

Authority: Item 8, Planning Committee Report
17-019 (PED17201)
CM: November 22, 2017
Ward: City Wide

Bill No. 251

CITY OF HAMILTON

BY-LAW NO. 17-251

To Amend By-law No.07-170, a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton No. 07-170; and

WHEREAS this By-law deletes and replaces Schedule 8- Limousines;

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

1. Schedule 8 of By-law No. 07-170 is deleted and replaced with Appendix "A" attached hereto.
2. Despite the repeal of Schedule 8 under section 1:
 - a. the Schedule shall continue to apply to proceedings in respect of offences that occurred before its repeal; and,
 - b. all licences issued under this Schedule that are in effect at the time of the repeal shall be deemed to be licences as issued under this Schedule, with all necessary modifications, and all the rules, requirements and regulations of this Schedule shall apply.
3. This By-law comes into force on the day it is passed.

PASSED this 22nd day of November, 2017.

F. Eisenberger
Mayor

R. Caterini
City Clerk

Appendix "A" to By-law No. 17-251

SCHEDULE 8

LIMOUSINES

DEFINITIONS

1. In this Schedule:

"booking" means an electronic, written, or oral reservation made in advance;

"limousine" means any automobile and includes a sedan, stretch, luxury or classic motor vehicle that transports passengers for compensation without use of a taximeter;

"limousine driver" means a person who drives a limousine;

"limousine owner" means a person owns a limousine;

"mechanical safety inspection certificate" a certificate signed by a designated mechanic from a Ministry of Transportation licensed garage upon completion of a mechanical safety inspection, in a form approved by the Director of Licensing, describing or attesting to the mechanical condition of a vehicle that is being used as a limousine;

"owner" means each person whose name appears on the *Highway Traffic Act* certificate of registration for the limousine;

"passenger" means any person other than the limousine driver;

"smoke" or **"smoking"** includes the carrying of a lighted cigar, cigarette, electronic cigarette, pipe or any other lighted smoking equipment; and

"solicit" means any appeal for customers or passengers by sound, words, signs or gestures directed at any person;

APPLICATION OF SCHEDULE

2. This Schedule does not apply to:

- (a) taxicab services dispatched by a licensed taxicab broker and taxicab services provided by a licensed taxi plate holder or a licensed taxicab driver under the authority of Schedule 25: Taxicabs of By-law 07-170;
- (b) personal transportation provider services facilitating prearranged transportation services for compensation using any platform to connect passengers with a personal transportation provider driver under the authority of Schedule 24: Personal Transportation Provider of By-law 07-170;
- (c) a motor vehicle used as part of a transit system provided by the City such as the public transit service known as the Hamilton Street Railway;

- (d) a person with an operating licence under the *Public Vehicles Act* for the vehicle;
- (e) a person who facilitates “carpooling” as defined by the *Public Vehicles Act*; or,
- (f) an emergency motor vehicle including but not limited to an ambulance, fire department vehicle, or police vehicle.

GENERAL PROHIBITIONS AND OBLIGATIONS

- 3. No limousine owner or limousine driver shall:
 - (a) operate without a licence to do so;
 - (b) facilitate or make any representations as a limousine owner or a limousine driver unless authorized to do so by the City;
 - (c) display a roof sign bearing the words “taxi-cab”, “taxi”, or “cab”;
 - (d) permit or condone the acceptance of street hails or the solicitation of passengers, whether on the street or at a taxi stand or in any other manner at any other location;
 - (e) permit any person who does not hold a licence from the City to operate the limousine;
 - (f) permit any person to smoke in the limousine; or,
 - (g) permit or engage in advertising on the limousine.

LICENSING

- 4. An application for a new or renewed limousine owner or limousine driver licence shall be made to the Licensing Section using the forms approved by the Director of Licensing.
- 5. Despite section 4, a limousine driver licence is not required for a limousine driver who holds a current and valid taxi-cab driver’s licence with the City.
- 6. Any issued limousine owner or limousine driver licence is non-transferable and remains at all times the property of the City.
- 7. Every applicant who applies for a limousine owner licence or limousine driver licence must be at least 18 years of age and have a valid G licence issued by the Province of Ontario which is in good standing according to the records of the Ministry of Transportation.
- 8. Every applicant for a new or renewed limousine owner licence shall:
 - (a) obtain a limousine drivers licence to drive a limousine, but is not required to pay the fee;
 - (b) obtain a separate licence for each motor vehicle to be used as a limousine;
 - (c) submit to the Licensing Section:

- (i) clear identification of the vehicle, including the make and serial number;
- (ii) a certificate of ownership;
- (iii) the motor vehicle registration issued under the *Highway Traffic Act*;
- (iv) a valid mechanical safety inspection certificate, within 36 days of the inspection date;
- (v) certificate of insurance with the following minimum insurance requirements:
 - 1. a policy of insurance in respect of the limousine in an amount not less than \$500,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damages to property resulting from any one accident;
 - 2. provide a special enforcement to the policy of insurance referred to in subparagraph 8(c)(v)1, for passenger hazard in an amount not less than \$500,000, exclusive of interest and costs;
 - 3. the insurance required under subparagraph 8(c)(v)1 shall contain an endorsement to provide the City no less than 10 days prior notice of any cancellation, expiration or change in the amount of the insurance or in terms of the policy; and,
 - 4. deposit a certified true copy of the policy of insurance and all endorsements with the City; and,
- (vi) any other information required by the Director of Licensing.

