THE REGIONAL MUNICIPALITY OF NIAGARA
CORPORATE SERVICES COMMITTEE
FINAL AGENDA

CSC 8-2021

Wednesday, August 11, 2021

9:30 a.m.

Meeting will be held by electronic participation only

This electronic meeting can be viewed on Niagara Region's Website at:

https://www.niagararegion.ca/government/council/

Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber at Regional Headquarters will not be open to the public to attend Committee meetings until further notice. To view live stream meeting proceedings, visit: niagararegion.ca/government/council

---

Pages

1. CALL TO ORDER

2. DISCLOSURES OF PECUNIARY INTEREST

3. PRESENTATIONS

4. DELEGATIONS

4.1. Additional Information for CSD 37-2021 Respecting Development Charge Demolition Credit Extension Request - Brownfield Redevelopment, Grimsby (CSC-C 21-2021 (Agenda Item 5.3))

4.1.1. Brandon Almeida, Project Manager & Planner, Land Development, Losani Homes Ltd. — *3 - 7*

The delegation submission is attached to this agenda item as CSC-C 23-2021.

This delegation request was received after the deadline. The request must be considered by Committee.

5. ITEMS FOR CONSIDERATION

5.1. CSD 11-2021 — 8 - 228
Business Licensing By-Law Review

A presentation will precede the consideration of this item.

5.2. CSD 52-2021 — 229 - 234
Rapid Housing Initiative Capital Funding

5.3. CSC-C 21-2021 — 235 - 237
Additional Information for CSD 37-2021 Respecting Development Charge Demolition Credit Extension Request - Brownfield Redevelopment, Grimsby

5.4. CSC-C 22-2021 — *238*
Recommendations from the Women's Advisory Committee meeting held on July 28, 2021

6. CONSENT ITEMS FOR INFORMATION

7. OTHER BUSINESS

8. CLOSED SESSION

8.1. Confidential CSD 53-2021
A Matter Respecting Litigation or Potential Litigation under s. 239 (2) of the Municipal Act, 2001 – Outstanding Development Charge Collections – Grimsby

9. BUSINESS ARISING FROM CLOSED SESSION ITEMS

10. NEXT MEETING

The next meeting will be held on Wednesday, September 15, 2021 at 9:30 a.m.

11. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).

From: Webmaster
To: Brandon Almeida
Subject: [External] Online Form - Request to Speak at a Standing Committee or Regional Council
Date: Monday, August 9, 2021 6:07:49 PM

Request to Speak at a Standing Committee or Regional Council

Below is a copy of your submission:

Name
Brandon Almeida

Address
430 McNeilly Road, Suite 203

City
Hamilton

Postal
L8E 5E3

Phone
[redacted]

Email
balmeida@losanihomes.com

Organization
Losani Homes

standing committee
Corporate Services Committee

Presentation Topic
CSC-C 21-2021 Additional Information for CSD 37-2021, Respecting Development Charge Demolition Credit Extension Request – Brownfield Redevelopment, Grimsby

Presentation includes slides
No

Previously presented topic
No

Presentation Details
Further to our ongoing requests for extension of the Development Charge Demolition Credits for 362 - 398 North Service Road & 2 Winston Road, Losani Homes would like to provide further information in response to the recommendations brought forward by Staff at the Corporate Services Committee on July 14, 2021, through report CSD 37-2021. Specifically, recommendations 2 and 3 of the report were amended and subsequently deferred to the August 11, 2021, Corporate Services Committee meeting pending additional information from staff. Considering the context of the site from a holistic development perspective, the entirety of the lands cannot proceed to issuance of building permits and application of available credits until remediation has been completed, with Record of Site Condition filed, and all development approvals in place. As such, we do not feel it is appropriate to consider portions of the site for extension as these requirements are in place for the entirety of the lands. Extension is required to 96 months after issuance of demolition permit issuance, inclusive of 2 Winston Road, which is in alignment with the Municipal and Regional By-law provisions for extensions of this nature. Although, this specific portion of the property did not require remediation and record of site condition as its previous use was residential, development cannot proceed until all lands are remediated and receive approvals accordingly. We hope committee proceed with bringing forward Recommendation 2 for approval and considers Losani Homes comments for extension related to recommendation 3 of report CSC C 21-2021.

Video Consent
Yes

CANADA'S BEST MANAGED COMPANIES Platinum member

LOSANI HOMES

CELEBRATING 40 LOSANI HOMES

VIA EMAIL

August 9, 2021

Niagara Region
1815 Sir Isaac Brock Way
Thorold, ON L2V 4T7
ATTN: Corporate Services Committee

RE: Niagara Region DC Demolition Credit Extension Request (REPORT CSC-C 21-2021)
362 - 398 North Service Road & 2 Winston Road. – 26OP-16-1805, 26Z-16-1803, 26T-16-1801

Dear Corporate Services Committee Members,

Further to our ongoing requests for extension of the Development Charge Demolition Credits for 362 - 398 North Service Road & 2 Winston Road, Losani Homes would like to provide further information in response to the recommendations brought forward by Staff at the Corporate Services Committee on July 14, 2021, through report CSD 37-2021. Specifically, recommendations 2 and 3 of the report were amended and subsequently deferred to the August 11, 2021, Corporate Services Committee meeting pending additional information from staff. The recommendations as amended and deferred are as follows:

> ***Recommendation 2:*** *That the eligibility period extension request for the Regional Development Charge demolition credits associated with 2 Winston Rd. Grimsby,* ~~***BE DENIED***~~ ***BE APPROVED****; and*
>
> ***Recommendation 3:*** ~~*That no additional extension for the Brownfield Transition agreement made under Schedule F of By-law 2017-98 between the Regional Municipality of Niagara and Losani Homes (1998) LTD. or other grants associated with the 5th Wheel development* ***BE APPROVED****.*~~ *That any extensions to brownfield grant agreements between the Regional Municipality of Niagara and Losani Homes (1998) LTD.* ***BE APPROVED*** *if the extension aligns with the Town of Grimsby's Development Charges By-law.*

The scope of our request was the extension of the eligibility for the Demolition Credits pertaining to 362 – 398 North Service Road & 2 Winston Road. There was never any previous discussion or correspondence with staff on the status of the Brownfield Transitional Agreement made under Schedule F of By-law 2017-98 in advance of the recommendation that was brought forward through report CSD 37-2021. Losani Homes has maintained that redevelopment of these lands has not been able to proceed due to delays in completing the remediations works and development approvals. These delays were further compounded following the constraints imposed by the global pandemic, but this was not an item discussed in detail through our original request, and not in relation to the Brownfield Transitional Agreement with the Region. It is also noted that Losani Homes has filed a request for extension of applicable Municipal DC Demolition Credits to the Town of Grimsby in advance of our request to the Region.

Regional staff have noted through report CSC-C 21-2021 that they maintain their recommendation that 2 Winston Rd should not be considered for extension of the Regional Development Charge Demolition Credit. Town Staff's opinion on developable lands for the 5th Wheel property is cited, with specific reference to the fact that the new blocks as established through Draft Plan Approval will be comprised of Parkland, Open Space, and a portion of the Municipal Right-of-Way for the greater development. Town Staff's opinion is that due to this the lands are not brownfield, and the lot was never developable.

We fundamentally disagree with the above opinion as presented by regional staff. The historical use was residential, but the lands are and should be deemed developable in the context of the entire site. The credit would apply for the greater development and not specific construction on the historical boundary of the subject lot which has been altered through Draft Plan Approval. It is now part of a greater assembly for development, sharing the constraints and benefits that come from this. We further note that the designation of this small portion of the lands within the greater development as Parkland, Open Space and Municipal ROW do not define it as undevelopable in terms of developable acreage under the by-law. Consideration needs to be given to the benefit this piece brings to the holistic development, along with principal intent of demolition credits in regard to their application to development charges.

Demolition credits are derived on the principle that a given structure historically used services and paid for a portion of the initial costs for the infrastructure to facilitate development in that given area of the municipality through Development Charges. Considering this historical investment paid, demolition credits serve as the mechanism to ensure that initial investment is recognized and not double charged. To provide the opinion that because an approved redevelopment plan, consistent with municipal policy, deems a small portion of a larger assembly as non-developable from a building construction perspective, appears to contradict the intent of the demolition credits. The entire development, inclusive of 2 Winston Rd. is facilitating 1287 residential units and 70,000 m2 of employment space under a single development for all the lands.

It is unclear why the Region and Town is taking the position that this credit be forfeited when municipal policy and the approved plans designated this small portion of land for future municipal assets (Park/ROW), and the greater development is bringing substantial benefit and further infrastructure improvements for substantially more units and employment to the area. The intent of the credit should still apply considering proximity and contribution to the initial infrastructure in this area. Further, the focus should not be on whether the isolated piece is brownfield under explicit historical use, as the entirety of the lands are brownfield in terms of development constraints and remediation requirements. It is very reasonable and appropriate to have this credit applied to the greater development considering the above. This application for credit application across development sites is consistently applied in varying municipalities in Ontario, with some even allowing the transfer of credits to other developments within a given municipality.

Regional Staff are correct in noting that Losani Homes will not be receiving any Brownfield Development Charge grants from the Town of Grimsby, and that no additional agreements are in place with the Town that could align with the current regional agreement. Considering this, recommendation 3 as amended would not result in an extension of the Regional Brownfield Development Charge Transitional Agreement with Losani Homes. Losani Homes has no concern in recommendation 3 proceeding as amended considering this but hope the Committee would consider a further amendment that could foster productive discussion and review of the agreement. Although we did not initiate a request for extension of this agreement through our request for extension of the demolition credits, we would like to proceed to work with Regional Staff, Committee and Council to put forward a formal request for a one-year extension due to the unforeseen effects and substantial delays as imposed as a result of the global pandemic. We believe it is reasonable to bring forward this request now that staff have brought forward this item and believe that the effects that were experienced by the development and its approvals to date have been experienced by many others in the Region and Province as whole.

Considering the context of the site from a holistic development perspective, the entirety of the lands cannot proceed to issuance of building permits and application of available credits until remediation has been completed, with Record of Site Condition filed, and all development approvals in place. As such, we do not feel it is appropriate to consider portions of the site for extension as these requirements are in place for the entirety of the lands. Extension is required to 96 months after issuance of demolition permit issuance, inclusive of 2 Winston Road, which is in alignment with the Municipal and Regional By-law provisions for extensions of this nature. Although, this specific portion of the property did not require remediation and record of site condition as its previous use was residential, development cannot proceed until all lands are remediated and receive approvals accordingly. We hope committee proceed with bringing forward Recommendation 2 for approval and considers Losani Homes comments for extension related to recommendation 3 of report CSC C 21-2021.

We appreciate your continued review and consideration for extension of the DC Demolition Credits for this site. Should you have any questions or concerns, please do not hesitate to contact me.

Regards,
LOSANI HOMES (1998) LTD.
Per



Brandon Almeida, BES, MCIP, RPP
Project Manager & Planner
Land Development

Business Licensing By-law Review

Corporate Services Committee
CSD 11-2021

August 11, 2021

Angelo Apfelbaum, Manager, Business Licensing

Business Licensing By-law Review

CSD 11-2021

Wednesday August 11, 2021

Niagara Region Business Licensing: What do we Licence and Regulate?

- 2018-75 – A by-law to licence and regulate vehicles for hire and businesses
- 2018-76 – A by-law to licence and regulate adult entertainment parlours
- St. Catharines – delegated authority to licence and regulate adult entertainment and body rub parlours
- Niagara Falls – delegated authority to licence and regulate adult entertainment and body rub parlours
- Thorold – delegated authority to licence and regulate adult entertainment parlours

What By-law is Being Repealed and Replaced?

- By-law 2018-75 that provides for licensing and regulation of vehicles for hire and businesses is being repealed and replaced with 5 industry specific by-laws.
- This was identified as a business improvement to modernize the regulatory by-laws.
- Adult Entertainment will not be reviewed this year but will be addressed in the future.

Amendments to the 2021 Schedule of Fees and Charges

- The only Licence Fee increase will be the Transportation Network Company Driver Licences. The fee for an initial licence increases from $40 to $60. This now puts the fee in line with other driver licences.
- The addition of a 1 month, 6 month or 12 month licence was added for Vehicles for Hire to address seasonal tourism operations.
- The remainder of the changes to the 2021 Schedule of Fees and Charges include changes and additions to licence names/types and class/subclass.

Towing Rate and Taxi Rate Tariff and Vehicle for Hire Fees

- The Towing Rate and Taxi Rate Tariffs are now included in each respective by-law.
- These are contained in Appendix 8 of the report.
- These are the maximum chargeable rates for service to customers.
- Fees in line with other municipalities and addresses increases in insurance, fuel, maintenance and equipment purchase.
- Minimum $10.00 passenger fee rate is now in-place for Sightseeing, Shuttles and Specialty services and $5.00 for Caleche services.

Licence Quotas, Standard Character Criteria, Vehicle Standards

- The Licensing Officer will have the ability to set licence quotas or freeze licences quotas.
- Ensure proper service levels, prevent market saturation and support and promote sustainable business and innovation.
- Work with the various industries, agencies and residents.
- Provide consumer protection, protect vulnerable persons and promote safe driving.
- Promote safe vehicles and safe businesses.

Questions?

Angelo Apfelbaum

Manager, Business Licensing

Niagara Region

905-980-6000 ext 6381

Angelo.Apfelbaum@niagararegion.ca

Subject: Business Licensing By-Law Review

Report to: Corporate Services Committee

Report date: Wednesday, August 11, 2021

Recommendations

1. That By-law No. 2018-75, being a by-law to licence, regulate and govern vehicles for hire (taxicabs, transportation network company vehicles, specialty vehicles, auxiliary services vehicles, shuttle buses, sightseeing vehicles, caleche, tow trucks) and businesses (second-hand good stores and dealers, salvage yards, auto-wrecking yards and taxicab brokers), **BE REPEALED**;
2. That the draft by-laws contained in Appendices 1 to 5 of Report CSD 11-2021, **BE APPROVED**;
3. That By-law No. 2021-03, being a by-law to establish fees and charges for services and activities provided by The Regional Municipality of Niagara and for the use of its property, **BE AMENDED** to reflect the proposed fees and charges contained in Appendix 7 of Report CSD 11-2021, subject to confirmation that the required notice has been given under the Region's Public Notice Policy (PC-RC-005); and
4. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration.

Key Facts

- The purpose of this report is to seek Council's approval to repeal the current Vehicles for Hire and Businesses By-Law and to approve, prepare and present the draft sector specific business licensing by-laws, attached as Appendices 1 to 5 of Report CSD 11-2021.
- The Regional Municipality of Niagara (the "Region") is authorized under Part II section 11 and Part IV of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended, to pass by-laws for the licensing, regulating and governing of certain businesses. The Region's scope of authority as an upper-tier municipality is limited to certain types of businesses, such as tow trucks and taxicabs, as prescribed by the *Municipal Act, 2001,* whereas other types of businesses, such as restaurants, may be regulated by local area municipalities.
- Previously, Niagara Regional Police Services ("NRPS") had taken carriage of business licensing on behalf of the Region. On June 1, 2019, the Region assumed licensing responsibilities from NRPS, including the existing by-law structure with

limited housekeeping updates. After undertaking internal review and stakeholder engagement, staff recommend repealing the current by-law and replacing it with updated sector-specific by-laws reflective of stakeholder input, legislative changes (including the Towing and Storage Safety and Enforcement Act, 2021) and best practices based on a jurisdictional scan of other municipal business licensing by-laws.

- Governance and enforcement of the Adult Entertainment and Body Rub Parlour industries became the responsibility of Niagara Region as part of the transfer of business licensing from Niagara Regional Police.
- Subject to confirmation of the appropriate notice being given under the Region's Public Notice Policy (C-RC-005), it is proposed that the Fees and Charges by-law be amended to reflect changes in the new licensing by-laws.

Financial Considerations

Revenue received from the issuance of business licences offsets the direct costs of the Business Licensing Division.

Since March 2020, licensing revenues have been on the decline due to the on-going impacts of the COVID-19 pandemic, including the Provincial Orders, and the associated measures imposed on the various industries licensed by the Region. Throughout the COVID-19 pandemic, and in light of the Provincial Orders, several businesses have ceased to operate and closed their doors permanently. Others have experienced an extreme reduction in their business operations, and subsequently closed for the season or reduced their service levels.

In the initial analysis of the transfer of business licensing responsibilities to Niagara Region from Niagara Regional Police, it was suggested that the division could operate on 100% cost recovery through licensing fees. This has not been the case since the transition of the responsibilities and has been further impacted by the COVID-19 restrictions on the businesses licensed by the division.

As COVID-19 restrictions ease, deferrals of up to 60 days will be allowed at the discretion of the Manager of Business Licensing for the 2021 licence fee renewals. This will allow businesses to financially prepare for returning to normal business operations.

The Fees and Charges by-law also requires amendment to reflect the proposed business licensing by-law changes. Updates to the fees are indicated in Appendix 7 of Report CSD 11-2021, column J, under the header "Change". With one exception, all

changes are administrative to consolidate, rename, and bring consistency to the fees. Fee CS-206 (formerly CS-114) Transportation Network Company Driver License – Initial Application is increasing from $40.00 to $60.00 to bring it in alignment with other similar driver license fees on the schedule. The cost recovery status of all fees is reviewed in full by Finance staff during the Region's annual budget process.

Analysis

The analysis section contains an overview for committee of activities since transition of responsibilities. In addition, the section provides industry information, on overview of the business licensing group and the public engagement processes undertaken to develop the by-laws.

History and COVID-19 Impacts

On June 1, 2019, licensing of vehicles for hire (such as taxis, Transportation Network Companies, shuttles, specialty and sight-seeing vehicles) and businesses (including salvage/auto wrecking yards, second-hand shops and tow trucks) was transferred from Niagara Regional Police Services (NRPS) to Niagara Region as described in Confidential Report CAO 11-2018: Business Licensing Transition Project Update.

In order to provide a "seamless" transition of services, existing business licensing operations, including the by-law, were essentially assumed from NRPS with only minor necessary housekeeping changes, with the intention that the by-law would be repealed, with new by-laws being created, to achieve updates and efficiencies at a later date following stakeholder engagement and internal review.

Stakeholder and public engagement was conducted in 2019 and 2020 however, due to the ongoing staffing pressures of the COVID-19 pandemic and Provincial legislative changes directly impacting licenced industries, namely the tow truck industry, the drafting and review of these new by-laws was delayed.

