

COMMITTEE OF THE WHOLE DECEMBER 9, 2002

CITY OF VAUGHAN LICENSING BY-LAW 2-2001

Recommendation

The City Clerk in consultation with the Manager of Special Projects Licensing & Permits and Solicitor of Litigation recommends:

That By-law Section 2.0 of By-law 2-2001 be amended by adding the following definitions:

“Animal Control Officer” means a person or persons appointed by Council for the purpose of animal control or as a Municipal law Enforcement Officer;

“Boarding” means the taking in of domestic animals for any length of time for capital gain;

“Breeding” means the generating of offspring resulting in quality of bloodlings as in purebred;

“Carrying on the business or engaging in the business of means when used in relation to refreshment vehicles and taxis the idling, parking or stopping of the vehicle when it is generally assumed that the services of such vehicle are for hire or available for purchase;

“Commercial Breeding Kennel” means any kennel used for the keeping of 4 or more dogs and/or cats but does not include a veterinarian clinic;

“Collisions” means the unintended contact resulting from the motion of a motor vehicle and/or its load;

“Collision Scene” means the general location or place where a collision occurred;

“Domestic Animal” means a dog, cat or other similar pet, which is generally understood to be domesticated and is typically kept indoor at a residence;

“Domestic Animal Boarding Facility” means any building, premise, structure, run or facility, or part thereof, used for the boarding (for hire) of more than one (1) domestic animal, but does not include a veterinarian clinic;

“Driver, Accessible Taxi” means the operator of an accessible taxi who holds and maintains or is required to hold and maintain a City of Vaughan Accessible Taxi License and who transports ambulatory and/or non-ambulatory passengers from any point within the City of Vaughan to any other point;

“Driver, Driving School Instructor” means any person who teaches or gives instruction from within a motor vehicle, to any other person on how to drive or operate a motor vehicle;

“Driver, Tow Truck” means the operator of a tow truck who holds and maintains or is required to hold and maintain a valid City of Vaughan Tow Truck Driver’s License issued in pursuance to this By-law;

“Food Safety Inspection Report” means a report issued by the Medical Officer of Health or Certified Public Health Inspector to an Eating Establishment or Foodstuffs Establishment as a result of an inspection conducted pursuant to the Health Protection and Promotion Act or regulations enacted there under, as amended from time to time;

“Hobby Kennel” means any kennel used for keeping of four or more dogs and/or cats but does not include a veterinarian clinic;

“Off Road Recovery” means the up righting of an overturned vehicle and when four or more wheels of the same vehicle are completely off the travelled portion of the road including the shoulder;

“Owner, Accessible Taxi” means the owner of an accessible taxi who is licensed or required to be licensed under the provisions of this By-law;

“Owner, Driving School Instructor” means the owner of a vehicle that is licensed, or required to be licensed and used to teach or give instruction to any other person;

“Owner Kennel” means the person(s) who is the license holder, and/or the person responsible for the day to day operation, control, care or maintenance of the kennel or Boarding Facility, or the person(s) who owns, processes or harbours dogs and/or cats and where the owner is a minor, the person responsible for the custody of the minor;

“Tow Bar” means a device for positioning a towed vehicle behind a tow truck;

“Tow Sling” means a device used for the lifting and towing vehicles with a partial load supported on rubber belts;

“Tow Truck Brokerage” means a person who in pursuance of a trade, calling, business or occupation, arranges for the provision for hire to a hirer, of the services of a tow truck not owned by such person;

“Tow Truck Brokerage” means any business where a person(s) accepts and dispatches calls from the general public, businesses, police or other similar type of agency to tow trucks owned or operated by someone other than himself or family members, and;

“Underlift” means a device used for the towing of vehicles by lifting one end of the towed vehicle from under the axel or structural member of the towed vehicle;

“Wheel lift” means a device used for towing vehicles by lifting one of the vehicles by the wheels;

“Wrecker Body” means a manufacturer’s box designed to be attached to the frame of a cab and chassis and used with an underlift, tow bar or tow sling or wheel lift or flat bed carrier or other similar device and which is equipped and maintained in a manner to ensure the safe lifting and conveying of a vehicle to be towed;

That Section 2.0 of By-law 2-2001 be further amended by deleting the definitions “Dog”, “Kennel”, “Purebred” Second Hand Goods”, “Taxi”, and “Tow Truck” and replacing them with the following definitions:

“Dog” means any member of the species canis familians and shall include a male or a female, spayed or neutered dog;

“Kennel” means any building, premise, structure, dog run or other facility or part thereof where:

- a) purebred dogs and/or cats are kept for breeding or show purposes;
- b) dogs are kept solely for the purpose of routinely entering into dogsled or other similar purpose;
- c) hunting dogs are kept for hunting purposes;

