a secure and visible manner to the rear bumper of the VEHICLE the DRIVING SCHOOL LICENCE PLATE issued by the LICENSING OFFICER.
4. No DRIVING SCHOOL INSTRUCTOR or DRIVING SCHOOL OPERATOR who is the OWNER or lessee of a VEHICLE that is utilized for driving instruction shall fail to affix in a secure manner the LICENCE renewal sticker to the DRIVING SCHOOL LICENCE PLATE issued by the LICENSING OFFICER.

LICENSING REQUIREMENTS FOR DRIVING SCHOOL INSTRUCTORS

5. In addition to the general requirements for licensing established under the TOWN's Mobile Business Licensing By-law, every APPLICANT for a DRIVING SCHOOL INSTRUCTOR'S LICENCE and for the renewal of a DRIVING SCHOOL INSTRUCTOR'S LICENCE shall:
 - (1) be the holder of a current, valid full Class "G" ONTARIO DRIVER'S LICENCE issued under the provisions of the Highway Traffic Act R.S.C. 1990 c. H;
 - (2) be the holder of a current, valid DRIVING SCHOOL INSTRUCTOR'S LICENCE issued in the APPLICANT'S name by the Province of Ontario under the provisions of the Highway Traffic Act R.S.O. 1990. Ontario Regulation 473/07 as amended;

- (3) file a letter of employment, or written contract from the DRIVING SCHOOL OPERATOR for the employment or services of the instructor;
 - (4) register, obtain and provide to the LICENSING OFFICER a harmonized sales tax (HST) number where self-employed and where their services are subject to a written contract filed with the TOWN;
 - (5) for each VEHICLE owned, or leased and to be operated as a DRIVING SCHOOL VEHICLE by a DRIVING SCHOOL INSTRUCTOR, produce a current valid MOTOR VEHICLE PERMIT issued by the Ontario Ministry of Transportation with the ownership portion in the APPLICANT'S name, or where the MOTOR VEHICLE PERMIT OWNER portion is in the name of a PERSON other than the APPLICANT, the APPLICANT shall file a copy of a current and valid VEHICLE LEASE agreement between the APPLICANT and the PERSON or CORPORATION shown on the MOTOR VEHICLE PERMIT OWNER'S portion;
 - (6) provide any other document or thing that the LICENSING OFFICER may require that will assist in the determination that the APPLICANT satisfies the requirements of this SCHEDULE or any applicable law;
 - (7) within 48 hours of changing their address, VEHICLE or DRIVING SCHOOL affiliation, attend at the offices of the LICENSING SECTION and inform the LICENSING OFFICER of such changes and return their LICENCE for amendment and replacement; and
 - (8) demonstrate that their past and present conduct and character complies with the criteria provided for in Schedule 2 being the TOWN 's "Standard Character and Driving Record Criteria Policy."
- 6. Every APPLICANT for a DRIVING SCHOOL INSTRUCTOR'S LICENCE shall provide a VULNERABLE SECTOR SCREEN REPORT furnished by the Police Service having jurisdiction where they reside dated within thirty (30) days preceding the application date or at the request of the LICENSING OFFICER.
 - 7. Every DRIVING SCHOOL INSTRUCTOR upon renewal of their LICENCE shall provide a Criminal Conviction Background Search dated within thirty (30) days preceding the renewal date.
 - 8. Every APPLICANT for a DRIVING SCHOOL INSTRUCTOR'S LICENCE and every DRIVING SCHOOL INSTRUCTOR upon renewal of their LICENCE shall provide a Three Year Driver Record Search (Abstract) from the Ministry of Transportation dated within thirty (30) days preceding the application date or yearly renewal due date, or at the request of the LICENSING OFFICER.

LICENSING REQUIREMENTS FOR DRIVING SCHOOL OPERATORS

9. In addition to the general requirements for licensing established under the By-law every APPLICANT for a driving school OPERATOR LICENCE or for the renewal of a driving school OPERATOR LICENCE shall:
- (1) provide a "Criminal Conviction Background Search" dated not later than thirty (30) days preceding the date of the application or yearly renewal due date or at the request of the LICENSING OFFICER;
 - (2) in the case of a partnership, the "Criminal Conviction Background Search" shall be of each partner;
 - (3) in the case of a CORPORATION the "Criminal Conviction Background Search" shall be of each officer and director;
 - (4) provide the Harmonized Sales Tax (H.S.T.) number registered to the APPLICANT or LICENSEE;
 - (5) within 48 hours of any change in address, incorporating or partnership documents or other individual information, furnish the LICENSING SECTION with the particulars of the new information, and return the LICENCE for replacement if required;
 - (6) provide a list of each VEHICLE to be operated as a DRIVING SCHOOL VEHICLE in the driving school BUSINESS, identifying the make, model year, provincial LICENCE PLATE number and vehicle identification number (V.I.N.);
 - (7) submit all VEHICLES to be operated in the DRIVING SCHOOL BUSINESS for inspection on the date and at the time scheduled by the LICENSING OFFICER;
 - (8) for each VEHICLE, owned, or LEASED and to be operated as a DRIVING SCHOOL VEHICLE submit a current valid MOTOR VEHICLE PERMIT issued by the Ontario Ministry of Transportation with the ownership portion in the APPLICANT'S name, or if the MOTOR VEHICLE PERMIT owner's portion is in another PERSON or CORPORATION name; provide a copy of the LEASE agreement for the MOTOR VEHICLE;
 - (9) for each VEHICLE owned, or leased and operated as a DRIVING SCHOOL VEHICLE by a driving school OPERATOR, produce a current valid MOTOR VEHICLE PERMIT issued by the Ontario Ministry of Transportation with the APPLICANT'S name shown on the MOTOR VEHICLE PERMIT plate portion;

- (10) for each VEHICLE owned, or leased and to be operated as a driving school VEHICLE file a SAFETY STANDARD CERTIFICATE within thirty (30) days of application for a LICENCE or for renewal of the LICENCE;
- (11) for each VEHICLE owned, or leased and to be operated as a DRIVING SCHOOL VEHICLE, file proof of valid insurance for MOTOR VEHICLE liability, endorsed to include Ontario Policy Change Form (OPCF) for “Driver Training School” operations, in the amount of not less than Two Million Dollars (\$2,000,000) inclusive, per occurrence for bodily injuries, property damage and accident benefits, and including damage occasioned by any accident arising out of the operation of any MOTOR VEHICLE to be used in the BUSINESS in respect of which a LICENCE is applied for; such insurance policy shall contain an endorsement to provide the LICENSING OFFICER with thirty (10) days prior written notice of cancellation of a material change that would diminish coverage;
- (12) advise the LICENSING SECTION immediately when the use of any VEHICLE listed under Subsection (11) has been discontinued and when additional VEHICLES are proposed or intended for use, and return to the LICENSING SECTION all LICENCE PLATES issued pursuant to VEHICLES which are no longer operated as a DRIVING SCHOOL VEHICLE in the operator’s BUSINESS;
- (13) upon being ordered so to do by the LICENSING OFFICER, or his or her designate, cease to publish, display or circulate any poster, handbill, card, novelty, notice, newspaper advertisement or other matter used to advertise his or her BUSINESS;
- (14) provide, in every VEHICLE used in the BUSINESS, a frame or other device for holding the PHOTO IDENTIFICATION CARD of the PERSON giving instruction to a STUDENT DRIVER;
- (15) 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’s MOTOR VEHICLE operator’s temporary instruction permit or a MOTOR VEHICLE operator’s LICENCE, or, in the case of a STUDENT DRIVER who has not resided in Ontario for more than sixty (60) days, the number, date and place of issue, and the date of expiry of the student’s subsisting DRIVER’S LICENCE in accordance with the laws of the province, country or state in which he or she was a resident immediately before becoming a resident of Ontario;
- (16) provide a statement on the form provided by the LICENSING SECTION, giving particulars as to the location of the DRIVING SCHOOL premises together with such other information as may be required to determine the compliance of the use with all applicable By-laws and regulations;

- (17) be required to demonstrate that their past and present conduct and character complies with the criteria provided for in Schedule 2 being the Licensing Section's "Standard Character and Driving Record Criteria Policy";

VEHICLE REQUIREMENTS

10. Every licensed DRIVING SCHOOL OPERATOR and every DRIVING INSTRUCTOR who owns or leases a VEHICLE shall ensure that every VEHICLE used and or operated as a DRIVING SCHOOL VEHICLE in their BUSINESS is:
- (a) maintained in good repair so that it is MECHANICALLY SAFE;
 - (b) maintained so that the exterior is clean and it does not have body damage, paint damage, holes in floorboards, unserviceable tires, doors that do not close or lock properly, broken cracked or chipped windshield or windows, or any other mechanical defect that would render the VEHICLE unsafe;
 - (c) that the interior is clean, dry and free from litter, and the interior upholstery is not torn, worn or soiled;
 - (d) 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;
 - (e) cleared of any article left by passengers after every instructions session; 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.

PROHIBITIONS

11. No DRIVING SCHOOL INSTRUCTOR shall use a VEHICLE for teaching a PERSON to OPERATE a MOTOR VEHICLE that does not comply with the VEHICLE requirements contained in this Schedule.
12. No driving school OPERATOR shall permit, allow or cause the use a VEHICLE for teaching a PERSON to OPERATE a MOTOR VEHICLE that does not comply with the VEHICLE requirements contained in this Schedule.

DUTIES OF DRIVING SCHOOL INSTRUCTORS

13. Every licensed DRIVING SCHOOL INSTRUCTOR shall:

- (a) be properly dressed, neat and clean, civil and well behaved when giving driving instruction;
- (b) advise the LICENSING SECTION of all VEHICLES which he or she proposes to use to give instruction, identifying such VEHICLES by the makes and serial numbers thereof before giving instruction to any student;
- (c) submit any such VEHICLE for inspection by the LICENSING SECTION or by a mechanic designated by the LICENSING OFFICER on the date and time specified by the LICENSING OFFICER;
- (d) place the photo id card in the VEHICLE, in such a location that it is plainly visible when giving instruction to any STUDENT DRIVER;
- (e) ensure that the VEHICLE is equipped with an extra rear view mirror for the use of the instructor when giving driving instruction;
- (f) ensure that every student DRIVER is the holder of a current ONTARIO DRIVER'S LICENCE (Class G 1, G2 or G);
- (g) ensure that any VEHICLE being used for instruction bears all signs and PLATES required by this Schedule;
- (h) refuse driving instruction to any student DRIVER whose driving ability appears to be impaired by alcohol or drugs;
- (i) refuse to provide driving instruction in any VEHICLE until the VEHICLE has been inspected, and approved for use by the LICENSING OFFICER, and the license PLATE issued for the VEHICLE has been attached to the rear bumper of the VEHICLE;
- (j) refuse driving instruction to any STUDENT DRIVER who is not registered as a student at the driving school where the driving instructor is EMPLOYED or under contract;
- (k) not give driving instruction without a DRIVING SCHOOL INSTRUCTOR'S LICENCE issued and in his possession while instructing, pursuant to the Highway Traffic Act R.S.O. 1990, as amended;
- (l) not give driving instruction on any public road or HIGHWAY that is within any Restricted Area as defined in Section 17 of this Schedule;

- (m) refuse to provide instruction on any primary traffic artery, main HIGHWAY route or heavily travelled thoroughfare, during the first hour of any student's training period;
 - (n) despite paragraph (l) of this Section, a DRIVING SCHOOL INSTRUCTOR may give instruction to a student who lives in a Restricted Area, provided that the student carries with him or her proof of the student's residence and presents it on demand to any MUNICIPAL LAW ENFORCEMENT OFFICER, peace officer or police officer;
 - (o) not permit the use of cell phones or other communications devices by any person in the VEHICLE during the instruction period.
14. No DRIVING SCHOOL INSTRUCTOR shall enter into an agreement to provide driving instruction in the TOWN unless the DRIVING SCHOOL OPERATOR is currently licensed by the TOWN as a DRIVING SCHOOL OPERATOR.

DUTIES OF DRIVING SCHOOL OPERATORS

15. Every licensed DRIVING SCHOOL OPERATOR shall:
- (1) advise the LICENSING OFFICER forthwith:
 - (a) when any licensed VEHICLE ceases to be used; and
 - (b) when any additional VEHICLE is used in the BUSINESS, and
 - (c) return to the LICENSING OFFICER all PLATES issued in respect of VEHICLES that have ceased to be used in the BUSINESS.
 - (2) allow the LICENSING OFFICER to have access to all premises, VEHICLES, equipment, books and records used in the BUSINESS and submit any such VEHICLE for inspection whenever required.
 - (3) notify the LICENSING OFFICER, in writing, of the name and address of each DRIVING SCHOOL INSTRUCTOR EMPLOYED by him and of the date of commencement of such employment, such notification to be given not later than seventy-two (72) hours after the employment has commenced.
 - (4) notify the LICENSING OFFICER, in writing, of the name and address of each DRIVING SCHOOL INSTRUCTOR whose employment by him has terminated, and of the date of the termination of such employment, such notification to be given not later than seventy-two (72) hours after the employment has terminated.

- (5) furnish each student with a written statement of all rates and charges for services provided by the school before instruction is given.
 - (6) file with the LICENSING OFFICER a statement of rates and charges for services provided by the school. The statement shall be in a form approved by the LICENSING OFFICER and shall commence with the words, "The following is a complete Schedule of Rates and Charges for all services provided by (name of driving school) and no other rates or charges shall be demanded or received by the school or by any of its instructors."
 - (7) adhere to the rates and charges indicated in the published statement and give fifteen (15) days advance notice to the LICENSING OFFICER of any new statement of rates and charges.
16. No driving school OPERATOR shall permit, cause or allow a DRIVING SCHOOL INSTRUCTOR to act as a DRIVING SCHOOL INSTRUCTOR in the TOWN without first ensuring that the instructor has a current and valid DRIVING SCHOOL INSTRUCTOR'S LICENCE issued by the TOWN.

RESTRICTED AREAS

17. No DRIVING SCHOOL INSTRUCTOR shall give driving instructions:
- (a) in any public park; or
 - (b) upon any street abutting a school or playground, which, together with the adjoining streets, forms the block in which such school or play ground is situated.

CANCELLATION

18. A LICENCE issued to a DRIVING SCHOOL INSTRUCTOR or a DRIVING SCHOOL OPERATOR may be cancelled by the LICENSING OFFICER at any time if the LICENSEE fails to actively OPERATE for a continuous period of sixty (90) days the VEHICLE for which the DRIVING SCHOOL LICENCE PLATE has been issued unless the OWNER can show to the satisfaction of the LICENSING OFFICER just cause for such failure.

SCHEDULE 4 - RELATING TO THE LICENSING AND REGULATION OF OWNERS AND DRIVERS OF LIMOUSINES

TYPES OF LICENCES

1. The LICENSING OFFICER may issue the following types of licences in connection with the BUSINESS of owning and operating a LIMOUSINE for the conveyance of the travelling public:
 - (a) a LIMOUSINE OWNER'S LICENCE; and
 - (b) a LIMOUSINE DRIVER'S LICENCE;

NUMBER OF LICENCES

2. A LIMOUSINE OWNER shall be required to apply for, and obtain a LIMOUSINE VEHICLE LICENCE PLATE for each LIMOUSINE that is owned and operated for the purpose of the conveyance of the travelling public. The maximum number of operating LIMOUSINE VEHICLE LICENCE PLATES in the TOWN at any time shall not exceed fifty (50).