In 2020 and 2021 Licensing Enforcement Officers have been providing regulatory enforcement response for the Emergency Measures and Civil Protection Act and the Reopening Ontario Act as well as assisting at the Mass Immunization Centers throughout Niagara Region since March 2021.

Five (5) sector-specific draft by-laws have been prepared and are recommended for Council approval. Sector specific information is contained in Appendix 9 of Report CSD 11-2021, which outlines the number and types of licenses.

Public and Stakeholder Outreach and Engagement

As part of the process in drafting and reviewing new by-laws, public and industry stakeholder outreach and engagement has been paramount in gaining insight into the needs and wants of affected businesses and updates required to enhance consumer protection and public safety objectives.

Staff from Strategic Communications and Public Affairs, Corporate Strategy and Innovation and Business Licensing developed a formal outreach engagement plan in order to capture as many opinions and perspectives as possible. This strategy was employed for 5 months from December 2019 to April 2020. A Business Licensing By-law Update Workbook (Appendix 6 of Report CSD 11-2021) was provided on-line and in print copy to assist in the review and prompt discussion with the industries and the public.

1. On-Line Survey

On December 2, 2019, a public facing online video and public survey were posted on the Region’s webpage. This was done in conjunction with a social media campaign through Twitter and radio advertisements directing listeners to the Region’s webpage.

The webpage video provided information on the licensing by-law review process, including the link to the public survey and the upcoming Public Engagement session dates and locations. The online survey was open to the public until the end of April 2020.

The Region received 122 survey responses of which 38% were current business licence holders, the remaining 62% were members of the public or users of licensed industries.

The chart below outlines licensed industry response from the on-line survey broken down by sector:

Industry	Percent Participation
Vehicle for Hire Industry (Shuttle, Sight-Seeing, Specialty and Caleche)	30%
Taxi Industry	17%
Transportation Network Company Industry (TNC)	15%
Towing Industry	15%
Auto Wrecking Industry	9%
Salvage Yard Industry	9%
Second-Hand Shop Industry	2%
Adult Entertainment Industry (not part of current review)	2%

The respondents identified the following 5 key areas of interest:

1. Simplify the licence application process including an on-line option,
2. Clarify requirements for licencing,
3. Clarify inspection criteria for licence holders,
4. Review Licensing Fees,
5. Identify process to file a complaint about a licence holder.

2. Industry and Stakeholder Sessions

Stakeholder meetings were held on the following dates at Region HQ:

- February 24, 2020 – Local Area Municipalities, Towing, Taxi and TNC businesses
- February 25, 2020 – Salvage and Auto Wrecking businesses
- February 26, 2020 – Second-hand and Vehicle for Hire businesses

- February 27, 2020 – Internal Stakeholders and External Agencies (O.P.P., NRPS and MTO)

There was a high attendance rate for Taxi/TNC, Towing, Vehicles for Hire and Salvage industries with a lower attendance rate for the Second-Hand industry.

The stakeholder meetings echoed feedback received from the on-line survey results and also provided some industry specific discussion points below:

- Taxi/TNC – elimination of the taxi plate waiting list and market saturation,
- Vehicles for Hire – renting larger vehicles when needed and seasonal fees,
- Salvage/Auto Wrecking – record keeping, insurance and licence classes,
- Second-hand – record keeping, insurance and licence classes,
- Towing – tow rotation, enforcement, inspections and tariff fees.

3. Public Engagement Sessions

The Public Engagement sessions were held late afternoon on the following dates and locations:

- March 2, 2020 – Central Area, Thorold (Region HQ)
- March 3, 2020 – East Area, Niagara Falls (NRPS HQ)
- March 4, 2020 – Southwest Area, Welland (Public Health Building)

These sessions, although advertised and promoted, were not well attended with total attendance over the 3 day period being 19. The only attendees were existing licence holders that had already completed the on-line survey.

No new information was gathered at these sessions.

4. Draft By-law Review with Industry Stakeholders 2021

The draft by-laws were shared with, and reviewed by representatives of the licensed industries throughout May and June of 2021. These meetings provided an opportunity to present the draft by-laws to each industry and answer any questions or concerns.

5. Outreach and Information Review

Staff began the review of the public surveys and information gathered from all the industry and public outreach sessions and the current licensing by-law between March and December 2020.

From this information staff were able to ascertain that the current consolidated by-law was difficult for licence holders to interpret and required greater clarity on items such as:

- specific licence requirements;
- business requirements;
- specific insurance requirements;
- vehicle requirements;
- fees that could be charged for services they provide;
- other licences or approvals required from other agencies;
- enforcement provisions;
- appeal or hearing requirements.

Staff also noted the by-laws would benefit from enhancements related to enforcement and inspection provisions, authorities for the licensing officer and established criteria for licence approval, denial, suspension or revocation.

6. Jurisdictional Scan

Staff reviewed by-laws from Region of Waterloo, City of London, City of Toronto and City of Hamilton as these municipalities provide similar licencing governance and had recently amended or modernized their by-laws. No single by-law provided the “best fit” for Niagara Region. Staff adapted best practices from each by-law scan to the draft by-laws for Niagara Region.

Summary of Findings

Based on the review process, staff are recommending that the current licensing by-law No. 2018-75 be repealed and that five (5) new industry specific by-laws be approved and enacted by Regional Council:

1. Taxi and TNC By-law (Transportation Network Company)
2. Vehicles Used for Hire By-law (Shuttle, Specialty, Sight-Seeing and Caleche)
3. Salvage Yards By-law (includes provision for yards and shops)

4. Second Hand Shops By-law (includes provisions for shops and dealers)
5. Tow Trucks By-law (includes provisions for tow truck yards)

This expansion into five (5) by-laws allows for specific by-laws that address individual industry concerns. It allows for greater ease and responsiveness in making sector specific changes from time to time, and be more user friendly. The five (5) by-laws were also drafted to provide a consistent format with standardized provisions to the extent possible making it easier to navigate licence requirements.

Overall By-law Updating

In order to be responsive to feedback from the industry, each new draft by-law follows a similar format making it easier to read and follow and outlines the following main parts:

- Definitions;
- Licence Classes;
- Licence Class Requirements and Prohibitions;
- General Licence Requirements;
- Discrimination Prohibitions;
- Inspections;
- Powers of the Licensing Officer;
- Appeal Process;
- Orders;
- Administration and Enforcement.

A number of the changes specifically responded to requests made by stakeholders as part of the extensive consultation that took place. In addition to housekeeping amendments, some of the major changes to the by-laws are listed below:

- Adding the requirement to have a business address within Niagara Region;
- Adding a provision in the by-laws allowing the Licensing Officer to pro-rate licence renewals only. As an example this will allow licence holders to correlate Region issued licences to other agency licence renewal dates such as Ontario issued Driver Licences;
- Adding the requirement of a Business Licence for all businesses. Some businesses only had provisions for vehicles and drivers but not the business;
- Adding a new licence for a Salvage Shop and merging the Salvage Yard and Auto Wrecking Yard licence into one category of Salvage Yard Licence;

- Adding a Tow Yard licence;
- Providing delegated authority for the Manager of Business Licensing to establish a Towing Rate Fee Tariff and Taxi Meter Rate Tariff; the current proposed draft is attached to this report as *Appendix 8*;
- Adding the provision in the Vehicles Used for Hire draft by-law to allow for 1 month, 6 month or 12 month licences to better align with tourism operations. This will only be applicable to the vehicle and the driver licence not the business licence;
- Enhancing and clarifying specific insurance requirements for businesses and vehicles based on the specific industry;
- Adding specific language for vehicle age and mileage combined requiring annual or semi-annual vehicle safety inspections;
- Adding defined criteria for obtaining a licence, or having one revoked or denied;
- Adding language for age of Criminal Records and Judicial Matters Checks and Driver Abstracts to be no older than 60 days at the time of application;
- Adding provisions for proof of ability to work in Canada if not a Canadian Citizen, Landed Immigrant or Refugee;
- Updating the items deemed to be salvage and items deemed to be second-hand and modernize the list based on market trends;
- Allowing all licence holders to come into compliance with the new by-laws within 12 months from the date the draft by-laws are enacted or on their licence renewal date.
- Delegating Authority to the Licensing Officer (Manager of Business Licensing) to develop any forms and procedures required to implement the by-law.

In addition to the above noted changes and as a matter of procedure, staff will be eliminating the taxi plate waiting list and offering those on the list an option to either accept their plate or receive a refund of their initial fee less $100.00. Many persons on the list have been there for over 10 years. There is funding available in the budget that was established as part of the transfer from NRPS to fund this.

Staff will be researching and establishing a new quota limit for taxi plates in future.

Staff will make an application for a Short Form Wording and Set Fine Order to the Ministry of the Attorney General and Chief Justice once the by-laws are approved. This will allow for tickets (Part I charges pursuant to the Provincial Offences Act) to be issued for contraventions of the by-laws.

Business Licensing and Legal Services staff have drafted the five (5) new by-laws and they are attached to this report as Appendices 1 to 5.

Alternatives Reviewed

A possible alternative to the creation of five (5) new sector-specific by-laws would be to retain the existing Business Licensing By-law No. 2018-75. Given Staff review and external stakeholder engagement identifying the need for updates, Staff do not recommend this alternative.

Relationship to Council Strategic Priorities

The Business Licensing Division provides the regulatory oversight and governance of various licenced industries within Niagara Region. A primary role for the Business Licensing Division is to provide consumer protection, safety and security within licensed industries, and for Niagara residents and users of these industries. The sector specific by-laws have been updated with consumer protection, safety and security at the forefront.

By modernizing and providing for industry specific licensing by-laws and an open dialogue between the Region and the licenced industries this supports the following Niagara Region Council 2019-2022 Strategic Priorities:

- Supporting Businesses and Economic Growth
- Healthy and Vibrant Community
- Sustainable and Engaging Government

Other Pertinent Reports

- Confidential CAO 21-2017 - Review of Contracted Services from the Region of Niagara to Niagara Regional Police Services
- Confidential CAO 11-2018 – Business Licensing Transition Project Update
- CSC-C 17-2018 – Memorandum: Next Steps for Business Licensing Unit Transition

- CSD 4-2020 – Appointments to the Licensing Appeals Committee

Prepared by:
Angelo Apfelbaum
Manager, Business Licensing

Recommended by:
Todd Harrison, CPA, CMA
Commissioner, Corporate Services/
Treasurer

Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Adam Niece, Program Financial Specialist, and Caitlin Reid, Legal Counsel and reviewed by Donna Gibbs, Director Legal and Court Services.

Appendices

Appendix 1	Draft Taxi and TNC By-law
Appendix 2	Draft Vehicles Used for Hire By-law
Appendix 3	Draft Salvage Yards By-law
Appendix 4	Draft Second Hand Shops By-law
Appendix 5	Draft Tow Truck By-law
Appendix 6	Business Licensing By-law Update Workbook
Appendix 7	Draft Amendments to 2021 Schedule of Fees and Charges
Appendix 8	Towing and Taxi Rate Fees Tariff
Appendix 9	Industry Information

Bill No. 2021-<#> Authorization Reference: < Session # >;
< Minute Item # >

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO LICENCE, REGULATE AND GOVERN OWNERS, DRIVERS AND BROKERS OF TAXICABS AND TRANSPORTATION NETWORK COMPANY BUSINESSES

WHEREAS the Council of The Regional Municipality of Niagara considers it in the public interest to enact a by-law to licence, regulate and govern various classes of businesses and to repeal the existing Business Licensing By-law No. 2018-75, as amended;

AND WHEREAS Section 9 of the *Municipal Act*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, provides The Regional Municipality of Niagara with exclusive jurisdiction to enact by-laws for the licensing, regulating and governing of owners and drivers of taxicabs, taxicab brokers and vehicles used for hire within the Region;

AND WHEREAS Part IV LICENCES (more specifically sections 150 – 165) of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, authorizes The Regional Municipality of Niagara to regulate and govern businesses, meaning any business wholly or partly carried on within the Region, even if the business is being carried on from a location outside the Region;

AND WHEREAS Section 151 of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, provides The Regional Municipality of Niagara with the power to provide for a system of licences with respect to a business, and may prohibit the carrying on or engaging in the business without a licence; refuse to grant a licence or to revoke or suspend a licence; impose conditions as a requirement of obtaining, continuing to hold or renewing a licence; impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence; impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS the Council of the Regional Municipality of Niagara has determined that it is appropriate and desirable to licence taxicabs, transportation network companies and taxicab brokers for the purposes of ensuring the health and safety of both passengers and drivers, for the protection of persons and property, to ensure

consumer protection, and to ensure that efficient taxicab and transportation vehicle network services are available to all persons within the Region;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

PART I DEFINITIONS

1. In this By-law, unless context otherwise requires:

"Accessible Taxicab" means a passenger vehicle, other than a school bus, that is designed or modified to be used for the purpose of transporting Persons with disabilities and is used for that purpose, in accordance with Ontario Regulation 629 of the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended and the Standards Council of Canada Standard D409-M84, as amended, and is licenced as a Taxicab by a municipality;

"Accessible Taxicab Service" means the dispatching and use of an Accessible Taxicab for the conveyance of one (1) or more Passengers with disabilities;

"**Applicant**" means any Person who has applied for a Permit and/or Licence under this By-law;

"**Broker**" means any person who operates, controls or accepts calls in any manner for the dispatch of either Taxicab Services or TNC Services;

"***Controlled Drugs and Substances Act***" means the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as amended, or any successor legislation;

"**Council**" means the Council of The Regional Municipality of Niagara;

"**Criminal Code**" means the *Criminal Code*, R.S.C. 1985, c. C-46, as amended, or any successor legislation;

"**Dispatch"** means the act or service of sending or directing a Taxicab or TNC Vehicle, by electronic or any other means, to a Person or Persons who have requested Taxicab Services or TNC Services, but does not include a request made directly to a Taxicab Driver, and "Dispatched" and "Dispatching" shall have corresponding meaning;

"**Driver**" means the Person licenced under this By-law who drives and has care and control of a Taxicab or TNC Vehicle licenced under this By-law;

"**Fees and Charges By-law**" means a by-law passed by Council of The Regional Municipality of Niagara pursuant to section 391 of the *Municipal Act, 2001* establishing fees and charges for services and activities provided by the Region and for the use of its property, as amended and replaced from time to time.

"**GPS**" or "**Global Positioning System**" means a global navigation system that provides the geographic location, velocity and time synchronization of a Person or thing using signals from satellites;

"**Highway**" means a highway as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H. 8;

"***Highway Traffic Act***" means the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended, or any successor legislation;

"**Holiday**" means Saturday, Sunday, New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Monday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, and any other day fixed as a public holiday by the Federal Government or Ontario Provincial Government;

"***Human Rights Code***" means the *Human Rights Code*, R.S.O. 1990, c. H-19, as amended, or any successor legislation;

"**Licence**" means an authorization issued under this By-law to carry on a business specified therein and the document, certificate or card issued shall provide evidence of such authority as the content may allow;

"**Licensee**" means a Person holding a Licence in accordance with this By-law;

"**Licensing Appeals Committee**" or **"Committee**" means the all citizen tribunal appointed by Council to conduct hearings under this by-law;

"**Licensing Officer**" means the Manager of Business Licensing for The Regional Municipality of Niagara or their designate;

"Ministry of Transportation" means the Ministry of Transportation of Ontario or any successor ministry, department or other government body;

"Motor Vehicle" means a motor vehicle as defined in the *Highway Traffic Act*;

"***Municipal Act, 2001***" means the *Municipal Act, 2001,* S.O.2001, c. 25, as amended from time to time;

"**Municipal Law Enforcement Officer**" means a municipal law enforcement officer appointed by Council, or an officer, employee or agent of the Region whose responsibilities include the enforcement of this By-law;

"**Officer**" means a Municipal Law Enforcement Officer, Licensing Officer, or Police Officer;

"Passenger**"** means any individual travelling in a Taxicab or TNC Vehicle other than the Driver;

"Permit" means a temporary authorization issued under this By-law to carry on a business specified therein and the document, certificate or card issued shall provide evidence of such authority as the content may allow;

"Person" includes an individual, partnership, or corporation;

"**Police Officer**" means a police officer as defined by the *Police Services Act*, R.S.O. 1990, c. P.15;

"Provincial Licence" means any form of licence or certification required to be held by the Licensee pursuant to applicable Provincial laws in order to carry on a business of a Taxicab Service or TNC Service;

"***Public Vehicles Act***" means the *Public Vehicles Act*, R.S.O. 1990, c. P. 54, as amended, or any successor legislation;

"**Region**" means The Regional Municipality of Niagara, as a municipal corporation and, where the context requires, its geographic area;

"**Spare Vehicle**" means a Motor Vehicle owned by a Licensee that has been authorized by the Licensing Officer for temporary use in the place of and instead of a Taxicab or TNC Vehicle licenced under this By-law;

"**Taxicab**" means a Motor Vehicle used for transportation of Passengers from place to place, that has a Taxicab Meter.

"**Taxicab Meter"** means a mechanical or electronic device used to measure time and distance for the purpose of calculating a fare;

"**Taxicab Plate**" means the Taxicab Licence Plate that is issued by the Licensing Officer under this By-law, and includes the following subclasses of Taxicab Plates: (1) Standard; (2) Accessible; and (3) Spare Vehicle;

"**Taxicab Service"** means the use or operation of a Taxicab licenced under this By-law for the conveyance of one or more Passengers in exchange for a fee or other consideration, and may include an Accessible Taxicab Service;

"**Transportation Network Company**" or "**TNC**" means any person who offers, operates, or facilitates pre-arranged transportation services for compensation using any software or application or telecommunications platform to communicate with Passengers, but does not include a Taxicab Owner;

"**TNC Vehicle**" means a Motor Vehicle that is used for the provision of a TNC Service;

"**TNC Service**" means the use of a Motor Vehicle licenced under this By-law for the conveyance of one or more Passengers in exchange for a fee or other consideration through a Transportation Network Company;

PART II LICENCE CLASSES

2. (1) The Licensing Officer shall issue Licences for the following classes:

i. Taxicab Broker;

ii. Taxicab Plate;

iii. Taxicab Vehicle;

iv. Taxicab Driver;

v. TNC Broker;

vi. TNC Vehicle; and,

vii. TNC Driver;

(2) The Licensing Officer shall issue Licences for the following sub-classes:

i. Taxicab Spare Vehicle;

ii. Spare Vehicle Taxicab Plate;

iii. Standard Taxicab Plate; and,

iv. Accessible Taxicab Plate.