- d) four or more dogs and/or cats are kept for the purposes of breeding, grooming, boarding, training or selling of such dogs and cats;

“Purebred” means any dog or cat that is registered or eligible for registration with an association incorporated under the Animal Pedigree Act;

“Second Hand Goods” includes, but is not limited to bicycles, collector cards, coins, compact discs, computers, computer accessories including monitors, printers and fax modems, computer games, computer software including cartridges and discs, computer hardware, electronic equipment, glass, ceramic, china, stone or metal figurines, jewellery, coins, medals and other precious metals for the purpose of melting, leather jackets, musical instruments, photographic equipment, pre-recorded audio tapes, pre-recorded video tapes, radios, sports equipment, stereos, telephones, television sets, tools, video games, video game system, video laser discs and watches;

“Taxi” means a motor vehicle of a type approved by the Licensing Officer, licensed or required to be licensed under the provisions of this By-law which is used for the hire and conveyance of persons, materials or luggage, from a point within the City to a destination directly or indirectly and shall not include an accessible taxi;

“Tow Truck” means a motor vehicle used for the hire for towing, providing services, or otherwise conveying of vehicle, from a point of origin within the City to a destination directly or indirectly.

That Section 3.0 – General Provisions, of 2-2001 be amended to include subsection (14) as follows:

- (14) All vehicles licensed or required to be licensed under the provisions of this By-law shall be subject to random inspection(s) from time to time throughout the term of the license issued for such vehicle, and;
 - a) every driver and every owner of a vehicle licensed or required to be licensed under the provisions of this By-law shall, produce such vehicle for inspection upon demand of the Licensing officer or person authorized to enforce the provisions of this By-law, and;
 - b) notwithstanding Section 7.0 of this By-law, the license issued to the driver or owner of a vehicle licensed or required to be licensed under the provisions of this By-law shall be immediately suspended for the period of time until such vehicle passes such inspection if he does not produce such vehicle for the inspection as described in Section 3.0 (14)

That Section 7.0 (1) – Suspension and Revocation, be amended by adding the following:

- (j) where the Licensing Officer has received 3 or more substantiated complaints against the person, business or entity that holds a valid license.

That Section 9.01 (6) c) i) of By-law 2-2001 dealing with Adult Entertainment Attendants be amended by adding the following after “Birth Certificate”:

“accompanied by a photo”

That Section 9.01 (6) d) of By-law 2-2001 dealing with Adult Entertainment Attendants be deleted and replaced with the following:

- d) proof satisfactory to the Licensing Officer of being eligible to seek employment as an Adult Entertainment Attendant in Canada which may be evidenced by the production of such of the following original documents, without limitation;
 - i) a Canadian Birth Certificate, or;
 - ii) a valid Canadian Passport, or;
 - iii) a Canadian Citizenship card, or;
 - iv) a Social Insurance card, or;
 - v) a Record of Landing papers, or;
 - vi) a Certificate of Indian Status

That Section 10.0 of By-2-2001 dealing with the Licensing of Auctioneers be amended by adding subsection c) as follows:

- c) proof satisfactory to the Licensing Officer of being eligible to gain employment in Canada as an Auctioneer which may be evidenced by the production of such of the following original documents, without limitation:
 - i) a Canadian Birth Certificate, accompanied by a photo, or;
 - ii) a valid Canadian Passport, or;
 - iii) a Canadian Citizenship card, or;
 - iv) a Social Insurance card, or;
 - v) a Record of Landing papers, or;
 - vi) a Certificate of Indian Status.

That Section 13.0 (3) q) of By-law 2-2001 dealing with Body Rub parlours be deleted and replaced with the following:

- (3) q) every owner and every operator of a Body Rub Parlour shall produce upon demand, a copy of all attendant's licenses whether currently on duty or not, to a person authorized to enforce the provisions of this By-law.

That the following subsection be added to Section 13.0 (3) of By-law 2-2001 dealing with Body Rub Parlours:

- v) Every Body Rub Parlour owner and every Body Rub Parlour Operator shall:
 - i) keep a written record of all appointments, bookings, and arrangements for body rubs or services and such records shall be made readily available upon demand of a person authorized to enforce the provisions of this By-law,
 - ii) the records referred to in Section 13.0 (3) v) i) shall be maintained for a period of not less than 3 months,

- iii) the records referred to in Section 13.0 (3) v) i) shall indicate the time, date, fee charged, and service provided, the full legal name and any aliases used by the attendant providing such services and the full legal name and current address of the customer as may be evidenced by a valid Driver's license,
- iv) every Body Rub Parlour Owner and every Body Rub Parlour Operator shall maintain and produce upon demand of the person authorized to enforce the provisions of this By-law an employee schedule that indicates the full legal name and any aliases used by each attendant and operator and the start and finish time for each day for each attendant and Operator.