REQUIREMENTS

Limousine Owner

- 9. Every limousine owner shall:
 - (a) ensure that the City licence plate is affixed to the limousine and visible prior to use in a location satisfactory to the Municipal Officer;
 - (b) submit a limousine for inspection at a time and location specified by the Director of Licensing or Municipal Officer;
 - (c) immediately remove a limousine from service if any mechanical defects are reported;
 - (d) immediately check for mechanical defects to the limousine reported by the driver;
 - (e) not employ or permit any person other than a licensed limousine driver or licensed taxi cab driver employed by the limousine owner, to operate a limousine;

- (f) create and maintain completed trip records for a rolling 3 year window from the current date created including:
 - (i) the name and address of the passenger booking the trip;
 - (ii) the date, time and location of the pick-up and drop off;
 - (iii) the total amount paid; and,
 - (iv) the name and licence number of the limousine driver;
- (g) every limousine owner shall make the records in subsection 9(f) and 9(i) available to the Director of Licensing within 2 business days following a demand in writing by the Director of Licensing;
- (h) ensure that the passenger requesting the trip is provided with the total estimated cost prior to booking the trip;
- (i) ensure that a passenger is provided with a printed or electronic receipt at the end of the trip that includes the information confirming:
 - (i) the name and address of passenger;
 - (ii) the date, time and location of the pick-up and drop off;
 - (iii) the total amount paid; and,
 - (iv) the first name and licence number of the limousine driver; and,
- (j) ensure that the limousine driver operating the owner's vehicle records information as required under subsection 9(f).

Limousine Driver

10. Every limousine driver shall:

- (a) hold a valid limousine licence prior to driving a limousine;
- (b) not carry more passengers than the manufacturer's rated seating capacity for that motor vehicle, including the driver;
- (c) not drive with any object placed in, hung on or attached to the limousine or in such a manner that will obstruct the driver's view of the road;
- (d) not take, consume, or have in possession any alcohol, drugs or intoxicants while operating a limousine;
- (e) examine the limousine for any defects immediately before the limousine is to be driven;
- (f) report to the limousine owner immediately:
 - (i) any defects to the limousine;
 - (ii) any accidents while operating the limousine; and,
 - (iii) any enforcement tickets or summons issued while operating the limousine; and,

- (g) ensure that the City licence plate is affixed to the limousine and visible prior to use in a location satisfactory to the Municipal Officer;
 - (h) ensure that the limousine driver's licence and photo is visible prior to use, in a location satisfactory to the Municipal Officer;
 - (i) be properly dressed, well groomed, neat and clean in personal appearance;
 - (j) be civil and behave courteously;
 - (k) operate a limousine only if:
 - (i) it is clean, dry and in good repair as to its interior;
 - (ii) it is clean, and in good repair as to its exterior, free from exterior body damage and with a well maintained exterior paint finish; and,
 - (iii) it is free from mechanical defects; and,
 - (l) maintain completed trip records with the information required under subsection 9(f);
 - (m) ensure that the passenger is provided with a printed or electronic receipt at the end of the trip that includes the information required under subsection 9(i);
 - (n) immediately at the end of the trip:
 - (i) search the limousine for any property or money lost or left therein; and
 - (ii) deliver any lost or left money or property to the person owning the property or money and if the owner of the property or money cannot be found, deliver the property or money to the nearest police station with all information regarding the property or money.
11. On demand of the Director of Licensing or a Municipal Officer, the limousine drivers shall:
- (a) produce any of the following:
 - (i) the limousine driver's licence, including photograph identification card;
 - (ii) the limousine driver's trip records;
 - (iii) a valid motor vehicle registration issued under the *Highway Traffic Act*;
 - (iv) valid insurance that meets the requirement of this Schedule;
 - (v) a valid safety standard certificate issued by a Ministry of Transportation licensed garage; and,
 - (vi) any other information pertaining to the limousine driver or the operation of the limousine as requested by the Municipal Officer; and,
 - (b) Submit the limousine operated by the limousine driver for inspection at a time and location specified by the Director of Licensing or Municipal Officer.

Disposal of Limousine

12. Immediately when the licensed limousine owner or limousine driver disposed of or otherwise ceases to use a limousine as a limousine all identifying decals, markings and all other items which would make the limousine appear to the public to be a limousine must be removed.