3. (1) No Person shall carry on or engage in the provision of a Taxicab or TNC Service in the Region unless that Person holds a valid and current Licence permitting them to do so.

(2) All Licences are valid for a twelve (12) month period from the date of issuance. For Licence renewals only, if deemed necessary for administrative purposes by the Licensing Officer, the term of a Licence may be adjusted, for example, to align with the term of other Provincial Licences held by the Licensee for the Business, and the Licence fee may be pro-rated accordingly.

(3) Unless otherwise provided for in this By-law, all Licences issued under this By-law are personal to the Licensee, are only transferrable upon approval by the Licensing Officer, and remain the property of the Region.

PART III TAXICAB BROKER LICENCE

Prohibitions

4. No Person shall dispatch a Taxicab for the provision of Taxicab Services without first having obtained a Taxicab Broker Licence in accordance with this By-law.

Taxicab Broker Licence Application

5. Every application for a Taxicab Broker Licence or renewal of such a Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application shall include the following:

   (1) the full legal name, municipal address, email address and telephone number of each Applicant;

   (2) If the Applicant is a partnership, the full legal name, address, email address and telephone number of each partner;

   (3) If the Applicant is a corporation, all current articles of incorporation for the corporation;

   (4) All current legal documents showing the registered business name of the Applicant, if applicable;

   (5) The full legal names, addresses and dates of birth for all officers and directors of the Applicant, if applicable;

   (6) The full legal names and signatures of all Persons having signing authority for the Applicant corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;

   (7) The full legal names of all Taxicab Vehicle Licensees and Taxicab Driver Licensees who currently use or will use the Applicant as their Taxicab Broker;

   (8) A Certificate of Insurance (COI) identifying and confirming the following minimum insurance requirements:

   Commercial General Liability Insurance ("CGL")

   CGL insurance for all services and operations to a limit of not less than FIVE MILLION DOLLARS ($5,000,000) per occurrence.

   The policy will be extended to include:

a. bodily injury, death and property damage;
b. cross liability and severability of interest;
c. blanket contractual;
d. premises and operations;
e. personal and advertising injury;
f. products and completed operations;
g. owner's and contractors protective;
h. non-owned Automobile to a limit of not less than TWO MILLION DOLLARS ($2,000,000);

The policy shall be endorsed to:

a. include The Regional Municipality of Niagara as an additional insured; and,
b. contain an undertaking by the insurers to give thirty (30) days prior written notice in the event that there is a material change in the foregoing policies or coverage affecting the Additional Insured(s) or cancellation of coverage before the expiration date of any of the foregoing policies.

Policy Requirements

All policies of insurance shall:
a) be written with an insurer licensed to do business in Ontario;
b) be non-contributing with, and will apply only as primary and not excess to any other insurance or self-insurance available to Niagara Region;

Certificates of Insurance

Certificates of insurance originally signed by authorized insurance representatives shall be delivered to the Region prior issuance of the Licence, on a form of Certificate of Insurance which is acceptable to the Region. The Certificate of Insurance must comply with these insurance requirements and must be on the Region's form of Certificate of Insurance, which can be found on the Region's website – www.niagararegion.ca/business/fpr/cert-insurance.aspx. If the Certificate of Insurance is provided in a non-original form (e.g. a facsimile, photocopy or scanned electronic copy), the Applicant acknowledges and agrees that the Region is fully entitled to treat any such Certificate as an original and that the Applicant will be responsible for the accuracy and validity of the information contained therein. All subsequent policy renewals and certificates of insurance thereafter, during the time that the Licence is in force, shall be forwarded to the Region within fifteen (15) days of their renewal date.

(9) Information on whether the Applicant, or any officer or director of the Applicant, has had a licence in regard to the provision of Taxicab Services suspended or revoked in the Region or in any other municipality within Canada;

(10) Information on whether the Applicant, or any officer or director of the Applicant, has been convicted of an offence under any previously repealed by-law of the Region or any other municipality within Canada governing the licensing of Taxicab Services;

(11) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A" to this By-law; and,

(12) Payment in full of the prescribed fee in accordance with the Fees and Charges By-law.

Taxicab Broker Licence Requirements

6. Every Taxicab Broker licenced under this By-law shall:

(1) Have a physical business premises and telephone number associated with the Taxicab Broker for the benefit of customers who wish to make contact with the Taxicab Broker;

(2) Have a digital dispatch system and GPS that allows the Taxicab Broker to communicate with and locate a Taxicab that operates through the Taxicab Broker;

(3) Maintain a written or electronic record for a period of twelve (12) months for each Taxicab trip that is dispatched by the Taxicab Broker;

(4) Have a minimum of one (1) Taxicab licenced under this By-law, associated or affiliated exclusively with the Taxicab Broker;

(5) Ensure that each Person holding a Taxicab Vehicle Licence or Taxicab Driver Licence who operates in association with the Taxicab Broker Licensee is trained in regard to the proper operation of a Taxicab and the provisions of this By-law;

(6) Ensure that each Person holding a Taxicab Driver Licence who operates in association with the Taxicab Broker Licensee has completed driver and sensitivity training that includes the following topics:

i. The safe operation of a Motor Vehicle including safe operation during inclement weather;

ii. The proper operation of Taxicab equipment and devices which may include a Taxicab meter, dispatch system and credit card/debit card machine, as applicable;

iii. The proper response to an emergency situation which includes passenger illness and Motor Vehicle accidents;

iv. The provision of Taxicab Services in a manner that respects the dignity and independence of persons with disabilities; and,

v. The provision of Taxicab Services in a manner that is free of discrimination and is in compliance with the *Human Rights Code*;

(7) Ensure that each Taxicab Driver Licensee with an Accessible Taxicab Plate, who operates in association with the Taxicab Broker Licensee, has completed the accessibility training as designated by the Licensing Officer;

(8) Take all reasonable steps to ensure that all Taxicab Vehicle Licensees and or Taxicab Driver Licensees who operate in association with the Taxicab Broker Licensee comply with the requirements of this By-law;

(9) Give priority to persons with disabilities when dispatching Accessible Taxicabs;

(10) Not charge a surcharge or charges exceeding those contained within the Taxicab Meter tariff rates, as established by the Licensing Officer from time to time to be posted on the Region's website, to Persons with disabilities;

(11) Report to the Licensing Officer, within twenty-four (24) hours, any known contravention of this By-law by a Taxicab Vehicle Licensee or Taxicab Driver Licensee who is associated with the Taxicab Broker Licensee;

(12) Report to the Licensing Officer, within twenty-four (24) hours, any known:

i. Investigation, charge or conviction pursuant to the *Criminal Code*, *Controlled Drugs and Substances Act or Highway Traffic Act*; or

ii. Ontario driver's licence suspension;

iii. expiry, suspension, revocation or conditions imposed on a Provincial Licence;

of a Taxicab Driver Licensee who is associated with the Taxicab Broker Licensee;

(13) Report to the Licensing Officer, within twenty-four (24) hours:

i. Any known motor vehicle accident that is reportable pursuant to section 199 of the *Highway Traffic Act* or any successor provision; or

ii. Personal injury; or

iii. Cancellation of insurance

involving a Taxicab that is associated with the Taxicab Broker Licensee;

(14) Report within twenty-four (24) hours, to the Licensing Officer if the Taxicab Broker has terminated any Taxicab Vehicle Licensees or Taxicab Driver Licensees that are associated with the Taxicab Broker Licensee; and

(15) Provide the Licensing Officer, by the fifteenth (15^{th}) day of every month, the following statistical information for the preceding month in relation to Taxicab Services provided through the Taxicab Broker Licensee:

i. The total number of Taxicab trips provided and Passengers conveyed;

The total number of Accessible Taxicab trips and Standard Taxicab trips for each Accessible Taxicab, if applicable; and,

ii. For those Taxicab Brokers that provides a pre-arranged Taxicab Service through an on-line enabled application, website or telephone, a written or electronic record showing that the passenger accepted the fare or rate to be charged prior to the commencement of the pre-arranged Taxicab Service.

Taxicab Broker Licence Transfer

7. The Licensing Officer may approve the transfer of a Taxicab Broker Licence from one Person to another upon the parties providing to the Licensing Officer:
(1) A completed transfer application;

(2) The transfer application fee as prescribed in the Fees and Charges By-law; and,

(3) Confirmation of that the new Applicant meets the application requirements for a Taxicab Broker Licence, as set out in Part III of this By-law.

PART IV TAXICAB VEHICLE LICENCE AND TAXICAB PLATE

Prohibition

8. (1) No Person shall provide Taxicab Services without first having obtained a:

i. Taxicab Vehicle Licence for the Motor Vehicle used for the provision of such services; and

ii. Taxicab Plate to be affixed to the Motor Vehicle used for the provision of such services;

(2) No Person shall allow or permit another Person to provide or attempt to provide a Taxicab Service using a Motor Vehicle licenced as a Taxicab under this By-law unless such Person holds a valid Taxicab Driver Licence and the Taxicab Plate is affixed to the Motor Vehicle in compliance with this By-law.

9. No Licensee shall affix or permit any other Person to affix their Taxicab Plate to another Motor Vehicle other than the Taxicab for which the Taxicab Plate was issued under this By-Law.

Licence Application

10. Every application for a Taxicab Vehicle and/or Taxicab Plate Licence and renewal Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application for a Taxicab Vehicle Licence and Taxicab Plate Licence, or a renewal of either Licence shall include the following:

(1) the full legal name, municipal address, email address and telephone number of each Applicant;

(2) If the Applicant is a partnership, the full legal name, address, email address and telephone number of each partner;

(3) If the Applicant is a corporation, all current articles of incorporation for the corporation;

(4) All current legal documents showing the registered business name of the Applicant, if applicable;

(5) The full legal names, addresses and dates of birth for all officers and directors of the Applicant, if applicable;

(6) The full legal names and signatures of all Persons having signing authority for the Applicant corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;

(7) The make, model, fuel type, vehicle identification number, production year and Ontario licence plate number for the Applicant's Taxicab;

(8) A valid Motor Vehicle permit in the Applicant's full legal name for the Taxicab as issued by the Ministry of Transportation;

(9) If leased from a leasing company, a copy of the leasing agreement including an authorization for the leased Motor Vehicle to be used as a Taxicab;

(10) Based on the year appearing on the Motor Vehicle permit or ownership as issued by the Ministry of transportation, if the Taxicab is:

i. less than two (2) years of age and has less than 20,000 kilometers on its odometer, a safety inspection is not required;

ii. Between two (2) and seven (7) years of age or has more than 20,000 kilometers on the odometer, a valid Motor Vehicle Inspection Certificate, issued not less than thirty-six (36) days from the date submitted to the Licensing Officer, confirming the Taxicab has passed the applicable safety inspection, is required annually; or,

iii. Greater than seven (7) years of age, or has more than 140,000 kilometers on the odometer, a valid Motor Vehicle Inspection Certificate, issued not less than thirty-six (36) days from the date submitted to the Licensing Officer, confirming the Taxicab has passed the applicable safety inspection, is required every six (6) months;

(11) If the Taxicab operates with propane or natural gas as its primary or secondary fuel source, satisfactory evidence that is no older than thirty (30) days from date of the application that the Taxicab has passed all applicable propane and natural gas safety inspections;

(12) Proof of automobile insurance in accordance with the requirements set out in section 12 of this By-law;

(13) A declaration signed by a Taxicab Broker confirming the Applicant's affiliation or employment with that Taxicab Broker. A declaration is required from each Taxicab Broker that the Applicant is affiliated with or employed by;

(14) Confirmation that the Applicant, or any officer or director of the Applicant, has not had a licence in regard to the ownership of a Taxicab suspended or revoked by the Region or other municipality in Canada within three (3) years of the current application;

(15) Confirmation the Applicant, or any officer or director of the Applicant, has not been convicted of an offence under any Taxicab by-law of the Region or other municipality in Canada in regard to the ownership of a Taxicab in the three (3) year period prior to the date of the application;

(16) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A" to this By-law; and,

(17) Payment of the prescribed fee in accordance with the Fees and Charges By-law.

11. (1) The Licensing Officer may set a limit or quota on the number of Taxicab Plates that may be issued within the Region.

(2) If a quota or limit as referenced in subsection (1) is put in place, there shall be no waiting list maintained. Any new Taxicab Plates to be issued by the Licensing Officer will be offered to Applicants who meet the application requirements for a Taxicab Vehicle Licence set out in section 10 of this By-law, in order of when completed Applications were received.

(3) Any quotas or limits that may be implemented shall remain in effect according to the time limit as determined by the Licensing Officer, not to exceed three (3) years, after which time the Licensing Officer shall conduct a review to determine whether these quotas or limits should be revised.

Taxicab Vehicle Licence and Plate Requirements

12. (1) Every Taxicab Vehicle Licensee shall maintain on file with the Region a certificate of insurance for each Taxicab licenced under this Bylaw, identifying and confirming a minimum limit of liability of TWO MILLION DOLLARS ($2,000,000.00) per occurrence, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons, and loss or damage to property.

(2) Evidence of insurance shall be provided annually through a Certificate of Insurance and, in addition to the limits indicated in subsection (1), shall include evidence of an O.E.F. 6A—Permission to Carry Passengers for Compensation Endorsement.

13. Every Taxicab licenced under this By-law shall be equipped with an operational:

(1) Taxicab Meter that meets the requirements of this By-law;

(2) Illuminated top sign on the roof of the Taxicab that is capable of illuminating when the Taxicab is unoccupied by a Passenger:

(3) GPS that sets out and records the location of the Taxicab; and,

(4) Dispatch system that allows communication between the Driver and Taxicab Broker.

14. Every Person that holds a Taxicab Plate shall display:

(1) The Taxicab Plate on the rear of the licensed Taxicab; and

(2) Two (2) decals that are a minimum of 200 square centimeters each in area in visible locations on the exterior of the licensed Taxicab that visibly displays in large print the name or trademark of their Taxicab Broker.

15. Every Taxicab Vehicle Licensee shall ensure that their Licence is kept within the Taxicab and is available for inspection upon request by Passengers or Persons authorized to enforce this By-law.

16. A Taxicab Vehicle Licence is specific to the Taxicab for which it has been issued. When a Taxicab is replaced with another Taxicab, the Taxicab Plate that is associated with the previous Taxicab may be transferred to the replacement Taxicab, provided:

(1) The Licensee applies to the Licensing Officer for a new Taxicab Vehicle Licence and meets the applicable requirements under this By-law for such a Licence;

(2) A Taxicab Vehicle Licence is issued for the replacement Taxicab; and,

(3) The Licensee pays the transfer fee in accordance with the Fees and Charges By-law.

17. A Taxicab Plate may be leased to another Taxicab Vehicle Licensee provided the Taxicab Plate-holder first provides the Licensing Officer with the details of the

lease arrangement including the term of the lease and confirmation that the Owner of the Taxicab Plate remains responsible for compliance with the requirements of this By-law, and that the lessee meets the requirements for a Taxicab Plate-holder as set out in this By-law.

18. The Licensing Officer may approve a transfer of ownership of a Taxicab Plate from one Person to another upon the parties providing to the Licensing Officer:

    (1) A completed transfer application, in a form provided by the Licensing Officer;

    (2) A transfer application fee as prescribed in the Fees and Charges By-law; and,

    (3) Confirmation that the new Applicant meets all applicable requirements for the Taxicab Plate under this By-law.

19. (1) Notwithstanding any other provision of this By-law, a Licensing Officer may provide approval for the transfer of a Taxicab Plate in the event of the plate holder's death, subject to the completion and approval of the required transfer application within thirty (30) days, failing which, the Taxicab Licence Plate shall be surrendered.

20. A Taxicab Vehicle Licence and Taxicab Plate shall only be issued to an Applicant who is associated or affiliated with a Taxicab Broker that is licenced under this By-law. A Taxicab Vehicle Licence and Taxicab Plate may not be associated with multiple Taxicab Brokers.

21. A Licensee may hold multiple Taxicab Vehicle Licences and/or Taxicab Plates.

22. All Taxicab Plates that are expired are deemed revoked by the Licensing Officer and must be returned to the Licensing Officer. A replacement fee shall be charged to the Plate-holder if the Taxicab Plate is not returned.

23. (1) A Licensee may apply for a non-use status designation of a Taxicab Plate for a period of up to sixty (60) days in a calendar year. This application must be approved by the Licensing Officer and all appropriate fees, in accordance with the Fees and Charges By-law, must be paid.

    (2) No Person shall operate, or permit to be operated, any Taxicab that bears a Taxicab Plate that is has been designated for non-use status.

    (3) Taxicab Plates that have been designated for non-use status for more than sixty (60) days in a calendar year shall be returned to the Licensing Officer.

Spare Vehicle Licence and Spare Vehicle Plates

24. (1) A Taxicab Vehicle Licensee may apply to the Licensing Officer for a Licence for a Spare Vehicle to be used on a temporary basis in place of a Taxicab that is licenced under this By-law, when that Taxicab is, for any reason, unable to be operated.

(2) No Taxicab Vehicle Licensee shall use a Spare Vehicle in place of a Taxicab licenced under this By-law unless a Spare Vehicle Licence and Spare Vehicle Plate have been issued by the Licensing Officer.

(3) The Licensing Officer may approve a Motor Vehicle for temporary use as a Spare Vehicle upon the Licensee providing to the Licensing Officer:

i. A completed Spare Vehicle application;

ii. The Spare Vehicle application fee as prescribed in the Fees and Charges By-law; and

iii. Confirmation the application requirements for a Taxicab Vehicle Licence, as set out in Part IV of this By-law, are met with respect to the proposed Spare Vehicle.

(4) Upon approval of the application, a Spare Vehicle Licence and a Spare Vehicle Plate, to be affixed to the Spare Vehicle, will be issued to the Applicant.

(5) The Licensing Officer may renew the Spare Vehicle Licence upon the Licensee submitting to the Licensing Officer all of the documentation and fees set out in subsection (3).

(6) The Licensee shall notify the Licensing Officer by electronic mail or voicemail within twenty-four (24) hours of the use of the Spare Vehicle in the place of a Taxicab licenced under this By-law.

(7) The Licensee shall notify the Licensing Officer by electronic mail or voicemail within twenty-four (24) hours of the resumption of the use of the regular licenced Taxicab and cessation of the use of the Spare Vehicle.