That the following subsection be added to Section 13.03 (1) – Body Rub Parlour, Design of Premises:

- k) Every door on the room designated as a massage room shall be equipped with a window of a size not less than 36cm x 36cm and such window will be free of any obstruction except for a curtain of the same size on the exterior of the door and such window shall be free of any tint or other material;
 - i) if the room designated as a massage room is designed or laid out in such a way that the entire room is not visible through the window described in Section 13.03 (1) k), the such window shall be at least large enough to allow the entire room to be visible.

That Section 14.01 of By-law 2-2001 dealing with Driving School Instructors Drivers and Owners be deleted and replaced with the following:

- (1) There shall be taken out by every person carrying on the business of an Driving School Instructor driver and every driving school instructor owner, a license from the City authorizing the carrying on of the business of an Driving School Instructor driver and driving school instructor owner in the City of Vaughan and no person shall carry on the business of an Driving School Instructor driver and driving school instructor owner in the City without a license to do so.
- (2) In addition to any information required to be furnished on the application form, every applicant for a Driving School Instructor driver's license, shall produce with his application:
 - a) the applicable fee as set out in Schedule A of this By-law;
 - b) a valid Class G driver's license issued by the Province of Ontario that has been maintained for at least 24 months;
 - c) A valid Ontario Instructors license;
 - d) "Statement of Driver Record" furnished by the Ministry of Transportation and Communications of the Province of Ontario and dated within the 30 days preceding the date of application;
 - e) proof of being at least 18 years of age;
 - f) proof of being legally eligible to gain employment in Canada;

- g) a complete Police Clearance letter issued by the Chief of Police, dated not more than 30 days prior to the date application for license is being made;
- (3) On every application for a Driving School Instructor's Owner's license or for the renewal of such license, the applicant shall attend in person and not by agent at the Licensing Office and shall complete the prescribed forms and shall furnish the Licensing Officer the following:
- a) the appropriate fee as set out in Schedule A of this By-law;
 - b) a complete Police Clearance letter issued by the Chief of Police, dated not more than 30 days prior to the date application for license is being made;
 - c) a valid Class "G" Ontario driver's license;
 - d) a valid Provincial Driving Instructor's License;
 - e) a Safety Standards Certificate for the vehicle in which he intends to carry out the instruction, dated not more than 30 days prior to the date of application or renewal;
 - f) a certificate of policy of insurance in the amount of \$2,000,000.00;
 - g) if such vehicle referred to in Section 14.0(2)f) is powered by propane, a certificate from an authorized propane inspection station, accounting for such vehicle's mechanical fitness;
 - h) the ownership of such vehicle referred to in Section 14.0(2)f);
- (4) No person shall engage in the business of a Driving School Instructor driver or driving school instructor owner on any City Community Centre or Municipal Office parking lot.
- (5) Every Driving School Instructor driver and driving school instructor owner shall:
- a) be at least eighteen (18) years of age;
 - b) be the holder of a license or licenses issued by the Province of Ontario authorizing him or them to carry on the trade business or calling of teaching persons to operate motor vehicles;
 - c) be able to read, write and speak the English and/or French Language with sufficient fluency as to render him, in the opinion of the Licensing Officer, competent to exercise his business, trade or calling;
 - d) not give, permit or cause instruction to be given on a vehicle that is not equipped with dual braking controls;
 - e) not give, permit or cause instruction to be given on a vehicle which has not first been examined by the Ministry of Transportation and Communications and issued with a certificate proving the road worthiness of said vehicle;
 - f) not give instruction to any student driver who is unable to produce a valid Class G1, G2 or G Driver's License issued by the Province of Ontario;

- g) not give instruction to any student driver when the use of alcohol or drugs by such student driver is apparent;
- h) not use any vehicle in the business unless there is securely affixed to the rear of the vehicle, in a position approved by the Licensing Officer, a plate bearing an identifying number indicating that the vehicle is used in a business licensed by the Licensing Officer;
- i) advise the Licensing Officer of all vehicles to be used in the operation of the business identifying such by make, serial number and Provincial permit number;
- j) advise the Licensing Officer of all changes of vehicles, additions to or deletions from the existing licenses allocated to him;
- k) return all plates issued to him in respect of vehicles he has ceased to use;
- l) keep a permanent record of all students giving full information as to the commencement of instruction, date and time of each lesson and the instructor's name;
- m) allow the Licensing Officer to have access to all premises, vehicles, equipment, books and records used in the operation of the business;
- n)
 - i) display a sign or signs on each vehicle, readily legible from a distance of 30 meters from the front and/or the rear of said vehicles giving the name, address and telephone number of the driving school;
 - ii) said signs shall not be mounted in such a manner so as to obstruct a clear view of either the Provincial Marker Plate or the identifying plate issued by the City of Vaughan indicating such vehicle is used in a Driving School business licensed by Council;
 - iii) refrain from employing any instructor not licensed pursuant to this By-law.