AFFIXING THE LICENCE PLATE AND RENEWAL STICKER

3. No OWNER of a LIMOUSINE shall fail to affix in a secure and visible manner to the exterior front passenger side of the LIMOUSINE the LICENCE PLATE issued by the LICENSING OFFICER, or as otherwise approved by the LICENSING OFFICER.
4. No LIMOUSINE OWNER shall fail to affix in a secure manner the LICENCE renewal sticker to the LIMOUSINE LICENCE PLATE issued by the LICENSING OFFICER.

LICENSING REQUIREMENTS FOR LIMOUSINE OWNER'S LICENCE

5. In addition to the general requirements for licensing established in the TOWN'S Mobile Business Licensing By-law, every APPLICANT for a LIMOUSINE OWNER'S LICENCE and for the renewal of a LIMOUSINE OWNER'S LICENCE shall produce with his application:
 - (a) a copy of the current passenger MOTOR VEHICLE PERMIT for the LIMOUSINE, in good standing issued by the Ministry of Transportation, in the OWNER'S name;

- (b) a policy of insurance endorsed to the effect that the LICENSING OFFICER will be given at least ten (10) days notice in writing of any cancellation, expiry or variation in the amount of the policy. The insurance shall be in at least the amount of two million dollars (\$2,000,000), exclusive of bodily injury to, or death of one or more PERSONS, or from loss or damage to property resulting from any one accident. The insurance policy shall make provision for passenger hazard in an amount not less than the foregoing. A copy or certificate of such insurance shall be deposited with the LICENSING OFFICER;
 - (c) a current, valid Ministry of Transportation SAFETY STANDARD CERTIFICATE issued within thirty days (30) of the application, and where the VEHICLE is powered by propane fuel, a certificate of fitness endorsed by a qualified propane INSPECTOR;
 - (d) proof of Harmonized Sales Tax (HST) registration; and
 - (e) submit the VEHICLE to be licensed for an inspection and approval by the LICENSING OFFICER.
6. Where a LIMOUSINE OWNER does not actively drive a LIMOUSINE, upon swearing of an affidavit in a form approved by the TOWN, he or she may produce a Criminal Background Check as an alternative to the licensing requirement to produce a current and valid VULNERABLE SECTOR SCREEN REPORT.

LICENSING REQUIREMENTS FOR LIMOUSINE DRIVER'S LICENCE

7. In addition to the general requirements for licensing established in the TOWN's Mobile Business Licensing By-law, every APPLICANT for a LIMOUSINE DRIVER'S LICENCE shall produce with his application:
- (a) a current, valid full Class "G" ONTARIO DRIVER'S LICENCE issued in the APPLICANT'S name.
 - (b) an original Driver's Abstract obtained from the Ministry of Transportation, dated within thirty (30) days of the date of the application.
 - (c) an original VULNERABLE SECTOR SCREEN REPORT issued by the Police Service having jurisdiction in the APPLICANT'S resident municipality.
 - (d) A certificate prepared by a Physician which states that the APPLICANT is fit and able to OPERATE a MOTOR VEHICLE carrying passengers for hire, dated within thirty (30) days of application; and
 - (e) A letter of employment from the licensed LIMOUSINE PLATE OWNER.

OWNER PROHIBITIONS

8. No OWNER shall:

- (a) permit or allow any PERSON other than a driver EMPLOYED by him, and licensed under this Schedule, to operate the LIMOUSINE;
- (b) enter into any lease agreement pertaining to the OWNER'S LIMOUSINE LICENCE PLATE;
- (c) attach to any VEHICLE, the LIMOUSINE VEHICLE LICENCE PLATE, other than to the VEHICLE for which the LICENCE PLATE was issued; and
- (d) where an OWNER has been found to have contravened Section 8 (c) above, the LICENCE shall be immediately cancelled by the LICENSING OFFICER, and the OWNER is prohibited from making a subsequent application for a LIMOUSINE VEHICLE LICENCE PLATE for a period of two (2) years following the date of such cancellation.

DRIVER PROHIBITIONS

9. No DRIVER shall:

- (a) drive a LIMOUSINE in the TOWN without first obtaining a LICENCE for that purpose, issued by the TOWN;
- (b) be the DRIVER of any LIMOUSINE, unless the OWNER of such LIMOUSINE is licensed under this schedule as a LIMOUSINE OWNER, in relation to such VEHICLE;
- (c) use a cell phone or any other device while operating a LIMOUSINE, for the purpose of contracting for the conveyance of PERSONS by LIMOUSINE except by pre-arrangement through the place of BUSINESS of the OWNER or broker of such LIMOUSINE.

DRIVER/OWNER PROHIBITIONS

10. No DRIVER or OWNER shall:

- (1) OPERATE or permit to be operated, any LIMOUSINE unless it is equipped with a LICENCE PLATE, or other means of identification supplied by the TOWN securely affixed to the exterior front side of the VEHICLE;

- (2) 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;
- (3) STAGE the LIMOUSINE so as to SOLICIT any PERSON to hire the LIMOUSINE without a PREARRANGED service agreement;
- (4) smoke, or permit the smoking of any cigar, cigarette or other tobacco product in the LIMOUSINE.

DUTIES OF DRIVER

11. Every DRIVER while conveying passengers in a LIMOUSINE shall 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.
12. Every DRIVER shall file a letter of employment, or where self-employed, a written contract between the DRIVER and OWNER for the employment or services of the DRIVER to drive the LIMOUSINE.

DUTIES OF OWNER

13. Owners are required to actively OPERATE their LIMOUSINE, and failure to do so for a period of six (6) months will result in the cancellation of the LICENCE.
14. When a LIMOUSINE LICENCE OWNER ceases to have a current and valid Ontario standard automobile insurance policy properly endorsed in accordance with the provisions of this By-law, the LIMOUSINE VEHICLE LICENCE PLATE shall be deemed to be suspended as of the date of the cessation of the insurance, and shall only be reinstated upon submitting written PROOF OF INSURANCE in the form of a certificate of insurance issued by the insurer, to the satisfaction of the LICENSING OFFICER.
15. When the licensed OWNER has his LICENCE suspended under this By-law, he shall forthwith remove the LIMOUSINE VEHICLE LICENCE PLATE from the VEHICLE and return it to the LICENSING OFFICER.
16. LIMOUSINE LICENCE OWNERS shall file a list of all TOWN licensed DRIVERS who OPERATE the LIMOUSINE in the TOWN.

DUTIES OF DRIVERS/OWNERS

17. Every LIMOUSINE DRIVER or OWNER shall:
 - (1) only provide LIMOUSINE service on a PREARRANGED basis, and PERSONS contracting for conveyance by LIMOUSINE shall be informed of the rates to be charged at the time of contracting such conveyance, and no greater amount shall be demanded or received;

- (2) keep on file with the LICENSING OFFICER the current hourly tariff rate charged;
- (3) file with the LICENSING OFFICER at least seventy-two (72) hours prior to the effective date, any and all changes in tariff rates;
- (4) only charge for services in accordance with the tariff rates filed, such rates shall provide for minimum one (1) hour duration at a rate not less than fifty dollars (\$50.00) for the first hour;
- (5) keep in the VEHICLE a card showing the SCHEDULE OF RATES, and provide a copy on request to any passenger or licensing INSPECTOR;
- (6) employ or use only the services of a LIMOUSINE DRIVER licensed by the TOWN; and
- (7) upon receipt of notice of inspection, attend with the LIMOUSINE operated by him at the licensing office at a time and date appointed by the LICENSING OFFICER or INSPECTOR.

VEHICLE REQUIREMENTS

18. Every LIMOUSINE OWNER and DRIVER shall ensure that every VEHICLE operated as a LIMOUSINE is:

- (1) maintained in good repair so that it is MECHANICALLY SAFE;
- (2) maintained so that it does not have body damage, paint damage, holes in floorboards, unserviceable tires, doors that do not close or lock properly, broken cracked or chipped windshield or windows or any other mechanical defect that would render the VEHICLE unsafe, and the exterior is clean;
- (3) maintained so that the interior is clean, dry and free from litter, interior upholstery that is free of tears, wear or soil; and
- (4) cleared of any article left by passengers after every conveyance.

EQUIPMENT PROHIBITIONS

19. No LIMOUSINE shall:

- (a) be equipped with a TAXICAB METER or other device registering distance travelled or computing FARES to be paid; or
- (b) be equipped with ILLUMINATED ROOF LIGHTs or other advertising devices.

SCHEDULE 5 - RELATING TO THE LICENSING, REGULATION AND GOVERNING OF REFRESHMENT VEHICLES

TYPES OF LICENCES

1. The LICENSING OFFICER may issue the following types of licences in connection with the BUSINESS of SELLING PRODUCTS from a REFRESHMENT VEHICLE by going place to place or in a particular place;
 - (1) REFRESHMENT VEHICLE OWNER; and
 - (2) REFRESHMENT VEHICLE OPERATOR.

NUMBER OF LICENCES

2. A REFRESHMENT VEHICLE OWNER who is the OWNER or LESSEE of more than one VEHICLE that is utilized for SELLING REFRESHMENTS is required to apply for a REFRESHMENT VEHICLE LICENCE PLATE for each VEHICLE that is owned or LEASED and operated for the purpose of VENDING.

REFRESHMENT VEHICLE OWNERS – TYPE 1 REQUIREMENTS

3. Every REFRESHMENT VEHICLE OWNER – TYPE 1 shall:
 - (1) ensure the body, doors and windows of such four-wheeled commercial MOTOR VEHICLES are sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other nuisances;
 - (2) ensure the floor of such REFRESHMENT VEHICLE – TYPE 1 shall be a suitable material, free of holes, cracks or crevices, and the surface shall be readily washable and shall be kept clean and in good condition;
 - (3) ensure the storage shelves therein shall be painted or covered with suitable impervious materials;
 - (4) ensure the REFRESHMENT VEHICLE– TYPE 1 shall have painted in contrasting colour on both side panels in letters and figures at least 4 inches high, the name and BUSINESS address of the OWNER thereof;
 - (5) ensure all condiments, milk, cream and sugar shall be dispensed from containers approved by the LICENSING OFFICER;
 - (6) 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 REFRESHMENTS;

- (7) ensure the REFRESHMENT VEHICLE TYPE 1 is equipped with either;
 - (a) 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
 - (b) a disposable litter container which shall be replaced daily;
- (8) ensure that every PERSON SELLING or handling REFRESHMENTS:
 - (a) have clean clothes, appropriate headwear that confines their hair,
 - (a) be clean and neat in appearance,
 - (b) have clean hands; and
 - (c) 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.
- (9) ensure the REFRESHMENT VEHICLE– TYPE 1 and 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;
- (10) ensure all milk sold from the REFRESHMENT VEHICLE shall be kept in dry storage at a temperature no higher than 40 degrees Fahrenheit and shall be sold only in individual, disposable containers;
- (11) ensure all sandwiches, cakes, doughnuts, hot dogs, hamburgers, pies and other similar foods shall be wrapped and sold in individual servings;
- (12) ensure the date of preparation shall be clearly marked as such on or affixed to the wrapper of all sandwiches sold from the REFRESHMENT VEHICLE;
- (13) ensure no prepared foods other than those kept in unopened cans shall be sold more than twenty-four hours after their preparation;
- (14) ensure adequate refrigeration at a temperature no higher than 5 degrees Celsius shall be provided for perishable foodstuffs which shall be kept so refrigerated;

- (15) ensure the REFRESHMENT VEHICLE shall be equipped so as to maintain hot, prepared foods at a temperature of not less than 66 degrees Celsius, and such foods shall be kept so heated;
- (16) 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 hours, during any twenty-four (24) hour period;
- (17) where the vehicle is powered by or uses propane in file annually with the TOWN, 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 under the direction of the Ministry of Consumer Services.

REFRESHMENT VEHICLE OWNERS – TYPE 2 REQUIREMENTS

6. Every REFRESHMENT VEHICLE OWNER – TYPE 2 shall:

- (1) provide a statement on the form provided by the TOWN giving particulars as to the location of the PREMISES together with such other information as may be required to determine the compliance of the use with all applicable By-laws and regulations;
- (2) ensure the REFRESHMENT VEHICLE TYPE 2 is equipped with either;
 - (a) 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
 - (b) a disposable litter container which shall be replaced daily; and such containers shall be used for the disposal of all refuse.
- (3) ensure that every PERSON SELLING or handling REFRESHMENTS:
 - (a) have clean clothes, appropriate headwear that confines their hair,
 - (b) be clean and neat in appearance,
 - (c) have clean hands; and
 - (d) 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.

- (4) ensure the REFRESHMENT VEHICLE– TYPE 2 and 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;
- (5) ensure adequate refrigeration shall be provided for perishable foodstuffs which shall be kept so refrigerated;
- (6) where the vehicle is powered by or uses propane in file annually with the TOWN, 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 under the direction of the Ministry of Consumer Services

REFRESHMENT VEHICLE OWNERS and OPERATOR PROHIBITIONS

5. No REFRESHMENT VEHICLE OWNER or OPERATOR shall:

- (a) park or stop such VEHICLE, for the purpose of carrying on the BUSINESS at a distance less than fifty (50) feet from any intersection, or less than one hundred (100) feet from the entrance to any park, or less than fifteen hundred (1,500) feet from any school ground; and,
- (b) shall 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. No REFRESHMENT VEHICLE OWNER shall:

- (a) permit any REFRESHMENT VEHICLE OPERATOR to SELL or offer to SELL REFRESHMENTS from a REFRESHMENT VEHICLE without first obtaining a LICENCE.

**SCHEDULE 6 - RELATING TO THE LICENSING, REGULATION AND
GOVERNING OF TAXICAB BROKERS, OWNER AND DRIVERS**

PART ONE

ADMINISTRATION AND GENERAL PROVISIONS

TYPES OF LICENCES

1. The LICENSING OFFICER may issue the following types of licences in connection with the BUSINESS of providing ‘On Demand For Hire’ Transportation to the travelling public:
 - (1) a TAXICAB BROKER’S LICENCE;
 - (2) a TAXICAB OWNER’S LICENCE;
 - (3) an AIRPORT TAXICAB OWNER’S LICENCE;
 - (4) a TAXICAB DRIVER’S LICENCE;

AFFIXING THE LICENCE PLATE AND RENEWAL STICKER

2. A TAXICAB BROKER, OWNER or DRIVER who is the OWNER or LESSEE of a VEHICLE that is utilized as a TAXICAB shall affix a PLATE, issued by the LICENSING OFFICER, to each VEHICLE that is owned or LEASED and operated as a TAXICAB.
3. No OWNER or LESSEE of a VEHICLE that is utilized as a TAXICAB shall fail to affix in a secure manner the LICENCE renewal sticker to the PLATE issued by the LICENSING OFFICER.

ADMINISTRATION AND DUTIES

4. The LICENSING SECTION shall:
 - (1) receive and process all applications for licences and for renewal of licences to be issued under this Schedule;
 - (2) issue licences to, and renew licences for PERSONS who meet the requirements of this Schedule;
 - (3) enforce the provisions of this Schedule;
 - (4) provide every OWNER with a tariff card and a copy of the Schedule;

- (5) generally perform all of the administrative functions conferred upon it by this Schedule, and the Mobile Business Licensing By-law.
5. When an OWNER'S PLATE, sticker, tariff card or LICENCE is defaced, destroyed or lost, the LICENSEE shall apply to the LICENSING SECTION for a replacement and shall pay the appropriate fee as required under the Licensing Fees and Charges By-law and the LICENSING SECTION shall issue a replacement.

