

The Corporation of the Township of Brock

By-Law Number 2437-2012-PP

Being a By-law to Provide for the Licensing, Regulating and Governing of Limousine Drivers and Owners

Whereas pursuant to the provisions of Part IV of the *Municipal Act*, S.O. 2001, as amended, the Council of the Township of the Brock may provide for a system of licences with respect to businesses;

And Whereas Section 391 of the *Municipal Act*, S.O. 2001, as amended, authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by them;

Now Therefore the municipal Council of the Corporation of the Township of Brock enacts as follows:

Definitions

1. In this by-law:

- (a) “Chief of Police” means the Chief of Police of the Regional Municipality of Durham;
- (b) “Clerk” means the Clerk of the Corporation of the Township of Brock, or his designate;
- (c) “Council” shall mean the Council of the Corporation of the Township of Brock;
- (d) “Driver” means any Person licenced under this By-law as the Driver of a Limousine;
- (e) “Licence” means a licence issued by the Township under the provisions of this by-law and “licensed” has a corresponding meaning;
- (f) “Limousine” means a luxury motor vehicle that is manufactured with an extended wheel base or has been extended from its original design which is kept for hire for the conveyance of Passengers solely on an hourly, daily or weekly basis, which does not contain a taximeter or two-way radio or similar device. Notwithstanding the forgoing, the term Limousine shall not include a Taxicab in respect of which a License has been issued to the Owner, under the provisions of this By-law, nor shall it include a bus, ambulance or hearse.
- (g) “Officer” means a Municipal By-Law Enforcement Officer appointed by the Council;
- (h) “Owner” means the Person licenced under this By-law as the Owner of a Limousine;
- (i) “Passenger” means any person in a Limousine other than the Driver;
- (j) “Person” includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate and a natural person;
- (k) “Taxicab” or “Cab” means a member of that class of motor vehicle kept or used for hire or for conveyance of goods and passengers, which vehicle has seating for not more than seven persons, but does not include a bus, an ambulance or a hearse;
- (l) “Township” means the Corporation of the Township of Brock;

Part I – General Prohibitions

- 2. No person shall operate a Limousine within the territorial jurisdiction of the Township unless that person is a licensed Limousine driver.

3. No person shall keep or use for hire, or permit to be kept or used for hire, within the territorial jurisdiction of the Township a Limousine for which they are the registered Owner unless that Person is a Limousine Owner licensed in respect of that Limousine.

Part II – Limousine Drivers

4. Every Limousine driver shall:
 - (a) have and maintain in good standing at all times a Province of Ontario driver's licence that does not prohibit them from operating a motor vehicle for hire or reward;
5. When a Limousine driver:
 - (a) changes their address, they shall, within eight days after the change, attend at the Township offices and notify the Township of the change and produce their Limousine driver's licence for the change to be entered thereon;
 - (b) changes their employment from one Limousine company or owner to another, they shall, within eight days after the change, attend at the Township offices and notify the Township of the change of employment.
6. No Limousine driver shall:
 - (a) carry in any Limousine a greater number of passengers than the manufacturer's rating of seating capacity of such Limousine, exclusive of the driver;
 - (b) operate a Limousine with luggage or other material piled or placed in or on the Limousine in a manner that obstructs their view;
 - (d) operate any Limousine unless the registered owner of that Limousine is a Limousine Owner licensed in respect of that Limousine.
7. Every Limousine Driver shall, before operating the Limousine on any day, examine it for mechanical defects and interior or exterior damage and report forthwith any defects or damage found to the Limousine Owner.
8.
 - (a) Every Limousine Driver shall take due care of all property delivered or entrusted to them for conveyance or safekeeping, and immediately upon their termination of any hiring engagement, shall carefully search the Limousine for any property lost or left therein, and all property or money left in the Limousine shall be forthwith delivered over to the person owning the property or money.
 - (b) If the owner of the property or money cannot at once be found, then the Limousine Driver shall deliver the property or money to the nearest police station with all information in his possession regarding the property or money and the owner thereof.

