

Authority: Item 2, Planning and
Economic Development
Committee
Report; 05-001(PD01120(c))
CM: January 12,2005

Bill No. 05-004

CITY OF HAMILTON

BY-LAW NO. 05-004

To amend the City of Hamilton Licensing Code 01-156, Schedule 25

And the City of Hamilton Taxi By-law 03-128

**Being a By-law to provide for licensing, regulating and governing
taxicab owners and taxicab drivers of motor vehicles for hire
and for limiting the number of taxicab owner licences.**

WHEREAS it is provided in the Municipal Act, 2001 that by-laws may be passed for licensing, regulating and governing taxicab owners and drivers of taxicabs, buses, motor and other vehicles used for hire or any class or classes thereof, and for establishing the rates or fares to-be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers, either wholly within the municipality or to any point not more that 5 kilometres beyond its limits, and for providing for collection of such rates or fares and for suspending and revoking any such licences; and that by-laws may be passed for licensing, regulating and governing businesses;

AND WHEREAS the Municipal Act, S.O. 2001, the City of Hamilton, may within the limitations therein set out, licence, regulate and govern the taxi industry;

AND WHEREAS the City Of Hamilton enacted By-law 01-156 known as the City of Hamilton Licensing Code;

AND WHEREAS the City of Hamilton enacted By-law 03-128 known as the City of Hamilton Taxi By-law, to amend Schedule 25 of the City of Hamilton Licensing Code By-law -1-156

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That any reference to the term “licensed vehicle” in this Schedule shall be deleted and replaced with “taxicab”.

2. That Section 1, Definitions and Interpretation be amended:
- (i) by adding to (a)(28) the words, “and shall have all the obligations and duties of a taxicab owner in this Schedule”, to read as follows:

“lessee” means a person who is either a licensed taxicab owner or taxicab driver under this Schedule and who has entered into a lease with a licensed taxicab owner through which the person acquires certain rights from the owner and under takes to fulfil certain responsibilities with respect to the use of the taxicab owner’s licence, licence plate and vehicle; and shall have all the obligations and duties of a taxicab owner in this Schedule.”;
 - (ii) By adding to (a)(38), the definition of “owner”, to read as follows:
 - “(1) “owner” means owner of a taxicab plate.
 - (2) “owner’s plate” means a metal vehicle licence plate bearing a number specific to a vehicle issued to a taxicab owner under this Schedule.”
3. That Section 5, General Prohibitions be amended, by adding subsection (11), to read as follows:

“No owner, operator or driver shall permit or allow any person to smoke in a taxicab.”
4. That Section 6, General Duties – Taxicab Drivers/Owners/Brokers be amended:
- (i) by adding Subsection (6) to read as follows:

“Every driver, owner and broker of a taxicab shall provide to the Issuer of Licences and any Officer enforcing this Schedule, upon request and/or when required pursuant to this Schedule, an address within the City of Hamilton for service for any documents or notices to be provided pursuant to this Schedule or by Law.”
 - (ii) by adding Subsection (7) to read as follows:

“for the provision of this Section owner shall include the lessee.”
5. That Section 9, Licensing Prerequisites – Taxicab Owners be amended:
- (i) by amending Section 9(4)(b), add the words “This provision shall be phased in over five years from the date of enactment of the re-wording”, to read as follows:

“if no one person holds at least fifty-one percent (51%) of the voting rights of the corporation, then the minority shareholder, holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule. Where among the minority shareholders there are more than one minority shareholder holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, the corporation shall designate the minority shareholder among such group who shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule. This provision shall be phased in over five years from the date of enactment of the re-wording.”

- (ii) by amending Subsection (7), delete \$5,000,000 and insert \$2,000,000, to read as follows:

“unless such person produces and files with the Issuer of Licences, a copy of a current and valid Ontario Standard Automobile Insurance policy for the vehicle for which such person is the owner and the policy shall be endorsed to provide that the Issuer of Licences will be given at least thirty (30) days notice in writing prior to any cancellation, expiration or change in the coverage amount or terms of the policy and the policy shall have a third party liability limit of no less than \$2,000,000 per occurrence, exclusive of interest and costs, indemnifying and protecting the owner and the public, including passengers and goods carried in such vehicles, inclusive of public liability and property damage;”

- (iii) by deleting Subsection (18) and 18(a) and (b); amend to read as follows:

“Upon enactment of this Schedule, every holder of a taxicab owner’s licence shall provide proof that he or she renewed his/her taxicab plate licence in the year 2000.”

- (iv) by deleting Subsection (19)

- (v) by adding Subsection(22), to read as follows:

“for the provision of this Section, owner shall include the lessee.”

- (vi) by adding Subsection(23), to read as follows:

That thirty (30) new taxicab owner plates be issued at three (3) plates per year over the next ten (10) years commencing January 2005; with an evaluation being undertaken by staff in 2007, and bi-annually throughout the ten year phase-in to assess the impact of issuance on the taxicab industry. These plates are non-transferable except in accordance with Subsection 17(8) of Schedule 25 of By-law 03-128, as amended.”

(vii) and that the numbering of the Subsections be revised accordingly.

6. That Section 37, Leasing be amended:

(i) by amending Subsection (2), delete “taxicab and”, to read as follows:

“A taxicab owner may lease or renew a lease of his or her taxicab owner’s plate, provided that:”

(ii) by amending Subsection (2)(b), delete “licensed taxicab owner’s taxicab”, to read as follows:

“the proposal contains a lease agreement which provides for lease of the taxicab owner’s plate;

(iii) by amending subsection (10) to read as follows:

(1) Every owner shall notify the Issuer of Licences and the lessee in writing of the expiration or other sooner termination of any lease to which he or she is a party or of any change in custody and control over his or her taxicab, at least fifteen (15) days prior thereto; and provide proof of service upon the lessee by way of a sworn affidavit.

