



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 8, 2014
SUBJECT/REPORT NO:	Amendments to Licensing By-law, Schedule 25 - Taxicabs (PED14144) (City Wide)
WARD(S) AFFECTED:	City Wide
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SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That Schedule 25 (Taxicabs) of Licensing By-law 07-170 be amended as follows:
- (i) To allow a taxicab owner licence to be issued for more or less than a year (and the fee to be pro-rated accordingly);
 - (ii) To extend the six model years age restriction to seven model years, for hybrid vehicles;
 - (iii) To extend the six model year age restriction for accessible taxi cabs to ten model years provided that the taxicab is no more than two model years old when initially licensed as a taxicab;
 - (iv) To require the on-board camera system to be operable at all times while the taxicab is in service;
 - (v) To require a certificate, from the manufacturer or manufacturer's authorized agent verifying a camera system is operable, be provided at the request of the Issuer of Licences;
 - (vi) To require that all taxicabs have snow tires from December 15 to March 15;

- (vii) To require that taxicab drivers perform an exterior inspection check of the taxicab (circle check) prior to use to ensure compliance of the taxicab with the Licensing By-law;
 - (viii) To require that a taxicab owner hold a valid taxicab driver's licence only if he or she drives a taxicab;
- (b) That the proposed amending By-law, attached as Appendix "A" to Report PED14144, which amends Schedule 25 (Taxi Cabs) of the Licencing By-law 07-170 as set out in Recommendation (a) of Report PED14144 and is in a form satisfactory to the City Solicitor, be enacted.

EXECUTIVE SUMMARY

This Report seeks to make changes to Schedule 25 (Taxi Cabs) of the Licensing By-law 07-170, to improve administration and enforcement of Schedule 25 by, amongst other things, clarifying provisions and removing redundancies.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Public notice for the proposed amending by-law was given in accordance with Public Notice Policy By-law No. 07-351.

HISTORICAL BACKGROUND

At the time of municipal amalgamation the former municipal taxicab licensing by-laws were harmonized by staff in consultation with a Taxi Working Group which forms the current Schedule 25 – Taxicabs within the Licensing By-law. Since that time, the taxicab industry has evolved but Schedule 25 has not kept pace with the changing industry.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services

ANALYSIS AND RATIONALE FOR RECOMMENDATION

A. By-law Amendments:

This Report recommends amendments to Schedule 25 as set out below:

- (i) To allow a taxicab owner licence to be issued for more or less than a year (and the fee to be prorated accordingly).

Schedule 25 states that a taxicab owner licence shall be issued for a one year period. All 447 taxi plate licences expire and are renewed on January 31 annually. Staggering the expiration/renewal dates, so that there are approximately 40 each month, will allow staff to provide better service to the industry and also benefit the industry by spreading out the need for inspections, vehicle safeties, and the expenses of license renewals.

- (ii) To extend the six model year age restriction to seven model years, for hybrid vehicles.

The current By-law - Schedule 25 restricts the age for taxicab to be six model years with the intent of ensuring newer more compliant vehicles in service. As taxicabs are being replaced, some owners are purchasing hybrid vehicles. Given the additional costs of acquiring hybrid vehicles and benefits of reduced emissions and fuel consumption, it is recommended that hybrid vehicles also be permitted an additional year of service to encourage more hybrids to be in service.

- (iii) To extend the six model year age restriction for accessible taxicabs to ten model years provided that the taxicab is no more than two model years old when initially licensed as a taxicab.

Given the cost of a new accessible vehicle, which amounts to approximately \$40,000 and that used accessible vehicles are difficult to obtain, permitting three additional years of service for vehicles that are two years old or less is reasonable. Limiting the additional model years of operation to newer vehicles will encourage operators to utilize taxi cabs that conform to the most current Accessibility for Ontarians with Disabilities Act (AODA) standards.

- (iv) To require the on-board camera system be operable at all times while the taxicab is in service.

Schedule 25 requires a camera to be mounted within the taxi cab. To provide greater certainty, it is proposed to specifically require the camera system be operational at all times when the taxi cab is in service.

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- (v) To require a certificate, from the manufacturer or manufacturer's authorized agent verifying a camera system is operable, be provided at the request of the Issuer of Licences.

Recent enforcement found inoperable camera systems in taxicabs while they are in service. Taxicabs are removed from service until such time as the camera system is repaired. The proposed amendment will result in the additional safeguard that the camera system be rechecked and certified on a yearly basis, or as requested by the Issuer of Licences.

- (vi) To require all taxicabs to install snow tires from December 15 to March 15.

Enforcement this winter found many taxicabs with unsafe tires including worn or bald tires on taxicabs in service. For the safety of the driver, passengers and general public, it is recommended that snow tires be installed for the winter months. The intent with the requirement of the tires being changed is that newer snow tires will be installed on the vehicles creating better public safety during the winter months.

- (vii) To require the taxicab driver to perform an exterior inspection check of the taxicab (circle check) prior to use to ensure compliance of the taxi cab with the Licensing By-law.

Under Schedule 25, the taxicab driver is responsible for ensuring that the taxi cab is safe and in compliance with the Licensing By-law. Any defects are to be brought to the attention of the owner/lessee. The "circle check" requirement, shall be recorded on the trip sheet to ensure the inspection occurs and the owner/lessee is informed of any defects.

- (viii) To require that a taxicab owner hold a valid taxicab driver's licence only if he or she drives a taxicab.

When a taxicab owner does not drive a taxicab, a taxicab driver's licence should not be required. As taxicab owners age they may not be able to hold a Ministry of Transportation (MTO) driver's licence, which is one of the requirements for a taxicab driver's licence, and they should not be deprived of their taxicab owner licence as a consequence.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED14144 – Amending By-law – Schedule 25 (Taxicabs)

AF/dt