(8) A Motor Vehicle used as a Spare Vehicle must comply with all requirements of a Taxicab licenced under this By-law.

25. Despite section 24, a Taxicab Vehicle Licensee may apply to the Licensing Officer for temporary use of a Spare Vehicle, in addition to the Licensee's other licenced Taxicabs, for a specified period of time in order to provide increased Taxicab Services, subject to the following conditions:

DRAFT

(1) An application for temporary use of a Spare Vehicle shall be presented to the Licensing Officer at least five (5) business days prior to the proposed date for use;

(2) the Applicant has submitted the appropriate application and paid the appropriate fees in accordance with the Fees and Charges By-law;

(3) the Applicant has identified on the application the times and dates for which the Spare Vehicle will be used; and

(4) the Applicant has provided confirmation that all of the application requirements for a Taxicab Vehicle Licence, as set out in section 10 of this By-law, are met with respect to the proposed Spare Vehicle.

26. Upon approval of the request and registration of the Spare Vehicle, the Licensing Officer shall provide to the Licensee temporary approval to use both the main Taxicab Plate and the Spare Vehicle Plate for the approved period of time.

PART V TAXICAB DRIVER LICENCE

Prohibition

27. (1) No Person shall drive or operate a Taxicab for the purpose of providing a Taxicab Service unless that Person is the holder of a current Taxicab Driver Licence.

(2) No Driver shall provide or attempt to provide a Taxicab Service unless they are affiliated with a Taxicab Broker.

Licence Application

28. Every application for a Taxicab Driver Licence and renewal Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application for a Taxicab Driver Licence or a renewal shall include the following:

(1) The Applicant’s full legal name, address, telephone number, email address and date of birth;

(2) Proof of a valid, unrestricted, Class G driver's licence issued by the Province of Ontario with at least two (2) years driving experience;

(3) Two (2) pieces of government issued identification, one being photo identification;

(4) Confirmation that the Applicant is legally eligible to work in Canada;

(5) Confirmation that the Applicant has not had a Taxicab Driver Licence revoked, suspended or denied within three (3) years of the date of application;

(6) A Criminal Record and Judicial Matters Check for the Applicant obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A" of this By-law;

(7) A Ministry of Transportation three (3) year driver's abstract;

(8) A declaration signed by the Applicant confirming they do not have any current outstanding police investigations, *Highway Traffic Act* or criminal charges or warrants pending before any courts;

(9) A declaration signed by a Taxicab Broker Licensee confirming the Applicant's affiliation or employment with that Taxicab Broker. A declaration is required from each Taxicab Broker that the Applicant is affiliated with or employed by; and,

(10) Confirmation from the Applicant's affiliated Taxicab Broker that the Applicant has successfully completed required driver training.

29. An Applicant for a Taxicab Driver Licence shall submit to a photograph being taken of them for use on the Taxicab Driver Licence.

General Licence Requirements

30. Every Taxicab Driver Licensee, while operating a Taxicab licenced under this By-law,

(1) Shall display their Licence in a location that is clearly visible to all Passengers and shall verbally advise any Passenger of their Taxicab Driver Licence number upon request;

(2) Shall ensure the Taxicab Vehicle Licence is in the Taxicab at all times;

(3) Shall display the approved Taxicab Meter tariff rates, as established by the Licencing Officer from time to time and posted on the Region's website, in their Taxicab so that they are clearly visible to all Passengers;

(4) Shall verbally advise a Passenger of the approved Taxicab Meter tariff rates, as established by the Licensing Officer from time to time and posted on the Region's website, upon request;

(5) Shall ensure the proof of Motor Vehicle insurance slip is in the Taxicab;

(6) Shall ensure all proof of Motor Vehicle ownership documentation is in the Taxicab; and,

(7) Shall ensure the Taxicab Plate is affixed to the Taxicab as prescribed in this By-law.

31. Every Taxicab Driver Licensee, while operating a Taxicab licenced under this By-law, shall ensure that the GPS and dispatch system for the Taxicab are operational.

32. No Taxicab Driver Licensee shall:

(1) Verbally solicit any Person for the purposes of providing a Taxicab Service;

(2) Obstruct the use of any sidewalk, access way, street, roadway, driveway or highway with a Taxicab licenced under this By-law;

(3) Permit their Taxicab as licenced under this By-law to remain idling:

(i) For a period that exceeds ten (10) minutes when the outdoor temperature is between ten (10) degrees Celsius and twenty (20) degrees Celsius; or

(ii) When the Taxicab is not occupied by a Passenger;

(4) Permit their Taxicab, as licenced under this By-law, to remain standing on any sidewalk, access way, street, roadway, driveway or highway, other than in designated parking areas, unless for the immediate purpose of:

(i) Taking on a Passenger or Passengers who have already engaged the Taxicab; or

(ii) Discharging a Passenger or Passengers from the Taxicab;

(5) Carry a number of Passengers during a Taxicab trip that exceeds the manufacturer's rating of seating capacity and available seat belts for the Taxicab;

(6) Smoke tobacco or cannabis or permit tobacco or cannabis to be smoked in the Taxicab as licenced under this By-law;

DRAFT

(7) Consume or be under the influence of any alcohol while operating a Taxicab licenced under this By-law;

(8) Consume, possess or be under the influence of any controlled substance as defined in the *Controlled Drugs and Substances Act* while operating a Taxicab licenced under this By-law;

(9) Use an electronic cigarette or permit the use of electronic cigarettes in the Taxicab as licenced under this By-law; Or,

(10) Operate a Taxicab that is not licensed under this By-law.

33. Every Taxicab Driver Licensee that is operating an Accessible Taxicab with an Accessible Taxicab Plate shall give priority to Persons with disabilities.

34. Every Taxicab Driver Licence-holder that is operating an Accessible Taxicab shall securely fasten all mobility devices of any Passengers while the Accessible Taxicab is in motion.

35. (1) Every Taxicab Driver Licence-holder shall notify the Licensing Officer within twenty-four (24) hours of any charge or conviction they have received that is in contravention of Schedule “A” criteria of this By-law or of any Motor Vehicle accident involving a Taxicab licenced under this By-law.

(1) Every Taxicab Driver Licence-holder shall notify the Licensing Officer within twenty-four (24) hours of any police investigation, charge or conviction relating to the Licensee pursuant to the *Criminal Code, Highway Traffic Act,* or the *Controlled Drugs and Substances Act* with all particulars relating to the investigation, charge or conviction;

(2) If the Licensing Officer has reasonable grounds to believe that any of the information that was provided in the Licensee’s application for a Taxicab Driver Licence has changed without the Licensee advising of the change, the Licensing Officer may, upon demand, request the Licensee produce an updated:

(i) Criminal Record and Judicial Matters check; or

(ii) A three (3) year Ontario Driver’s Abstract.

36. Every Person who holds a Taxicab Driver Licence while operating a Taxicab shall turn off the illuminated top sign when the Taxicab is engaged in a Taxicab Service.

DRAFT

37. (1) Every Person who holds a Taxicab Driver Licence, while providing a Taxicab Service, shall ensure that:

(i) Their Taxicab Meter is fully operational and accurate;

(ii) Their Taxicab Meter is sealed;

(iii) Their Taxicab Meter conforms to the maximum fees as prescribed in the approved Taxicab Meter tariff rates as established by the Licensing Officer from time to time and posted on the Region's website;

(iv) Their Taxicab Meter is located where it is visible to all Passengers; and,

(v) The fee charged to the Passenger or Passengers shall be no greater than the fee appearing on the Meter at the end of the Taxicab Service;

(2) Subsection (1)(v) of the above section shall not apply where the Taxicab Service is being carried out pursuant to:

(i) An ongoing written contract between the Taxicab Broker and the Passenger or a third party on behalf of the Passenger for repeated Taxicab Services or Accessible Taxicab Services; or

(ii) A pre-arranged Taxicab Service through an on-line enabled application, website or telephone number provided that a written or electronic record is maintained showing that the Passenger accepted the fare or rate prior to commencement of the pre-arranged Taxicab Service, and the Passenger is provided a written or electronic receipt at the conclusion of the pre-arranged Taxicab Service that sets out all rates, fees and surcharges charged, total amount paid, date and time of the Taxicab Service, location of the commencement and conclusion of the Taxicab Service, and the total time and distance of the Taxicab Service.

38. A Taxicab Driver Licensee shall immediately report to the Licensing Officer any malfunctioning Taxicab Meter or any tampering of the Taxicab Meter's seal, and shall cease to provide any Taxicab Service or Accessible Taxicab Service using that Taxicab.

39. The fee for the testing or retesting of a Taxicab Meter shall be in accordance with the Fees and Charges By-law and shall be payable by the Taxicab Plate-holder.

40. (1) A Taxicab Driver Licensee who is engaged in providing a Taxicab Service shall not start their Taxicab Meter until after a Passenger's personal property has been placed in the vehicle, if applicable, and the Passenger is seated in the Taxicab.

(2) A Taxicab Driver Licensee, who is engaged in providing a Taxicab Service, shall deactivate their Taxicab Meter upon arrival at their Passenger's requested stop. The Taxicab Meter shall not be left running while the Passenger unloads their personal property from the vehicle once at the requested stop.

(3) Notwithstanding subsection (1), if a Passenger has requested a Taxicab at a specific location, at a specific time, a Taxicab Driver Licensee may charge the applicable Waiting Time Rate, in accordance with the approved Taxicab Meter Tariff Rates as established by the Licensing Officer from time to time and posted on the Region's website, upon arriving at the requested location at the requested time. The Taxicab Meter may not be engaged until the Passenger is seated in the Taxicab.

(4) No Taxicab Driver Licensee shall charge a surcharge or charges exceeding the approved Taxicab Meter Tariff Rates, as established by the Licensing Officer, from time to time, and posted on the Region's website, to a person with a disability.

(5) Every Taxicab Driver Licensee shall use the most direct route reasonably possible to the Passenger's requested destination in the circumstances, and in the most efficient manner, unless otherwise directed by the Passenger.

PART VI TRANSPORTATION NETWORK COMPANY (TNC) BROKER LICENCE

Prohibition

41. No Person shall act as a TNC Broker without first having obtained a TNC Broker Licence in accordance with this By-law.

TNC Broker Licence Application

42. Every application for a TNC Broker Licence or renewal of such a Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application shall include the following:

(1) the full legal name, municipal address, email address and telephone number of each Applicant;

(2) If the Applicant is a partnership, the name, address, email address and telephone number of each partner;

(3) If the Applicant is a corporation, all current articles of incorporation for the corporation;

(4) All current legal documents showing the registered business name of the Applicant, if applicable;

(5) The full legal names, addresses and dates of birth for all officers and directors of the Applicant, if applicable;

(6) The full legal names and signatures of all Persons having signing authority for the Applicant corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;

(7) The full legal names, addresses, contact information and driver's licence numbers of all TNC Driver Licensees who currently use or will use the Applicant as their TNC Broker;

(8) A Certificate of Insurance (COI) identifying and confirming the following minimum insurance requirements:

Commercial General Liability Insurance ("CGL")

CGL insurance for all services and operations to a limit of not less than FIVE MILLION DOLLARS ($5,000,000) per occurrence.

The policy will be extended to include:

i. bodily injury, death and property damage;
j. cross liability and severability of interest;
k. blanket contractual;
l. premises and operations;
m. personal and advertising injury;
n. products and completed operations;
o. owner's and contractors protective;
p. non-owned Automobile to a limit of not less than TWO MILLION DOLLARS ($2,000,000);

The policy shall be endorsed to:

c. include The Regional Municipality of Niagara as an additional insured; and,
d. contain an undertaking by the insurers to give thirty (30) days prior written notice in the event that there is a material change in the

foregoing policies or coverage affecting the Additional Insured(s) or cancellation of coverage before the expiration date of any of the foregoing policies.

Policy Requirements

All policies of insurance shall:

c) be written with an insurer licensed to do business in Ontario;
d) be non-contributing with, and will apply only as primary and not excess to any other insurance or self-insurance available to Niagara Region;

Certificates of Insurance

Certificates of insurance originally signed by authorized insurance representatives shall be delivered to the Region prior issuance of the Licence, on a form of Certificate of Insurance which is acceptable to the Region. The Certificate of Insurance must comply with these insurance requirements and must be on the Region's form of Certificate of Insurance, which can be found on the Region's website – www.niagararegion.ca/business/fpr/cert-insurance.aspx. If the Certificate of Insurance is provided in a non-original form (e.g. a facsimile, photocopy or scanned electronic copy), the Applicant acknowledges and agrees that the Region is fully entitled to treat any such Certificate as an original and that the Applicant will be responsible for the accuracy and validity of the information contained therein. All subsequent policy renewals and certificates of insurance thereafter, during the time that the Licence is in force, shall be forwarded to the Region within fifteen (15) days of their renewal date.

(9) Information on whether the Applicant, or any officer or director of the Applicant, has had a licence in regard to the provision of a TNC Service suspended or revoked in the Region or in any other municipality within Canada;

(10) Information on whether the Applicant, or any officer or director of the Applicant, has been convicted of an offence under any previously repealed by-law of the Region or other municipality within Canada governing the licensing of TNC Services;

(11) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the date of application, reviewed in accordance with the criteria in Schedule "A"; and,

(12) Payment in full of the prescribed fee in accordance with the Fees and Charges By-law.

TNC Broker Licence Requirements

43. Every TNC Broker licenced under this By-law shall:

(1) Have a telephone number, email address or on-line enabled application associated with the TNC Broker for the benefit of customers who wish to make contact with the TNC Broker;

(2) Have an application-based dispatch system which includes a GPS that allows the TNC Broker to communicate with and locate a TNC Vehicle Licensee that operates through the TNC Broker;

(3) Have a minimum of one (1) TNC Vehicle licenced under this By-law that operates exclusively through the TNC Broker;

(4) Maintain a written or electronic record for a period of twelve (12) months for each TNC trip that is dispatched by the TNC Broker;

(5) Report to the Licensing Officer, by the fifteenth (15^{th}) day of every month, the total number of all TNC trips provided in the previous month, broken down by trips per day. These reports will act as the official record to audit monthly payments as required under subsection (6) below;

(6) Remit to the Licensing Officer, by the fifteenth (15^{th}) day of every month, the per trip fee payment in accordance with the Fees and Charges By-law, for every trip provided within the Region as reported in subsection (5) above;

(7) Submit an updated list of the full legal names, dates of birth, contact information, driver's licence numbers and TNC Driver Licence number of all TNC Driver Licensees who are affiliated with the TNC Broker;

(8) Ensure that each TNC Vehicle Licensee or TNC Driver Licensee who operates through the TNC Broker is trained in regard to the proper operation of a TNC Vehicle and the provisions of this By-law;

(9) Ensure that each TNC Driver Licensee who operates through the TNC Broker has completed driver and sensitivity training that includes the following topics:

i. The safe operation of a Motor Vehicle including safe operation during inclement weather;

ii. The proper operation of TNC equipment and devices including an online application;

iii. The proper response to an emergency situation which includes Passenger illness and Motor Vehicle accidents;

iv. The provision of TNC Services in a manner that respects the dignity and independence of persons with disabilities; and,

v. The provision of TNC Services in a manner that is free of discrimination and is in compliance with the *Human Rights Code*;

(10) Take all reasonable steps to ensure that each TNC Vehicle Licensee or TNC Driver Licensee who operates through the TNC Broker complies with the requirements of this By-law;

(11) Report to the Licensing Officer, within twenty-four (24) hours, any known contravention of this By-law by a TNC Vehicle Licensee or TNC Driver Licensee who operates through the TNC Broker;

(12) Report to the Licensing Officer, within twenty-four (24) hours, any known:

i. Investigation, charge or conviction pursuant to the *Criminal Code*, *Controlled Drugs and Substances Act* or *Highway Traffic Act*; or

ii. Ontario driver's licence suspension;

iii. expiry, suspension, revocation or conditions imposed on a Provincial Licence;

of a TNC Driver Licensee who operates through that TNC Broker;

(13) Report to the Licensing Officer, within twenty-four (24) hours:

i. Any known motor vehicle accident that is reportable pursuant to section 199 of the *Highway Traffic Act* or any successor provision; or

ii. Personal injury; or

iii. Cancellation of insurance

involving a TNC Vehicle or TNC Driver licenced under this By-law that operates through that TNC Broker.

(14) Report within twenty-four (24) hours, to the Licensing Officer if the TNC Broker has terminated any TNC Vehicle Licensee or TNC Driver Licensee that operates through the TNC Broker; and

(15) Provide the Licensing Officer, by the fifteenth (15^{th}) day of every month, the following statistical information for the preceding month in relation to TNC Services provided through the TNC Broker:

i. The total number of Passengers conveyed; and,

ii. a written or electronic record confirming each Passenger accepted the fare or rate to be charged prior to the commencement of the pre-arranged TNC Service;

(16) Provide access to their online TNC Service application platform, at no cost, to the Licensing Officer and any Municipal Law Enforcement Officer for the purpose of enforcement of this By-law.

44. The Licensing Officer may approve the transfer of a TNC Broker Licence from one Person to another upon the parties providing to the Licensing Officer:
(i) A completed transfer application;

(ii) The transfer application fee as prescribed in the Fees and Charges By-law; and,

(iii) Confirmation of that the new Applicant meets the application requirements for a TNC Broker Licence, as set out in Part VI.

PART VII TRANSPORTATION NETWORK COMPANY VEHICLE LICENCE

Prohibition

45. No Person shall cause or permit a Motor Vehicle to be used for the provision of a TNC Service without first having obtained a TNC Vehicle Licence for that Motor Vehicle.

46. No Person shall allow or permit another Person to provide or attempt to provide a TNC Service using a Motor Vehicle that has a TNC Vehicle Licence unless such Person holds a valid TNC Driver Licence.