That Section 16.0- Eating Establishments be amended to include the following:

- (2)
 - c) Effective July 1, 2003, notwithstanding any other Section of the By-law, every owner and every operator of an Eating Establishment shall post a notice of availability of the Food Safety Inspection report.
 - d) Effective July 1, 2003, every owner of an Eating Establishment shall when so requested by any person, produce the most recent Food Safety Inspection report or reports.

That Section 18.0 dealing with Fireworks be amended to include the following:

- (1) No person shall engage in the sale of fireworks in the City of Vaughan without first making application for, obtaining and maintaining a license to do so.

That Section 19.0 – Foodstuffs Establishment, be amended to include the following:

- (1) a) Effective July 1, 2003, notwithstanding any other sections of this By-law, every owner and every operator of a Foodstuffs Establishment shall post a notice of availability of the Food Safety Inspection report.
- b) Effective July 1, 2003, every owner of a Foodstuff Establishment shall when so requested by any person, produce the most recent Food Safety Inspection report or reports.

That Section 22.0 – Limousines be amended to include the following Sections:

- (13) a) In addition to any information required to be furnished on the application form, every applicant for a limousine driver's license shall produce with his application:
 - i) the applicable fee as set out in Schedule A of this By-law, and;
 - ii) a Valid Class G driver's license issued by the Province of Ontario, and;
 - iii) a certificate of health from a medical doctor, not more than 30 days old, that he is in a fit state of health to operate a limousine, and;
 - iv) "Statement of Driver Record" furnished by the Ministry of Transportation for the Province of Ontario and dated within 30 days preceding the date of application, and;
 - v) proof of being legally eligible to gain employment in Canada, and;
 - vi) a letter of employment or potential employment from a licensed limousine owner, and;
 - vii) a complete Police Clearance letter issued by the Chief of Police, dated not more than 30 days prior to the date application for license is being made.
- b) On every application for a limousine owner's license or for renewal of such license, the applicant shall complete the prescribed forms and shall furnish to the Licensing Officer original copies of the following information:
 - i) the applicable fee as set out in Schedule A of this By-law, and;
 - ii) a Certificate of Policy of Insurance in the amount of at least \$2,000,000.00, and;
 - iii) a complete Police Clearance letter issued by the Chief of Police, dated no less than 30 days prior to the date of application for license is being made, and;
 - iv) a valid Class G driver's license issued by the Province of Ontario,
 - v) proof of being at least 18 years of age, and;
 - vi) proof of being eligible to gain employment in Canada, and;

- vii) if such owner is operating his own limousine, a "Statement of Driver Record" furnished by the Ministry of Transportation for the Province of Ontario dated not more than 30 days prior to the date of application for license or renewal of license, and;
- viii) if such limousine is powered by propane, a certificate from an authorized propane inspection station, accounting for such vehicle's mechanical fitness, and;
- ix) the Provincial Motor Vehicle Permit, and;
- x) if such owner is operating his own limousine, a certificate of health from a medical doctor, stating that such person is medically fit to operate a limousine, and;
- xi) any other information or document the Licensing Officer may require, and;
- xii) in the case of a limousine owned by a limited company such attendance shall be made by an officer of the limited company.

That Section 29.0 dealing with Refreshment Vehicles be amended to add the following requirements for licensing:

- (2) In addition to any information required to be furnished on the application form, every applicant for a Refreshment Vehicle Driver's license shall produce with his application:
 - a) the applicable fee as set out in Schedule A of this By-law, and;
 - b) a valid Class G driver's license issued by the Province of Ontario, and;
 - c) a certificate of health from a medical doctor, not more than 30 days old that he is in a fit state of health to operate a refreshment vehicle and free of communicable disease, and;
 - d) "Statement of Driver Record" furnished by the Ministry of Transportation for the Province of Ontario and dated within 30 days preceding the date of application, and;
 - e) proof of being eligible to gain employment in Canada, and;
 - f) a complete Police Clearance letter issued by the Chief of Police, dated not more than 30 days prior to the date application for license is being made.

That Section 29.0 (5) a) be amended to include the words "every motorized vehicle" after the word "when".

That Section 29.0 (5) f) i) be amended to delete the word "sunset" and replace it with "9:00 p.m."

