



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 60-2007

A By-law to amend Licensing By-law 1-2002
to allow two year licenses for mobile
business drivers licenses and to make other changes

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 wishes to allow the License Issuer to stagger renewals over a two year period to make this by-law easier to administer;

AND WHEREAS Council wishes to allow the License Issuer greater flexibility in the regulation of the vehicles, such as waiving the certification of mechanical fitness for new taxis and more flexibility in the conduct of visual inspections, and to provide for a staggered system of driver license renewals;

AND WHEREAS this flexibility will enhance the health and safety of Brampton residents;

AND WHEREAS this will also improve the competitive nature of the taxi business and help serve consumers in Brampton;

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

1. Sections 13 to 27 of By-law 1-2002 are replaced by the following:

**“MOBILE LICENSES - DRIVERS, PLATE OWNERS,
OPERATORS AND LICENSED VEHICLES**

DEFINITION

13. The following persons:

Driving school operators and driving school instructors in
Schedule M-1 (Driving Schools);

Refreshment vehicle Class A – Coffee truck operators,
 Refreshment vehicle Class B – Ice cream bike operators,
 Refreshment vehicle Class C – Hot dog/Chip operators,
 Refreshment vehicle Class D – Ice cream truck operators
 in Schedule M-2 (Refreshment Vehicles);

Tow truck drivers in Schedule M-3 (Tow trucks);

Limousine drivers in Schedule M-4 (limousines); and

Taxi drivers and accessible taxicab drivers in Schedule M-5
 (taxis)

are collectively be referred to as “drivers” and the licenses
 obtained by those drivers under this by-law may be called “mobile
 business driver’s licenses”. Where an operator of a business is
 also a driver, the operator is deemed to require the mobile
 business driver’s license.

MOBILE BUSINESS DRIVER’S LICENSE

14. (1) Every applicant for a mobile business driver’s license shall:
- (a) attend personally before the License Issuer and submit to being photographed;
 - (b) at the same time the photograph is taken, deliver the completed application in person to the License Issuer; and
 - (c) pay the appropriate fee;
- (2) In addition to the requirements of Section 14(1), the License Issuer may at any time require every applicant or holder of a mobile business driver’s license to file with him or her, as a condition of holding or applying for a mobile business driver’s license:
- (d) a Canadian Criminal Record Search (CPIC) as approved by the License Issuer; and
 - (e) an Ontario Driver’s Abstract as required by the License Issuer.
- (3) No person shall obtain or keep a mobile business driver’s license without holding a current, valid driver’s license issued under the *Highway Traffic Act*.

ONLY CURRENT HOLDERS MAY RENEW

- (4) Notwithstanding Section 14(5), an applicant for a mobile business driver’s license who has allowed his or her license to lapse for more than 6 months is only eligible for a one year license.

RENEWALS

- (5) Every renewal of mobile business driver's license may be valid for a period of two years, subject to the provisions set out in Sections 14(6) and 14(7).

TRANSITION PROVISIONS

- (6) Mobile business driver's licenses issued on or after July 1, 2007 will be issued according to the following rules:
- (a) Applicants with even numbered birth years are eligible for a license with a two-year expiry date. These licenses (i.e. even year, two year licenses) may be renewed thereafter for periods of two years, subject to meeting all requirements of this by-law.
- (b) Applicants whose birth year is odd are eligible for a license with a one-year expiry date until July 1, 2008, when they become eligible for a license with a two-year expiry date. Both types of licenses (i.e. odd year, one or two year licenses) may be renewed for periods of two years, subject to meeting all requirements of this by-law.

WHEN TO APPLY

- (7) Any person applying for a mobile business driver's license may do so within thirty days before the expiry of the license.
- (8) If the applicant meets the requirements of this by-law, the License Issuer may issue the new license for a period of time that includes both the time period of the new license and the unused time from the old license.
- (9) Despite Section 14(7), the License Issuer may in his or her discretion accept applications for a mobile business driver's prior to 30 days before the expiry of the license.