EXEMPTIONS

6. Where a TAXICAB OWNER or a TAXICAB BROKER is licensed by the TOWN and ceases to actively drive or OPERATE a TAXICAB, upon swearing of an affidavit in a form approved by the TOWN, he may be exempted by the LICENSING OFFICER of the requirement to attend and complete the TOWN "Refresher Taxi DRIVER" training course".
7. Where a TAXICAB OWNER or TAXICAB BROKER is exempted under Section 6, they are required to attend and complete the TOWN "Refresher TAXI OWNER" training course.

FLAT RATE

8. The FARE provisions of this Schedule may not apply to TAXICABS while:
 - (a) being used for the transportation of children to and from school, or to TAXICABS operating under contract to any government agency, for the transportation of PERSONS with disabilities;
 - (b) the trip destination is outside Markham, and the DRIVER and PASSENGER have, before the commencement of the trip, agreed on a flat rate;
 - (c) the driver of the TAXICAB under Subsection (b) shall engage the TAXICAB METER while the TAXICAB is within the bounds; or
 - (d) the TAXI BROKER has a contract with the TOWN to provide TAXICAB service for either the York Region Mobility Bus or cab services.

LICENSING PREREQUISITES

9. No PERSON shall be licensed unless he is at least eighteen (18) years of age and a citizen of Canada, or a landed immigrant, or produces a valid work permit issued by the Government of Canada to work as a DRIVER.
10. No PERSON shall be licensed as a DRIVER unless:
 - (1) he submits a certificate by a duly qualified medical practitioner which states that he is fit and is able to OPERATE a MOTOR VEHICLE;

- (2) he provides a letter of potential employment from the licensed OWNER, licensed TAXICAB BROKER or VEHICLE lessee for whom he will be driving;
- (3) he provides a THREE YEAR DRIVER RECORD SEARCH issued by the Ministry of Transportation, dated within thirty (30) days preceding the date of the application or yearly renewal due date, or at the request of the LICENSING OFFICER;
- (4) he attends and completes the applicable TOWN training programs as required by the LICENSING OFFICER;
- (5) he holds in his name, a current, valid, Class 'G' ONTARIO DRIVER'S LICENCE issued by the Province of Ontario;
- (6) he provides a current and valid VULNERABLE SECTOR SCREEN REPORT issued by the Police Service having jurisdiction where he is resident, and which is to the satisfaction of the LICENSING OFFICER.
- (7) Notwithstanding Subsection (6) above, every TAXICAB DRIVER and TAXICAB OWNER LICENSEE seeking to renew their LICENCE shall produce a current and valid Criminal Background Check, issued within thirty (30) days of the application for renewal and which is to the satisfaction of the LICENSING OFFICER.

11. No PERSON shall be licensed as an TAXICAB OWNER unless:

- (1) he holds a current TAXICAB DRIVER'S LICENCE issued by the TOWN;
- (2) he holds a current passenger MOTOR VEHICLE PERMIT which is in good standing and was issued by the Ministry of Transportation in the APPLICANT'S name for the MOTOR VEHICLE of which he is the owner;
- (3) he produces and files with the LICENSING SECTION a copy of a current Ontario Standard Automobile Insurance policy, for the VEHICLE for which he is the OWNER, and the policy shall be endorsed to provide that the LICENSING OFFICER will be given at least ten (10) days notice in writing prior to any cancellation, expiration or change in the amount of the policy; and the policy should insure, in respect to any one accident, a third party liability limit of at least two million dollars (\$2,000,000), exclusive of interest and cost; and
- (4) the VEHICLE to be licensed as a TAXICAB meets the requirements of this Schedule.

12. If the APPLICANT for a TAXICAB OWNER'S LICENCE is a CORPORATION, the PERSON holding the shares carrying at least fifty-one per cent (51%) of the voting rights attached to all shares of the CORPORATION for the time being issued and outstanding, shall be a DRIVER licensed under this By-law. If no one PERSON holds at least fifty-one per-cent (51%) of the voting rights of the CORPORATION, then the CORPORATION shall designate one PERSON to be the licensed DRIVER.
13. No PERSON shall be licensed as a TAXICAB BROKER unless he is a DRIVER licensed under this By-law, or if the APPLICANT is a CORPORATION, the PERSON holding shares carrying at least fifty-one per-cent (51%) of the voting rights attached to all shares of the CORPORATION for the time being issued and outstanding, shall be a DRIVER licensed under this By-law. If no one PERSON holds at least fifty-one per-cent (51%) of the voting rights of the CORPORATION, then the CORPORATION shall designate one PERSON to be the licensed DRIVER.
14. 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.

LIMITATION ON THE NUMBER OF LICENCES ISSUED

15. One hundred and ninety-two (192) TAXICAB OWNER LICENCES are issued and operated under this Schedule.
16. The number of TAXICAB OWNER LICENCES, issued in accordance with Section 15, shall include fifty-two (52) AIRPORT TAXICAB LICENCES bearing current and valid LICENCE PLATES issued by the Department of Transportation under the Government Airport Concessions Operations Regulations, with respect to the operation of such TAXICABS at the Toronto Pearson International Airport, and the "Conditions of Permit for TAXICABS," issued by the Department of Transportation.
17. (1) To determine the proportion of TAXICABS required in the community, the LICENSING OFFICER shall recommend to Council that additional TAXICAB OWNER'S licences be issued using a "Ratio to Population" formula relying on increases in the official population of the TOWN based on Statistics Canada population figures, and such additional licences shall be issued from the PRIORITY LIST in accordance with the provisions of Part Five of this Schedule.

(2) No PERSON, by virtue of the submission of an application for a TAXICAB OWNER PLATE, shall enjoy a vested right to such PLATE, or where issued, to the continuance of such OWNER PLATE and, upon issuance, renewal, cancellation, or suspension, the OWNER PLATE remains the property of the TOWN, and the LICENSING OFFICER may refuse to issue or renew and may suspend, revoke or cancel any OWNER PLATE or LICENCE issued under this Schedule. Council reserves the right to amend or repeal this Schedule and any successor Schedules and to place further or additional requirements or restrictions on such APPLICANTS, PERSONS or LICENCES at any time or from time to time.

REPRESENTATION OF LICENSING

18. No PERSON shall publish or cause to be published any representation that he is licensed, if he is not.

APPLICATION FOR A LICENCE AND FOR THE RENEWAL OF A LICENCE

19. An application for a TAXICAB DRIVER'S, TAXICAB OWNER'S, or TAXICAB BROKER'S LICENCE and the application for the renewal of such licences shall be completed on the forms provided by the LICENSING SECTION.

SUBMISSION OF LICENCE APPLICATION TO LICENSING SECTION

20. A completed application for a LICENCE or for renewal of a LICENCE shall be delivered to the LICENSING SECTION and shall be accompanied by:
 - (1) the fee in the appropriate amount as set out in the TOWN'S Licensing Fees and Charges By-law;
 - (2) if the APPLICANT is a CORPORATION, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department;
 - (3) the LICENCE issued for the year immediately prior to renewal; and, when required by the LICENSING OFFICER, the OWNER PLATE shall be returned to the LICENSING SECTION, with the application for renewal.

ISSUE OF LICENCE

21. When an application for a TAXICAB DRIVER, TAXICAB OWNER, or TAXICAB BROKER LICENCE is made in accordance with the provisions of this Schedule and the APPLICANT meets all of the requirements of this Schedule, the LICENSING OFFICER shall issue a LICENCE which shall set out the expiry date in accordance with Schedule 1 of the TOWN's Mobile Business Licensing By-law, and the APPLICANT shall be licensed.
22. Unless provided otherwise in this Schedule, a PERSON who is the OWNER of more than one TAXICAB shall take out a separate TAXICAB LICENCE for each VEHICLE owned by him.
23. All applications shall be delivered personally by the APPLICANT to the LICENSING SECTION in the manner prescribed by the LICENSING OFFICER.

RENEWAL OF LICENCE

24. Every application for renewal of a TAXICAB DRIVER'S LICENCE, a TAXICAB OWNER'S LICENCE or a TAXICAB BROKER'S LICENCE shall be delivered to the LICENSING SECTION before the expiry date of the LICENCE as set out in Schedule 1 of the TOWN'S Mobile Business Licensing By-law.
25. When a LICENCE can be renewed because it meets the requirements of this Schedule, the LICENSING OFFICER shall issue a LICENCE which shall set out the expiry date as set out in Schedule 1 of the TOWN's Mobile Business Licensing By-law.

FAILURE TO RENEW BY END OF TERM OF LICENCE

26. Failure to renew a TAXICAB DRIVER'S LICENCE by that LICENSEE'S birth date will result in a late penalty charge as provided for in the TOWN Licensing Fees and Charges By-law.
27. A DRIVER who fails to renew his LICENCE within one (1) year of the date of expiry shall be treated as a new APPLICANT and subject to all the licensing requirements of a new APPLICANT.
28. Failure to renew either a TAXICAB OWNER'S LICENCE or a TAXICAB BROKER'S LICENCE by April 30th in each year will result in a late penalty charge as provided for in the TOWN Licensing Fees and Charges By-law.

GROUND FOR REFUSAL TO ISSUE OR TRANSFER A LICENCE

29. An APPLICANT is entitled to be licensed and a LICENSEE is entitled to have his LICENCE renewed, except where:
 - (1) having regard to his financial position, the APPLICANT or LICENSEE cannot reasonably be expected to be financially responsible in the conduct of the BUSINESS which is to be licensed or is licensed;
 - (2) the past conduct of the APPLICANT or LICENSEE affords reasonable grounds for the belief that the APPLICANT or LICENSEE will not carry on the activity for which he is to be licensed or to continue to be licensed, in accordance with law and with integrity and honesty;
 - (3) the issuance of the LICENCE or renewal of the LICENCE would be contrary to the public interest;
 - (4) the APPLICANT or LICENSEE is carrying on activities that are, or will be, if the APPLICANT is licensed, in contravention of this By-law; or
 - (5) if the APPLICANT or LICENSEE is a CORPORATION,

- (a) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the BUSINESS for which it is to be licensed;
- (b) the past conduct of the officers or directors affords reasonable grounds for the belief that the APPLICANT or LICENSEE will not carry on the activity for which he is to be licensed or continue to be licensed in accordance with law; or
- (c) the issuance of the LICENCE or renewal of the LICENCE would be contrary to the public interest.

REFUND OF FEE ON REFUSAL TO ISSUE OR RENEW A LICENCE

- 30. When an application for a LICENCE or renewal of a LICENCE is refused, the LICENCE fee paid shall be fully refunded and any other administrative fees as provided for in the TOWN'S Licensing fees and Charges By-law paid shall not be refunded.

REFUND OF FEE ON REVOCATION OF A LICENCE

- 31. When a LICENCE is revoked, the LICENSEE is entitled to apply to the LICENSING OFFICER for a refund of that part of the LICENCE fee which is proportionate to the unexpired part of the term for which the LICENCE was issued.
- 32. The provisions of Section 31 do not apply when the unexpired part of the term is less than four (4) months.

CANCELLATION OF A LICENCE

- 33. A LICENCE issued to an TAXICAB OWNER may be cancelled by the LICENSING OFFICER at any time if the TAXICAB OWNER fails to actively OPERATE for a continuous period of ninety (90) days, the VEHICLE for which the owner's TAXICAB PLATE has been issued. The decision of the LICENSING OFFICER may be appealed to the LICENCE APPEAL COMMITTEE upon payment of the LICENCE appeal fees as established in the TOWN Licensing Fees and Charges By-law.
- 34. A LICENCE issued to a TAXICAB BROKER may be cancelled by the LICENSING OFFICER at any time, if the TAXICAB BROKER fails to actively OPERATE for a continuous period of ninety (90) days, the TAXICAB BROKERAGE BUSINESS for which the LICENCE has been issued. The decision of the LICENSING OFFICER may be appealed to the LICENCE APPEAL COMMITTEE upon payment of the LICENCE appeal fees as established in the TOWN'S Licensing Fees and Charges By-law.
- 35. Any LICENCE may be cancelled by the LICENSING OFFICER at any time, upon the written request of the LICENSEE.

RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

36. When a LICENCE has been revoked or suspended, the holder of the LICENCE shall return the LICENCE and if applicable, owner's PLATE or LICENCE sticker to the LICENSING SECTION within twenty-four (24) hours of service of written notice of the LICENSING OFFICER. The LICENSING OFFICER may enter upon the BUSINESS premises or VEHICLES of the LICENSEE for the purpose of receiving, taking or removing the said LICENCE, owner's PLATE or LICENCE sticker.
37. When a PERSON has had his LICENCE revoked or suspended he shall not refuse to deliver up or in any way obstruct or prevent the LICENSING OFFICER from obtaining the LICENCE, the owner's PLATE and LICENCE sticker in accordance with Section 41 of this Schedule.

RIGHT OF INSPECTION OF PREMISES OR VEHICLES

38. The LICENSING OFFICER may at any reasonable time enter upon and inspect the BUSINESS premises or VEHICLE of any LICENSEE to insure that the provisions of this schedule have been complied with, and on completion of such inspection shall complete and file a written report on the inspection.
39. Upon an inspection under Section 38, the LICENSING OFFICER inspecting is entitled to request and have produced all relevant licences and permits, and to have access to all invoices, vouchers, appointment books and TRIP SHEETS or like documents of the PERSON being inspected, provided such documents are relevant for the purposes of the inspection and the LICENSING OFFICER inspecting may remove any of the aforementioned documents for the purpose of photocopying, provided a receipt is given to the LICENSEE and the documents are returned to the LICENSEE within forty-eight (48) hours of removal.
40. Every licensed DRIVER or OWNER shall, on request of the LICENSING OFFICER, produce his LICENCE and such other documentation as is requested upon an inspection under Section 38.

VEHICLE INSPECTION

41. The LICENSING OFFICER may require at any time that an OWNER, lessee or DRIVER submit his VEHICLE for inspection at a specified location.
42. The OWNER, LESSEE or DRIVER shall submit his VEHICLE for inspection when required to do so by the LICENSING OFFICER under Section 41.

LICENCE PRODUCTION

43. Every licensed TAXICAB DRIVER, TAXICAB OWNER and TAXICAB BROKER, when requested by the LICENSING OFFICER or a police officer, shall produce his LICENCE, photograph and other relevant documents required under this Schedule.

STANDS FOR TAXICABS

44. No TAXICAB DRIVER, while waiting for hire or engagement, shall park the TAXICAB that he is operating on private property except at a stand authorized and assigned for TAXICABS and marked as a TAXICAB STAND by authorized signs.
45. No VEHICLE, other than a TAXICAB licensed under this Schedule which is waiting for hire or engagement, shall be parked at any TAXICAB STAND referred to in Section 44.
46. The TAXICAB STANDS locations are set out in Part Seven of this Schedule and include the number of TAXICABS permitted and their hours of operation.