The subsection (5) k) be added to Section 29.0 of By-law 2-2001 as follows:

- k) No refreshment vehicle that is pulled or not motorized is operated on any highway or part thereof.

That subsection (6) a) of Section 29.0 of By-law 2-2001 be amended by adding the following at the beginning of the paragraph:

“if such vehicle dispenses ice cream or other similar type of products”

That Section 32.0 (1), (2) and (3) of By-law 2-2001 be deleted and replaced with the following:

- (1) There shall be taken out by every person carrying on the business of a Taxi Owner and Taxi Driver, a license from the City of Vaughan authorizing the carrying on of the business in the City of Vaughan.
- (2) No person shall carry on the business of a Taxi Owner and Taxi Driver in the City of Vaughan without a license to do so.
- (3) If the application for renewal is received after February 1st in the year following the date of termination of the license the license shall not be renewed.

That Sections (5) and (6) be deleted and replaced with the following:

- (5) In addition to any information required to be furnished on the application form, every applicant for a taxi Driver's license shall produce with his application:
 - a) the applicable fee as set out in Schedule A of this By-law, and;
 - b) a valid Class G driver's license issued by the Province of Ontario that has been maintained for at least 24 months, and;
 - c) a certificate of health from a medical doctor, not more than 30 days old, that he is in a fit state of health to operate a cab, and;
 - d) “Statement of Driver Record” furnished by the Ministry of Transportation and Communications of the Province of Ontario and dated within 30 days preceding the date of application, and;
 - e) proof of being at least 18 years of age, and;
 - f) proof of being legally eligible to gain employment in Canada, and;
 - g) a letter of employment or potential employment from a licensed Taxi owner, and;
 - h) a complete Police Clearance letter issued by the Chief of Police, dated not more than 30 days prior to the date application for license is being made, and;
 - i) proof satisfactory to the Licensing Officer that the applicant has attended and successfully completed the City of Vaughan Taxi Driver sensitivity training and examination.
- (6) Every applicant for a taxi driver's and taxi owner's license shall attend and successfully complete the City of Vaughan Taxi Driver Sensitivity training and examination.
 - a) Such examination referred to in Section 32.0 (6) shall be in two parts and include an English competency test and a test of the applicant's knowledge of the By-law, popular tourist attractions, public buildings, locations of streets and other similar type of information.

- b) Any person who holds a valid Taxi Driver's license or Taxi Owner's license as of January 1, 2003, shall be required to attend and successfully complete the City of Vaughan sensitivity training and examination in a schedule determined by the Licensing Officer.
- c) Notwithstanding Section 7.0 of this By-law the Licensing officer may suspend the license of any person who is subject to Section 32.0 (6) and does not successfully complete the sensitivity training and examination within the prescribed time.
- d) In order to successfully complete the Taxi Driver examination the applicant shall obtain a grade of at least 75% on his first attempt, 80% on his second attempt and 85% on his third attempt.
- e) Should an applicant fail to obtain the successful grade after the third attempt he shall be deemed ineligible for a license for a period of not less than 90 days.

That Section 32.0 (17) be further amended to include the following:

- f) by January 1, 2004, an intermittent light that can be activated by the driver and is securely affixed on the rear and front of the vehicle's exterior accompanied by a decal permanently affixed beside such light that reads:

"if this light is flashing, call 911"
- h) A general purpose first aid kit, at least 4 flares, or reflective markers, a fire extinguisher of the following description: 1.25 kilogram dry chemical of a type capable of functioning at -40 degrees Celsius;

That Section 32.0 (19) be deleted and replaced by the following:

- (19) a) Every Taxi Owner shall ensure that by January 1, 2005 the taxi for which the license was granted is painted in the colour scheme similar to the City's Corporate colours, in a manner approved by the Licensing Officer.

That Section 32.0 (21) b) be amended by adding the following:

- b) and free of any substance other than snow and water that can be transferred onto the passenger or any part of his clothing, luggage or goods by incidental contact.

That Section 32.0 (21) c) be amended by adding after the word "interior", the following:

"including the trunk and free of any waste, debris, or any other item not intrinsic to the vehicle; and free of any dust, dirt, oil, grease, tears or holes in the upholstery and of any other substance that can be transferred onto the passenger or any part of his clothing, luggage or goods by incidental contact, and; free of exterior body damage, rust and in the opinion of the Licensing Officer, well maintained paint finish and four matching hub caps."

That Section 32.0 (22) and (23) be deleted and replaced with the following:

- (22) Every owner and every driver shall upon request of the Licensing Officer attend the Licensing Office where the Licensing officer is conducting an investigation as a result of information received relating to such owner or driver.