DRIVERS' AND OPERATORS' RESPONSIBILITIES

15. No person shall operate or permit to be operated any vehicle that is not in good mechanical condition.
16. Every person operating a vehicle licensed under this by-law shall keep at all times the original or a photocopy of the current plate owner's license in the motor vehicle to which it pertains.
17. No person licensed to drive a vehicle under this by-law shall drive more than twelve hours per day.
18. Any person with a mobile business driver's license shall immediately report any suspension of his or her Ontario Driver's License to the License Issuer.

VEHICLE INSPECTIONS

19. No person shall operate or permit to be operated any vehicle:

- (1) that is not licensed; or
 - (2) after the License Issuer has directed that it be submitted for inspection and before the vehicle has passed the inspection.
20. (1) Every person who operates or permits to be operated a vehicle licensed under this by-law shall submit the vehicle for inspection as directed by the License Issuer.
- (2) It is an offence for an owner of a vehicle that is intended to be or capable of being used in a mobile business under this by-law (that is, Driving Schools, Refreshment Vehicles, Tow trucks, Limousines, and Taxicabs) to fail to submit such vehicle after being directed to do so by the License Issuer.
21. Prior to attaching a plate to a vehicle, the plate owner shall file the following with the License Issuer:
- (1) a current certificate of Mechanical Fitness as outlined by the Ministry of Transportation with respect to the motor vehicle;
 - (2) an alternate fuel certificate, if applicable;
 - (3) the certificate of insurance; and
 - (4) the vehicle registration (ownership); and
- pay the applicable fee.
22. The License Issuer may in his or her discretion waive the requirement of a Certificate of Mechanical Fitness under Section 21(1), provided that the vehicle has 1000 km or fewer on the odometer and has been manufactured within the last 12 months.
23. Any vehicle licensed under this by-law shall be clean, in good repair as to its interior and exterior portions, free from exterior body damage and with well maintained exterior paint finish, trim, wheel covers and hubcaps.

PLATE OWNERS' RESPONSIBILITIES

24. Every plate owner shall:
- (1) submit the vehicle for inspection and approval by the License Issuer when transferring a current plate to a new vehicle;
 - (2) employ or use only the services of drivers licensed under this by-law; and
 - (3) ensure that any plate issued under this by-law is affixed to the licensed vehicle in a manner and location approved by the License Issuer.
25. No person shall:
- (1) use a plate for which a replacement plate has been issued; or

- (2) operate a vehicle for which a plate has been lost, destroyed or defaced.
26. A replacement plate may be issued to replace a plate if the owner satisfactorily accounts for the circumstances of loss of the original plate to License Issuer and pays the cost of a replacement plate.
27. (repealed)”
2. Section 30 of By-law 1-2002 is replaced by the following:
- “30. (1) Every mobile licence issued under this by-law shall be valid for up to two years and shall expire on the date set out in Appendix A.
- (2) Every stationary licence issued under this by-law, except for those issued per day or per event, shall be valid for a period of one year and shall expire on the date set out in Appendix A.”
3. Section 21 of Schedule M-3 of By-law 1-2002 (relating to tow trucks) is replaced by the following:
- “21. Where the owner ceases to operate the tow truck, he or she shall immediately notify License Issuer and shall return the plate forthwith.”
4. Section 5 of Schedule M-5 of By-law 1-2002, (relating to giving License Issuer 14 days notice of intention to renew taxi driver’s license), is deleted.
5. Section 20 of Schedule M-5 of By-law 1-2002 is replaced with:
- “20(1) Each of the following is mandatory equipment for any taxi cab:
- (a) if the taxi cab is not an accessible taxi cab, a roof sign with indicator light in a mode of operation approved by the License Issuer;
- (b) if the driver of the taxi cab is affiliated with a broker, the broker's name on the roof sign;
- (c) if driver of the taxi cab is not affiliated with a broker, the roof sign must indicate that the vehicle is a taxicab, and be approved by the License Issuer;
- (d) the plate number affixed to the front fenders as approved by the License Issuer. The numbers shall be six inches in height, either black or white in colour, contrasting with the vehicle colour;
- (e) a meter which shall register distances traveled, record trips and units, and compute fares to be paid;
- (f) an extra tire, wheel, wrench (52-2002) and jack;
- (g) equipment to permit the driver to accept major credit card or debit card payments;