PART TWO
TAXICAB DRIVER REGULATIONS

TAXICAB DRIVER DUTIES:

47. Every licensed DRIVER shall:

- (1) each day, before commencing the operation of the TAXICAB, examine the VEHICLE for mechanical defects or interior or exterior damage and shall report forthwith any defects found, to the OWNER or REGISTERED LESSEE of the TAXICAB;
- (2) each day, upon completion of the operation of the TAXICAB, return the VEHICLE to his employer and report all defects in the TAXICAB and all accidents to the OWNER or REGISTERED LESSEE;
- (3) carry the TAXICAB DRIVER'S LICENCE and his ONTARIO DRIVER'S LICENCE with him at all times when operating a TAXICAB;
- (4) have available at all times and produce on request of the LICENSING OFFICER, or a passenger, the following:
 - (a) a current tariff card;
 - (b) a current TAXICAB DRIVER'S photo identification card issued by the LICENSING OFFICER;
- (5) 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 TOWN "CUSTOMER BILL OF RIGHTS" including a complaint telephone number and DRIVER photograph;
- (6) Notwithstanding Subsection (5), 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;
- (7) keep a daily TRIP SHEET showing:
 - (a) the name of the DRIVER, the date and the TAXICAB OWNER'S PLATE number;
 - (b) the location and the time of the beginning and end of every TRIP made;
 - (c) the amount of the FARE collected for each TRIP.

- (8) retain all TRIP SHEETS for at least twelve (12) months and make them available for inspection at the request of the LICENSING OFFICER;
- (9) be civil and behave courteously;
- (10) be properly dressed, well groomed, neat and clean in personal appearance;
- (11) give a passenger a receipt on an authorized form, showing the DRIVER'S name and LICENCE number and an identifying number for the VEHICLE, and amount for the conveyance when requested, or whenever there is a dispute over the FARE;
- (12) where a DRIVER is required to produce a receipt under Subsection (11) the receipt shall comply with Section 223(1) of the Excise Tax Act S.C. by stipulating on the receipt that the amount paid or payable by the passenger for the conveyance includes the tax payable in respect of the conveyance;
- (13) 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;
- (14) subject to Section 50, and except when he has a previous ORDER or engagement, serve the first PERSON requiring the service of his VEHICLE at any place within Markham, at any time by day or night, except when the PERSON:
 - (a) is intoxicated or disorderly; or,
 - (b) refuses to state his destination; or,
 - (c) is in possession of an animal other than a personal assistance animal; or,
 - (d) is eating or drinking any food or beverage; or
 - (e) has not paid a previous FARE or cancellation fee; or,
 - (f) 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 he has the funds to pay the FARE;
- (15) punctually keep all his hiring engagements, and shall not make any further engagement or ORDER if a previous engagement would prevent him from fulfilling it;

- (16) take due care of all property delivered or entrusted to him for conveyance or safekeeping, and immediately on the termination of any hiring engagement, examine the interior of his VEHICLE for any property lost or left therein, and all property or money left in his VEHICLE shall be forthwith delivered to the PERSON owning the property or money and if the OWNER of the property or money cannot at once be found, the DRIVER shall deliver the property or money to the nearest police station, with all information in his possession regarding the property or money;
- (17) when a passenger enters the VEHICLE and gives the DRIVER the desired destination, take the shortest possible route to the destination desired, unless the passenger designates otherwise;
- (18) when a dispute arises with a passenger about the FARE, refer the dispute to the nearest LICENSING OFFICER for arbitration;
- (19) only enter a TAXICAB STAND by taking his position at the end of any line formed by the TAXICABS already on the stand;
- (20) while waiting at a TAXICAB STAND or at any other PUBLIC PLACE:
 - (a) 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;
 - (b) not make any loud noise or disturbance;
 - (c) be sufficiently close to his TAXICAB to have it under observation at all times;
 - (d) not wash the TAXICAB; or
 - (e) not make repairs to his TAXICAB, unless the repairs are immediately necessary.
- (21) not pick up any passenger within sixty (60) meters of a TAXICAB STAND when there are one or more TAXICABS upon the stand:
 - (a) unless an arrangement has been previously made with the passenger to pick him up at that location; or
 - (b) 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.
- (22) subject to Subsections 23 and 24, engage the TAXICAB METER at the commencement of the TRIP and keep it engaged throughout the TRIP, except where Section 53 is applicable;

- (23) be allowed to engage the TAXICAB METER before the passenger enters the VEHICLE, only after the TAXICAB DRIVER has notified the passenger of his arrival and has waited a reasonable time after the due time of the ORDER;
- (24) at the conclusion of the TRIP, place the TAXICAB METER in the time-off status and after payment, place in the vacant status;
- (25) keep in his TAXICAB a current street guide or map and surrounding area, which is of a type approved by the LICENSING OFFICER; and
- (26) turn off any radio, tape player or any other sound producing mechanical device in his 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.

DRIVER PROHIBITIONS

48. No licensed DRIVER shall:

- (1) carry in any TAXICAB a greater number of passengers than is set out in the manufacturer's rating of seating capacity for such VEHICLE;
- (2) 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;
- (3) take, consume or have in his possession any alcohol, drugs or intoxicants while operating a TAXICAB for which he is the DRIVER;
- (4) use any tariff card, other than that obtained from the LICENSING SECTION, or remove, exchange, lend or otherwise dispose of the tariff card;
- (5) 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:
 - (a) when done at the request of a passenger already in the VEHICLE;
 - (b) in an emergency situation; or

- (c) when operating a VEHICLE which is being used exclusively for the transportation of children to and from school, or for the transportation of PERSONS with disabilities provided for in Section 8 of this Schedule;
- (6) OPERATE a TAXICAB which does not have an owner's PLATE affixed thereto;
- (7) OPERATE a TAXICAB whose OWNER is not a licensed TAXICAB OWNER;
- (8) permit a passenger to stand in a TAXICAB while the VEHICLE is in motion;
- (9) be required to accept any ORDER when the expenditure of money by the licensed TAXICAB DRIVER is required on behalf of the passenger;
- (10) recommend hotels, restaurants or other like facilities unless requested to do so by the passenger;
- (11) 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;
- (12) OPERATE a TAXICAB when the meter has not been adjusted in accordance with the existing current rates set out in this By-law, or when the operation has not been approved by the LICENSING OFFICER;
- (13) OPERATE a TAXICAB when the TAXICAB METER does not OPERATE properly;
- (14) OPERATE a TAXICAB when the TAXICAB METER seal is improperly affixed;
- (15) OPERATE a TAXICAB without an owner's PLATE, side numbers and roof light, provided in accordance with the provisions of Section 58(2);
- (16) OPERATE a TAXICAB, unless such VEHICLE:
 - (a) is equipped with an extra tire wheel and jack, ready for use for that VEHICLE;
 - (b) meets the standards required for the issue of an acceptance under an Ontario Ministry of Transportation VEHICLE Inspection report, or meets the standards for the issue of a Safety Standard Certificate of mechanical fitness;
 - (c) is clean, dry and in good repair as to its interior; and

- (d) is clean and in good repair as to its exterior, free from exterior body damage and with a well maintained exterior paint finish.
- (17) induce any PERSON to engage his VEHICLE by any misleading or deceiving statement or representation to that PERSON about the location or distance of any destination named by that PERSON;
- (18) subject to Section 53, and except for a tip, gratuity or credit card service charge, recover or receive any FARE or charge from any passengers or PERSONs who had demanded his services, less than the FARE or charge authorized by this Schedule;
- (19) recover or receive any FARE or charge from any PERSON to whom he has refused to show the tariff card;
- (20) make any charge for time lost through defects or inefficiency of the VEHICLE or the incompetence of the DRIVER;
- (21) make any charge for the time elapsed due to early arrival of the VEHICLE in response to a call for the VEHICLE to arrive at a fixed time;
- (22) enter into or become a party to an exclusive concession agreement;
- (23) agree to pay, accept a fee or consideration or do any other act or thing pursuant to an exclusive concession agreement;
- (24) charge a tariff which is not in accordance with the tariff approved by the TOWN as set out in Part Six;
- (25) use or permit to be used a two-way radio or monitoring device in his TAXICAB which enables him to transmit and/or receive any frequency of a TAXICAB BROKER licensed under this By-law, with whom he is not affiliated;
- (26) be actively affiliated with more than one licensed TAXICAB BROKER at any one time;
- (27) smoke or permit the smoking of any cigar, cigarette or tobacco produce in the TAXICAB; and
- (28) text, email or talk on a handheld device while driving.

TRANSPORTATION OF CHILDREN TO AND FROM SCHOOL

- 49. No DRIVER shall OPERATE a TAXICAB for the purpose of transporting children to or from school except where;

- (a) the VEHICLE used for the transportation of children to or from school is licensed as a TAXICAB by the TOWN;
- (b) the TAXICAB carries on the front and rear, signs not less than 275 mm by 350 mm in size, clearly visibly displaying the words ‘School Vehicle’ in black letters on a white or yellow background; and
- (c) signs referred to in Subsection (b) shall be carried only when the TAXICAB is actually engaged in transporting children to and from school, and shall be removed when the TAXICAB is engaged in any other BUSINESS.

EXEMPTIONS

- 50. The provisions of Section 47(14)(c) do not apply to a licensed TAXICAB DRIVER who has a disability, impairment or allergy and has filed with the LICENSING OFFICER a certificate from his doctor evidencing such disability, impairment or allergy and is unable to service the FARE by reason of the disability, impairment or allergy.
- 51. When a licensed TAXICAB DRIVER is unable to service a FARE for the reasons set out in Section 50, he shall make proper arrangements for the servicing of that FARE before proceeding to his next engagement.

MEDICAL CERTIFICATE

- 52. The LICENSING OFFICER may require a DRIVER at any time, if he feels it may be in the public interest, to provide him with a certificate, prepared by a duly qualified medical practitioner, attesting as to whether or not the or LICENSEE is physically fit and able to OPERATE a TAXICAB.

FLAT RATE

- 53.
 - (1) When a taxi DRIVER picks up a passenger within the TOWN, with the destination outside the TOWN, the DRIVER and the passenger may agree before the commencement of the TRIP, on a flat rate.
 - (2) The DRIVER of the TAXICAB under Subsection (1) shall engage the TAXICAB METER while the TAXICAB is within the bounds of the TOWN.
 - (3) Notwithstanding Subsections (1) and (2) above, any taxi broker having a contract with York Region Transportation Services to provide accessible TAXICAB service for York Region Mobility Plus will be permitted to OPERATE their TAXICABS on a flat rate wholly within the municipality.

ONTARIO DRIVER'S LICENCE SUSPENDED

54. When a licensed TAXICAB DRIVER has had his ONTARIO DRIVER'S LICENCE cancelled, suspended or revoked, or where the LICENCE has expired, the LICENCE issued under this By-law shall be deemed to be suspended as of the date of cancellation, suspension or revocation of the ONTARIO DRIVER'S LICENCE and the DRIVER shall immediately return to the LICENSING SECTION, the LICENCE issued under this Schedule.

EXAMINATION REQUIREMENTS

55. Subject to the "Grounds for Refusal to Issue or to Renew" provisions contained in the TOWN'S Mobile Business Licensing By-law, no PERSON shall be licensed as a TAXICAB DRIVER and no PERSON shall have his TAXICAB DRIVER'S LICENCE renewed unless he attends and completes a prerequisite training course administered by the LICENSING OFFICER including but not limited to the TAXICAB DRIVER TRAINING COURSE and or Taxicab Driver Challenge Exam and the TAXICAB DRIVER REFRESHER COURSE.
56. On an application for renewal of a TAXICAB DRIVER'S LICENCE, where a proven CUSTOMER complaint has been received relating to the DRIVER'S knowledge of the geography of the municipality and surrounding area, or at any other time that such a proven complaint is received, and if required by the LICENSING OFFICER, the LICENSEE shall attempt and successfully complete, with a mark of at least seventy-five percent (75%), a written test approved and set by the LICENSING SECTION, prior to having his LICENCE renewed.

TAXICAB DRIVER LEAVES TAXICAB BROKER

57. Every licensed TAXICAB DRIVER who ceases to deal through a TAXICAB BROKER shall:
- (1) remove from his VEHICLE the roof light, radio crystals and telephone number of the TAXICAB BROKER he is leaving;
 - (2) change and remove from the VEHICLE the colour scheme and all decals or other TAXICAB BROKERAGE markings on the VEHICLE;
 - (3) return to the TAXICAB BROKER he is leaving all BUSINESS cards and other equipment belonging to that broker; and
 - (4) within seventy-two (72) hours notify the LICENSING OFFICER of a change of an affiliated TAXICAB BROKERAGE.

PART THREE

TAXICAB OWNER REGULATIONS

TAXICAB OWNER DUTIES:

58. Every Licensed TAXICAB OWNER or REGISTERED LESSEE shall:

- (1) keep at all times in the VEHICLE of which he is the OWNER or REGISTERED LESSEE, the original, or a photocopy of the original, of each of the following documents:
 - (a) the current Ontario Ministry of Transportation Passenger MOTOR VEHICLE PERMIT issued for that licensed VEHICLE;
 - (b) the current TAXICAB owner's LICENCE issued under this By-law; and
 - (c) the certificate of liability insurance for the VEHICLE, in accordance with this By-law;
- (2) have in or on his VEHICLE:
 - (a) the owner's PLATE firmly affixed to the rear bumper, or at a location and in a manner approved by the LICENSING OFFICER;
 - (b) the owner's PLATE number for that TAXICAB in letters of at least 10 cm affixed on both front fenders, on the top rear of the fender, not more than 8cm below the top of the fender, or at a location and in a manner approved by the LICENSING OFFICER; this owner's PLATE number shall be preceded by the letter "M" in identical, sized lettering;
 - (c) affixed to the rear of the front seat, in a holder, or at a location and in a manner approved by the LICENSING OFFICER, the current tariff card and PLATE number;
 - (d) 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;

- (e) an electrically illuminated roof sign which is securely attached to the top of the TAXICAB in a manner approved by the LICENSING OFFICER and wired to the TAXICAB METER and working in conjunction with the TAXICAB METER so that it is illuminated when the headlights are on and the meter is in the vacant status; and
 - (f) a sleeve inside the VEHICLE facing the backseat displaying the TOWN complaint telephone number and a photograph of the DRIVER.
 - (3) employ or use only the services of licensed TAXICAB DRIVERS;
 - (4) provide the LICENSING SECTION and, where applicable, any licensed TAXICAB BROKER with whom he may be associated, with the name of the licensed DRIVER operating his VEHICLE, within seventy-two (72) hours of the time when the licensed DRIVER has commenced to OPERATE the said VEHICLE, and, where applicable, file with the LICENSING SECTION a copy of the LEASE with the licensed DRIVER and pay the appropriate filing fee in accordance with the TOWN Licensing Fees and Charges By-law;
 - (5) repair any mechanical defect in the VEHICLE, reported to him by a licensed DRIVER;
 - (6) current list of TOWN licensed TAXICAB DRIVERS operating the TAXICAB.
59. Every licensed TAXICAB OWNER or REGISTERED LESSEE who ceases to deal through a TAXICAB BROKER shall:
- (1) remove from his VEHICLE the roof light, radio crystals and telephone number of the TAXICAB BROKER he is leaving;
 - (2) change and remove from the VEHICLE the colour scheme and all decals or other TAXICAB BROKERAGE markings on the VEHICLE;
 - (3) return to the TAXICAB BROKER he is leaving all BUSINESS cards and other equipment belonging to that broker;
 - (4) within seventy-two (72) hours notify the LICENSING OFFICER of a change of an affiliated TAXICAB BROKERAGE.