TNC Vehicle Licence Application

47. Every application for a TNC Vehicle Licence and renewal Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application for a TNC Vehicle Licence or a renewal of such a Licence shall include the following:

(1) the full legal name, municipal address, email address and telephone number of each Applicant;

(2) If the Applicant is a partnership, the name, address, email address and telephone number of each partner;

(3) If the Applicant is a corporation, all current articles of incorporation for the corporation;

(4) All current legal documents showing the registered business name of the Applicant, if applicable;

(5) The full legal names, addresses and dates of birth for all officers and directors of the Applicant, if applicable;

(6) The full legal names and signatures of all Persons having signing authority for the Applicant corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;

(7) The make, model, fuel type, vehicle identification number, production year and Ontario licence plate number for the Motor Vehicle to be licenced;

(8) A valid Motor Vehicle permit in the Applicant's full legal name for the Motor Vehicle to be licenced, as issued by the Ministry of Transportation;

(9) If leased from a leasing company, a copy of the leasing agreement for the Motor Vehicle to be licenced, including an authorization for the leased Motor Vehicle to be used for the provision of a TNC Service;

(10) If the Applicant is not the owner or Lessee of the Motor Vehicle to be used in the provision of TNC Services, written authorization from the Motor Vehicle's owner or Lessee allowing the Motor Vehicle to be used by the Applicant for the provision of TNC Services;

(11) Based on the year appearing on the permit or ownership as issued by the Ministry of Transportation for the Motor Vehicle to be licenced, if the Motor Vehicle is:

i. less than two (2) years of age and has less than 20,000 kilometers on its odometer, a safety inspection is not required;

ii. Between two (2) and seven (7) years of age or has more than 20,000 kilometers on the odometer, a valid Motor Vehicle Inspection Certificate, issued not less than thirty-six (36) days from the date

submitted to the Licensing Officer, confirming the Motor Vehicle has passed the applicable safety inspection, is required annually; or,

iii. Greater than seven (7) years of age, or has more than 140,000 kilometers on the odometer, a valid Motor Vehicle Inspection Certificate, issued not less than thirty-six (36) days from the date submitted to the Licensing Officer, confirming the Motor Vehicle has passed the applicable safety inspection, is required every six (6) months;

(12) If the Applicant's Motor Vehicle operates with propane or natural gas as its primary or secondary fuel source, satisfactory evidence that is no older than thirty (30) days from date of the application that the Motor Vehicle has passed all applicable propane and natural gas safety inspections;

(13) Proof of automobile insurance in accordance with the requirements set out in section 48 of this By-law;

(14) A declaration signed by a TNC Broker Licensee confirming the Applicant operates through the TNC Broker Licensee. A declaration is required from each TNC Broker Licensee that the Applicant is affiliated with or employed by;

(15) Confirmation that the Applicant, or any officer or director of the Applicant, has not had a licence in regard to the ownership of a TNC Vehicle suspended or revoked by the Region or other municipality in Canada within three (3) years of the current application;

(16) Confirmation the Applicant, or any officer or director of the Applicant, has not been convicted of an offence under any TNC By-law of the Region or other municipality in Canada in regard to the ownership of a TNC Vehicle in the three (3) year period prior to the date of the application;

(17) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A" to this By-law; and,

(18) Payment of the prescribed fee in accordance with the Fees and Charges By-law.

TNC Vehicle Licence Requirements

48. (1) Every TNC Vehicle Licensee shall maintain on file with the Region a certificate of insurance for each TNC Vehicle licenced under this Bylaw, identifying and confirming a minimum limit of liability of TWO MILLION DOLLARS

($2,000,000.00) per occurrence, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons, and loss or damage to property.

(2) Evidence of insurance shall be provided annually through a Certificate of Insurance and, in addition to the limits indicated in subsection (1), shall include evidence of an O.E.F. 6A—Permission to Carry Passengers for Compensation Endorsement.

49. Every TNC Vehicle licenced under this By-law shall be equipped with an operational:

(1) GPS or application that sets out and records the location of the Motor Vehicle; and,

(2) Dispatch system that allows communication between the TNC Driver and TNC Broker.

50. Every TNC Vehicle Licensee shall display a decal for each TNC Broker Licensee that the Licensee operates through, which is a minimum of 125 square centimeters in area, to be placed in the front right windshield to be visible from the exterior of the Motor Vehicle, which displays the logo and/or trademark of the TNC Broker Licensee.

51. A TNC Vehicle that is licenced under this By-law and is providing a TNC Service shall not have a top sign attached to the exterior of the TNC Vehicle, nor shall it have an illuminated sign inside, projecting outside the TNC Vehicle.

52. A TNC Vehicle that is licenced under this By-law shall not be parked or stopped at a Taxicab stand.

53. Every TNC Vehicle Licensee shall ensure that the TNC Vehicle Licence is kept within the TNC Vehicle and is available for inspection upon request by Passengers or Persons authorized to enforce this By-law.

54. A TNC Vehicle Licence is specific to the TNC Vehicle for which it has been issued. When a Licensee replaces a TNC Vehicle, the Licensee shall apply to the Licensing Officer for a new TNC Vehicle Licence. A TNC Vehicle Licence shall be issued for the replacement TNC Vehicle provided:

(1) The replacement TNC Vehicle meets the applicable requirements for a TNC Vehicle Licence under this By-law; and,
(2) The Licensee pays the applicable fee in accordance with the Fees and Charges By-law.

55. A TNC Vehicle Licence shall only be issued to an Applicant who provides a TNC Service through a TNC Broker that is licenced under this By-law. A TNC Vehicle Licence may be affiliated with multiple TNC Brokers licenced under this By-law.

56. A Licensee may hold multiple TNC Vehicle Licences.

PART VIII TRANSPORTATION NETWORK COMPANY (TNC) DRIVER LICENCE

Prohibition

57. (1) No Person shall provide or attempt to provide a TNC Service unless that Person is the holder of a TNC Driver Licence.

(2) No Person shall provide or attempt to provide a TNC Service unless they are affiliated with a TNC Broker.

TNC Driver Licence Application

58. Every application for a TNC Driver Licence and renewal Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application for a TNC Driver Licence or a renewal shall include the following:

(1) The Applicant's full legal name, address, telephone number, email address and date of birth;

(2) Proof of a valid, unrestricted, Class G Province of Ontario driver's licence and at least two (2) years driving experience;

(3) Two (2) pieces of government issued identification, one being photo identification;

(4) Confirmation that the Applicant is legally eligible to work in Canada;

(5) Confirmation that the Applicant has not had a TNC Driver Licence revoked, suspended or denied within three (3) years of the date of application;

(6) A Criminal Record and Judicial Matters check for the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A" to this By-law;

(7) A Ministry of Transportation three (3) year driver's abstract;

(8) A declaration signed by the Applicant confirming they do not have any current outstanding police investigations, *Highway Traffic Act* or criminal charges or warrants pending before any courts;

(9) A declaration signed by a TNC Broker Licensee confirming the Applicant operates through that TNC Broker Licensee. A declaration is required from each TNC Broker Licensee that the Applicant is affiliated with or employed by; and,

(10) Confirmation from the Applicant's affiliated TNC Broker Licensee that the Applicant has successfully completed required driver training.

59. An Applicant for a TNC Driver Licence shall submit to a photograph being taken of them for use on the TNC Driver Licence.

General Licence Requirements

60. Every TNC Driver Licensee, while operating a TNC Vehicle licenced under this By-law for the provision of TNC Services:

(1) Shall display their Licence in a location that is clearly visible to all Passengers and shall verbally advise any Passenger of their TNC Driver Licence number, upon request;

(2) Shall ensure the TNC Vehicle Licence is in the TNC Vehicle at all times;

(3) Shall ensure the proof of the required Motor Vehicle insurance is in the TNC Vehicle at all times;

(4) Shall ensure all proof of ownership documentation is in the TNC Vehicle; and,

(5) Shall ensure the TNC Broker decal, as required under section 50 of this By-law, is displayed in the front right windshield of the licenced TNC Vehicle.

61. Every TNC Driver Licensee, while operating a TNC Vehicle licenced under this By-law, shall ensure that the TNC Vehicle's GPS and dispatch system are operational.

62. No TNC Driver Licensee shall:

(1) Verbally solicit any Person for the purposes of providing a TNC Service;

(2) Accept any Passengers who have not engaged the Licensee for pre-arranged TNC Services through an online application service operated by the associated TNC Broker;

(3) Obstruct the use of any sidewalk, access way, street, roadway, driveway or highway with a TNC Vehicle licenced under this By-law while providing a TNC Service;

(4) park, stop, or stand a TNC Vehicle in any Taxicab Stand while providing a TNC Service in accordance with this By-law;

(5) charge a fee or attempt to charge a fee to a Passenger or any other Person unless it is the fee or is in accordance with the fee structure that was accepted or agreed to by the Passenger as part of the pre-arranged TNC Service;

(6) Permit their TNC Vehicle, while providing a TNC Service, to remain idling:

(i) For a period that exceeds ten (10) minutes when the outdoor temperature is between ten (10) degrees Celsius and twenty (20) degrees Celsius; or

(ii) When the TNC Vehicle is not occupied by a Passenger;

(4) Permit their TNC Vehicle, while providing TNC Services, to remain standing on any sidewalk, access way, street, roadway, driveway or highway, other than in designated parking areas, unless for the immediate purpose of:

(i) Taking on a Passenger or Passengers who have already engaged the TNC Service; or

(ii) Discharging a Passenger or Passengers from the TNC Vehicle;

(5) Carry a number of Passengers that exceeds the manufacturer's rating of seating capacity and available seat belts for the TNC Vehicle licenced under this By-law that is being used to provide the TNC Service;

(7) Smoke tobacco or cannabis or permit tobacco or cannabis to be smoked in the TNC Vehicle licenced under this By-law, while providing a TNC Service;

(8) Consume or be under the influence of any alcohol while providing a TNC Service in accordance with this By-law;

(9) Consume, possess or be under the influence of any controlled substance, as defined in the *Controlled Drugs and Substances Act,* while providing a TNC Service in accordance with this By-law; or

(10) Use an electronic cigarette or permit the use of electronic cigarettes in a TNC Vehicle, while providing a TNC Service in accordance with this By-law.

69. (1) Every TNC Driver Licensee shall notify the Licensing Officer within twenty-four (24) hours of any charge or conviction they have received that is in contravention of the criteria set out in Schedule "A" to this By-law or of any Motor Vehicle accident involving a TNC Vehicle licenced under this By-law.

(2) Every TNC Driver Licensee shall notify the Licensing Officer within twenty-four (24) hours of any police investigation, charge or conviction relating to the Licensee pursuant to the *Criminal Code* or the *Controlled Drugs and Substances Act* with all particulars relating to the investigation, charge or conviction;

(3) If the Licensing Officer has reasonable grounds to believe that any of the information that was provided in the Licensee's application for a TNC Driver Licence has changed without the Licensee advising of the change, the Licensing Officer may, upon demand, request the Licensee produce an updated:

(i) Criminal Record and Judicial Matters check; or

(iii) A three (3) year Ontario Driver's Abstract.

70. Every TNC Driver Licensee shall provide a written or electronic receipt to a Passenger at the conclusion of the TNC Service trip that sets out all rates, fees and surcharges charged, total amount paid, date and time of the TNC Service, location of the commencement and conclusion of the TNC Service, and the total time and distance of the TNC Service.

71. Every TNC Driver Licensee shall use the most direct route reasonably possible to the Passenger's requested destination in the circumstances, and in the most efficient manner, unless otherwise directed by the Passenger.

PART IX GENERAL LICENCE REQUIREMENTS

72. The Licensing Officer shall issue a Licence or a renewal of a Licence to an Applicant that has satisfied the requirements of this By-law, based on the appropriate Licence class and subclass, if applicable, as set out in subsection 2(2) of this By-law.

73. Every Applicant shall provide payment in full, at the time the Application is submitted, of the appropriate fee, as prescribed in accordance with the Fees and Charges Bylaw.

74. Every application for a renewal of a Licence must be received by the Licensing Officer, in full, within thirty (30) days of the expiry date of the Licence.

75. (1) No Applicant shall knowingly misstate or provide false information to the Licensing Officer.

(2) All Applicants shall provide the Licensing Officer with such other information and documentation as requested by the Licensing Officer.

(3) Every Applicant and Licensee shall report to the Licensing Officer within twenty-four (24) hours after the event, of any change in any information, including contact and address information and insurance, that was provided to the Licensing Officer pursuant to this By-law.

76. (1) Every Licensee shall hold such Licence subject to the requirements and criteria as imposed in this By-law, including compliance with the criteria set out in Schedule “A” to this By-law.

(2) In the event a Licensee cannot meet the requirements as set out in subsection (1), the Licensee shall surrender the applicable Licence to the Licensing Officer within twenty four (24) hours of the non-compliance.

(3) Any Licences that have been surrendered to the Licensing Officer pursuant to subsection (2) shall be returned to the Licensee upon the Licensee providing proof of compliance with the applicable requirements of the application for the Licence in issue.

77. Every Licensee shall comply with all applicable Federal laws, Provincial laws, and Municipal by-laws, while operating Taxicab or TNC Business.

78. (1) No Person shall alter, erase, or modify, or permit the alteration, erasure or modification of any Licence or any part thereof issued under this By-law.

(2) If a Licence is defaced, destroyed, or lost, the Licensee shall apply to the Licensing Officer for a replacement and, on payment of the prescribed fee in accordance with the Fees and Charges By-law, may be issued a replacement Licence, as required.

79. Any report to the Licensing Officer that is required pursuant to this By-law may be made during a Holiday, before or after business hours by submitting the report via email or leaving a voicemail message for the Licensing Officer, to the email address or telephone number of the Licensing Officer posted on the Region’s website from time to time.

PART X DISCRIMINATION

80. No Licensee shall discriminate against any Person because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability, or otherwise contravene the *Human Rights Code*, in relation to the provision of a Taxicab or TNC Service.

81. Without limiting section 80 of this By-law, no Licensee shall charge:

(1) A higher fare or an additional fee for Persons with disabilities than for Persons without disabilities for the same trip; or

(2) A fee for the storage of mobility aids or mobility assistive devices in relation to a Taxicab or TNC Service.

PART XI INSPECTIONS

82. Every Licensee shall allow the Licensing Officer, a Municipal By-Law Enforcement Officer or Police Officer, upon demand, to enter upon and inspect a Taxicab Broker premises and/ or a Motor Vehicle licenced under this By-law to ensure that all provision of this By-law have been satisfied.

83. Upon inspection, every Person shall produce all relevant Licences and permits, invoices, vouchers or like documents, trip records, Provincial Licences and all documents required to be kept and maintained under this By-law, which may be removed for the purpose of photocopying and returned to the Licensee within forty eight (48) hours of removal.

84. No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer from carrying out an inspection or withhold, destroy, conceal or refuse to furnish any information or thing required by the Officer inspecting for the purpose of this inspection.

PART XII POWERS OF THE LICENSING OFFICER

85. The power and authority to issue or renew a Licence, refuse to issue or refuse to renew a Licence, to revoke or suspend a Licence, to impose terms and conditions, including special conditions, on a Licence are delegated to the Licensing Officer.

86. When an application for a Licence or for a renewal of a Licence is made in accordance with the provisions of this By-law and the Applicant meets all the requirements of this By-law, the Licensing Officer shall issue a Licence.

87. The Licensing Officer may refuse to issue, refuse to renew, revoke or suspend a Licence, or impose a term or condition on a Licence on the following grounds:

(1) The conduct of the Applicant or Licensee, or where the Person is a corporation, the conduct of the corporation's officers, directors, employees or agents, affords reasonable cause to believe that the Person will not carry on or engage in the provision of Taxicab Services or TNC Services, as applicable, in accordance with any applicable Federal law, Provincial law or Municipal By-law, or with honesty and integrity;

(2) The Licensing Officer has reasonable cause to believe that the granting, renewal or continuation of a Licence under this By-law would pose a danger to the health or safety of any Person or the public in general;

(3) The Applicant or Licensee is carrying on activities that are in contravention of this By-law;

(4) There are reasonable grounds to believe that an application or other documents provided to the Licensing Officer by or on behalf of the Applicant or Licensee contains a false statement;

(5) Any information contained in the original application form or any other information provided to the Licensing Officer has ceased to be accurate and the Licensee has not provided up-to-date accurate information to allow the Licensing Officer to conclude that the Licence should continue;

(6) An Applicant does not meet, at any time, one or more of the requirements of this By-law or any conditions imposed on a Licence;

(7) An Applicant or Licensee is not in compliance with any applicable Federal law, Provincial law or Municipal By-law, including but not limited to this By-law and any requirement to obtain and maintain a valid Provincial Licence; or

(8) The Applicant or Licensee has a police investigation or been charged or been convicted of a criminal or *Highway Traffic Act* offence which provides reasonable grounds for the Licensing Officer to believe it would not be in the interest of public health and safety and/or consumer protection to issue or maintain such a licence.

88. Notwithstanding any other provision of this By-law, the Licensing Officer may impose conditions, including special conditions, on any Licence at issuance, renewal or at any time during the term of the Licence, as are deemed reasonably necessary in the opinion of the Licensing Officer to give effect to this By-law.

89. Where the Licensing Officer has made a decision to deny, suspend, revoke or place conditions, including special conditions, on a licence, the Licensing Officer's written notice of that decision shall:

(1) Set out the grounds for the decision;

(2) Give reasonable particulars of the grounds;

(3) Be signed by the Licensing Officer; and,

(4) State that the Applicant or Licensee is entitled to request a hearing before the Licensing Appeals Committee if the Applicant or Licensee delivers a request

for a hearing, in writing, accompanied by the applicable fee set out in the Fees and Charges By-law, to the Licensing Officer, within thirty (30) calendar days after the notice is served.

90. (1) Where notice to an Applicant or Licensee is required under this By-law, it is sufficiently given if delivered personally to the Applicant or Licensee, sent by electronic mail, or sent by registered mail to the address provided on the application or Licence, as applicable, of the Applicant or Licensee.

(2) Where service is effected by registered mail under subsection (1), notice shall be deemed to have been made on the fifth (5th) day after the date of mailing. Service is deemed effective by email at the time it is sent. Personal Service is deemed effective at the time it is given.

91. Where no appeal is registered within the required time period, the decision of the Licensing Officer shall be final.

92. Where a Licence issued under this By-law has been suspended or revoked or special conditions have been placed on the Licence, the Licensee shall return the applicable Licence to the Licensing Officer within twenty four (24) hours of service of written notice.

Appeal

93. The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Licensing Appeals Committee.

94. The provisions of sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted by the Committee under this By-law.

95. (1) When an Applicant is denied a Licence or has their Licence revoked or suspended, or has conditions, including special conditions, placed on their Licence, they may request an appeal hearing before the Licensing Appeals Committee, within thirty (30) calendar days of service of the notice described in section 90 of this By-law, for review of this decision. This request for an appeal shall be made in writing, be sent to the Licensing Officer, and set out the relief sought and the reasons for the appeal.

