



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 1-2007

A By-law to amend Licensing By-law 1-2002
to use gender neutral language

WHEREAS Section 150(2) of the *Municipal Act, 2001*, permits a municipality to exercise its licensing powers under this section, for one or more of the following purposes:

1. Health and Safety.
2. Nuisance Control.
3. Consumer protection.

AND WHEREAS Council desires that gender-neutral language be used in the Licensing By-law without changing the substance of the By-law;

AND WHEREAS day nurseries are regulated by *Day Nurseries Act* and its regulations;

AND WHEREAS the municipality currently has no detailed regulation of day nurseries and the present Schedule S-24 relating to day nurseries has been superceded by Provincial law;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

1. In By-law 1-2002, the word "he" in:

Sections 10(1), and 14;
Sections 5(3), 6(6), of Schedule M-1;
Section 17(a) of Schedule M-2;
Sections 3(4) of Schedule M-3;
Section 7 of Schedule S-5;
Sections 11 and 13 of Schedule S-9;
Section 9(1) of Schedule S-10;

is replaced by the words "he or she".

2. In By-law 1-2002, word "his" in:

the definition of "lease", in Section 1;
Sections 9(3)(a), 22, and 60;

Section 16 of Schedule M-3;
Sections 6 3), 40(2), and 40(7) of Schedule M-5;
Section 7 of Schedule S-5; and
Section 13 of Schedule S-9

is replaced by the words "his or her".

3. The definition of medical officer of health in section 1 of By-law 1-2002 is replaced with:

"medical officer of health" means the Medical Officer of Health of the Board of Health for the Region of Peel and includes his or her designate;.

4. The following definitions in section 1 of By-law 1-2002 are deleted:

"drive-self cartage vehicle"
"drive-self rental car"
"drive-self rental vehicle".

5. Section 3 of By-law 1-2002 is replaced with:

"3(1) Every person licensed under this by-law shall be:

a Canadian citizen;
a permanent resident of Canada; or
have a valid employment authorization issued by the Government of
Canada.

3(2) Applicants for a licence for the following shall have a working knowledge of
English:

accessible drivers and taxicab drivers under Schedule M-5."

6. Section 9(3)(b) of By-law 1-2002 is replaced with:

"9(3)(b) Any person with the following licences:

Schedule M-1: Driving school instructor

Schedule M-2

Refreshment vehicle Class A – Coffee truck operator

Refreshment vehicle Class B – Ice cream bike operator

Refreshment vehicle Class C – Hot dog/Chip operator

Refreshment vehicle Class D – Ice cream truck operator

Schedule M-3 Tow truck operator

Tow truck driver

Schedule M-4 Limousine driver

Schedule M-5 Accessible taxicab driver

Taxi driver

Schedule S-1 Electrical, plumbing and heating contractors

Schedule S-4 Food handler

Schedule S-7 Second hand goods dealer

Schedule S-8 Pawnbroker

Schedule S-11 Keeper of salvage shop

- Schedule S-12 Building renovator
- Schedule S-13 Adult entertainment parlour operator
- Schedule S-16 Vendor as defined in S-16
- Schedule S-17 Person operating market as defined in S-17
- Schedule S-18 Persons selling fireworks from temporary structures
- Schedule S-20 Driveway paving contractor
- Schedule S-22 Pool installation contractor
- Schedule S-24 Operator of day nursery
- Schedule S-26 Body Rub establishment operator
- Body Rub establishment attendant

shall, upon request of the Licence Issuer, or the Police, when engaged in the business for which the licence is given, produce the licence and any other required documents for inspection.”

Amendments to Schedule M-1 relating to driving schools etc.

7. Section 4(6) of Schedule M-1 of By-law 1-2002 is replaced with:

“4(6) advise the Licence Issuer forthwith:

when any licensed vehicle ceases to be used; and
when any additional vehicle is used in the business;

4(6.1) return to the Licence Issuer all plates issued in respect of vehicles that have ceased to be used in the business;”.