TAXICAB OWNER PROHIBITIONS

60. No Licensed TAXICAB OWNER or REGISTERED LESSEE shall:

- (1) in any manner, permit a TAXICAB not owned or LEASED by him, to be operated under the authority of his owner's PLATE, unless he has entered into a LEASE or sub-lease agreement and a copy of the LEASE or sub-lease has been filed with the LICENSING SECTION in accordance with Section 62(5) of this Schedule;
- (2) permit a TAXICAB of which he is the OWNER or REGISTERED LESSEE, to be operated with mechanical defects of which he is aware;
- (3) OPERATE a TAXICAB or permit a TAXICAB to be operated under this Schedule, without the owner's PLATE or sticker for that TAXICAB attached thereto;
- (4) OPERATE a TAXICAB or permit a TAXICAB to be operated which is not registered;
- (5) on any TAXICAB licensed under this By-law, display any owner's PLATE, decal or sticker, issued by the licensing authority of any other municipality;
- (6) allow or permit his TAXICAB to be operated when it has exterior body damage or rust;
- (7) put any name, address or telephone number or identification other than that of himself or the TAXICAB BROKER with whom he is affiliated, on his TAXICAB or roof sign;
- (8) use or permit to be used on his TAXICAB, any emblem, decal, roof sign or other markings which are the same shape and/or colour or similar to any distinctive emblem, decal, roof sign or other markings being used by any TAXICAB BROKER with whom he is not affiliated;
- (9) OPERATE a TAXICAB which has the same distinctive colour scheme being used by any TAXICAB BROKER with whom he is not affiliated;
- (10) OPERATE or permit his TAXICAB to be operated in affiliation with a TAXICAB BROKER who is not licensed under this Schedule;
- (11) permit his 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 his own TAXICAB BROKERAGE;

- (12) display or permit the display of any sign, emblem, decal, ornament or advertisement, on or in his TAXICAB, except is a form approved by the LICENSING OFFICER;
- (13) OPERATE or permit his TAXICAB to be operated, unless the TAXICAB METER is an approved type, listed with the LICENSING SECTION, and has been tested and sealed by an INSPECTOR;
- (14) OPERATE or permit his TAXICAB to be operated for the purpose of transporting children to or from schools, except in compliance with the provisions of Section 49.

INSURANCE

61.

- (1) When a licensed OWNER ceases to have a current and valid Ontario standard automobile insurance policy in good standing, the LICENCE shall be deemed to be suspended as of the date on which the cessation of insurance came to the attention of the LICENSING OFFICER, and the LICENCE shall only be reinstated on there being delivered to the LICENSING OFFICER, written PROOF OF INSURANCE in accordance with the provisions of this Schedule.
- (2) When the licensed OWNER has his LICENCE suspended under Subsection (1), he shall forthwith remove the owner's PLATE and return the owner's PLATE and the LICENCE to the LICENSING OFFICER.
- (3) When a licensed OWNER cancels his current insurance before the expiry date of the policy, he must produce a certificate of newly acquired insurance, or return the TAXICAB owner's PLATE to the LICENSING OFFICER on the date and time of the cancellation.
- (4) All insurance renewal policies or certificates of insurance shall be filed with the LICENSING OFFICER ten (10) days prior to the expiry date of the current insurance policy.

VEHICLE APPROVAL

62. An OWNER or lessee shall, before using any VEHICLE as a TAXICAB:

- (1) attend at the LICENSING SECTION and produce a copy of the current passenger MOTOR VEHICLE PERMIT in good standing, issued by the Ministry of Transportation, a copy of the current Ontario Standard Automobile Insurance Policy for the VEHICLE being registered, and the owner's Taxi Owner's LICENCE;

- (2) submit the VEHICLE to be registered for inspection and approval by the LICENSING SECTION;
- (3) pay the fee set out in TOWN Licensing Fees and Charges By-law;
- (4) produce and file with the LICENSING SECTION, either:
 - (a) an Ontario Ministry of Transportation VEHICLE Inspection Report, showing that the TAXICAB has been accepted, within the previous thirty (30) days; or
 - (b) a Safety Standard Certificate, issued under the *Highway Traffic Act*, within thirty (30) days of the application;
- (5) file with the LICENSING SECTION, all documents relating to the VEHICLE, including, if applicable, a leasing agreement or similar documentation relating to ownership, or VEHICLE operation;
- (6) file annually with the TOWN , for every VEHICLE which is operated by propane, an inspection certificate signed by a propane inspector, confirming that the inspection has been done in accordance with the National Standard of Canada CSA-b149.5-05, and under the *Technical Standards and Safety Act* under the direction of the Ministry of Consumer Services.

TAXICAB REPLACEMENT AND ACQUISITION

63. A licensed TAXICAB OWNER who disposes of his TAXICAB or otherwise ceases to use his TAXICAB and acquires another TAXICAB for the purposes permitted under this Schedule, before using the VEHICLE as a TAXICAB, shall:
- (1) attend at the LICENCE Office and produce a copy of the current passenger MOTOR VEHICLE PERMIT in good standing issued by the Ontario Ministry of Transportation in the PLATE owner's name, owner's LICENCE, and a copy of the current Ontario Standard Automobile Insurance Policy, endorsed to show the VEHICLE being registered;
 - (2) produce and file with the LICENSING SECTION, either;
 - (a) a Ministry of Transportation VEHICLE Inspection Report showing that the TAXICAB has been accepted within the previous thirty (30) days, or
 - (b) a Safety Standard Certificate issued under the Highway Traffic Act within thirty (30) days of the application.

- (3) file with the LICENSING SECTION, all documents required to report the change, including, if applicable, a leasing arrangement or similar documentation relating to ownership, or VEHICLE operation;
- (4) in addition to the provisions of this Section the VEHICLE to be used shall be submitted for inspection by the LICENSING SECTION during normal BUSINESS hours and shall not be used until the inspection has taken place, the approval given;
- (5) If the inspection and approval cannot be completed during normal BUSINESS hours, the VEHICLE can be used, provided the TAXICAB OWNER returns the VEHICLE for inspection on the date and time specified by the LICENSING SECTION;
- (6) When the licensed TAXICAB OWNER meets all the requirements of this Section, the VEHICLE shall be deemed to be registered.

DISPOSAL OF TAXICAB

- 64. When the licensed TAXICAB OWNER or licensed TAXICAB DRIVER disposes of or otherwise ceases to use as a TAXICAB, the VEHICLE registered, he shall immediately remove from the said VEHICLE being disposed of:
 - (1) the roof light,
 - (2) the TAXICAB METER,
 - (3) all identifying decals or markings,
 - (4) fender numbers, and,
 - (5) all other items which make the VEHICLE appear to the public to be a TAXICAB.

MODEL YEAR RESTRICTION

- 65. No PERSON shall OPERATE or permit to be operated under his owner's LICENCE, a VEHICLE which is of a model year older than five (5) years calculated from and including the current calendar year.
- 66. Notwithstanding the provisions of Section 65, an OWNER may, on written request to the LICENSING SECTION and on payment of the appropriate fee set out in The TOWN'S Licensing Fees and Charges By-law, obtain an extension on the model year to a maximum of 7 years of age subject to the approval of the LICENSING OFFICER based upon an inspection of the VEHICLE.

TAXICAB METER SEALING

67. When a LICENSING OFFICER is not available to seal the TAXICAB METER as required under Section 60(13), the licensed TAXICAB OWNER, LESSEE, or the licensed TAXICAB DRIVER 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 his 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.

MANDATORY TAXICAB INSPECTIONS

68. (1) The LICENSING OFFICER shall give notice to the licensed TAXICAB OWNER or REGISTERED LESSEE of two mandatory inspections a year for each TAXICAB he owns or LEASES.
- (2) Upon receipt of a notice of inspection under Subsection (1), each licensed OWNER or LESSEE or his agent shall attend with his VEHICLE at the appointed time and place and shall bring with him either:
- (a) An Ontario Ministry of Transportation VEHICLE Inspection report, showing that the TAXICAB has been accepted within the past thirty (30) days; or
 - (b) A Safety Standard Certificate issued under the Highway Traffic Act, within thirty (30) days of the inspection date.
- (3) When a TAXICAB has been inspected under Section 63(4) within thirty (30) days of the date set out in the notice of mandatory inspection referred to in Subsection (2) of this Section, the TAXICAB OWNER or lessee shall not be required to have the VEHICLE re-inspected as required by the notice, but this Section does not affect any inspection required under Section 41 of this Schedule.
- (4) On receipt of a notice of inspection under Subsection (1), each licensed OWNER or lessee who fails to attend with his VEHICLE at the appointed time and place for a mandatory inspection as outlined under Subsection (1) shall be required to pay a late penalty charge as provided for in TOWN Licensing Fees and Charges By-law.

TRANSFER OF TAXICAB OWNER'S LICENCE

69. (1) No TAXICAB OWNER shall transfer or otherwise dispose of a LICENCE, unless:

- (a) he has held that LICENCE as a TAXICAB OWNER for at least three (3) years, except when the owner's LICENCE has been issued from the PRIORITY LIST, it must be held for a minimum of five (5) years, and
 - (b) he completes the transfer documents provided by the LICENSING OFFICER for this purpose;
- (2) Notwithstanding the provisions of Subsection. (1), the holder of a TAXICAB owner's LICENCE may petition the LICENSING OFFICER to permit a transfer or other disposition of the TAXICAB owner's LICENCE, within three (3) years of the date of issuance.
- (3) When at least fifty-one percent (51%) of the voting rights attached to all shares of a CORPORATION which is duly licensed under this Schedule as a TAXICAB OWNER, are sold or otherwise disposed of, it shall be deemed to be a transfer of a TAXICAB owner's LICENCE and the provisions of Subsections (1) and (2) shall apply.
- (4) When a transfer is approved by the LICENSING OFFICER, the new TAXICAB OWNER must submit his VEHICLE for examination in accordance with Section 42 of this Schedule, before the LICENCE and owner's PLATE or sticker, is issued.

TRANSFER OF TAXICAB OWNER'S LICENCE TO ESTATE

- 70.
 - (1) The provisions of Section 69 do not apply where the TAXICAB owner's LICENCE becomes an asset of the estate of a deceased OWNER.
 - (2) Where the OWNER of a TAXICAB LICENCE dies, the heirs, executors or other legal representative shall notify the LICENSING OFFICER forthwith of the death. The TAXICAB PLATE shall be deemed to be suspended and shall be removed from the TAXICAB and returned to the LICENSING OFFICER.
 - (3) Upon filing documentation sufficient to prove that the LICENCE is an asset of the estate, the LICENCE may be transferred to the estate of the deceased OWNER and held in the name of the estate for a period of one (1) year. The heirs, executors, or other legal representative shall have a period of six (6) months within which to arrange for such change or transfer without the LICENCE being revoked, provided that the death of the OWNER was reported to the LICENSING OFFICER within thirty (30) days of the death.
 - (4) If the LICENCE expires within the aforementioned period of six (6) months, the heirs, executors, or other legal representative may renew the LICENCE on the condition that it will expire on the termination of the aforementioned period of six (6) months.

- (5) To effect transfer of a LICENCE to the estate of a deceased OWNER, the following must be filed with the LICENSING SECTION:
- (a) proof that the PERSONS disposing of the property have legal status to effect the transfer;
 - (b) PROOF OF INSURANCE in the name of the estate;
 - (c) Certified copy of the Death Certificate; and,
 - (d) Any other supporting document required by the LICENSING OFFICER.
- (6) Notwithstanding Subsections (2) to (5) of this Section, where a lease existed between the deceased OWNER and a LESSEE, a copy of which had be filed with the LICENSING OFFICER, the lease shall be, for the purposes of the continuous operation of the LICENCE PLATE by the LESSEE, to continue to be in force and effect until a new lease can be completed between the estate of the deceased OWNER and the lessee.

PART FOUR

TAXICAB BROKER REGULATIONS

TAXICAB BROKER DUTIES

71. Every licensed TAXICAB BROKER shall:

- (1) require all TAXICAB owners who have entered into arrangements with him for the provisions of TAXICAB BROKERAGE services, to use the same design, shape and colour scheme of roof sign, 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, and shall produce and file a sample of the roof sign and identifying decal with the LICENSING SECTION;
- (2) provide the LICENSING SECTION with a list, showing in numerical order by OWNER's PLATE number, the name of every DRIVER operating any TAXICAB with which he has entered into any arrangement for the provision of TAXICAB BROKERAGE services;
- (3) notify the LICENSING SECTION, in writing, within ten (10) days of any additions or deletions from the list provided under Subsection (2);
- (4) carry on the TAXICAB BROKERAGE BUSINESS twenty-four (24) hours a day during the term of his LICENCE, unless otherwise directed by the LICENSING OFFICER;
- (5) keep a record of each TAXICAB DISPATCHED on a TRIP, the time and date of receipt of the ORDER, and the pick-up location and retain these records for a period of at least three (3) months;
- (6) supply the LICENSING SECTION with a copy of his Federal Radio Licence call sign and frequency number, if any;
- (7) upon request, inform any CUSTOMER of the anticipated length of time required for a TAXICAB to arrive at the pick-up location;
- (8) when volume of BUSINESS is such that service will be delayed to a prospective CUSTOMER, the broker shall inform the CUSTOMER of the approximate length of the delay, before accepting the ORDER;
- (9) DISPATCH a TAXICAB to the first PERSON requesting service within the municipality, unless the PERSON requesting service has not paid for a previous TRIP and these facts are verified by the broker;

- (10) file a list of the TAXICAB BROKERAGE rules and procedures, including the terms and CONDITIONS of payment of DRIVERS, with the LICENSING SECTION, and abide by them, and display the same list prominently in the TAXICAB BROKERAGE office;
- (11) carry on BUSINESS only in the name in which he is licensed;
- (12) 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;
- (13) at the request of the LICENSING OFFICER, provide a list showing the number of TAXICABS available for service to the public on any particular day, including the times when each such TAXICAB 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 TAXICAB; and
- (14) employ or use only the services of an OWNER or DRIVER licensed as such by the TOWN.

TAXICAB BROKER PROHIBITIONS

72. No licensed TAXICAB BROKER shall:

- (1) charge DUES, or increase his DUES unless he has first:
 - (a) 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
 - (b) prominently display in the brokerage office, a copy of the notice of intent for at least one (1) month prior to the proposed effective date of any increase.
- (2) implement any changes in the rules and procedures outlined in Subsection 71(10), until the said change is filed with the LICENSING SECTION and displayed prominently in the brokerage office;
- (3) accept ORDERS for, or in any way DISPATCH or direct ORDERS to a TAXICAB, licensed under this By-law:
 - (a) when the activity would be illegal under another municipal By-law, or provincial statute;
 - (b) where the FARE is less than that permitted under this By-law;

- (4) accept ORDERS for, or in any way DISPATCH or direct ORDERS for a pick-up location within the boundaries of the TOWN to a TAXICAB, the OWNER of which, is not licensed under this By-law;
- (5) DISPATCH or direct ORDERS for a parcel delivery to a TAXICAB DRIVER unless the TAXICAB DRIVER first consents to make the parcel delivery;
- (6) be permitted to have exclusive rights to any TAXICAB STAND in the municipality, or enter into or become a party to any exclusive concession agreement;
- (7) require any DRIVER to accept any ORDER necessitating the expenditure of money, by the DRIVER, on behalf of the CUSTOMER;
- (8) enter into an agreement for the provision of brokerage services with a TAXICAB DRIVER or TAXICAB OWNER who is already affiliated with another TAXICAB BROKER;
- (9) make any charge or financial demand, directly or indirectly, of a TAXICAB OWNER, lessee or sub-lessee of a TAXICAB, other than DUES;
- (10) DISPATCH to any PERSON within the TOWN, a TAXICAB which is not on the list provided under Subsection 71(2);
- (11) charge a tariff or enter into any agreement to charge a tariff which is not in accordance with the appropriate tariff set out in Part Six (6) to this Schedule.