(2) When a request for a hearing under subsection (1) and the applicable fee for filing an appeal, as set out in the Region's Fees and Charges By-law, have been received, a hearing shall be scheduled before the Licensing Appeals Committee and notice of the hearing date shall be given to the Applicant or Licensee.

(3) A notice of hearing shall include:

(i) A statement of the time, date, location, and purpose of the hearing; and,

(ii) A statement that if the Applicant or Licensee does not attend the hearing, the Licensing Appeals Committee may proceed in their absence without notice to them.

(4) After conducting a hearing under subsection (2) above, the Committee may uphold or vary the decision of the Licensing Officer, or make any decision that the Licensing Officer was entitled to make in the first instance.

(5) Notice of the Committee's decision, with reasons, shall be provided in writing and served in accordance with the service provisions contained in section 90 of this By-law.

(6) The Licensing Appeal Committee's decision in respect of refusing, suspending, revoking or attaching conditions to a Licence is final.

PART XIII ORDERS

96. (1) If the Licensing Officer or a Municipal By-Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the Licensing Officer or Municipal By-Law Enforcement Officer may make an Order requiring the Person who contravened this By-law or who caused or permitted the contravention to discontinue the contravening activity.

(2) An Order under subsection (1) shall set out:

(i) reasonable particulars of the contravention adequate to identify the contravention; and,
(ii) the date by which there must be compliance with the Order.

(3) An Order issued under this By-law shall be served in accordance with the service provisions contained in section 90 of this By-law.

97. Every Person shall comply with an Order issued under the authority of this By-law.

PART XIV ADMINISTRATION AND ENFORCEMENT

Penalty

98. Every Person who contravenes any provision of this By-law or an Order under this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33, as amended.

99. A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law of an Order made under this By-law is guilty of an offence.

100. (1) Notwithstanding section 98 of this By-law, each day on which a Person contravenes any provision of this By-law shall be deemed to constitute a continuing offence under this By-law as provided for in section 429(2) of the *Municipal Act, 2001*. For clarity, in the case of an Order, a contravention continues for every day or part of a day past the date set out in the Order by which the work must be complete or action taken, as the case may be.

(2) For each day or part of a day that the offence continues, the minimum fine shall be ONE HUNDRED DOLLARS ($100.00) and the maximum fine shall be FIVE THOUSAND DOLLARS ($5,000.00), and the total of all daily fines for the offence is not limited to ONE HUNDRED THOUSAND DOLLARS ($100,000.00).

101. If any section of this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted or may impose conditions.

Administration and Enforcement

102. (1) The Licensing Officer shall have all necessary authority to carry out the administration and enforcement of this By-law.

(2) Without limiting subsection (1) of this section, the Licensing Officer shall, at their sole discretion, have the authority to:

(i) prescribe administrative forms, registers and electronic data software required under this By-law;

(ii) establish policies, procedures, operational protocols, inspection criteria and frequency, Licence criteria, and operational hours;

(iii) receive and process all applications for all Licences and renewals of licences under this by-law;

(iv) pro-rate any licensing or administrative fees that may be charged under this By-law;

(v) issue any Licence where the Applicant meets criteria and conditions under this By- law;

(vi) renew, deny, suspend, revoke, restrict or place special conditions on any Licence issued pursuant to this By-law;

(vii) designate any accessibility training or other required training pursuant to this By-law;

(viii) verify any information provided by an Applicant or Licensee;

(ix) demand from a Licensee any records, information, documentation, licences or any other thing pursuant to the administration and enforcement of this By-law and,

(x) Establish Taxicab Meter tariff rates under this By-law.

103. Any Licensee that refuses or otherwise does not supply records, information or any other thing as demanded by the Licensing Officer shall have their Licence suspended. The Licensing Officer may re-instate a Licence if the Licensee supplies the information, record or other thing as demanded.

104. This By-law may be enforced by the Licensing Officer, a Municipal By-Law Enforcement Officer appointed by Council to enforce this By-law, or any Police Officer.

105. Any Person who obstructs or interferes with an Officer in the discharge of their duties under this By-law shall be considered in violation of this By-law.

106. Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with that Officer in the execution of their duties, and shall be considered in violation of this By-law.

Survival

107. If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found illegal.

Citation

108. This By-law may be cited as the "Taxicab and TNC By-law".

By-law Commencement / Transition

109. (1) By-Law No. 2018-75, being a by-law to licence, regulate and govern vehicles for hire (Taxi’s, Transportation Network Company Vehicles, Specialty

Vehicles, Auxiliary Services Vehicles, Shuttle Buses, Sightseeing Vehicles, Caleche, Tow Trucks) and Businesses (Second-Hand Good Stores and Dealers, Salvage Yards, Auto-Wrecking Yards and Taxicab Brokers) and all amendments thereto, is hereby repealed.

(2) Notwithstanding subsection (1), By-law No. 2018-75, as amended, shall continue to apply to proceedings in respect of offences that occurred before its repeal date.

(3) Notwithstanding subsection (1) , all Taxicab and TNC Service-related Licences issued under By-law No. 2018-75, including any suspensions, revocations, denials, renewals or special conditions imposed on Licensees, that are in effect at the time said by-law is repealed, shall be deemed to be Licences as issued under this By-law, together with any such suspensions, revocations, denials, renewals or special conditions, and all the rules, requirements and regulations of this By-law shall apply with necessary modification.

(4) All Persons holding Taxicab and TNC Service-related licences issued under the provisions of By-law No. 2018-75 must come into compliance with all provisions of this By-law upon the renewal date of their Licence or within twelve (12) months from the date this By-law comes into force, whichever date is later.

(5) A Licensee that fails to come into compliance with all provisions of this by-law upon the renewal date of their Licence shall have their Licence revoked.

110. This by-law shall come into force and effect on the date that it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

_____

James Bradley, Regional Chair

_____

Ann-Marie Norio, Regional Clerk

Passed: <date>

Schedule “A”

Standard Character Criteria

An application for or renewal of a Licence under this By-law shall be denied where the Applicant:

(Parts 1 to 7 apply to all applicants)

1. Has an undertaking, recognizance, peace bond, probation order or other court or police issued document where the conditions prohibit the applicant from performing the functions of the licence being applied for;

2. Has been convicted of a criminal offence which provides reasonable grounds for the Licensing Officer to believe it would not be in the interest of public health and safety and/or consumer protection to issue or maintain such a Licence. Such offences include, but are not limited to: sexual-based offences, child pornography, trafficking in persons, kidnapping, hostage taking, abduction, crimes against persons under 18 years of age, assault with a weapon, assault causing bodily harm, and, aggravated assault any assault against a Peace Officer;

3. Has been found guilty and convicted of any criminal offence, in the preceding twenty (20) years from the date of the application, where the term of incarceration imposed exceeded ten (10) years;

4. Has been found guilty and convicted of any criminal offence, in the preceding ten (10) years from the date of the application, where the term of incarceration imposed was between two (2) and ten (10) years;

5. Has been found guilty and convicted of any criminal offence, in the preceding five (5) years from the date of the application, where the term of incarceration imposed was less than two (2) years;

6. Has outstanding criminal charges before the courts and is awaiting trial and sentencing; or

7. Is the subject of a current police criminal investigation.

(Parts 8, 9 and 10 shall only apply to Driver Licence applicants)

8. Has been found guilty of any of the following *Highway Traffic Act* offences, in the preceding five (5) years from the date of the application:
    a. Careless Driving;

b. Racing or Stunt Driving; or
c. Exceeding the Speed Limit by 50 km/hour or more;

9. Has accumulated nine (9) or more demerit points or six (6) or more convictions under the *Highway Traffic Act* on their driving record abstract within three (3) years from the date of the application; or

10. Has had their driver's licence, issued in any province or territory, suspended under the *Highway Traffic Act* or Criminal Code within three (3) years of the date of application.

Paragraphs 2, 3, 4 and 5 shall not apply if the Applicant or Licensee has received a Record Suspension or Pardon for the offence by the Parole Board of Canada.

DRAFT

Bill No. 2021-<#>

Authorization Reference: < Session # >;
< Minute Item # >

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO LICENCE, REGULATE AND GOVERN VEHICLES USED FOR HIRE (SPECIALTY VEHICLES, SHUTTLE BUSES, SIGHTSEEING VEHICLES, CALECHE)

WHEREAS the Council of The Regional Municipality of Niagara considers it in the public interest to enact a by-law to licence, regulate and govern various classes of businesses and to repeal the existing Business Licensing By-law No. 2018-75, as amended;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, provides The Regional Municipality of Niagara with exclusive jurisdiction to enact by-laws for the licensing, regulating and governing of owners and drivers of vehicles used for hire within the Region;

AND WHEREAS Part IV LICENCES (more specifically sections 150 – 165) of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, authorizes The Regional Municipality of Niagara to regulate and govern businesses, meaning any business wholly or partly carried on within the Region, even if the business is being carried on from a location outside the Region;

AND WHEREAS Section 151 of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, provides The Regional Municipality of Niagara with the power to provide for a system of licences with respect to a business, and may prohibit the carrying on or engaging in the business without a licence; refuse to grant a licence or to revoke or suspend a licence; impose conditions as a requirement of obtaining, continuing to hold or renewing a licence; impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence; impose conditions, including special conditions, as a requirement of

continuing to hold a licence at any time during the term of the licence; and licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS the Council of The Regional Municipality of Niagara has determined that it is appropriate and desirable to licence vehicles used for hire, including specialty vehicles, shuttle buses, sightseeing vehicles and caleches, for the purposes of ensuring the health and safety of both passengers and drivers, for the protection of persons and property and to ensure consumer protection, and to ensure that efficient vehicle-for-hire services are available to all persons within the Region;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

PART I DEFINITIONS

1. In this By-law, unless context otherwise requires:

"Accessible Vehicle for Hire" means a motor vehicle which is equipped and used to transport persons with physical, emotional or mental disabilities, as well as their equipment, in exchange for a fee or other consideration and which is in compliance with Ontario Regulation 629 of the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended and the Standards Council of Canada Standard D409-M84, as amended;

"Applicant" means a Person applying for a Licence or a renewal of a Licence under this By-law;

"**Area Municipality**" means any one of the municipalities or corporations of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and/or Township of West Lincoln;

"Caleche" means a horse-drawn vehicle used on sightseeing trips or otherwise for hire;

"*Controlled Drugs and Substances Act*" means the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as amended, or any successor legislation;

"Council" means the Council of The Regional Municipality of Niagara;

"Criminal Code" means the *Criminal Code*, R.S.C. 1985, c. C-46, as amended, or any successor legislation;

"Driver" means the person licenced under this By-law who drives and has care and control of a Vehicle for Hire licenced under this By-law;

"Fees and Charges By-law" means a by-law passed by Council of the Regional Municipality of Niagara pursuant to section 391 of the *Municipal Act, 2001* establishing fees and charges for services and activities provided by the Region and for the use of its property, as amended and replaced from time to time;

"GPS" means a global positioning system that allows a person to determine the exact geographic location of a vehicle licenced under this by-law;

"Highway Traffic Act" means the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended, or any successor legislation;

"Holiday" means Saturday, Sunday, New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, and any other day fixed as a public holiday by the federal or Ontario provincial government;

"Human Rights Code" means the *Human Rights Code*, R.S.O. 1990, c. H-19, as amended, or any successor legislation;

"Licence" means an authorization issued under this By-law to carry on a business specified therein and the document, certificate or card issued shall provide evidence of such authority as the content may allow;

"Licensee" means a Person holding a Licence in accordance with this By-law;

“Licensing Appeals Committee” or “Committee” means the all citizen tribunal appointed by Council to conduct hearings under this By-law;

“Licensing Officer” means the Manager of Business Licensing for The Regional Municipality of Niagara or their designate;

"Ministry of Transportation" means the Ministry of Transportation of Ontario or any successor ministry, department or other government body;

"Motor Vehicle" means a motor vehicle as defined in the *Highway Traffic Act*;

"Municipal By-Law Enforcement Officer" means a municipal law enforcement officer appointed by Council, or an officer, employee or agent of the Region whose responsibilities include the enforcement of this By-law;

“**Officer**” means Municipal Law Enforcement Officer, Licensing Officer, or Police Officer;

"Passenger" means any individual travelling in a Vehicle for Hire other than the Driver;

"Person" includes an individual, a corporation, and a partnership;

"Police Officer" means a police officer as defined by the *Police Services Act,* R.S.O. 1990, c. P.15;

“Private Ambulance/Medical Transport” means a motor vehicle, licenced as a Vehicle for Hire, which has the job of transporting patients to, from or between places of medical treatment, such as hospital or dialysis center, for non-urgent care;

“Provincial Licence” means any form of Licence or certification required to be held by the Licensee pursuant to applicable Provincial laws;

“Region” means The Regional Municipality of Niagara as a municipal corporation and, where the context requires, its geographic area;

"Shuttle Vehicle" means a motor vehicle for hire for the transportation of passengers from place to place. A Shuttle Vehicle may include a Private Ambulance/Medical Transport and an Accessible Vehicle for Hire. A Shuttle Vehicle does not include a vehicle operated and controlled by a Municipality or the Province of Ontario and used as public transit.

"Sightseeing Vehicle" means a motor vehicle which is hired for the purpose of sightseeing to pick up and discharge its passengers and which has a route of travel that is not controlled by the passenger;

"Spare Vehicle" means a Vehicle owned by a Licensee that has been authorized by the Licensing Officer for temporary use in the place of and instead of a Vehicle for Hire licenced under this By-law;

"Specialty Vehicle" means a Vehicle for Hire including, but not limited to a limousine, a historical vehicle, a rickshaw or any other Vehicle which is approved by the Licensing Officer as a Specialty Vehicle;

"Taxicab" means a motor vehicle for hire for transportation of passengers from place to place and includes a Transportation Network Company Vehicle, but does not include a Vehicle for Hire;

"Transportation Network Company" or "TNC" means any person who offers, operates, or facilitates prearranged transportation services for compensation using any software or application or telecommunications platform or a digital network to connect passengers with TNC drivers, but does not include a licenced Taxicab

"Vehicle" means a vehicle as defined in the *Highway Traffic Act*;

"Vehicle for Hire" means a Motor Vehicle or non-motor assisted Vehicle that is used by a Person to offer, facilitate or operate a transportation service for one or more Passengers in exchange for a fee or other consideration, but does not include a Taxicab or Transportation Network Company;

"Vehicle for Hire Driver Licence" means a Vehicle for Hire Driver Licence as issued by the Licensing Officer under this By-law;

"Vehicle for Hire Business Licence" means a Vehicle for Hire Business Licence as issued by the Licensing Officer under this By-law;

"Vehicle for Hire Service" means the use of a Vehicle, either motorized or non-motor assisted, that is licenced as a Vehicle for Hire under this By-law, for the transportation of Passengers in exchange for a fee or other consideration;

"Vehicle for Hire Vehicle Licence" means a Vehicle for Hire Vehicle Licence as issued by the Licensing Officer under this By-law; and,

"Vehicle for Hire Vehicle Plate" or "Vehicle Plate" means a numbered metal plate that is issued by the Licensing Officer under this By-law, to be attached to a licenced Vehicle for Hire.

PART II LICENCE CLASSES

2. (1) The Licensing Officer shall issue Licences for the following classes:

(a) Vehicle for Hire Business;

(b) Vehicle for Hire Driver (covers all classes of Vehicles under this By-law);

(c) Vehicle for Hire Vehicle; and,

(d) Vehicle for Hire Vehicle Plate.

(2) The Licensing Officer shall issue Licences for the following sub-classes:

(a) Sightseeing Business;

(b) Sightseeing Vehicle;

(c) Sightseeing Vehicle Plate;

(d) Specialty Business;

(e) Specialty Vehicle;

DRAFT

(f) Specialty Vehicle Plate;

(g) Shuttle Business;

(h) Shuttle Vehicle;

(i) Shuttle Vehicle Plate;

(j) Caleche Business;

(k) Caleche Coach Operator;

(l) Caleche Carriage Plate; and,

(m) Caleche Horse.

3. (1) No Person shall carry on or engage in the provision of a Vehicle for Hire Service or business in the Region unless that Person holds a valid and current Licence permitting them to do so.

(2) All Licences are valid for a twelve (12) month period from the date of issue, unless otherwise stated in this By-law. For Licence renewals, if deemed necessary for administrative purposes by the Licensing Officer, the term of a Licence may be adjusted, for example, to align with the term of other Provincial Licences held by the Licensee for the Business, and the Licence fee may be pro-rated accordingly.

(3) Unless otherwise provided for in this By-law, all Licences issued under this By-law are personal to the Licensee, are only transferable upon approval by the Licensing Officer, and remain the property of the Region.

PART III VEHICLE FOR HIRE BUSINESS LICENCE

Prohibition

DRAFT

4. No Person shall operate as a Vehicle for Hire Business without first having obtained a Vehicle for Hire Business Licence in accordance with this By-law.

Licence Application

5. Every application for a Vehicle for Hire Business Licence and renewal Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application for a Vehicle for Hire Business Licence or a renewal shall include the following:

(1) the full legal name, municipal address, email address and telephone number of each Applicant;

(2) If the Applicant is a partnership, the full legal name, address, email address and telephone number of each partner;

(3) If the Applicant is a corporation, all current articles of incorporation for the corporation;

(4) All current legal documents showing the registered business name of the Applicant, if applicable;

(5) The full legal names dates of birth, and addresses for all officers and directors of the Applicant, if applicable;

(6) The full legal names and signatures of all Persons having signing authority for the Applicant corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;

(7) The full legal names of all Persons who hold a Vehicle for Hire Vehicle Licence and Vehicle for Hire Driver Licence who currently use or will use the Applicant as their Vehicle for Hire Business;

(8) A Certificate of Insurance (COI) identifying and confirming the following minimum insurance requirements:

Commercial General Liability Insurance ("CGL")

DRAFT

CGL insurance for all services and operations to a limit of not less than FIVE MILLION DOLLARS ($5,000,000) per occurrence.