8. Section 4(8) of Schedule M-1 of By-law 1-2002 is replaced with:

“4(8) use or permit to be used in the business only vehicles that bear the following:”

9. The first part of section 5 and Section 5(1) of Schedule M-1 of By-law 1-2002 are replaced with:

“5. No instructor shall give driving instruction:

(1) subject to 5(1.1), to any student driver when a person other than:

the instructor;
the student driver;
the operator or an employee of the owner or employee of the operator of the driving school:

is in the vehicle in which the instruction is being given.

(1.1) subsection 5(1) does not prevent the giving of instruction where all the students are under the age of twenty-five years, and when the instruction is pursuant to a driving course accredited by the Province of Ontario;”.

10. Section 5(2) of Schedule M-1 of By-law 1-2002 is replaced by:

“5(2) to any student driver whose driving ability appears to be affected by alcoholic beverages, drugs or narcotics;”.

11. Section 6(6) of Schedule M-1 of By-law 1-2002 is replaced by:

“6(6) adhere to the rates and charges indicated in the published statement and give fifteen (15) days advance notice to the Licence Issuer of any new statement of rates and charges;”.

Amendments to Schedule M-2 relating to refreshment vehicles

12. Section 3 of Schedule M-2 of By-law 1-2002 is replaced with:

“No owner or operator of a refreshment vehicle shall permit or allow any person other than a licensed driver employed by the owner or operator to drive the refreshment vehicle.”

13. Section 17 of Schedule M-2 of By-law 1-2002 is replaced with:

- “17. (1) Prior to the issuance of the licence, every applicant for a Class A refreshment vehicle licence shall furnish to the Licence Issuer:
- (a) the source of supply of refreshments to be sold from the vehicle; and
 - (b) the Medical Officer of Health’s approval of the refreshment vehicle.
- (2) After being issued the licence, the licence holder shall:
- (a) notify the Licence Issuer forthwith of any change in source of supply; and
 - (b) refrain from selling or permitting to be sold from the vehicle any refreshments from a source of supply other than that specified by licence holder to the Licence Issuer.”

Amendments to Schedule M-3 relating to tow trucks

14. Section 3(4) of Schedule M-3 of By-law 1-2002 is replaced with:

“3(4) File a letter from a licensed owner, stating that the applicant is competent to operate a tow truck and its equipment.”

15. Section 21 of Schedule M-3 of By-law 1-2002 is replaced with:

“21. The owner shall immediately notify Licence Issuer and return the plate to the Licence Issuer when the owner ceases to operate the tow truck.”

16. Section 32(1) of Schedule M-3 of By-law 1-2002 is replaced with:

“32(1) (b) Please see Section 9(3) (b) of the main body of By-law 1-2002.”

Amendments to Schedule M-4 relating to limousines

17. Sections 3(1) and 3(2) of Schedule M-4 of By-law 1-2002 are replaced with:

“PLATE OWNER'S RESPONSIBILITIES

- 3. (1) Every plate owner is, at all times, responsible for the maintenance and safety of the limousine;
- (2) Every plate owner shall ensure that any driver employed by the plate owner complies with the provisions of this by-law;”.

18. Section 4(1) of Schedule M-4 of By-law 1-2002 is replaced with:

“4(1) Please see Section 9(3)(b) of the main body of By-law 1-2002.”

19. Section 4(6) of Schedule M-4 of By-law 1-2002 is replaced with:

“4(6) take due care of all property, delivered or entrusted to the driver for conveyance, and immediately upon termination of any hiring engagement with a fare shall carefully search the vehicle for any property lost or left in the taxi; and, all property or money left in the vehicle shall be forthwith delivered over 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 the information in his possession regarding the property or money, and immediately notify the plate owner;”.

20. Section 7(2) of Schedule M-4 of By-law 1-2002 is replaced with:

“7(2) Every plate owner shall abide by the rates filed with the Licence Issuer;”.

Amendments to Schedule M-5 relating to taxis

21. The definition of “broker” in Schedule M-5 of By-law 1-2002 is replaced with:

“broker” means any person who carries on the business of accepting calls and dispatching taxicabs including those belonging to the broker;”.

22. The last sentence of section 3 in Schedule M-5 of By-law 1-2002 is replaced with:

“Any person found attempting to cheat will not be allowed to rewrite the test for a period of six (6) months.”