PART FIVE

THE PRIORITY LIST

PRIORITY LIST

73. When a completed application for a TAXICAB OWNER'S LICENCE is received by the LICENSING SECTION and it meets all of the requirements of this Schedule but a LICENCE cannot be issued because of the limitation on the number of licences set out in this Schedule, the APPLICANT 's name shall be placed on the PRIORITY LIST by the LICENSING OFFICER for the issuance of a TAXICAB OWNER'S PLATE if the APPLICANT:
- (a) has been licensed by the TOWN as a DRIVER for at least twenty-four (24) months prior to the date that the application for a TAXICAB OWNER'S LICENCE is filed with the TOWN;
 - (b) files proof that he has been driving a TAXICAB in the TOWN for an average of at least thirty-five (35) hours per week for forty-four (44) weeks of the twelve (12) month period immediately before the date the application with the TOWN by providing trip sheets or other documentation as required by the LICENSING OFFICER;
 - (c) files proof of Harmonized Sales Tax account registration;
 - (d) files a statutory declaration in a form approved by the LICENSING OFFICER, and any other documentation required to verify the qualification of the APPLICANT to remain on the PRIORITY LIST;
 - (e) pays the fee as provided for in the TOWN Licensing Fees and Charges By-law; and
 - (f) is not already a TAXICAB OWNER licensed by the TOWN.

STAYING ON PRIORITY LIST

- 74.
- (1) The APPLICANT'S name shall appear only once on the PRIORITY LIST at any one time.
 - (2) The APPLICANT'S name shall remain on the PRIORITY LIST so long as he complies with the following provisions:
 - (a) he continues to be licensed by the TOWN as a DRIVER;

- (b) has been driving a TAXICAB in the TOWN on an average of at least thirty-five (35) hours per week during at least forty-four (44) weeks per year and files annually a statutory declaration confirming that fact in a form approved by the LICENSING OFFICER;
 - (c) he has not received a TAXICAB OWNER'S PLATE the TOWN PRIORITY LIST subsequent to his placement on the PRIORITY LIST; and
 - (d) pays the fee as provided for in the Markham Licensing Fees and Charges By-law.
- 75. If a DRIVER, who's name appears on the PRIORITY LIST has been, on account of illness, injury or other medical reasons, unable to drive a TAXICAB for the time required under Paragraph 74(2)(b), his name shall stay on the PRIORITY LIST if he files forthwith, a current doctor's certificate attesting to the APPLICANT'S inability to operate the TAXICAB, and shall state the date of loss of ability to operate a TAXICAB and the expected date of the APPLICANT'S return to work and the doctor's certificate shall cover the entire time period of the medical treatment and provided that the period of medical treatment does not exceed two (2) years out of the total time that his name has been on the list.
- 76. Where the APPLICANT was unable to operate a TAXICAB for the period referred to in Section 75, and such period exceeds two (2) years, his name shall be removed from the PRIORITY LIST. Where an APPLICANT'S name has been removed from the PRIORITY LIST pursuant to this Section, the APPLICANT may ask for a HEARING before the LICENSING APPEAL COMMITTEE within fifteen (15) days of the date that the APPLICANT received notice of the decision, and upon payment of the Appeal Fee as provided in the TOWN'S Licensing Fees and Charges By-law.
- 77. Notwithstanding Paragraph 74(2)(b), where an APPLICANT'S name has been on the PRIORITY LIST for four (4) years, his name shall remain on the list if he works as a TAXICAB DISPATCHER or a TAXICAB fleet manager for a licensed TAXICAB BROKER, and has worked in that capacity or any combination thereof for at least thirty-five (35) hours per week for a period of at least forty-four (44) weeks per year.
- 78. Section 77 shall only apply if the APPLICANT :
 - (1) gives written notification to the LICENSING OFFICER of the particulars of his employment, including proof of employment with the TAXICAB BROKER;
 - (2) carries on no other employment except for that provided in Paragraph 77 of this Schedule.

79. Notwithstanding Paragraph 74(2)(b) of this Schedule, where an APPLICANT'S name has been on the PRIORITY LIST for at least five (5) years, he may apply in writing to the LICENSING OFFICER for permission to take a leave of absence not to exceed a one (1) year period for the sole purposes of seeking alternate employment, such leave of absence to be allowed only once and such leave of absence to include any vacation entitlement permitted under this Schedule.
80. Where an APPLICANT takes a leave of absence pursuant to Section 79 of this Schedule his seniority position on the PRIORITY LIST shall be moved back by the same period of time which he was on such leave of absence.
81. When an APPLICANT fails to renew his LICENCE in accordance with the provisions of Part Two of this Schedule, the LICENSING OFFICER shall remove his name from the PRIORITY LIST. The APPLICANT may ask for a HEARING before the LICENSING APPEAL COMMITTEE within fifteen (15) days of the date that the APPLICANT received notice of the decision, and upon payment of the Appeal Fee as provided in the TOWN'S Licensing Fees and Charges By-law.
82. Where an APPLICANT has had his Ontario DRIVER'S LICENCE or Markham TAXICAB DRIVER'S LICENCE suspended, his seniority position on the PRIORITY LIST shall be moved back by the same number of days for which the LICENCE had been suspended.
83. Where an APPLICANT whose LICENCE has been suspended as set out in Section 82, secures and maintains employment pursuant to one of the non-driving qualifying occupations referred to in Section 77 of this Schedule, for the entire LICENCE suspension period, he shall be permitted to maintain his seniority position on the PRIORITY LIST.

INSPECTION OF PRIORITY LIST

84. The PRIORITY LIST shall be available for inspection during normal BUSINESS hours at the office of the LICENSING SECTION.

ISSUANCE OF TAXICAB OWNER'S PLATES FROM PRIORITY LIST

85. When an APPLICANT'S name has been placed on, and remains on, the PRIORITY LIST, and a PLATE becomes available to be issued, the LICENSING OFFICER shall issue the PLATE to that PERSON whose name appears first on the PRIORITY LIST.

NOTICE

86. Prior to issuing a PLATE from the PRIORITY LIST, the LICENSING OFFICER shall first publish "Notice of the Intention to Issue Taxicab Plates" and shall publish the names of the PERSONS entitled to the issuance of a LICENCE according to the PRIORITY LIST.

PUBLICATION OF NOTICE

87. The notice, referred to in Section 86 shall be published once in a newspaper of general circulation in the TOWN and posted on the TOWN'S internet Portal and within the LICENSING SECTION with a copy sent to all licensed TAXICAB BROKERS.

OBJECTION

88. The notice shall state that any PERSON objecting to the issuance must file their written objection and a request for a HEARING with the LICENSING OFFICER no later than ten (10) days following the date of publication of the notice in accordance with the service requirements of the TOWN'S Mobile Business Licensing By-law.

HEARING

89. Where an objection and a request for a HEARING is received under Section 88, the LICENSING OFFICER shall give the APPLICANT and the PERSON objecting to the issuance of the license reasonable written notice of the HEARING by registered mail, addressed to the PERSON to whom service is required to be made according to the LICENSING SECTION records.
90. The LICENSING OFFICER will hear the objection as soon as possible, and the provisions of the TOWN'S Mobile Business Licensing By-law relating to HEARINGS shall apply.
91. Where an objection and a request for a hearing is received under Section 88, the LICENSING OFFICER shall request that the Secretary of the LICENSING APPEAL COMMITTEE convene a meeting of the committee and shall give the applicant and the person objecting to the issuance of the licence reasonable written notice thereof.

REMOVAL FROM THE LIST

92. The LICENSING OFFICER shall review the PRIORITY LIST at regular intervals to determine that the listed PERSONS are in compliance with the provisions of Part Five, and any PERSON whose name is on the PRIORITY LIST who fails to comply with Part Five shall be notified by the LICENSING OFFICER that his name is to be removed from the PRIORITY LIST and such PERSON may appeal this decision.
93. A PERSON who has been notified that his name has been removed from the PRIORITY LIST shall have thirty (30) days from the date of such notification, to file a written request with the LICENSING OFFICER for a HEARING before the APPEAL COMMITTEE. Such request shall state the grounds for appeal and be accompanied by the prescribed appeal fee.

94. Such appeal HEARING shall be heard as soon as possible by the APPEAL COMMITTEE and the provisions of the TOWN Mobile Business Licensing By-law relating to appeal HEARINGS shall apply.
95. Where the PERSON requesting the HEARING fails to meet any of the requirements of Part Five, the onus of proving compliance with Part Five before the LICENSING APPEAL COMMITTEE shall rest with the PERSON requesting the HEARING.
96. When a PLATE is issued to an APPLICANT whose name is on the PRIORITY LIST, the name of that person shall be removed from the PRIORITY LIST and all names shall be moved forward one position.
97. When a TAXICAB DRIVER, whose name appears on the PRIORITY LIST, purchases a TAXICAB OWNER LICENCE issued by the TOWN from a licensed TAXICAB OWNER through a private transaction, his name shall be removed from the PRIORITY LIST.
98. When a TAXICAB OWNER SELLS, transfers or otherwise disposes of his TAXICAB owner's LICENCE, he shall not be entitled to have his name entered on the PRIORITY LIST for a period of three (3) years from the date upon which he sold, transferred or otherwise disposed of his owner's LICENCE.
99. Where an appeal or an objection has been received, the LICENSING OFFICER shall note beside the name(s) on the PRIORITY LIST that an appeal or objection has been received.

ISSUE FROM PRIORITY LIST

100. When a TAXICAB owner's PLATE is issued from the PRIORITY LIST, the TAXICAB OWNER who has been approved for the issuance shall, within one month of the date of issuance of the PLATE, affix the PLATE to a VEHICLE which shall be operated as a TAXICAB.
101. An owner's LICENCE issued to a PERSON on the PRIORITY LIST shall be issued on a probationary basis for a period of five (5) years, during which period the LICENSEE shall:
 - (1) OPERATE the TAXICAB on a regular shift basis;
 - (2) maintain a good operating record;
 - (3) not SELL, transfer or otherwise dispose of his TAXICAB owner's LICENCE, except for reasons satisfactory to the LICENSING OFFICER.

NO VESTED INTEREST

102. No PERSON by virtue of his name being placed on the PRIORITY LIST shall obtain a vested right to obtain a TAXICAB OWNER LICENCE, or to remain on the PRIORITY LIST. Council reserves the right to amend or repeal this Schedule and Consolidated Mobile Business By-law and any successor By-laws and to place further or additional requirements or restrictions on such applications or persons at any time.

PART SIX

TARIFF RATES

BY DISTANCE: (One to four passengers)

First 143 metres or part thereof \$4.25

Each additional 143 metres or part thereof \$0.25

Waiting time while under engagement - each 29 seconds \$0.25

Each additional passenger in excess of four (4) PERSONS \$2.25

Delivery charge - no passenger:
\$10.75

BAGGAGE:

Senior citizens and physically disabled PERSONS are not subject to the following charges for baggage:

Each trunk \$0.75

(Any item with a content of more than three (3) cubic feet, shall be deemed a trunk.)

Hand baggage - per item \$0.25

(if not carried by passenger, inside VEHICLE.)

(Brief cases and parcels of comparable size shall be deemed hand baggage.)

Bags and cartons containing groceries,
if loaded and unloaded by DRIVER: per bag \$0.25

Maximum \$1.00

WHEELCHAIRS WILL BE CARRIED FREE

Senior citizens or physically disabled PERSONS are not subject to the above charges for baggage.

PART SEVEN

AUTHORIZED STANDS FOR TAXICABS

Street	Side	Location	#of Cabs	Hours
7755 Bayview Avenue	South West corner of parking lot	Thornhill Community Centre	6	24 hrs. per day
6041 HIGHWAY 7 East	South East corner of parking lot	Markham Village Community Centre	4	24 hrs. per day
377 Church Street	In front of building	Medial Building (Markham Stouffville Hospital)	2	24 hrs. per day
50 East Valhalla Drive	East side of parking lot, adjoining entrance	Radisson Hotel Toronto-Markham	4	24 hrs. per day
5000 HIGHWAY 7 East	South side (In front of Coast Mountain Sports)	Markville Shopping Centre	2	24 hrs. per day
5000 HIGHWAY 7 East	North side (In front of Food Court)	Markville Shopping Centre	2	24 hrs. per day
2900 Steeles Avenue East	South West corner of parking lot	The Shoppes on Steeles and 404	5	24 hrs. per day
7095 Woodbine Avenue	North side of parking lot	Holiday Inn Toronto-Markham	2	24 hrs. per day
4300 Steeles Avenue East	South West corner of parking lot	Pacific Mall	3	24 hrs. per day

The Corporation of the TOWN CUSTOMER BILL OF RIGHTS

Markham Taxicab Passengers are entitled to a professional Driver who:

- prominently displays his/her taxicab driver licence inside the taxicab;
- is knowledgeable and knows the major routes and destinations in the city;
- 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 TOWN 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 his/her 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.

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

Markham Taxicab Passengers are responsible for:

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

Compliments or Complaints

Telephone: (905) 477-7000

SCHEDULE 7 - RELATING TO THE LICENSING, REGULATION AND GOVERNING OF OWNERS AND DRIVERS OF TOW TRUCKS

ADMINISTRATION AND GENERAL PROVISIONS

TYPES OF LICENCES

1. The LICENSING OFFICER may issue the following types of licences in connection with the BUSINESS of providing “For Hire” TOWING services to the travelling public:
 - (1) a TOW TRUCK OWNER’S LICENCE;
 - (2) a TOW TRUCK DRIVER’S LICENCE;

NUMBER OF LICENCES

2. A TOW TRUCK OWNER who is the OWNER of more than one VEHICLE that is used in providing TOWING services to the travelling public shall obtain a TOW TRUCK PLATE for each VEHICLE that is owned and operated as a TOW TRUCK.

AFFIXING THE LICENCE PLATE AND RENEWAL STICKER

3. No OWNER of a VEHICLE that is utilized as a TOW TRUCK shall fail to affix in a secure and visible manner to the rear portion of the VEHICLE, the TOW TRUCK PLATE issued by the LICENSING OFFICER or as otherwise approved by the LICENSING OFFICER.
4. No OWNER of a VEHICLE that is utilized as a TOW TRUCK shall fail to affix in a secure manner the LICENCE renewal VALIDATION TAG to the TOW TRUCK PLATE issued by the LICENSING OFFICER.

ADMINISTRATION AND DUTIES

5. The LICENSING SECTION shall:
 - (1) receive and process all applications for licences and for renewal of licences to be issued under this Schedule;
 - (2) issue licences to, and renew licences for PERSONS who meet the requirements of this Schedule;
 - (3) enforce the provisions of this Schedule;
 - (4) receive and file the Rate Schedule provided by the OWNER and provide a copy of the By-law;

- (5) generally perform all of the administrative functions conferred upon it by this Schedule.
6. When an OWNER'S PLATE, Validation Tag, or LICENCE is defaced, destroyed or lost, the LICENSEE shall apply to the LICENSING SECTION for a replacement and shall pay the appropriate fee and the LICENSING SECTION shall issue a replacement.

LICENCE PLATE PROPERTY OF TOWN

7. Every TOW TRUCK PLATE issued by the TOWN to a TOW TRUCK OWNER is the property of the TOWN and shall be returned forthwith to the TOWN upon expiry, suspension, cancellation, or revocation of the TOW TRUCK OWNER'S LICENCE or upon demand by the LICENSING OFFICER.