Part III – Limousine Owners

9. Every Limousine Owner shall obtain and maintain an Ontario Standard Automobile Insurance Policy insuring themselves in respect of the Limousine owned by them covering public liability and property damage in the minimum amount of \$2,000,000.00 and shall produce annually to the Township a Certificate of Insurance issued by the insurer, or its agent, certifying that an insurance policy providing coverage in accordance herewith is in effect.
10. Where a Limousine Owner disposes of their Limousine and acquires a replacement Limousine, they shall, before operating the replacement Limousine or allowing it to be operated as a Limousine:
 - (a) submit the replacement Limousine to the Township for inspection;

- (b) produce a motor vehicle safety standards certificate issued by a Ministry of Transportation of Ontario authorized vehicle inspection station respecting the replacement Limousine; and
- (c) attend at the Township offices to have their Limousine owner's licence amended by deleting reference to the Limousine disposed of and adding reference to the replacement Limousine.

11. Every Limousine owner shall:

- (a) submit their Limousine for inspection at any time required by an Officer;
- (b) ensure that the following documents, or mechanically reproduced copies thereof, are kept at all times in their Limousine:
 - (i) current provincial motor vehicle permit for the Limousine;
 - (ii) current Township Limousine owner's licence for the Limousine;
 - (iii) current Certificate of Liability Insurance for the Limousine; and
- (c) when employing a Limousine Driver, notify the Township in writing that they have employed that Driver within eight days of the Driver commencing employment;
- (d) take all reasonable measures to ensure that Drivers employed comply with the provisions of the by-law;
- (e) before allowing their Limousine to be operated on any day, examine it for mechanical defects and interior or exterior damage;

12. Every Limousine Owner shall provide and maintain in or on their Limousine while it is operated as a Limousine the following markings:

- (a) a holder for the photograph and name of the Limousine Driver affixed in a position to be plainly visible to and readable by passengers in the rear seat of the vehicle;
- (b) Limousine registration plates provided by the licensing authority affixed to the rear bumper.

Part V – Licence Applications

13. (A) An application for any licence hereunder shall be in a form provided for the purpose by the Township, shall be addressed to the Township in care of the Township Clerk and shall contain the following:

- (i) where the applicant is an individual:
 - a) the applicant's full name;
 - b) the applicant's residence address;
 - c) if different than the applicant's full name, the name under which the applicant carries on business;
 - d) the applicant's business address;

or
- (ii) where the applicant is a corporation:
 - a) the applicant's full name;

- b) the address of the applicant's head office;
 - c) the addresses of all offices or places at which the applicant carries on business;
 - d) the jurisdiction in which the applicant was created;
 - e) a copy of the most recent Corporation Profile Report produced by the Province of Ontario, Ministry of Consumer and Commercial Relations, Companies Branch, or any successor thereof;
 - f) a list of all beneficial owners of the corporation;
- and

(iii) where the application is for a Limousine Driver's Licence:

- a) a valid Province of Ontario driver's licence issued to the applicant that does not prohibit him from operating a motor vehicle for hire or reward;
- b) a certificate from a duly qualified medical practitioner stating that the applicant is, in the opinion of the practitioner, physically capable of operating a Limousine;
- c) the original results of a criminal information request to the Chief of Police which is dated thirty days or less before the date of application for a Limousine driver's licence which shall determine whether or not the applicant, or any person comprising the applicant, has been convicted of:
 - 1) any offence under the *Criminal Code* (Canada), the *Narcotic Control Act*, R.S.C., c. 244, or
 - 2) careless driving under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, within three years immediately preceding the date of the application;
- d) an original statement of driving record issued by the Ministry of Transportation which is dated thirty-six days or less before the date of application for a Limousine Driver's Licence; and
- e) two colour photographs of himself taken within six months of the date of the application;

and

(iv) where the application is for a Limousine Owner's Licence:

- a) a motor vehicle safety standards certificate, dated not more than thirty-six days prior to the date of the application, issued by a Ministry of Transportation of Ontario authorized vehicle inspection station for the Limousine in respect of which the applicant seeks to be licensed;
- b) proof of ownership of that Limousine;
- c) a Certificate of Insurance as required by Section 9 in respect of that Limousine; and
- d) a list of drivers employed to operate the Limousine(s) in respect of which the applicant seeks to be licensed.

(B) An application for a licence shall be accompanied by the appropriate licence fee in accordance with the "Fees By-law", as amended from time to time.