23. Section 20(5)(b) in Schedule M-5 of By-law 1-2002 is replaced with:

“20(5) (b) When the Licence Issuer is not available to seal the taxicab meter, the owner or driver who has had the meter altered, repaired or replaced in the taxicab may operate the taxicab on week ends for a period up to 72 hours and, for a period up to 48 hours during the week, provided that the driver has in his or her possession a certificate or receipt for the repair or installation of the meter signed by the person who made the repairs or installation, and setting out the date, time and nature of the repair or installation;”.

24. Section 20(9) of Schedule M-5 of By-law 1-2002 is replaced with:

“20(9) Where the Licence Issuer believes a licensed vehicle may be mechanically defective or unsafe, the Licence Issuer may require the owner or driver to submit the vehicle for inspection by the licensing section, or for examination by a qualified mechanic, or the Licence Issuer may remove the plate and require the owner or driver to submit the vehicle forthwith for examination by a mechanic;”.

25. Section 22 of Schedule M-5 of By-law 1-2002 is replaced with:

“DISPOSAL OF TAXICAB

22. (1) Where the plate owner or lessee ceases to operate a motor vehicle as a taxicab the taxicab must be converted to a vehicle without taxi identification removal of:

- (a) the roof sign with indicator light;
- (b) the meter;
- (c) all identifying decals or markings;
- (d) fender numbers; and
- (e) any other markings, which would identify the vehicle as a taxicab.

(2) When a motor vehicle ceases to be operated as a taxicab, the plate owner and the lessee shall immediately notify the Licence Issuer.”

26. Sections 24(2) and 24(3) of Schedule M-5 of By-law 1-2002 are replaced with:

“24(2) Every driver shall turn over a copy of all trip records pertaining to the driver’s work shift to the owner, broker or lessee;”

24(3) Every driver shall keep all trip records or true copies of trip records for the past three years;”.

27. The first sentence of Section 26 of Schedule M-5 of By-law 1-2002 is replaced with:

“26. Every plate owner who transfers the plate shall:”.

28. Section 30(1) of Schedule M-5 of By-law 1-2002 is replaced with:

“OBJECTION

30(1) Any person objecting to the issuance of a taxi plate or placement on the priority list, must file an objection within 10 days following the date of publication of the notice, except that no objection may be brought in respect of any name which has been on the list for more than two years;”

29. Section 33 of Schedule M-5 of By-law 1-2002 is replaced with:

“33. A dispatcher or manager who wishes to be placed on the priority list shall work a minimum of 24 hours per week for 40 weeks of the year during 12 months immediately preceding the dispatcher’s or manager’s application for a taxi plate.”

30. Sections 35(1), 35(2), 35(3) and 35(4) of Schedule M-5 of By-law 1-2002 are replaced with:

“STAYING ON THE PRIORITY LIST

35(1) In order to remain on the priority list, a person must file annually with the Licence Issuer before June 1st:

- 35(2) Any person on the priority list who fails to provide the required documentation shall be removed from the priority list.
- 35(3) A person on the priority list who wishes to remain on the list while he or she is unable to drive a taxi cab because of illness, injury or other medical reasons, must file with the Licence Issuer:
 - (a) medical documentation establishing that throughout the period in question the person was physically unable for medical reasons to drive a taxicab; and
 - (b) the period of time does not exceed two years.
- 35(4) An applicant who has been on the priority list for four years may remain on the list while the applicant attends an accredited Ontario university or community college on a full time basis, provided that:
 - (a) the attendance does not exceed 24 months;
 - (b) immediately on attending the institution, the applicant files with License Issuer proof of enrolment in such institution; and
 - (c) the applicant files proof of successful completion of the course of study."

31. Section 37 of Schedule M-5 of By-law 1-2002 is deleted.

32. Section 38(1) of Schedule M-5 of By-law 1-2002 is replaced with:

"38(1) A plate owner may designate as an agent to operate the plate on the plate owner's behalf, any person who is a licenced driver, plate owner or broker in good standing."