LICENSING REQUIREMENTS

TOW TRUCK OWNER

8. In addition to the general licensing requirements contained within the TOWN Mobile Business By-law, every APPLICANT for a TOW TRUCK OWNER LICENCE or renewal thereof shall file with the LICENSING OFFICER:
 - (1) the original, valid MOTOR VEHICLE PERMIT issued by the Ontario Ministry of Transportation in the APPLICANT'S name;
 - (2) a original certificate of insurance in accordance with Section 23 of this Schedule, for each VEHICLE to be licensed as a TOW TRUCK;
 - (3) the current "Schedule of Rates", in accordance with Section 17 of this Schedule, on the APPLICANT'Ss letterhead, to be charged to CUSTOMERS for all services including the TOWING or conveying of, and other services to VEHICLES;
 - (4) a sample invoice on the APPLICANT'S letterhead, in a form approved by the LICENSING OFFICER;
 - (5) a sample run sheet on the APPLICANT'S letterhead, containing all information required by Section 16(4) of this Schedule, in a form approved by the Licensing Office;
 - (6) proof of the APPLICANT'S Harmonized Sales Tax (HST) registration;
 - (7) current list of TOWN licensed TOW TRUCK DRIVERS operating TOW TRUCK(s) owned by the APPLICANT ;

- (8) a current, valid Ontario Ministry of Transportation Annual Inspection Certificate issued under the Highway Traffic Act, R.S.O. for each VEHICLE licensed under this Schedule;
- (9) a current Ministry of Transportation SAFETY STANDARD CERTIFICATE issued under the Highway Traffic Act, R.S.O. within the previous one hundred and twenty days (120) of the date of application or application for renewal for each VEHICLE licensed under this Schedule;
- (10) address of the MOTOR VEHICLE POUND, yard or building used for storage or impounding of towed MOTOR VEHICLES, and information with respect to such pound, yard or building, as required by Section 24 of this Schedule;
- (11) a copy of any contract for tow brokerage services between the owner and a TOW TRUCK BROKERAGE;
- (12) a copy of the APPLICANT'S "Master Business LICENCE", evidencing registration under the Ontario Business Names Act, of the APPLICANT'Ss BUSINESS operating name, where applicable.

TOW TRUCK DRIVER

- 9. Every APPLICANT for a TOW TRUCK DRIVER LICENCE shall be at least eighteen (18) years of age, possess oral and written reading English comprehension skills, shall be of good character as provided for in the TOWN's Standard Character and Driving Record Criteria Policy", and shall file with the LICENSING SECTION;
 - (1) A valid full MOTOR VEHICLE DRIVER'S LICENCE issued by the Province of Ontario under the provisions of the Highway Traffic Act, R.S.O. of a class authorizing him or her to drive a TOW TRUCK, which is in good standing according to the records of the Ministry of Transportation, and during any period in which such Provincial LICENCE is under suspension, the TOW TRUCK DRIVER'S LICENCE issued under this Schedule shall, for all purposes of this Schedule, be conclusively deemed suspended;
 - (2) an original Ontario "Statement of Driving Record" obtained from the Ministry of Transportation dated within thirty (30) days of the date of the application for a LICENCE, or application for renewal, or at the request of the LICENSING OFFICER;
 - (3) an original Criminal Background Check current within thirty (30) days of the date of application, or application for renewal, or at the request of the LICENSING OFFICER;

- (4) a letter of employment, or where self-employed, a written contract between the APPLICANT and the TOW TRUCK OWNER for the employment or services of the TOW TRUCK DRIVER;
- (5) proof of Harmonized Sales Tax (HST) number where self-employed and where the APPLICANT'S services are subject to a written contract filed with the LICENSING OFFICER;
- (6) completed TOW TRUCK DRIVER application, in a form provided by the TOWN ;
- (7) such other information or documentation that the LICENSING OFFICER may require to assist in the determination that the APPLICANT satisfies the requirements of this Schedule or any applicable law.

DUTIES AND PROHIBITIONS

TOW TRUCK OWNER AND DRIVER DUTIES

10. Every licensed TOW TRUCK OWNER and DRIVER shall:

- (1) take due care of all VEHICLES and property delivered or entrusted to him/her for TOWING;
- (2) comply with all reasonable instructions from the CUSTOMER;
- (3) be civil and behave courteously;
- (4) keep every TOW TRUCK and its equipment clean, in good repair, free from mechanical defects and exterior body damage, with well maintained exterior paint finish;
- (5) carry the LICENCE issued to him/her under this Schedule at all times while he or she is driving a TOW TRUCK and produce same for inspection when requested to do so by any Police Officer, MUNICIPAL LAW ENFORCEMENT OFFICER or any other PERSON authorized by Council;
- (6) keep in the TOW TRUCK and show to the CUSTOMER a copy of the rate sheet showing the applicable "Schedule of Rates" filed by the OWNER with the LICENSING OFFICER;
- (7) 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;

- (8) keep in duplicate, a permanent daily record as required in Section 16 of this Schedule, of work performed by the TOW TRUCK owned or operated by the OWNER, or on his/her behalf; and
- (9) before commencing, and at the end of each work shift, examine for defects the TOW TRUCK, and report forthwith to the OWNER of the TOW TRUCK any defects.

TOW TRUCK OWNER AND DRIVER PROHIBITIONS

11. No licensed TOW TRUCK OWNER or DRIVER shall:

- (1) drive or OPERATE, or permit to be driven or OPERATED, a TOW TRUCK unless it is equipped with an OWNER'S PLATE supplied by the TOWN, securely affixed to the rear portion of the TOW TRUCK;
- (2) drive or OPERATE, or permit to be driven or OPERATED, a TOW TRUCK unless it is clean and free from mechanical defects;
- (3) drive or OPERATE, or permit to be driven or OPERATED, a TOW TRUCK which lacks any equipment required by Section 25 of this Schedule, in good repair;
- (4) drive or OPERATE, or permit to be driven or OPERATED, a TOW TRUCK which has been found to be unsafe or defective after examination and inspection as required under this Schedule;
- (5) 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 directing removal of a VEHICLE by another OWNER or DRIVER of a TOW TRUCK in order to assist in an investigation;
- (6) 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;
- (7) demand or request payment for his/her services other than in accordance with the applicable "Schedule of Rates" filed with the LICENSING OFFICER;
- (8) demand, request, or receive a DROP FEE;
- (9) charge a CUSTOMER for lost time though defects or inefficiency of the TOW TRUCK, or the incompetence of the TOW TRUCK OWNER or DRIVER;

- (10) suggest or recommend to any CUSTOMER that any MOTOR VEHICLE in respect of which his/her services are to be given or requested, be towed, conveyed, driven or delivered to any particular salvage yard, body shop, storage yard or any other public garage, building or place, unless he/she has been requested to do so by the CUSTOMER; or
- (11) permit a PERSON to be a passenger in a TOW TRUCK, except under the following circumstances:
 - (a) the passenger is the CUSTOMER of the TOW TRUCK; or
 - (b) the passenger is either the spouse, son, daughter or parent or similar relation of the TOW TRUCK DRIVER and in such cases the DRIVER is not to SOLICIT a tow, engage in any form of TOWING or have his or her TOW TRUCK within two hundred (200) metres (approximately 656 feet) of the scene of a COLLISION, nor shall the DRIVER cause or permit his or her passenger to SOLICIT a tow or take any actions to engage in any form of TOWING while the passenger is in the TOW TRUCK; or
 - (c) the passenger has been issued a TOW TRUCK DRIVER'S LICENCE by the LICENSING SECTION, and is receiving instructions as to the operation of a TOW TRUCK while a passenger.
- (12) smoke or permit the smoking of a cigar, cigarette or other tobacco product in the TOW TRUCK.

TOW TRUCK OWNER DUTIES

12. Every TOW TRUCK OWNER licensed under this Schedule shall:

- (1) obtain a LICENCE from the TOWN in respect of every TOW TRUCK owned by him/her;
- (2) produce and file an insurance certificate showing PROOF OF INSURANCE as required by Section 23 of this By-law, for every TOW TRUCK of which he/she is the OWNER;
- (3) file with the LICENSING OFFICER a schedule of rates to be charged to CUSTOMERS for the TOWING or other conveyance of VEHICLES and for other services offered or to be performed by him/her or his/her DRIVER for TOWING services;
- (4) charge only the rates filed with the LICENSING OFFICER and provide thirty (30) days notice to LICENSING OFFICER of any change to such schedule of rates;

- (5) keep in the TOW TRUCK and show to the CUSTOMER a copy of a Schedule of Rates showing the applicable charges filed with the LICENSING OFFICER;
- (6) in the carrying out of his/her BUSINESS, use only stationery, forms, bills, invoices, statements or any other printed or written advertising material, including any published advertisement in a newspaper, or other publication, which has printed thereon in clearly legible figures and letters his/her name and address, or if the OWNER is a CORPORATION, the corporate name and address, and if applicable, the name of any TOW TRUCK BROKER offering the services of the TOW TRUCK;
- (7) retain for a period of sixty (60) days, copies of all advertising matter used by him/her and shall produce the same to the LICENSING OFFICER on demand;
- (8) ensure that the name under which the TOW TRUCK OWNER'S LICENCE has been issued is clearly indicated on both sides of the TOW TRUCK, in a contrasting colour to such sides, in a location acceptable to the LICENSING OFFICER, in letters and figures not less than ten (10) centimetres in height;
- (9) ensure that the name of any BROKERAGE with which the OWNER is associated is clearly indicated on both sides of the TOW TRUCK, in a contrasting colour to such sides, in a location acceptable to the LICENSING OFFICER in letters and figures not less than ten (10) centimetres in height;
- (10) ensure that the number of the OWNER'S PLATE issued for the TOW TRUCK is painted on or affixed to both sides of the TOW TRUCK body, in numbers at least ten (10) centimetres in height and of contrasting colour to the colour of such sides;
- (11) have at all times prominently affixed to the rear portion on the outside of the TOW TRUCK, the owner's PLATE issued for that TOW TRUCK;
- (12) have at all times prominently affixed to the owner's PLATE, the current year's validation sticker issued by the TOWN for that TOW TRUCK;
- (13) only use the services of a TOW TRUCK DRIVER who is licensed as a DRIVER under this Schedule;
- (14) provide a letter of employment to a DRIVER EMPLOYED by the OWNER, or a contract of employment where the DRIVER is self-employed, to be filed with the LICENSING OFFICER;

- (15) file upon application for an OWNER'S LICENCE and annually upon renewal of the OWNER'S LICENCE, and at any time on demand by the LICENSING OFFICER, an up-to-date list of DRIVERS operating TOW TRUCKS on behalf of the OWNER;
- (16) keep every TOW TRUCK and its equipment clean and in good repair, and whenever notice is received from the LICENSING OFFICER stating that a TOW TRUCK owned by such OWNER, or its equipment, is not in a fit or proper condition for use, and outlines briefly the items complained of, shall, within the time mentioned in the notice, put the same in a fit and proper condition;
- (17) give written notice of the sale or disposition of the licensed TOW TRUCK to the LICENSING OFFICER within seven (7) days of any such sale or disposition, and upon sale or disposition, forthwith return the metal PLATE or PLATES issued by the TOWN to the LICENSING OFFICER;
- (18) upon demand by the LICENSING OFFICER, return forthwith the metal PLATE furnished by the TOWN ;
- (19) at all times, while the VEHICLE is being used as such, keep in the VEHICLE the TOW TRUCK OWNER'S LICENCE issued by the TOWN , or a copy of such LICENCE;
- (20) file a copy of any contract for tow BROKERAGE services between the OWNER and a licensed tow BROKERAGE;
- (21) file information with the LICENSING OFFICER giving the address and full particulars of the OWNER'S VEHICLE POUND Facility, and where the OWNER has a direct or indirect interest in the pound, provide full particulars of any contract, arrangement, agreement or understanding which gives the OWNER such interest;
- (22) file proof of Harmonized Sales Tax (HST) registration with the LICENSING OFFICER; and
- (23) upon application for a TOW TRUCK OWNER'S LICENCE or renewal, or upon demand by the LICENSING OFFICER, submit the TOW TRUCK for which the OWNER'S LICENCE has been issued, for inspection by the LICENSING OFFICER at a time and place designated by the LICENSING OFFICER.

TOW TRUCK OWNER PROHIBITIONS

13. No TOW TRUCK OWNER licensed under this Schedule shall:

- (1) drive or have care and control of a TOW TRUCK unless he/she is licensed as a TOW TRUCK DRIVER under this Schedule;

- (2) drive or OPERATE or permit to be driven or OPERATED any TOW TRUCK unless such TOW TRUCK is licensed under this Schedule;
- (3) drive or OPERATE, or permit to be driven or OPERATED, any TOW TRUCK unless it is equipped with a TOW TRUCK OWNER PLATE supplied by the TOWN;
- (4) permit any OWNER'S PLATE issued under this By-law to be affixed to any TOW TRUCK, other than the TOW TRUCK for which the LICENCE was issued under this By-law;
- (5) by arrangement, agreement or otherwise, permit the use of the TOW TRUCK OWNER'S LICENCE in respect of any TOW TRUCK not owned by such OWNER;
- (6) permit any PERSON other than a TOW TRUCK DRIVER licensed under this Schedule to use such owner's TOW TRUCK for the TOWING or otherwise CONVEYING of a VEHICLE;
- (7) use or permit to be used a TOW TRUCK found unsafe or defective upon examination and inspection, as required under this Schedule;
- (8) 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; or
- (9) alter or amend the "Schedule of Rates" filed with the LICENSING OFFICER without first giving at least thirty (30) days written notice to the LICENSING OFFICER.

TOW TRUCK DRIVER DUTIES

14. Every TOW TRUCK DRIVER regulated under this Schedule shall:

- (1) be neat and clean in personal appearance, properly dressed in a uniform shirt displaying the company BUSINESS name, and display on his/her PERSON a valid TOWN TOW TRUCK DRIVER LICENCE card;
- (2) upon a request made by any Police Officer or By-law Enforcement Officer, provide his or her name, residential address, BUSINESS address, Ontario DRIVER'S LICENCE and TOWN TOW TRUCK DRIVER'S LICENCE to such Officer;
- (3) drive the TOW TRUCK which is TOWING or otherwise CONVEYING a VEHICLE by the most direct route to the destination requested by the CUSTOMER, and in the most expeditious manner, unless otherwise directed by the CUSTOMER; and

- (4) 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 or roadway prior to TOWING the VEHICLE from the COLLISION SCENE.