- (C) Where an application is made under a name by which more than one individual or corporation or combination thereof carry on business, each individual and each corporation shall submit a separate application for a licence, but only one application fee shall be required.
 - (D) The Township Clerk may require that an applicant provide verification, by affidavit or otherwise, of any of the information which the applicant is required to provide before a licence is issued.
14. (A) The Clerk shall issue the licence only where:
- (i) all the information which the applicant is required to provide under Section 13 has been provided and verified;
 - (ii) all the documents which the application is required to provide under Section 13 has been provided;
 - (iii) the licence fee is paid;
 - (iv) the investigations do not disclose that the issuance of such licence may be adverse to the public interest;
 - (v) has no grounds to believe the applicant will not conduct himself in accordance with the law or with honesty and integrity.
- (B) Where the Clerk determines that a licence should not be issued as a result of any matter in Section 14 (a) of this by-law, he shall notify the applicant.
- (C) Where an applicant advises the Clerk in writing that he disputes the determination made by the Clerk under Section 14 (b) of this by-law or submits that the licence applied for should be issued despite that determination, the matter shall be referred forthwith by the Clerk to the Council which shall hear representations from the applicant.
- (D) The Council may issue the licence where:
- (i) the information, documents and fee referred to in Section 14 (a) (i), (ii) and (iii) have been provided, verified and paid; and
 - (ii) it determines in its sole discretion that the determination made under Section 14 (b) of this by-law is not sufficient to justify refusing to issue the licence.
- (E) Where the Council determines that a licence should not be issued, the Clerk shall advise the applicant of such determination.
15. (A) The Clerk shall notify a licensee by registered mail at his last residence or business address on record when:
- (i) he has cause to believe, on reasonable grounds, that any of the information which the licensee, as an applicant or as a licensee, is required to provide, including any verification thereof, is inaccurate;
 - (ii) the licensee has been convicted of an offence referred to in Section 13 (a) (iii) (C) of this by-law;
 - (iii) where the licensee is a Limousine Driver, the Ministry of Transportation has advised that the licensee's provincial driver's licence is under suspension or has been revoked;
 - (iv) where the licensee is a Limousine Owner:

- a) the insurer has advised that the insurance required under Section 9 has been cancelled or will not be renewed; or
 - b) the Limousine in respect of which he is licensed is no longer roadworthy or has been impounded;
 - (v) the licensee has been convicted of an offence which is a contravention of a provision of this by-law; or
 - (vi) that, unless the inaccuracy, conviction, revocation, cancellation, roadworthiness, impounding or contravention is corrected, overturned or reinstated within thirty days, the licence shall be revoked.
- (B) Unless the matter giving rise to the notice issued under subsection (a) has been corrected, overturned or reinstated within the time allowed, the Clerk shall forthwith revoke the licence and notify the licensee by registered mail at his last residence or business address on record.
- (C) Despite subsection (b), where the inaccuracy, conviction, revocation, cancellation, roadworthiness, impounding or contravention is disputed, in writing, to the Clerk by the licensee, the matter shall be referred forthwith by the Clerk to the Council which shall hear representations from the licensee and either confirm the revocation of the licence or reinstate the licence, as it sees fit.
16. Subject to the provisions of Section 15:
- (a) a Limousine Driver's licence is valid for one year from the date of issue and is not transferable;
 - (b) a Limousine Owner's licence is valid for the calendar year in which it is issued and is not transferable.
17. All licences expire on the 31st day of December of the year in which the licence was issued.
18. A licensee may renew his licence upon its expiry by making an application under Section 13 as if he were making an original application, and the provisions respecting original applications shall apply except that the licence fee payable shall be a licence renewal fee.
19. When an application for a Limousine Owner's licence has been approved for issuance, the Clerk shall notify the applicant by registered mail addressed to his last residence or business address, and the applicant shall have thirty days from the date of mailing to obtain the licence, failing which the approval shall be rescinded.
20. (a) Upon the expiry or revocation of a licence, the licensee shall return the licence and Limousine registration plates to the Township.
- (b) No person shall refuse to deliver an expired or revoked licence to an officer.

Part VI – Administration

21. Every person who contravenes any provision of this by-law, except Sections 14 and 15, is guilty of an offence and upon conviction thereof is liable to a fine, in accordance with the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, exclusive of costs.
22. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of the section shall not be construed as having persuaded or having influenced Council to pass the remainder of the by-law, and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

23. This by-law shall come into force and take effect on the date of its enactment.

BY-LAW NUMBER 2437-2012-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 1st DAY OF OCTOBER, A.D., 2012.

“Thomas G. Gettinby”
CAO & Municipal Clerk

“W. Terry Clayton”
Mayor