The policy will be extended to include:

a. bodily injury, death and property damage;
b. cross liability and severability of interest;
c. blanket contractual;
d. premises and operations;
e. personal and advertising injury;
f. products and completed operations;
g. owner's and contractors protective;
h. non-owned Automobile to a limit of not less than TWO MILLION DOLLARS ($2,000,000);

The policy shall be endorsed to:

a. include The Regional Municipality of Niagara as an additional insured; and,
b. contain an undertaking by the insurers to give thirty (30) days prior written notice in the event that there is a material change in the foregoing policies or coverage affecting the Additional Insured(s) or cancellation of coverage before the expiration date of any of the foregoing policies.

Policy Requirements

All policies of insurance shall:

a) be written with an insurer licensed to do business in Ontario;
b) be non-contributing with, and will apply only as primary and not excess to any other insurance or self-insurance available to Niagara Region;

Certificates of Insurance

Certificates of insurance originally signed by authorized insurance representatives shall be delivered to the Region prior issuance of the Licence, on a form of Certificate of Insurance which is acceptable to the Region. The Certificate of Insurance must comply with these insurance requirements and

DRAFT

must be on the Region's form of Certificate of Insurance, which can be found on the Region's website – www.niagararegion.ca/business/fpr/cert-insurance.aspx. If the Certificate of Insurance is provided in a non-original form (e.g. a facsimile, photocopy or scanned electronic copy), the Applicant acknowledges and agrees that the Region is fully entitled to treat any such Certificate as an original and that the Applicant will be responsible for the accuracy and validity of the information contained therein. All subsequent policy renewals and certificates of insurance thereafter, during the time that the Licence is in force, shall be forwarded to the Region within fifteen (15) days of their renewal date.

(9) Information on whether the Applicant, or any officer or director of the Applicant, has had a licence in regard to a Vehicle for Hire Business suspended or revoked in the Region or any other municipality in Canada;

(10) Information on whether the Applicant, or any officer or director of the Applicant, has been convicted of an offence under any previously repealed Vehicle for Hire by-law of the Region or other municipality in Canada in regard to a Vehicle for Hire Business;

(11) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A".

(12) Payment in full of the prescribed fee in accordance with the Fees and Charges By-law.

6. The Licensing Officer shall issue a Vehicle for Hire Business Licence to an Applicant that has satisfied the requirements of this By-law, based on the appropriate Business Licence subclass as set out in subsection 2 (2).

General Licence Requirements

7. Every Vehicle for Hire Business licenced under this By-law shall:

(1) Have a physical business premises and telephone number associated with the Vehicle for Hire Business, for the benefit of customers who wish to make contact with the Vehicle for Hire Business;

(2) Have a digital dispatch system and automated vehicle locator system (GPS) that allows the Vehicle for Hire Business to communicate with and locate a Vehicle for Hire that operates through the Vehicle for Hire Business;

(3) Maintain a written or electronic record for a period of twelve (12) months for each Vehicle for Hire trip that is dispatched by the Vehicle for Hire Business;

(4) Ensure that each Person holding a Vehicle for Hire Vehicle Licence or Vehicle for Hire Driver Licence who operates through the Vehicle for Hire Business is trained in regard to the proper operation of a Vehicle for Hire and the provisions of this By-law;

(5) Ensure that each Person holding a Vehicle for Hire Driver Licence who operates through the Vehicle for Hire Business has completed driver and sensitivity training that includes the following topics:

(a) The safe operation of a Motor Vehicle including safe operation during inclement weather;

(b) The proper operation of Vehicle for Hire equipment and devices which may include a, PA system, dispatch system and credit card/debit card machine, as applicable;

(c) The proper response to an emergency situation which includes a passenger illness and Motor Vehicle accident;

(d) The provision of Vehicle for Hire Services in a manner that respects the dignity and independence of persons with disabilities; and,

(e) The provision of Vehicle for Hire Services in a manner that is free from discrimination and is in compliance with the *Human Rights Code*;

DRAFT

(6) Ensure that each Person holding a Vehicle for Hire Driver Licence who operates through the Vehicle for Hire Business and provides an Accessible Vehicle for Hire Service has completed the accessibility training as designated by the Licensing Officer;

(7) Take all reasonable steps to ensure that each Vehicle for Hire Vehicle Licensee or Vehicle for Hire Driver Licensee who operates through the Vehicle for Hire Business complies with the requirements of this By-law;

(8) Report to the Licensing Officer, within twenty-four (24) hours, any known contravention of this By-law by a Person holding a Vehicle for Hire Vehicle Licence or Vehicle for Hire Driver Licence who operates through the Vehicle for Hire Business;

(9) Report to the Licensing Officer, within twenty-four (24) hours, any known:

(a) charge or conviction pursuant to the Criminal Code, *Controlled Drugs and Substances Act* or *Highway Traffic Act*; or

(b) Ontario driver's licence suspension;

(c) expiry, suspension, revocation or conditions imposed on a Provincial Licence;

of any Vehicle for Hire Driver Licensee who operates through that Vehicle for Hire Business;

(10) Report to the Licensing Officer, within twenty-four (24) hours:

(a) Any known motor vehicle accident that is reportable pursuant to section 199 of the *Highway Traffic Act*, or any successor provision; or

(b) Personal injury; or,

(c) cancellation of insurance;

DRAFT

involving a Vehicle for Hire that operates through the Vehicle for Hire Business;

(11) Report within twenty-four (24) hours, to the Licensing Officer if the Vehicle for Hire Business has terminated any Person who holds a Vehicle for Hire Vehicle Licence or Vehicle for Hire Driver Licence and is affiliated with the Vehicle for Hire Business; and

(12) Provide the Licensing Officer, by the fifteenth (15^{th}) day of every month, the following statistical information for the preceding month in relation to Vehicle for Hire Services provided through the Vehicle for Hire Business:

(a) The total number of Vehicle for Hire trips provided and Passengers conveyed;

(b) The total number of Accessible Vehicle for Hire trips and non-accessible Vehicle for Hire trips for each Accessible Vehicle for Hire, if applicable; and,

(c) For those Vehicle for Hire Businesses that provides a pre-arranged Vehicle for Hire Service through an on-line enabled application, website or telephone, a written or electronic record showing that the Passenger accepted the fare or rate to be charged prior to the commencement of the Pre-arranged Vehicle for Hire Service;

Vehicle for Hire Business Licence Transfer

8. The Licensing Officer may approve the transfer of a Vehicle for Hire Business Licence from one Person to another upon the parties providing to the Licensing Officer:

(1) A completed application for transfer of a business in a form provided by the Licensing Officer;

(2) The transfer application fee as prescribed in the Fees and Charges By-law; and,

(3) Confirmation of that the new Applicant meets the application requirements for a Vehicle for Hire Business Licence, as set out in Part III of this By-law.

PART IV VEHICLE FOR HIRE VEHICLE LICENCE AND VEHICLE FOR HIRE VEHICLE PLATES

Prohibition

9. (1) No Person shall cause or permit a Vehicle to be used as a Vehicle for Hire without first having obtained a:

(a) Vehicle for Hire Vehicle Licence for the Vehicle; and

(b) Vehicle for Hire Vehicle Plate to be affixed to the Vehicle.

(2) No Person shall allow or permit another Person to provide or attempt to provide a Vehicle for Hire Service using a Vehicle licenced as a Vehicle for Hire unless:
(a) such Person holds a valid Vehicle for Hire Driver Licence; and
(b) the Vehicle for Hire Vehicle Plate is affixed to the Vehicle.

10. No Licensee shall affix or permit any other Person to affix a Vehicle Plate to any Vehicle other than the Vehicle for Hire for which the Vehicle Plate was issued under this By-Law.

Licence Application

11. Every application for a Vehicle for Hire Vehicle and/or Vehicle Plate Licence and renewal Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application for a Vehicle for Hire Vehicle Licence, Vehicle for Hire Vehicle Plate Licence, or a renewal of either Licence shall include the following:

(1) the full legal name, municipal address, email address and telephone number of each Applicant;

(2) If the Applicant is a partnership, the full legal name, address, email address and telephone number of each partner;

(3) If the Applicant is a corporation, all current articles of incorporation for the corporation;

(4) All current legal documents showing the registered business name of the Applicant, if applicable;

(5) The full legal names, dates of birth and addresses for all officers and directors of the Applicant, if applicable;

(6) The full legal names and signatures of all Persons having signing authority for the Applicant corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;

(7) The make, model, fuel type, vehicle identification number, production year and Ontario licence plate number for the Applicant's Vehicle for Hire;

(8) A valid vehicle permit in the Applicant's full legal name for the Vehicle for Hire as issued by the Ministry of Transportation;

(9) If leased from a leasing company, a copy of the leasing agreement including an authorization for the leased vehicle to be used as a Vehicle for Hire;

(10) For vehicles holding seven (7) passengers or less, exclusive of the driver, and based on the year appearing on the vehicle permit, if the Vehicle for Hire is:

(i) Between zero and three (3) years of age with less than 40,000 kilometres, a safety inspection is not required;
(ii) Between three (3) and seven (7) years of age or has more than 75,000 kilometres, a valid Ontario Motor Vehicle Inspection Certificate, issued not less than 36 days from the date submitted to the Licensing Officer, showing that the Vehicle for Hire has passed the applicable safety inspection, is required; and,

DRAFT

(iii) Greater than seven (7) years of age, a valid Ontario Motor Vehicle Inspection Certificate, issued not less than 36 days from the date submitted to the Licensing Officer, showing that the Vehicle for Hire has passed the applicable safety inspection, is required every six (6) months.

(11) For vehicles holding eight (8) or more passengers, either a six (6) month or twelve (12) month Ontario Motor Vehicle Inspection Certificate is required. The Vehicle can only operate if the inspection certificate dates are valid while the Vehicle is operating;

(12) If the Vehicle for Hire operates with propane or natural gas as its primary or secondary fuel source, satisfactory evidence that is no older than thirty (30) days from date of issue that the Vehicle for Hire has passed all applicable propane and natural gas safety inspections;

(13) Proof of automobile insurance in accordance with the requirements set out in section 14 of this By-law;

(14) A declaration signed by a Vehicle for Hire Business Licensee confirming the Applicant's affiliation or employment with the Vehicle for Hire Business. A declaration is required from each Vehicle for Hire Business that the Applicant is affiliated with or employed by;

(15) Confirmation that the Applicant, or any officer or director of the Applicant, has not had a licence in regard to the ownership of a Vehicle for Hire of any class suspended or revoked by the Region or other municipality in Canada within three (3) years of the current application;

(16) Confirmation the Applicant, or any officer or director of the Applicant, has not been convicted of an offence under any Vehicle for Hire by-law of the Region or other municipality in Canada in regard to the ownership of a Vehicle for Hire of any class in the three (3) year period prior to the date of the application;

(17) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the

date of application, which shall be reviewed in accordance with the criteria in Schedule “A”;

(18) Payment in full of the prescribed fee in accordance with the Fees and Charges By-law.

12. (1) The Licensing Officer shall issue a Vehicle for Hire Vehicle Licence and Vehicle Plate to an Applicant that has satisfied the requirements of this By-law, based on the appropriate Licence subclasses as set out in subsection 2 (2) of this By-law.

(2) A Vehicle for Hire Vehicle Licence and Vehicle Plate Licence may be issued for a term of one (1) month; six (6) months; or twelve (12) months.

13. (1) The Licensing Officer may set a limit or quota on the number of Vehicle for Hire Plates that may be issued within the Region.

(2) If a quota or limit as referenced in subsection (1) is put in place, there shall be no waiting list maintained. Any new Vehicle for Hire Plates to be issued by the Licensing Officer will be offered to Applicants who meet the application requirements for a Vehicle for Hire Vehicle Licence set out in section 11 of this By-law, in order of when completed applications are received.

(3) Any quotas or limits that may be implemented shall remain in effect according to the time limit as determined by the Licensing Officer not to exceed three (3) years, after which time the Licensing Officer shall conduct a review to determine whether these quotas or limits should be revised.

General Licence and Plate Requirements

14. (1) Every Vehicle for Hire Vehicle Licensee shall maintain on file with the Region a Certificate of Insurance (COI) for each Vehicle for Hire identifying and confirming the following minimum insurance requirements:

(a) Up to seven (7) passengers requires a minimum limit of liability of TWO MILLION DOLLARS ($2,000,000.00) per occurrence;

DRAFT

(b) Eight (8) to twelve (12) passengers requires FIVE MILLION DOLLARS ($5,000,000.00) per occurrence; and,

(c) Thirteen (13) or more passengers requires EIGHT MILLION DOLLARS ($8,000,000.00) per occurrence;

(2) The amounts listed in subsection (1) are exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons, and loss or damage to property.

(3) Evidence of insurance shall be provided annually through a Certificate of Insurance and, in addition to the limits indicated in subsection (1), shall include evidence of an O.E.F. 6A—Permission to Carry Passengers for Compensation Endorsement.

15. Every Vehicle for Hire licenced under this By-law shall be equipped with an operational:

(1) GPS that sets out and records the location of the Vehicle for Hire;

(2) Dispatch system that allows communication between the Driver and Vehicle for Hire Business; and,

(3) Fire extinguisher and first aid kit to be stored within the Vehicle at all times.

16. Every Person that holds a Vehicle for Hire Vehicle Plate shall display:

(1) The Vehicle for Hire Vehicle Plate on the rear of the Vehicle for Hire with the exception of limousines, historic vehicles, and vehicles approved by the Licensing Officer. For these Vehicles, the Plate must be kept in the Vehicle and made readily available for inspection on demand by a Passenger or an Officer; and

(2) Two (2) decals that are a minimum of 200 square centimeters each in area in visible locations on the exterior of the Vehicle for Hire that visibly displays in large print the name or trademark of their Vehicle for Hire Business.

17. Every Person that holds a Vehicle for Hire Vehicle Licence shall ensure that their Licence is kept within the Vehicle for Hire and is available for inspection upon request by Passengers or an Officer.

18. A Vehicle for Hire Vehicle Licence is specific to the Vehicle for Hire for which it has been issued. When a Vehicle for Hire Vehicle is replaced with another Vehicle, the Vehicle Plate that is associated with that Vehicle for Hire may be transferred to the replacement vehicle, provided:

    (1) The Licensee applies to the Licensing Officer for a new Vehicle for Hire Vehicle Licence and meets the applicable requirements for a Vehicle for Hire Vehicle Licence under this By-law;

    (2) A Vehicle for Hire Vehicle Licence is issued for the replacement vehicle; and,

    (3) The Licensee pays the transfer fee in accordance with the Fees and Charges By-law.

19. The Licensing Officer may approve a transfer of ownership of the Vehicle for Hire Vehicle Licence and/or Vehicle for Hire Plate from one Person to another upon the parties providing to the Licensing Officer:

    (1) A completed application for transfer of a business in a form provided by the Licensing Officer;

    (2) A transfer application fee as prescribed in the Fees and Charges By-law; and

    (3) Confirmation that the new Applicant meets the applicable requirements for Vehicle for Hire Vehicle Licence and/or Vehicle for Hire Plate under this By-law.

20. Notwithstanding any other provision of this By-law, a Licensing Officer may provide approval for the transfer of a Vehicle for Hire Plate in the event of the plate holder’s death, subject to completion and approval of the required transfer

DRAFT

application within thirty (30) days, failing which, the Vehicle for Hire Plate shall be surrendered.

21. A Vehicle for Hire Vehicle Licence and Vehicle for Hire Plate shall only be issued to an Applicant who has the use of or is affiliated with a Vehicle for Hire Business that is licenced under this By-law.

22. A Vehicle for Hire Vehicle Licence and Vehicle for Hire Plate may be associated, loaned, leased or rented to one or more Vehicle for Hire Businesses licenced under this By-law.

23. A Licensee may hold multiple Vehicle for Hire Vehicle Licences and Vehicle for Hire Plates.

24. All Vehicle for Hire Vehicle Plates that are expired are deemed revoked by the Licensing Officer and must be returned to the Licensing Officer. A replacement fee shall be charged to the Plate-holder if the Vehicle for Hire Plate is not returned.

Special Licence Requirements

25. (1) A Licensee may apply for a non-use status designation of a Vehicle for Hire Vehicle Plate for a period of up to sixty (60) days in a calendar year. This application must be approved by the Licensing Officer and all appropriate fees, in accordance with the Fees and Charges By-law, must be paid.

(2) No Person shall operate, or permit to be operated, any Vehicle for Hire that bears a Vehicle for Hire Vehicle Plate that is has been designated for non-use status.

(3) Vehicle for Hire Vehicle Plates that have been designated for non-use status for more than sixty (60) days in a calendar year shall be returned to the Licensing Officer.

26. A Vehicle for Hire operating with as a Sightseeing Vehicle must have an operating PA system.

27. In order to be granted a Licence under subsections 2(2)(j),(k), and (m) of this By-law and be permitted operate a Caleche business; the Applicant/Licensee shall demonstrate and ensure that every horse utilized in the Caleche business is:

(a) free of any disease or sores, in good health, and fit to pull a Caleche in an urban setting without posing a danger to the public or itself as certified by a veterinarian;
(b) clean;
(c) shod on all four (4) hooves;
(d) readily identifiable/distinguishable from other horses by an appropriate marker in a manner that does not wound or harm the horse;
(e) properly fed and provided with adequate clean drinking water;
(f) allowed to rest after each ride to preserve its health and passengers' safety;
(g) properly hitched up, namely to ensure that the horse can move breathe freely;
(h) equipped with a leather harness free from cracks or rough patches that could cause injury;
(i) hitched up at most 9 hours starting from the time the horse was taken out. The maximum duration prescribed includes the time required to get to and from the stable and the site of the Caleche operations;
(j) protected with a blanket while at a stand, from November 1 to April 30; and,
(k) equipped with a bag for droppings, affixed to the harness in such a way that the horse is neither injured, nor hindered in its movements, and that the content is out of passengers' sight.

28. Every Licensee under subsections 2(2)(j),(k), and (m) of this By-law must submit, by April 1 and September 1 of every year, a certificate signed by a veterinarian, for each horse utilized in the Caleche business, stating that the horse is free of any disease or sores, is in good health and that it is fit to pull a Caleche in an urban setting without posing a danger to the public or itself. The veterinarian examination must take place within the two weeks prior to the date of the certificate being submitted.

29. Every Licensee under subsections 2(2)(j),(k), and (m) of this By-law must ensure that when the outside temperature reaches -20°C or below, excluding wind chill,

or when it reaches 28°C or above, excluding humidex, the Caleche operations are immediately halted and all horses are returned to their stables . Should it be impossible to obtain the recorded temperature in accordance with the first paragraph, the temperature must be obtained from Environment Canada.