TOW TRUCK DRIVER PROHIBITIONS

15. No TOW TRUCK DRIVER licensed under this Schedule shall:

- (1) drive or have care and control of a TOW TRUCK unless he/she is licensed as a TOW TRUCK DRIVER under this Schedule;
- (2) drive or have care and control of a TOW TRUCK unless the OWNER of the TOW TRUCK is licensed under this Schedule;
- (3) commence to drive or have care and control of a TOW TRUCK without first providing the LICENSING OFFICER with a letter signed by the OWNER that he/she consents to the DRIVER operating his/her licensed tow trucks;
- (4) permit any other PERSON other than a DRIVER licensed under this Schedule to use a TOW TRUCK licensed under this Schedule for the TOWING or otherwise CONVEYING of any VEHICLE;
- (5) commence to tow or otherwise convey or move any VEHICLE, or hook, lift or connect the VEHICLE to the TOW TRUCK, or perform any other services unless first requested so to do by a CUSTOMER, or a peace officer or any member of a municipal fire department, or any PERSON authorized by law to direct the removal of the VEHICLE from private or public property;
- (6) stop, or park within two hundred (200) metres (approximately 656 feet) of a COLLISION SCENE unless the TOW TRUCK DRIVER has been summoned to the COLLISION SCENE by one of the PERSONS referred to in Subsection (5) or where there are fewer tow trucks at the COLLISION SCENE than VEHICLES apparently requiring the services of a TOW TRUCK;
- (7) 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 (approximately 656 feet) of a COLLISION SCENE, where the actions of the DRIVER or agent constitute a NUISANCE;

- (8) remove any VEHICLE from the scene or immediate vicinity of an accident 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 his or her investigation in respect of such VEHICLE, or has stated that the presence of such VEHICLE is no longer required for the investigation.
- (9) Nothing contained in Subsection (8) of this Section shall prevent the removal or moving of a VEHICLE for the purpose of preventing injury or damage to any PERSON or property, or for the purpose of avoiding undue interference with traffic on a HIGHWAY.

RECORDS MANAGEMENT

16. Every licensed OWNER shall:

- (1) keep a permanent daily record of services provided by the TOW TRUCKS owned by such OWNER, showing the name and address of every CUSTOMER, a description of the VEHICLE towed or conveyed, including the Provincial MOTOR VEHICLE PERMIT number or VEHICLE identification number of any such VEHICLE, the rate charged, and the total charge collected;
- (2) at all times permit the LICENSING OFFICER or any PERSON authorized by him/her to have access to such records to verify the same;
- (3) ensure that every VEHICLE carry a run-sheet upon which each DRIVER or OWNER shall record the name and address of such OWNER, the name of the CUSTOMER, the date, origin and designation of each TRIP or service to be performed, the rate or charge, and the Provincial MOTOR VEHICLE PERMIT number, with respect to every VEHICLE towed or conveyed;
- (4) retain run sheets in a form approved by the LICENSING OFFICER, in duplicate, dated and numbered by consecutively numbered bills or invoices showing:
 - (a) the name and address of every CUSTOMER;
 - (b) a description of the VEHICLE towed or conveyed including the Provincial MOTOR VEHICLE PERMIT number of any such VEHICLE;
 - (c) the hook-up and drop off locations;
 - (d) the services provided;

- (e) the rate charged;
 - (f) the total fee collected;
 - (g) the TOWN TOW TRUCK LICENCE number; and
 - (h) the name and TOWN LICENCE number of the TOW TRUCK DRIVER; and
- (5) retain the original copy of all run-sheets for at least six (6) months after the services recorded in them were provided, and shall make them available for inspection by any PERSON authorized by the TOWN and such PERSON shall be permitted to remove such records and retain same for a reasonable time.

REQUIREMENT TO FILE SCHEDULE OF RATES

17. (1) Every OWNER of a TOW TRUCK shall file with the TOWN a “Schedule of Rates” to be charged to CUSTOMERS for all services including the TOWING of, conveyances of, and other services to, VEHICLES within the TOWN by every TOW TRUCK owned by such OWNER.
- (2) A copy of a “Schedule of Rates” filed with the TOWN in accordance with Subsection (1) of this Section showing the charges to be made to CUSTOMERS of a TOW TRUCK for the services of TOWING or otherwise CONVEYING of any VEHICLE, or for any other services rendered by the OWNER or DRIVER of such TOW TRUCK, shall at all times be kept in the TOW TRUCK, to be shown to the CUSTOMER on demand.
- (3) A “Schedule of Rates” filed with the TOWN by an OWNER may not be altered or amended unless thirty (30) days written notice is given to the LICENSING OFFICER.
- (4) Every OWNER or DRIVER shall, upon the request of a CUSTOMER, provide a copy of the applicable “Schedule of Rates” filed with the TOWN as required by this Schedule.

BASIS FOR RATES

18. (1) The “Schedule of Rates” filed with the TOWN shall be based solely on one or more of the following factors or items, or a combination of them:
- (a) Time:
 - (i) time required to reach scene after hiring;
 - (ii) time required to perform services;
 - (iii) stand-by time.

- (b) Distance:
 - (i) distance to travel to reach scene after hiring;
 - (ii) \distance VEHICLE is towed or conveyed.
 - (c) Additional Services:
 - (i) changing more than one (1) wheel;
 - (ii) disconnecting drive shaft;
 - (iii) uprighting of an overturned VEHICLE;
 - (iv) moving VEHICLE to TOWING position; opening locked VEHICLES without keys;
 - (v) winching;
 - (vi) provision and use of dolly or FLATBED; and
 - (vii) other specified services.
- (2) Where rates vary according to time of day or geographical zones, the basis for such variances shall be clearly set out in the "Schedule of Rates" filed with the TOWN.
- (3) Where a combination of different factors or items may determine the rate to be charged, the exact formula for determining the rate shall be set out in the "Schedule of Rates" filed with the TOWN.
- (4) No OWNER or DRIVER shall demand or request payment for his services other than in accordance with the applicable "Schedule of Rates" filed with the TOWN.
- (5) No other charges may be added for locator, administrative or finder's fees or services.
- (6) This Schedule does not prohibit the entering into of a written contract or agreement between the OWNER of a TOW TRUCK or a TOW TRUCK BROKER, and an automobile association, motor league, any government or local board thereof, or any limited CORPORATION, containing a schedule 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 TOWN 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 his services other than in accordance with the applicable “Schedule of Rates” filed with the TOWN pursuant to Section 18(1) of this Schedule 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;
 - (d) the rates set out in the Schedule in any such contract or agreement shall be calculated in the same manner and on the same basis of the same factors as are authorized to be charged to a CUSTOMER by Section 18(1) of this Schedule; and
 - (e) the provision of this Schedule relating to the calculations of rates and to the filing and amending of “Schedule of Rates”, shall apply to the rates and schedules of rates set out in any contract or agreement referred to in this Section.
- (7) 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.

ITEMIZED BILL REQUIRED

19. Every OWNER or DRIVER hired to perform or provide services shall, before demanding payment for such services, present to the CUSTOMER an itemized bill for such services setting out the cost of all services and equipment provided or to be provided on the basis of the rate set out in the “Schedule of Rates” filed by the OWNER with the TOWN in respect of each specific item set out in Subsection 18(1) of this Schedule.

OWNER AND DRIVERS TO CHARGE RATES IN COMPLIANCE WITH “SCHEDULE OF RATES”

20. No OWNER or DRIVER shall, except as otherwise provided in this Schedule, be entitled to recover or receive any fee or charge or amount from any PERSON or PERSONs from whom he/she shall have demanded any fee, other than those set out in the applicable “Schedule of Rates” filed with the TOWN pursuant to this Schedule.

NO CHARGE PERMITTED FOR INEFFICIENCY OR INCOMPETENCE

21. No OWNER or DRIVER shall make any charge under this Schedule for time lost through defects or inefficiency of the TOW TRUCK, or the incompetence of the OWNER or DRIVER thereof.

DROP FEE PROHIBITED

22. (1) No OWNER or driver shall demand, request, accept or receive, directly or indirectly, any charge, gift, payment, drop-fee, thing or other consideration from any PERSON who owns or has a direct or indirect interest in any MOTOR VEHICLE compound, MOTOR VEHICLE body shop, public garage or any other yard, shop, building or place used for the storage, repair or servicing of MOTOR VEHICLES, in respect of, or in consideration for, the TOWING or CONVEYING of a VEHICLE to such pound, body shop, public garage, yard, shop, building or place, and no OWNER or DRIVER shall be a party to any transaction by which any such charge, gift, payment, drop-fee, thing or other consideration is paid or given, or is required to be paid or given.
- (2) No CUSTOMER of a TOW TRUCK shall be required or requested, directly or indirectly, to pay any drop-fee or any payment or transaction made or done in contravention of Subsection (1) of this Section.
- (3) This Section does not prohibit:
- (a) any payment for the TOWING or otherwise CONVEYING of a VEHICLE owned by the CUSTOMER, provided that such payment is authorized by this Schedule to be charged to the CUSTOMER;
 - (b) 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
 - (i) 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

- (ii) no charge is made to the CUSTOMER in respect of such services other than as authorized by Section 18(1) to this Schedule for the services referred to therein; or
- (c) any payment to an OWNER or DRIVER for TOWING or other services, provided that such payment is authorized by this Schedule to be charged to the CUSTOMER of the TOW TRUCK in respect of such services, and is paid on behalf of, and at the request of, such CUSTOMER.

INSURANCE REQUIREMENTS

- 23.
 - (1) Every PERSON who, as the OWNER of a TOW TRUCK, applies for a LICENCE under this Schedule, shall, before receiving such LICENCE, procure a policy of insurance endorsed to the effect that the TOWN shall be given at least ten (10) days notice in writing of the cancellation or expiration of the policy or policies, and insurance for each such VEHICLE in at least the following amounts on a form supplied by the TOWN:
 - (a) automobile liability insurance to the limit of at least two million dollars (2,000,000.00) exclusive of interest and costs, against liability resulting from bodily injury to or the death of one (1) or more PERSONs and loss of or damage to property;
 - (b) 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 LICENCEE, caused by COLLISION, theft or all perils damage;
 - (c) comprehensive general liability insurance of two million dollars (\$2,000,000.00);
 - (d) in respect of any one claim, cargo liability insurance in the amount of at least fifty thousand dollars (\$50,000.00) to indemnify the LICENCEE against loss by reason of his legal liability for direct physical loss or damage to VEHICLES and other items of property accepted by the LICENSEE for TOWING or conveyance.
 - (2) A certified copy of the applicable insurance policy or policies, or a certificate covering the same in the form required by the LICENSING OFFICER, shall be filed with the TOWN.

- (3) The LICENSING OFFICER may, notwithstanding anything else contained in this By-law, suspend a TOW TRUCK OWNER'S LICENCE in respect of any TOW TRUCK as to which there has been a failure to comply with Section 23(1) or where there has been a cancellation of a policy of insurance filed under Section 23(1), and such suspension shall continue until there has been satisfactory compliance with Section 23(1).

VEHICLE STORAGE YARDS/POUNDS

24. (1) Every OWNER and every DRIVER who owns, or has any interest, either directly or indirectly, in a MOTOR VEHICLE POUND, a yard or building used for the storage or impounding of MOTOR VEHICLES, a MOTOR VEHICLE body shop or other kind of public garage, or any other yard, shop, building or place used for the storage, repair or servicing of MOTOR VEHICLES, shall before receiving a LICENCE as OWNER or DRIVER, provide and file with the TOWN full information as to the location and size of such yard, shop, building or place, and the facilities provided therein, and as to the kind and extent of any interest therein, and shall provide to the TOWN full particulars of any contract, arrangement, agreement or understanding giving the OWNER or DRIVER such interest.
- (2) Where the OWNER of a TOW TRUCK resides, or has his head office or any other BUSINESS office outside the TOWN, or owns or has an interest in any public garage, yard, shop or other place referred to in this Section, outside the TOWN, such OWNER shall, in addition to the other information required to be furnished by this Schedule, notify the TOWN of the number and type of any LICENCE issued to him, her or it by any other municipality or licensing authority.
- (3) The OWNER, LESSEE and OPERATOR of a VEHICLE storage yard must be approved by the LICENSING OFFICER and shall comply with the TOWN zoning requirements and all applicable law.

VEHICLE STANDARDS AND EQUIPMENT

25. Only dual rear-wheel TOW TRUCKS will be issued licences under this Schedule and every OWNER shall provide and maintain on every TOW TRUCK licensed under this Schedule, the following equipment:
 - (1) Dual rear-wheel truck;
 - (2) A winching or hoisting device of sufficient capacity to safely lift the MOTOR VEHICLE to be towed, and a tow cradle, tow bar or tow sling equipped and maintained in a manner to ensure the safe lifting and CONVEYING of TOWED VEHICLES;
 - (3) One device for securing the steering wheel of a VEHICLE;

- (4) At least one 2.27 kg., chemical fire extinguisher having an effective total rating equivalent to at least 4-B, C;
- (5) At least two (2) safety chains having a minimum length of 2.7 metres (9 feet) each with links of at least 21 mm. (1 inch) steel;
- (6) Broom;
- (7) Shovel;
- (8) First Aid Kit;
- (9) An intermittent amber warning light system consisting of at least one light, which is clearly visible in all directions from a distance of at least one hundred (100) metres;
- (10) Pry bar at least 152.4 cm. (5 foot) in length;
- (11) Two (2) wheel blocks;
- (12) Flares and reflector kits;
- (13) Wheel wrenches;
- (14) Rope;
- (15) Booster Cables;
- (16) TOWING lights (magnetic) which shall be attached as close to the rear of the VEHICLE in tow for illumination and braking; and
- (17) Reflective safety vests for DRIVER.

MANDATORY INSPECTION

- 26. (1) A LICENSING OFFICER may require an OWNER to submit his TOW TRUCK for inspection at any time and at an appointed place and the OWNER shall submit each TOW TRUCK for inspection when required to do so by a LICENSING OFFICER.
- (2) Where the LICENSING OFFICER has made an appointment for the inspection of a TOW TRUCK or its equipment pursuant to Section 26(1) of this Schedule and if such TOW TRUCK and equipment are not produced at the time and place appointed for such inspection, the LICENSING OFFICER may suspend the TOW TRUCK OWNER'S LICENCE in respect of such TOW TRUCK until such time as the TOW TRUCK and its equipment have been tested, inspected and approved.

- (3) When a TOW TRUCK and its equipment have been examined by the Ministry of Transportation, a LICENSING OFFICER or licensed mechanic and the TOW TRUCK or its equipment is found to be mechanically defective, neither the OWNER nor the DRIVER shall OPERATE the TOW TRUCK and the OWNER shall not permit the TOW TRUCK to be operated, until the TOW TRUCK has been re-inspected and approved by the Ministry, or other inspecting authority.
- (4) When a TOW TRUCK is examined by the Ministry of Transportation, or a licensed mechanic, or by a LICENSING OFFICER and a report states that the TOW TRUCK or equipment is dangerous or unsafe, the OWNER or DRIVER shall remove and return to a LICENSING OFFICER the OWNER'S PLATE to be held until the OWNER delivers to the LICENSING OFFICER either an annual inspection certificate or a SAFETY STANDARD CERTIFICATE, and the TOW TRUCK and the equipment are certified to be safe by the Ministry of Transportation, or LICENSING OFFICER.
- (5) When an OWNER is unable to obtain a SAFETY STANDARD CERTIFICATE issued under the *Highway Traffic Act*, R.S.O., for the TOW TRUCK following an inspection, the OWNER shall remove and return to the LICENSING OFFICER the OWNER'S PLATE and shall not OPERATE or permit the TOW TRUCK to be operated until he obtains and produces a SAFETY STANDARD CERTIFICATE or an annual inspection certificate and the TOW TRUCK and equipment are certified to be safe by the Ministry of Transportation, or the LICENSING OFFICER.
- (6) Where the provisions of this Schedule require an OWNER or DRIVER of a TOW TRUCK to remove and deliver an OWNER'S PLATE to a LICENSING OFFICER and the OWNER or DRIVER fails to do so, the LICENSING OFFICER may remove the OWNER'S PLATE.
- (7) Where the police have removed the permit and/or number PLATE issued by the Ministry of Transportation in respect of a TOW TRUCK, the police shall also remove the TOW TRUCK OWNER'S PLATE.