(2) Every lessee shall notify the Issuer of Licences and the lessor in writing of the expiration or other sooner termination of any lease to which he or she is a party or of any change in custody and control over his or her taxicab, within fifteen (15) days prior thereto; and provide proof of service upon the owner by way of a sworn affidavit.

7. That Section 45, Taxicab Vehicle Standards and Inspections be amended:

(i) by amending subsection (1), delete sub-subsection (b).

(ii) by amending subsection (1), add sub-subsection (d), to read as follows:

“notwithstanding the age restriction set out in Section 45(1) any taxicab vehicle fueled by an alternative fuel, as determined by the issuer of Licences from time to time, shall be permitted one additional year of service to seven model years of age.”

(iii) by deleting subsection (2), and replace with the following corrected wording:

“To operate as a licensed taxicab, the vehicle shall be subject to the following mechanical fitness and safety inspections to be licensed or to have a licence renewed, as follows:

(1) taxicab vehicles with a model year of one model year of age to less than three years of age shall be required to undergo mechanical fitness and safety inspections by City of Hamilton inspectors and provide a safety standards certificate issued under the Highway Traffic Act R.S.O. 1990, c.H.8 one time per year or at such greater frequency as may be required by the Issuer of Licences;

(1) taxicab vehicles with a model year of three years of age to a maximum of six years of age shall be required to undergo mechanical fitness and safety inspections by City of Hamilton inspectors and provide safety standards certificates issued under the Highway Traffic Act R.S.O. 1990, c.H.8 two times per year or at such frequency as may be required by the Issuer of Licences.

8. That Section 46, Spare Vehicles be amended:

(i) by amending subsection (5), delete “three (3)” and insert “nine (9)”, to read as follows:

“The taxicab owner shall be limited to one (1) spare vehicle per five (5) licensed taxicab vehicles owned by such taxicab owner to a maximum of nine (9) spare vehicles.”

(ii) by adding subsection (8), to read as follows:

“A vehicle previously authorized as a taxicab by the Issuer of Licences, may be continued to be used as a spare vehicle only provided that it does not exceed seven model years in age.”

9. That Section 50, Duties of a Taxicab Driver be amended:

(i) by amending subsection (17), by inserting “or as approved by the Issuer of Licences”, to read as follows:

“when operating a taxicab, keep a daily trip sheet, in the form attached to Appendix “2” or as approved by the Issuer of Licences, containing the following information:”

(ii) by amending subsection (30), delete “390” and insert “39”, to read as follows:

“provide the medical certificate, as required by the Issuer of Licences, pursuant to section 39 of this Schedule.”

10. That Section 51, Driver Prohibitions be amended:

- (i) by amending subsection (17), delete “and” and replace with “and/or”, to read as follows:

“operate a taxicab without door side numbers and/or letters and/or a roof light as required by this Schedule;”

- (ii) by deleting subsection (28)

11. That Section 52, Owner’s Duties be amended:

- (i) by deleting “No licensed owner shall fail to:”, to read as follows:

“No licensed owner or lessee shall fail to:”

- (ii) by amending subsection (4)(a), delete “\$5,000,000” and replace with “\$2,000,000”, to read as follows:

“obtain and maintain a policy of insurance in respect of the taxicab in full force and effect during the entire period of time for which the licence is issued and in full force and effect in an amount not less than \$2,000,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;”

- (iii) by amending subsection (4)(b), delete “\$5,000,000” and replace with “\$2,000,000”, to read as follows:

“provide a special endorsement to the policy of insurance referred to include clause (b), for passenger hazard in an amount not less than \$2,000,000, exclusive of interest and costs;”

- (iv) amend subsection (13), delete “annually” and replace with “pursuant to Section 45(2) of this Schedule”, to read as follows:

“submit each licensed taxicab for general inspection and approval by the Issuer of Licences or an Officer pursuant to Section 45(2) of this Schedule, and at such other time or times when requested to do so by either of them;”

- (v) by deleting subsection (14), and replace with the following wording to read as follows:

“each taxicab must be equipped with an emergency lighting warning system mounted on the exterior of the vehicle as approved by the Issuer of Licences to provide safety for the taxicab driver;”

(vi) by adding subsection (26) to read as follows:

“ensure that any vehicle for which the taxicab plate is to be used shall be in compliance with this Schedule.”

12. That Section 53, Owner Prohibitions be amended:

(i) by deleting “No licensed owner shall:”, and shall read as follows:

“No licensed owner or lessee shall:”

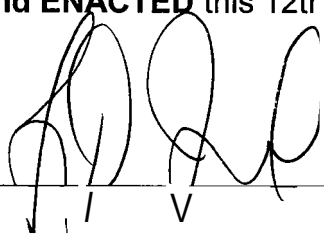
(ii) by adding Subsection (26) to read as follows:

“shall permit his or her taxicab plate or the operations thereof to be used on a vehicle that does not comply with this Schedule.”

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-156 and By-law No. 03-128, are hereby confirmed unchanged.

3. This By-law shall come into force and effect on the date of its passing and enactment.

PASSED and ENACTED this 12th day of January, 2005.

MAYOR 

~~CLERK~~ 