- (23) Where the Licensing Officer has made an appointment pursuant to Section 32.0 (22) for the attendance of a taxi driver or owner and such driver or owner do not appear at the time and place appointed for such appointment, the Licensing Officer may, notwithstanding anything else contained in this By-law suspend the license in respect of such taxi owner or driver until such time as the taxi owner or driver has been interviewed in relation to the information received in Section 32.0 (22).

That Section 32.0 (24) be amended by adding the following to the end of the current paragraph:

“and refrain from driving such vehicle until such mechanical defects have been repaired”

That Section 32.0 (30) a) be amended by adding the following:

- a) and the City of Vaughan Taxi Cab Owner’s license number.

That Section 32.0 (30) b) be deleted and replaced with the following:

- b) license number of the driver and the address of the brokerage from which the taxi is being operated.

That Section 32.0 (32) c) be deleted and replaced with the following:

- c) the name and license number of the driver.

That Section 32.0 (37) a) be deleted and replaced with the following:

- a) An owner who has maintained a valid Taxi Cab Owner’s license for a period of not less than 24 months may sell his cab and its equipment to any person who meets the criteria as set out in 32.0 (37) b) and upon such sale the owner’s license issued in respect of such cab shall be terminated.

That Section 32.0 (38) be deleted and replaced with the following:

- (38) Taxi Owner’s licenses shall be issued by the Licensing Officer in proportion to the population of the City of Vaughan as determined by the City’s Assessment Department. In no case shall the number of Taxi Owner’s Licenses exceed a ratio of 1 license for every 1280 residents.
- a) in the event the maximum number of licenses has been issued, the Licensing Officer may create a list of persons (hereinafter referred to as the waiting list) that may be eligible to receive taxi owner’s licenses, and;
- b) in the event a waiting list is established, application for placement on the waiting list shall be made in person and not by agent, on the forms provided by the Licensing Officer, at the City of Vaughan licensing office during normal business hours and such application shall be accompanied by the following information:
- i) Proof satisfactory to the Licensing Officer that the applicant has carried on the business of a Taxi Driver for a period of not less than 24 consecutive months prior to the date of application for placement is taking place, and;

- ii) Proof satisfactory to the Licensing Officer that the applicant is eligible to gain employment in Canada as a Taxi Owner, and;
- iii) Proof satisfactory to the Licensing Officer that the applicant is at least 18 years of age, and;
- iv) Proof satisfactory that the applicant has held a valid Ontario Driver's license for a period of at least 24 months, and;
- v) The waiting list fee as set out in Schedule A of this By-law, and;
- vi) No person shall be eligible for placement on the waiting list if the Licensing Officer has received 3 or more substantiated complaints relating to his carrying on as a taxi driver, and;
- vii) In the event that the Licensing Officer receives 3 or more complaints about a person already on the waiting list, and such complaints have been substantiated in the opinion of the Licensing Officer, the applicant may be removed from the waiting list, and;
- viii) Notwithstanding Section 32.0 (38) a) the Licensing Officer may refuse to accept an application for placement on the waiting list for the reasons set out in Section 7.0 of this By-law.

That Section 32.0 (47) of By-law 2-2001 be amended by adding the following:

- (b) Every taxi driver and every taxi owner that is operating his taxi shall be clean and well groomed, free of offensive odours usually associated with frequent bathing, and frequent laundering of clothing at all times while operating such taxis.
- c) Every taxi owner and every taxi driver shall at all times when operating the taxi wear proper and clean clothing consisting of a collared shirt with a name tag bearing the driver's name and the brokerage name from which the is being operated from.

That Section 32.0 (69) of By-law 2-2001 be amended by adding the following:

- ii) Notwithstanding subsection (69), if it becomes necessary for the taxi driver to unload the passenger's goods or luggage, the tariff rates shall be computed from the time the passengers first enter the taxi until the time the taxi driver has finally completed assisting the passenger.
- iii) No taxi driver shall refuse any passengers request for assistance to load into or unload goods or luggage from the taxi.

That Section 32.0 (71) be deleted and replaced with the following:

- (71) a) Every passenger shall be issued a receipt indicating the Taxi Driver or Taxi Owner's name and license number, the name of the brokerage being operated from, the time and date of the trip, the starting and ending point of the trip, the amount indicated on the meter and the amount charged.
- b) No taxi driver and no taxi owner shall delay or hinder a passenger from exiting the taxi for the purposes of writing a receipt.

That Section 32.0 (84) be deleted.