33. Section 39 of Schedule M-5 of By-law 1-2002 is replaced with:

"PLATE OWNER OR LESSEE TERMINATION WITH BROKER

39. Where a plate owner or lessee ceases to operate through a broker, the plate owner or lessee shall forthwith:
- (1) Remove from the vehicle the roof sign, telephone number, colour scheme and any decals or other broker markings, and the radio crystals of the taxicab broker; and
 - (2) return all business cards and other equipment belonging to the broker."

34. Section 43 of Schedule M-5 of By-law 1-2002 is replaced with:

43. No person shall:

- (1) carry in any motor vehicle licensed under this by-law, a greater number of passengers than is set out in the manufacturer's rating of seating capacity for the motor vehicle;
- (2) drive a motor vehicle licensed under this by-law, with luggage or any object placed in, hung on, or attached to the motor vehicle in such manner as may obstruct the driver's view of the highway;

- (3) take, consume or have in his or her possession any alcohol, drugs or intoxicants while in charge of a taxi licensed as a driver under this by-law;
- (4) take on any additional passenger(s) except with permission of the passengers already in the vehicle;
- (5) when a passenger enters a motor vehicle and gives the driver the destination, the driver shall take the shortest possible route to the destination desired, unless the passenger designates otherwise;
- (6) induce any person to engage his taxicab by any misleading or deceiving statement or representation about the location or distance to any destination;
- (7) publish or use any tariff other than the tariff which has been authorized by this by-law;
- (8) recover or receive any fare or charge from any passenger or person who has demanded their services which is greater or lesser than the fare or charge authorized by this by-law;
- (9) recover or receive any fare or charge from any person who has not been shown the tariff card or schedule of rates as filed with the City of Brampton;
- (10) make any charge under this by-law for time lost through defects or inefficiency of the motor vehicle or the incompetence of the driver; or
- (11) make any charge for the time elapsed due to early arrival of the vehicle in response to a call for vehicle to arrive at a fixed time.

35. Section 44 of Schedule M-5 of By-law 1-2002 is replaced with:

“RULES FOR TAXIS AT A STAND OR PUBLIC PLACE

44. Every driver shall obey the following rules:

- (1) If a driver wishes to enter a line of taxis at a stand, the driver may do so at the end of the line only;
- (2) If a person enters a taxi, which is not the first taxi in line at the stand, the driver of the taxi must direct the person to the first taxi in line;
- (3) A driver shall not obstruct or interfere with the traffic pattern at a taxicab stand or other public place.
- (4) If a driver of a taxi leaves a vehicle, which is in line at a stand or in a public place, the driver shall stay sufficiently close to the taxi to have it under constant observation.
- (5) A driver shall not wash a taxi at a stand or public place.
- (6) A driver shall not make repairs to a taxi, which is in line at a stand or in a public place, unless such repairs are immediately necessary.
- (7) A driver shall not allow a taxi to push or bump any other taxi.

- (8) When a vacancy occurs at a taxi stand, the driver next in line shall fill the vacancy by advancing the taxi.
- (9) A driver shall not pick up any passenger within 200 metres of a stand when there is a taxi at the stand, unless the driver has previously arranged to pick up the passenger at that location.
- (10) A driver shall serve the first person requiring the service of the taxi, and shall take the passenger to any place within the City of Brampton, at any time of the day or night.
- (11) A driver shall punctually keep all appointments, and shall not make any new appointment if a previous engagement would prevent the fulfilling of the new appointment.
- (12) A driver shall immediately engage the meter when a passenger first enters the taxi, which meter shall remain engaged throughout the trip.
- (13) At the conclusion of a trip, a driver shall charge only the fare shown on the meter, which shall be brought to the passenger's attention when in the hold position, except that between the hours of 8:00 pm and 6:00 am the driver may require a deposit not exceeding \$20.00 or the estimated cost of the trip, which ever is less."

36. Section 45 of Schedule M-5 of By-law 1-2002 is replaced with:

"45. No driver shall be compelled to:

- (1) accept a fare where a person is disorderly, refuses to give his or her destination or refuses to pay any deposit as required by this bylaw;
- (2) accept an order from a person who owes a previous fare or service."

