



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

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2017
SUBJECT/REPORT NO:	Business Licensing By-law 07-170 - Review and Replacement of Limousines (Schedule 8) (PED17201) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Monica Ciriello (905) 546-2424 Ext. 6656
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Business Licensing By-law 07-170 be amended by replacing Limousines (Schedule 8) in accordance with the amending by-law, attached as Appendix “A” to Report PED17201 which has been prepared in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

Limousine owners and drivers are licensed by the City of Hamilton (City) under Schedule 8 of the Business Licensing By-law 07-170 (Licensing By-law). This report proposes a new Limousine Schedule that continues to regulate limousine owners and drivers, while maintaining the current fee structure. The proposed Schedule 8 reduces regulatory burdens, while still maintaining the City’s regulatory purpose of public safety and consumer protection to reflect the modernization of the transportation industry.

The review and rewrite of the Business Licensing By-law is a key element of PED’s Open for Business initiative. The primary objectives of reviewing the City’s Licensing By-law is to modernize our approach, increase clarity, address emerging issues and remove unnecessary regulation. This Report proposes to update Limousines (Schedule 8) in line with the overall Licensing By-law review objective.

Alternatives for Consideration – Not Applicable

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The recommendations have no financial implications.

Staffing: The proposed changes will have little to no impact on staff time, as administration and enforcement of the Schedule is still required.

Legal: The recommendations have no legal implications.

HISTORICAL BACKGROUND

The *Municipal Act, 2001* provides Council with the authority to regulate any business, wholly or in part, carried out within its jurisdiction, including the authority to license. The justifications for licensing certain types of businesses generally relate to the health and safety of the community, consumer protection and nuisance control. The current Licensing By-law is a compilation of amendments passed by Council over many years and currently contains licensing categories and requirements that no longer serve its original municipal purpose.

Upon examination of Limousines (Schedule 8), it was determined that this Schedule should remain as it continues to be a useful tool to maintain public safety and consumer protection, while simultaneously allowing continued innovation in a competitive environment.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

- Corporate Services – Legal Services and Risk Management
- Stakeholders - Limousine Drivers and Limousine Owners

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Limousine owners and drivers are currently licensed by the City under Schedule 8 of the Licensing By-law. Licensing both the owners and the drivers has been a useful tool to safeguard public safety and consumer protection. Following a review of Schedule 8 and municipal best practices across Ontario it was determined that modernizing the current regulations was required.

Appendix “B” attached to Report PED17201 shows the number of limousine owners and limousine driver’s licences held each year in the City from 2001 to date of this Report.

SUBJECT: Business Licensing By-law 07-170 - Review and Replacement of Limousines (Schedule 8) (PED17201) (City Wide) - Page 3 of 4

Appendix “C” attached to Report PED17201 compares the limousine owner and limousine driver licensing practices among the 33 Ontario municipalities. It shows that 32 other municipalities have similar licensing categories.

The chart below outlines the number of convictions under this licensing category from 2001 - present.

Year	Convictions
2001	0
2002	0
2003	0
2004	12
2005	3
2006	2
2007	0
2008	0
2009	0
2010	0
2011	2
2012	1
2013	0
2014	0
2015	0
2016	0
2017	0

The proposed Schedule 8 has been rewritten for ease of understanding and consistency with the other Schedules in the Licensing By-law. Key aspects of the proposed Schedule include:

Language

The definitions have been modified and updated. The definition of limousine has been broadened to capture and reflect the changes in which the community uses limousines. This will ensure that any vehicle operating as a limousine will be captured under this Schedule. Personal information from a physician is no longer required of the driver or owner. This was an older provision and involves personal information which is not necessary.

Pricing

Staff is proposing to permit Limousines to set limousine rates and remove the set fee hourly minimum of \$60 and the \$110 per diem fee. Limousine owners will no longer be required to submit a schedule of fees at the time of an initial or renewal application or

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make the Director of Licensing and By-law Services aware if fees change. In order to ensure consumer protection, limousines are only permitted to provide trips that are pre-arranged and passengers must be made aware of the cost prior to booking with the limousine. Limousines are still not permitted to solicit rides or respond to street-hails.

Trip Records

Staff is proposing to eliminate the annual requirement for the limousine owners to submit trip records upon renewal. Limousine owners will be required to keep and maintain the trip records for a rolling three year period and must produce them upon request from the Director of Licensing and By-law Services within two business days.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: By-law amending Business Licensing By-law 07-170 - Schedule 8 (Limousines)

Appendix “B”: Total Number of Licences 2001 - 2017

Appendix “C”: Licensing Practices in Ontario Municipalities

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