That Section 32.01 of By-law 2-2001 relating to accessible taxis be deleted and replaced with the following:

- (1) There shall be taken out by every person carrying on the business of An Accessible Taxi Owner and driver, a license from the City authorizing the carrying on of the business in the City of Vaughan and no person shall carry on the business of an Accessible Taxi Owner and Accessible Taxi Driver in the City without a license to do so.
- (2) On every application for an Accessible Taxi owner's license or for the renewal of such license, the applicant shall complete the prescribed forms and shall furnish to the Licensing Officer original copies of the following information:
 - a) a safety standards certificate, dated not more than 30 days prior to the date of application or renewal, and;
 - b) a certificate of policy of insurance in the amount of \$2,000,000.00, and;
 - c) a complete Police Clearance letter issued by the Chief of Police, dated no less than 30 days prior to the date application for license is being made, and;
 - d) a valid Class "G" driver's license issued by the Province of Ontario, and;
 - e) Proof of being at least 18 years of age, and;
 - f) Proof of being eligible to gain employment in Canada, and;
 - e) if such owner is operating his own taxi, a "Statement of Driver Record", furnished by the Ministry of transportation, dated not more than 30 days prior to the date of application for license or renewal of such license, and;
 - g) if such taxi is powered by propane, a certificate from an authorized propane inspection station, accounting for such vehicle's mechanical fitness, and;
 - h) the Provincial Motor Vehicle Permit, and;
 - i) if such owner is operating his own taxi, a medical certificate of health from a medical doctor stating that such person is medically fit to operate an accessible taxi and offer the necessary assistance to the passengers, and;
 - j) any other information or document that the Licensing Officer may require, and;
 - k) In the case of a taxi owned by a limited company such attendance shall be by an officer of the limited company.
 - l) Proof satisfactory to the licensing officer that he has successfully completed the City of Vaughan Taxi sensitivity training and examination.
- (3) A holder of an accessible taxi owners license shall be permitted to operate a vehicle which, in addition to satisfying the conditions set out in Section 32.0(17), (21), (27) and has received approval from the Ministry of Transportation.

- (4) A sign or decal as shown on Schedule F of this By-law may be placed on an accessible taxi provided that:
 - a) such sign or decal is not in excess of 15cm by 15cm; and
 - b) such sign or decal is located at the rear of the vehicle.
- (5) No person shall drive an accessible taxi unless:
 - a) the driver meets all the requirements of a taxi driver under this By-law; and
 - b) the driver has satisfied the Licensing Officer that he/she has successfully completed the City of Vaughan a driver improvement and sensitivity training and examination program acceptable to the Licensing Officer.
- (6) Every licensed driver of an accessible taxi shall serve the first person unable to board regular vehicles due to a physical disability requesting the service of his/her vehicle at any place within the City, at any time of day or night, except where the provisions of Section 32.0 apply.
- (7) Every licensed driver of an accessible taxi shall:
 - a) offer such assistance as required to facilitate the entry or exit of a physically disabled person into or out of an accessible taxi;
 - b) where a wheelchair is being used by a passenger, ensure that the wheelchair and occupant restraint system is properly secured in the area so provided; and
 - c) ensure that the passenger's seatbelt is properly secured.

That By-law 2-2001 be amended by deleting Section 34.0 and replacing it with a more comprehensive Section dealing with tow truck licences

That By-law 2-2001 be amended to delete any requirement of \$5,000,000 dollars insurance for vehicles and replace it with \$2,000,000 dollars.

Background

On January 15, 2001, Vaughan Council on the recommendation of the City Clerk enacted a Comprehensive Licencing By-law. The consolidation of the various licensing by-laws was undertaken as a result of amendments to the Municipal Act, one of which required that municipalities review licencing by-laws no later than five years from the date of their enactment. The five year expiry date was put in place so that municipalities could review their by-laws to ensure efficiency in the public sector and to evaluate whether the processes established in the by-laws are functioning in a proper and efficient manner.

Over the past two years licensing staff have worked with the various licensed businesses in the municipality and outside enforcement agencies, reviewing our Licensing By-law with a view to improving the level of service we now provide. The recommendations contained in this report are intended to improve service to the public and to define more closely the responsibilities of the various businesses licensed by the municipality. The majority of the amendments are administrative in nature. These include the adding or amendment of definitions, up to date insurance requirements as discussed with our own insurers and outside insurance agencies and clarification of application requirements for prospective licensees.

In addition, staff is recommending the following amendments:

- a) the capping of rates charged by owners and drivers of tow trucks at collision scenes;
- b) a more comprehensive section dealing with the licensing of kennels;
- c) the introduction of safety measures designed to protect drivers of taxi cabs;
- d) that all taxi cab drivers undergo an English competency test and sensitivity training.
- e) that all eating and foodstuff establishments post a notice in their establishment advising the public of the availability upon request of the most recent Food Safety Inspection Report issued by the York Region Health Department.

