

Authority: Item 6, Planning Committee
Report: 13-003 (PED13032)
CM: February 19, 2013

Bill No. 060

CITY OF HAMILTON

BY-LAW NO. 13-

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 By-law No. 07-170;

AND WHEREAS this By-law amends Schedule 25 – Taxicabs of By-law No. 07-170 with respect to inspections;

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

1. Sections 55 to 59 of Schedule 25 of By-law No. 07-170 are deleted and replaced with the following new sections 55 to 58:

INSPECTIONS AND APPROVED TAXICABS

55. Repealed.

56.(1) As required by the Issuer of Licences, every taxicab owner shall submit their taxicab for inspections, at the taxicab owner's expense.

(2) The Issuer of Licences:

- (a) may specify the establishments where an inspection of a taxicab is to be carried out; and
- (b) shall specify, by means of a manual or otherwise, what the inspection is to consist of which may include but is not limited to:
 - (i) a visual exterior and interior inspection of the taxicab;
 - (ii) an assessment of mechanical fitness and safety of the taxicab.

- (3) At a minimum, a taxicab that is:
- (a) zero to three years old, excluding the manufactured year, shall have a mechanical fitness and safety assessment inspection one time per year;
 - (b) more than three years old, excluding the manufactured year, shall have a mechanical fitness and safety assessment inspection two times per year.
- (4) Every taxicab owner shall provide, at the time of renewing their licence and at such other times as required by the Issuer of Licences, at the taxicab owner's expense, either:
- (a) an Ontario Ministry of Transportation Vehicle Inspection Report, showing that the taxicab has been accepted within the past 36 days; or
 - (b) a Safety Standards Certificate for the taxicab issued under the Highway Traffic Act for the taxicab within 36 days of the inspection date.
- (5)(a) A taxicab may be approved by the Issuer of Licences after all inspections have been carried out and all reports and certificates have been provided in accordance with this Schedule.
- (b) When a taxicab has been approved by the Issuer of Licenses, it shall continue to be approved only so long as:
- (i) the taxicab owner complies with this Schedule; and
 - (ii) all inspections, reports and certificates show that the taxicab owner's taxicab complies with this Schedule.

TAXICAB AGE RESTRICTION

57.(1) A taxicab shall be no more than six years old, excluding the manufactured year.

(2) Despite subsection 57(1):

- (a) a taxicab fuelled by an alternative fuel, as determined by the Issuer of Licences from time to time, shall be no more than seven years old, excluding the manufactured year; and
- (b) a spare taxicab, previously approved as a taxicab under section 56, shall be no more than seven years old, excluding the manufactured year.

SPARE TAXICABS

58.(1) The Issuer of Licences may approve a vehicle owned by a taxicab owner as a spare taxicab.

(2) The number of spare taxicabs that may be approved by the Issuer of Licences under subsection 58(1) is limited to one per five taxicabs owned by the taxicab owner to a maximum of nine.

(3) No taxicab owner shall use a spare taxicab:

- (a) without first giving notice, including the plate number of the taxicab that will be replaced and the dates when the spare taxicab will be used, to the Issuer of Licences;
- (b) for more than seven consecutive days;
- (c) unless he or she complies with all of the requirements for a taxicab owner under this Schedule, including complying with section 56 by submitting their spare taxicab for inspections and by providing Ontario Ministry of Transportation Vehicle Inspection Reports or Safety Standards Certificates issued under the Highway Traffic Act.

(4) No taxicab driver shall drive a spare taxicab unless he or she complies with all of the requirements for a taxicab driver under this Schedule.

2. Subsection 60(1) of Schedule 25 of By-law No. 07-170 is amended by deleting the words “section 56 of”.

3. Paragraphs 64(1)(l) and (m) of Schedule 25 of By-law No. 07-170 are deleted and replaced with the following new paragraphs 65(1)(l) and (m):
 - (l) submit to the Issuer of Licences a valid Safety Standards Certificate issued in accordance with the Highway Traffic Act for each taxicab at the time the owner's licence is renewed or transferred;
 - (m) submit each taxicab or spare taxicab for inspection or approval or both as required under the General Provisions of this By-law or this Schedule;
4. Paragraph 65(1)(i) of Schedule 25 of By-law No. 07-170 is deleted and replaced with the following new paragraph 65(1)(i):
 - (h) fail to submit a taxicab or a spare taxicab for inspection or approval or both as required under the General Provisions of this By-law or this Schedule;
5. This By-law comes into force on the day it is passed.

PASSED this 27th day of February, 2013.

R. Bratina
Mayor

R. Caterini
City Clerk