Amendments relating to Schedule S-5 places of assembly

37. Section 4 of Schedule S-5 of By-law 1-2002 is replaced with:

- "4. Persons applying for a Class D licence shall produce a certificate of the Medical Officer of Health showing that the premises to be licenced are in a sanitary condition and have the required bathrooms and other facilities.

Amendments to Schedule S-7 relating to Secondhand Goods

38. Section 6 of Schedule S-7 of By-law 1-2002 is replaced with:

- "6. The licence holder must notify Peel Police of the name and description of any person who offers the licence holder any goods or articles of any kind which the licence holder reasonably has cause to believe may have been stolen or unlawfully obtained."

Amendments to Schedule S-9 relating to owners of pet shops

39. Section 9 of Schedule S-9 of By-law 1-2002 is replaced with:

- "9. No owner of a pet shop shall sell, permit to be sold, offer for sale or give away, any dog under the age of eight weeks."

40. Section 11 of Schedule S-9 of By-law 1-2002 is replaced with:

"11. Whenever an owner of a pet shop sells or transfers ownership of a dog or cat, the receipt shall show the name and address of the vendor and the purchaser (or transferee), the date of the sale, the sale price, and the breed or cross-breed, sex, age and description including colour and placing of markings, if any, of the dog or cat."

41. Section 13 of Schedule S-9 of By-law 1-2002 is replaced with:

"13. The Medical Officer of Health and every other person authorized by the Licence Issuer may inspect a pet shop and it is an offence to refuse to permit such inspection or hinder this person in the performance of this inspection."

42. Section 14 of Schedule S-9 of By-law 1-2002 is replaced with:

"14. An owner shall ensure that the pet stock is cared for and kept safe at all times."

Amendments to Schedule S-10 relating to owners of vehicle facilities

43. Section 5 of Schedule S-10 of By-law 1-2002 is replaced with:

"5. No person licensed under this by-law shall use or permit to be used any premises for the servicing or repairing vehicles unless the premises are within an enclosed building."

44. Section 9(1) of Schedule S-10 of By-law 1-2002 is replaced with:

"9(1) not drive or permit a motor vehicle to be driven on the licensed premises unless the driver is the holder of a valid Ontario driver's license;"

Amendments to Schedule S-24 relating to day nurseries

45. Schedule S-24 of By-law 1-2002 is repealed.

Amendments to Schedule S-26 relating to body-rub parlours

47. Section 5(3) of Schedule S-26 of By-law 1-2002 is replaced by:

"5(3) No operator may operate a body-rub parlour without notifying the Licence Issuer of the name of the owner, and operator and name of the business under which the owner intends to operate and it is an offence to operate without a licence showing this information.

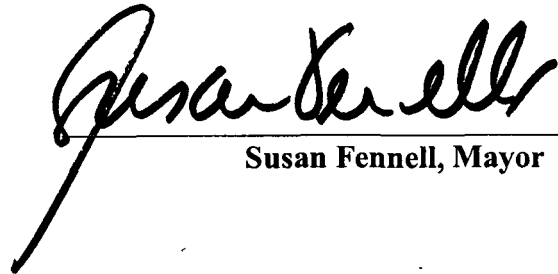
46. Section 14 of Schedule S-26 of By-law 1-2002 is replaced by:

"14. Upon request made by any peace officer, by-law enforcement officer or public health inspector acting under the direction of the Medical Officer of Health,

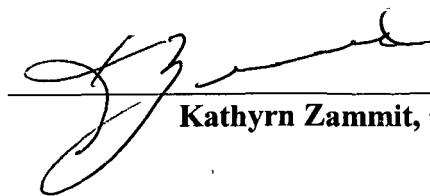
- (a) every owner, operator, body-rub attendant or employee of an owner or operator shall provide his or her name and residential address;
- (b) every owner, agent or employee of an owner shall produce the owner's licence;
- (c) every operator, agent or employee of an operator shall produce the operator's licence; and

(d) every body-rub attendant shall produce the body rub attendant's licence."

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS **15** DAY of January, 2007.

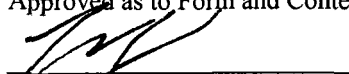


Susan Fennell, Mayor



Kathryn Zammit, City Clerk

Approved as to Form and Content


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