Tow truck licenses were first issued by the City of Vaughan in 1996. The By-law presently provides that tow truck operators file with the Licensing Office a copy of the rates they charge to their customers. From time to time staff has received complaints from the insurance industry and tow truck customers regarding excessive fees being charged. At the present time staff is only able to address the complaint with the tow truck operator and try to broker a resolution between the parties involved. Staff have reviewed the rates filed by the various tow truck operators and feel it's appropriate at this time to establish an all-inclusive collision tow rate. These rates would only pertain to accident collision scenes. Operators would still be required to file other tow rates with the licensing officer. The Cities of Mississauga and Toronto have established such rates. Mississauga has recently set a rate of \$200.00 for all collision tows. Toronto has a rate of \$135.00 for collision tows from City streets and \$150.00 for tows off of highways. Staff is proposing Vaughan's rate be set at \$250.00 plus a maximum of \$100.00 for any vehicle that is towed from an off road position as defined in the by-law (off road recovery is defined as the up righting of an overturned vehicle and when four or more wheels of the same vehicle are completely off the traveled portion of the road including the shoulder).

A further amendment to the By-law concerns the licensing of kennels. In June 2001 a joint investigation by licensing staff and the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) resulted in a number of charges being laid in connection with the operation of one of the largest puppy mills in the Province of Ontario. Approximately 180 sick animals were confiscated by the OSPCA. As a result thereof a review of the Kennel section of the By-law was undertaken and significant changes were made to allow City Licensing Enforcement Officers and Officers of the OSPCA to strictly control the establishment of kennels within the municipality. Similar by-laws have been enacted in various Ontario municipalities.

Over the past few years there have been a rash of incidents in the G.T.A. involving taxi cab drivers who have been either robbed or assaulted. In response to the growing concerns over safety of taxi drivers the City of Toronto has amended its Taxi By-law to require the installation of flashing lights alerting the general public that a driver is in need of assistance and to call 911.

Staff is proposing similar amendments to the taxi cab section of the By-law requiring the installation of flashing lights. To lessen the economic impact on taxi owners all vehicles must be so equipped by January 01, 2004.

For administrative purposes staff is recommending that the reference to the total number of taxi licenses to be issued in Section 32.0 (38) and the reference to the total amount of tow truck licenses to be issued in Section 34.0(65) be deleted and replaced respectively with a section that provides the licensing officer with the authority to issue taxi cab and tow truck owner licenses as required, with the provision that the number of such licenses issued not exceed a ratio of one license for every 1280 residents. For purposes of these two sections the population figure shall

be as determined by the City of Vaughan Assessment Section. This amendment will allow staff to provide a better level of service to perspective licenses and will be consistent with past practice wherein staff reported to Council recommending the issuance of additional licenses.

The taxi cab section of the By-law has also been amended to provide for mandatory sensitivity training for anyone licensed to drive a taxi cab. Drivers will be required over a phase in period, to undergo an English competency test to ensure they are able to converse with the general public as well as a sensitivity training course which will train drivers on how to deal with special needs passengers.

In late 2001 all the municipalities in York Region had discussions with the York Region Health Department regarding the implementation of a plan requiring places selling foodstuffs and eating establishments, disclose the results of food premise inspections conducted by York Region Health. The plan was to be put in place on the provision that all nine municipalities enact licensing by-laws licensing foodstuff and eating establishments. The plan did not materialize since only three municipalities had licensing by-laws, Vaughan, Markham and Stouffville. Recently, the Town of Markham enacted an amendment effective January 1, 2003 to its eating establishment by-laws, requiring that such establishments make available to the public, upon request, the most recent Food Safety Inspection Report as issued by the York Region Health Department. The Town of Stouffville has not yet made a decision in this regard.

Licensing staff recommend that similar amendments to Vaughan's foodstuff and eating establishments by-laws be made at this time to provide that such establishments make available to their patrons a copy of the most recent Food Safety Inspection Report, effective July 1, 2003.

Staff is proposing that effective January 1, 2005, all taxi's operating in the City of Vaughan be required to paint their vehicles using a colour scheme similar to the City's corporate colours. It is believed that doing this will create a professional and aesthetically pleasing appearance and make it easier for the public to recognize taxis. Distinguishing the colours of taxis will also improve staff's ability to enforce the taxi provisions of the By-law.

Changes to the By-law respecting taxi cabs and tow trucks have been discussed with representatives of the industries who are in agreement with same.

Purpose:

To make substantive and administrative changes to the City's Comprehensive Licensing By-Law designed to provide an increased level of service to Vaughan residents and to more closely define the responsibilities of the various businesses licensed by the City of Vaughan.

Conclusion:

The recommended changes will provide an increased level of service to Vaughan residents and provide licensing enforcement personnel with the needed tools to more closely regulate the activities of various businesses.