- (h) if the vehicle is powered by propane or natural gas, a valid sticker or certificate affixed to the windshield and in plain view;
 - (i) an in car surveillance camera that is maintained and operating at all times that the vehicle is used; and
 - (j) an emergency light system that can be activated by a driver in emergency situations;
- 20(2) It is an offence for any operator or driver to drive, or permit to be driven any taxicab without the mandatory equipment set out in Section 20(1) or with equipment that is not in good working order.
- 20(3) The following are the rules to be applied to the meter referred to in Section 20(1)(e):
- (a) the meter shall be submitted for testing, inspection and sealing as required by the License Issuer;
 - (b) when the License 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;
 - (c) the meter shall be illuminated between sunset and sunrise;
 - (d) the meter shall be in a raised position, in plain view of the passengers, and approved by the License Issuer;
 - (e) The meter shall be adjusted in accordance with the rates prescribed by Tariff;
 - (f) the meter shall be tested by running the taxicab to which it is attached over a measured track or distance before being sealed, or by such mechanical means as the License Issuer may approve;
 - (g) the meter shall be used only when the seal thereon is intact;
 - (h) the meter shall be kept in good working condition at all times and not used when defective in any way; numbered, and, subject to the provisions of the by-law, shall be of a make and model approved by the License Issuer.
- 20(4) It is an offence to drive or permit a taxi to be driven for a fare when any of the rules in Section 20(3) is not complied with.
- 20(5) Where the License Issuer believes a licensed vehicle may be mechanically defective or unsafe, the License 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 License Issuer may remove the plate and

require the owner or driver to submit the vehicle forthwith for examination by a mechanic.

20(6) No person shall drive or permit to be driven a taxicab with after market tint or window marking that is not approved by the License Issuer.

20(7) If the License Issuer is not satisfied with an inspection, he or she may require the taxi cab to be re-examined by a mechanic of the License Issuer's choice.

20(8) No vehicle shall be initially licensed under this by-law as a taxicab unless the model year of the vehicle is not older than 5 years.

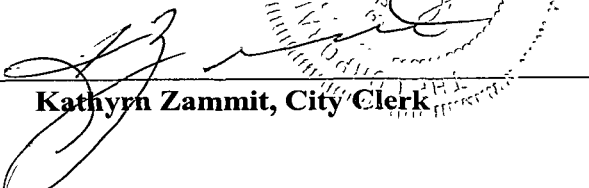
Example: The application is during the year 2010. No vehicle manufactured prior to January 1, 2006 is eligible. Vehicles manufactured on or after January 1, 2006 are eligible.

20(9) A plate owner may apply for an extension of up to three years on the model year for any license given pursuant to Section 20(8) provided the vehicle meets all of the vehicle marking, equipment and maintenance provisions of this by-law, and the vehicle successfully completes all inspections as required by the License Issuer.”

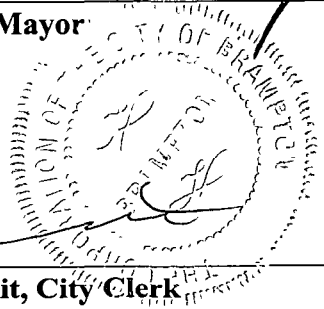
READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 28 day of FEBRUARY, 2007.



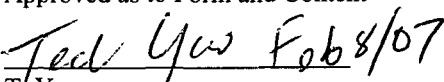
Susan Fennell, Mayor



Kathryn Zammit, City Clerk



Approved as to Form and Content



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