30. The Licensing Officer may order a Licensee to immediately cease Caleche operations and that the horses utilized in the Caleche operations be returned to the stable in the following cases:
    (a) The horse harnessed to it does not meet the requirements of this By-law;
    (b) The Caleche does not meet the requirements of this By-law;
    (c) The outside temperatures listed in section 29 of this By-law are reached.

31. The Licensing Officer may order a Licensee to have a horse utilized in Caleche operations examined by a veterinarian at the Licensee's expense and refrain from using the horse in Caleche operations until a veterinarian certificate indicating that the horse is fit for work to the satisfaction of the Licensing Officer is received.

32. A Caleche that is being used as a Vehicle for Hire and that is associated with a Caleche Carriage Plate must be in good service and have all necessary operating and safety equipment, including a brake and a slow moving vehicle sign.

33. No person shall cause or permit the operation of a Caleche that does not meet the requirements of this By-law.

Spare Vehicle Registration

34. (1) A Vehicle for Hire Vehicle Licensee may apply to the Licensing Officer for a Spare Vehicle to be used on a temporary basis in place of a Vehicle for Hire that is licenced under this By-law, when that Vehicle for Hire is, for any reason, unable to be operated.

    (2) No Vehicle for Hire Vehicle Licensee shall use a Spare Vehicle in place of a Vehicle for Hire licenced under this By-law unless the a Spare Vehicle Licence and Spare Vehicle Plate have been issued by the Licensing Officer.

(3) The Licensing Officer may approve a Vehicle for temporary use as a Spare Vehicle upon the Licensee providing to the Licensing Officer:

(a) A completed Spare Vehicle application;

(b) The Spare Vehicle application fee as prescribed in the Fees and Charges By-law; and

(c) Confirmation the application requirements for a Vehicle for Hire Vehicle Licence, as set out in Part IV of this By-law, are met with respect to the proposed Spare Vehicle;

(4) Upon approval of the application, a Spare Vehicle Plate will be issued to the Applicant, to be affixed to the Spare Vehicle, will be issued to the Applicant.

(5) The Licensing Officer may renew the Spare Vehicle Licence upon the Licensee submitting to the Licensing Officer all of the documentation and fees set out in subsection (3).

(6) The Licensee shall notify the Licensing Officer by electronic mail or voicemail within twenty-four (24) hours of the use of the Spare Vehicle as a licenced Vehicle for Hire.

(7) The Licensee shall notify the Licensing Officer by electronic mail or voicemail within twenty-four (24) hours of the resumption of the use of the regular licenced Vehicle for Hire and cessation of the use of the Spare Vehicle.

(8) A Vehicle used as a Spare Vehicle must comply with all requirements of this By-law relating to the operation of Vehicles for Hire.

35. (1) Despite section 34 of this By-law, a Vehicle for Hire Business Licensee may apply to the Licensing Officer for temporary use of a Spare Vehicle, in addition to the Licensee's other licenced Vehicles for Hire, for a specified period of time in order to provide increased Vehicle for Hire Services, subject to the following conditions:

(a) An application for temporary use of a Spare Vehicle shall be presented to the Licensing Officer at least five (5) business days prior to the proposed date for use;

(b) the Applicant has submitted the appropriate application and paid the appropriate fees in accordance with the Fees and Charges By-law;

(c) the Applicant has identified on the application the times and dates for which the Spare Vehicle will be used; and

(d) the Applicant has provided confirmation that all of the Application requirements for a Vehicle for Hire Vehicle Licence, as set out in section 11 of this By-law, are met with respect to the proposed Spare Vehicle.

(2) Upon approval of the application set out in subsection (1) and registration of the Spare Vehicle, the Licensing Officer shall provide to the Licensee a temporary approval to use the main Vehicle for Hire Plate in addition to the Spare Plate for the approved period of time.

PART V VEHICLE FOR HIRE DRIVER LICENCE

Prohibition

36. (1) No Person shall provide or attempt to provide a Vehicle for Hire Service unless that Person is the holder of a Vehicle for Hire Driver Licence.

(2) No Driver shall provide or attempt to provide a Vehicle for Hire Services unless they are affiliated with a Vehicle for Hire Business.

Licence Application

37. A Vehicle for Hire Driver Licence is valid for all classes of Vehicles licenced under this By-law.

38. Every application for a Vehicle for Hire Driver Licence and renewal Licence shall be made to the Licensing Officer in a format provided by the Licensing Officer.

DRAFT

Without limitation, every application for a Vehicle for Hire Driver Licence or a renewal shall include the following:

(1) The Applicant's full legal name, address, telephone number, email address and date of birth;

(2) For those Vehicles that require a valid driver's licence for operation, proof of a valid, unrestricted, Class G driver's licence issued by the Province of Ontario with at least two (2) years driving experience and proof the Person has the proper class of licence to drive the class of Vehicle for Hire being operated under this By-law;

(3) Two (2) pieces of government issued identification, one (1) being photo identification;

(4) Confirmation that the Applicant is legally eligible to work in Canada;

(5) Confirmation that the Applicant has not had a Vehicle For Hire Driver Licence revoked, suspended or denied within three (3) years of the date of application;

(6) A Criminal Record and Judicial Matters check for the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A";

(7) Ontario Ministry of Transportation three (3) year driver's abstract, if applicable;

(8) A declaration signed by the Applicant confirming that he or she does not have any current outstanding police investigations, charges or warrants pending before any courts pursuant to the *Criminal Code*, *Controlled Drugs and Substances Act* or the *Highway Traffic Act*;

(9) A declaration signed by a Vehicle for Hire Business Licensee confirming the Applicant's affiliation or employment with the Vehicle for Hire Business. A declaration is required from each Vehicle for Hire Business that the Applicant is affiliated with or employed by; and,

(10) Confirmation from the Applicant's affiliated Vehicle for Hire Business that the Applicant has successfully completed required driver training.

39. An Applicant for a Vehicle for Hire Driver Licence shall submit to a photograph being taken of them for use on the Vehicle for Hire Driver Licence.

40. (1) The Licensing Officer shall issue a Vehicle for Hire Driver Licence to an Applicant that has satisfied the requirements of this By-law, based on the appropriate Driver Licence subclass as set out in subsection 2(2) above.

(2) A Vehicle for Hire Vehicle Licence and Vehicle Plate Licence may be issued for a term of one (1) month; six (6) months; or twelve (12) months.

General Licence Requirements

41. Every Vehicle for Hire Driver Licensee, while operating a Vehicle for Hire licenced under this By-law:

(1) Shall display their Licence in a location that is clearly visible to all Passengers and shall verbally advise any Passenger of their Vehicle for Hire Driver Licence number upon request;

(2) Shall ensure the Vehicle for Hire Vehicle Licence is in the Vehicle at all times;

(3) Shall ensure the Vehicle proof of insurance slip is in the Vehicle;

(4) Shall ensure the Vehicle ownership is in the Vehicle, if applicable;

(5) Shall ensure the Vehicle for Hire Plate is affixed to the Vehicle as prescribed in this By-law; and,

(6) Shall ensure an operational fire extinguisher and a first aid kit are both stored within the vehicle.

DRAFT

42. Every Vehicle for Hire Driver Licensee, while operating a Vehicle for Hire licenced under this By-law, shall ensure that the GPS, PA system and dispatch system for the Vehicle for Hire is operational, if applicable.

43. No Vehicle for Hire Driver Licensee shall:

(1) Verbally solicit any Person for the purposes of providing a Vehicle for Hire Service;

(2) Obstruct the use of any sidewalk, access way, street, roadway, driveway or highway with a Vehicle for Hire licenced under this By-law;

(3) Permit their Vehicle for Hire as licenced under this By-law to remain idling:

(a) For a period that exceeds ten (10) minutes when the outdoor temperature is between ten (10) degrees Celsius and twenty (20) degrees Celsius; or

(b) When the Vehicle for Hire is not occupied by a Passenger;

(4) Permit their Vehicle for Hire as licenced under this By-law to remain standing on any sidewalk, access way, street, roadway, driveway or highway, other than in designated parking areas, unless for the immediate purpose of:

(a) Taking on a Passenger or Passengers who have already engaged the Vehicle for Hire; or
(b) Discharging a Passenger or Passengers from the Vehicle for Hire;

(5) Carry a number of Passengers during a Vehicle for Hire trip that exceeds the manufacturer's rating of seating capacity and available seat belts, if equipped, for the Vehicle for Hire;

(6) Smoke tobacco or cannabis or permit tobacco or cannabis to be smoked in the Vehicle for Hire licenced under this By-law;

(7) Consume or be under the influence of any alcohol while operating a Vehicle for Hire licenced under this By-law;

DRAFT

(8) Consume, possess or be under the influence of any controlled substance as defined in the *Controlled Drugs and Substances Act* while operating a Vehicle for Hire licenced under this By-law;

(9) Permit the consumption of any alcohol in the Vehicle for Hire licenced under this By-law.

(10) Use an electronic cigarette or permit the use of an electronic cigarette in the Vehicle for Hire licenced under this By-law.

(11) Operate a Vehicle for Hire that is not licensed under this By-law.

44. Every Vehicle for Hire Driver Licensee that is operating an Accessible Vehicle for Hire shall give priority to Persons with disabilities.

45. Every Vehicle for Hire Driver Licensee providing an Accessible Vehicle for Hire Service shall securely fasten all mobility devices while the Accessible Vehicle for Hire is in motion.

46. (1) Every Vehicle for Hire Driver Licensee shall notify the Licensing Officer within twenty-four (24) hours of any charge or conviction they have received that is in contravention of Schedule “A” criteria of this By-law or of any Motor Vehicle accident involving a Vehicle for Hire licenced under this By-law.

(2) Every Vehicle for Hire Driver Licensee shall notify the Licensing Officer within twenty-four (24) hours of any police investigation, charge or conviction relating to the Licensee pursuant to the *Criminal Code* or the *Controlled Drugs and Substances Act* or the *Highway Traffic Act* with all particulars relating to the investigation, charge or conviction;

(3) If the Licensing Officer has reasonable grounds to believe that any of the information that was provided in the Licensee’s application for a Vehicle for Hire Driver Licence has changed without the Licensee advising of the change, the Licensing Officer may, upon demand, request the Licensee produce an updated:

(i) Criminal Record and Judicial Matters check; or

(ii) A three (3) year Ontario Drivers Abstract.

Special Licence Requirements

47. No Vehicle for Hire Driver shall provide a Vehicle for Hire Service unless the service provided is for a minimum rate of charge, exclusive of HST, of not less than:

(1) Ten dollars ($10.00) for Sightseeing, Shuttle or Specialty Vehicle for Hire Services; and,

(2) Five dollars ($5.00) for Caleche Vehicle for Hire Services.

PART VI GENERAL

Prohibitions

48. No Person shall:

(1) Hinder or obstruct, or attempt to hinder or obstruct the driver or the operation of a Vehicle for Hire licenced under this By-law;

(2) Molest, startle or otherwise interfere with a horse being used for a Caleche licenced under this By-law;

(3) Evade payment for a Vehicle for Hire Service once provided;

(4) Obstruct a pick-up or drop off location for a Vehicle for Hire;

(5) Give false or incorrect information for the purposes of obtaining or renewing a Licence;

DRAFT

(6) Hinder or obstruct, or attempt to hinder or obstruct, either directly or indirectly, any Person who is exercising a power or performing a duty under this By-law, including carrying out an inspection;

(7) Charge a higher fare or an additional fee for Persons with disabilities than for Persons without disabilities for the same trip; and,

(8) Charge a fee for the storage of mobility aids or mobility assistive devices in relation to a Vehicle for Hire Service.

Licence Application Process

49. Every Applicant shall provide payment in full, at the time the application is submitted, of the applicable fee prescribed in accordance with the Fees and Charges By-law.

50. All Applicants shall provide the Licensing Officer with such other information and documentation as requested by the Licensing Officer.

51. Every Applicant and Licensee shall report to the Licensing Officer within twenty-four (24) hours after the event, of any change in any information, including contact, address and insurance information, that was provided to the Licensing Officer pursuant to this By-law.

Licence Requirements

52. (1) Every Licensee shall hold such Licence subject to the requirements and criteria as imposed in this By-law, including the compliance with criteria imposed in order to be licensed under Parts III, IV and V.

(2) In the event a Licensee cannot comply with the requirements as set out in subsection (1) above, the Licensee shall cease to provide Vehicle for Hire Services immediately and surrender the applicable Licence to the Licensing Officer within twenty-four (24) hours of the non-compliance.

DRAFT

(3) Any Licences that have been surrendered to the Licensing Officer pursuant to subsection (2) above, shall be deemed suspended; but may be reinstated and returned to the Licensee upon the Licensee providing satisfactory proof of compliance with all applicable requirements of the application for the Licence in issue.

53. If a Licence is defaced, destroyed, or lost, the Licensee shall apply to the Licensing Officer for a replacement and, on payment of the prescribed fee in accordance with the Fees and Charges By-law, may be issued a replacement Licence, as required.

Reporting

54. Any report to the Licensing Officer that is required pursuant to this By-law may be made during a Holiday, before or after business hours by submitting the report via electronic mail or leaving a voicemail message to the email address or telephone number for the Licensing Officer, as publicly posted on the Region's website from time to time.

PART VII INSPECTIONS

55. Every Licensee shall allow the Licensing Officer, a Municipal By-Law Enforcement Officer or Police Officer, upon demand, to enter upon and inspect a Vehicle for Hire Business premises and/ or a Vehicle for Hire to ensure that all provisions of this By-law have been satisfied.

56. Upon inspection, every Person shall produce all relevant Licences and permits, invoices, vouchers or like documents, trip records, and all documents required to be kept and maintained under this By-law, which may be removed for the purpose of photocopying and returned to the Licensee within forty eight (48) hours of removal.

57. No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer from carrying out an inspection or withhold, destroy, conceal or refuse to furnish any information or thing required by the Officer inspecting for the purpose of this inspection.

DRAFT

PART VIII POWERS OF THE LICENSING OFFICER

58. The power and authority to issue or renew a Licence, refuse to issue or refuse to renew a Licence, to revoke or suspend a Licence, to impose terms and conditions, including special conditions, on a Licence are delegated to the Licensing Officer.

59. When an application for a Licence or for a renewal of a Licence is made in accordance with the provisions of this By-law and the Applicant meets all the requirements of this By-law, the Licensing Officer shall issue a Licence.

60. The Licensing Officer may refuse to issue, refuse to renew, revoke or suspend a Licence, or impose a term or condition on a Licence on the following grounds:

(1) The conduct of the Applicant or Licensee, or where the Person is a corporation, that the conduct of the corporation's officers, directors, employees or agents, affords reasonable cause to believe that the Person will not carry on or engage in the operation of the business in accordance with any applicable Federal law, Provincial law, or Municipal by-law, or with honesty and integrity;

(2) The Licensing Officer has reasonable cause to believe that the granting, renewal or continuation of a Licence under this By-law would pose a danger to the health or safety of any Person or the public in general;

(3) The Applicant or Licensee is carrying on activities that are in contravention of this By-law;

(4) There are reasonable grounds to believe that an application or other documents provided to the Licensing Officer by or on behalf of the Applicant or Licensee contains a false statement;

(5) Any information contained in the original application form or any other information provided to the Licensing Officer has ceased to be accurate and the Licensee has not provided up-to-date accurate information to allow the Licensing Officer to conclude that the Licence should continue;

DRAFT

(6) An Applicant does not meet, at any time, one or more of the requirements of this By-law or any conditions imposed on a Licence;

(7) An Applicant or Licensee is not in compliance with any applicable Federal law, Provincial law or Municipal by-law, including but not limited to this By-law, and any requirement to obtain and maintain a valid Provincial Licence; or

(8) The Applicant or Licensee has been convicted of a criminal offence which causes the Licensing Officer to believe it would not be in the interest of public safety and/or consumer protection to issue or maintain such a Licence.

61. Notwithstanding any other provision of this By-law, the Licensing Officer may impose conditions, including special conditions, on any Licence at issuance, renewal or at any time during the term of the Licence, as are necessary in the opinion of the Licensing Officer to give effect to this By-law.

62. Where the Licensing Officer has made a decision to deny, suspend, revoke or place conditions, including special conditions, on a Licence, the Licensing Officer's written notice of that decision shall:

(1) Set out the grounds for the decision;

(2) Give reasonable particulars of the grounds;

(3) Be signed by the Licensing Officer; and,

(4) State that the Applicant or Licensee is entitled to request a hearing before the Licensing Appeals Committee if the Applicant or Licensee delivers a request for a hearing, in writing, accompanied by the applicable fee set out in the Fees and Charges By-law, to the Licensing Officer, within thirty (30) calendar days after the notice is served.

63. (1) Where notice to an Applicant or Licensee is required under this By-law, it is sufficiently given if delivered personally to the Applicant or Licensee, sent by electronic mail, or sent by registered mail to the address provided on the application or Licence, as applicable, of the Applicant or Licensee.

(2) Where service is effected by registered mail under subsection (1), notice shall be deemed to have been made on the fifth (5th) day after the date of mailing. Service is deemed effective by email at the time it is sent. Personal Service is deemed effective at the time it is given.

64. Where no appeal is registered within the required time period, the decision of the Licensing Officer shall be final.

65. Where a licence issued under this By-law has been suspended or revoked or special conditions have been placed on the licence, the Person shall return the applicable licence to the Licensing Officer within twenty four (24) hours of service of written notice.

Appeal

66. The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Licensing Appeals Committee (the “Committee”).

67. The provisions of sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted by the Committee under this By-law.

68. (1) When an Applicant is denied a Licence or has their Licence revoked or suspended, or has conditions, including special conditions, placed on their Licence, they may request an appeal hearing before the Licensing Appeals Committee, within thirty (30) calendar days of service of the notice described in section 63 of this By-law, for review of this decision. This request for an appeal shall be made in writing, be sent to the Licensing Officer, and set out the relief sought and the reasons for the appeal.

(2) When a request for a hearing under subsection (1) and the applicable fee for filing an appeal, as set out in the Fees and Charges By-law, have been received, a hearing shall be scheduled before the Licensing Appeals Committee and notice of the hearing date shall be given to the Applicant.

(3) A notice of hearing shall include:

(a) A statement of the time, date, location, and purpose of the hearing; and,

(b) A statement that if the Applicant or Licensee does not attend the hearing, the Licensing Appeals Committee may proceed in their absence without notice to them.

(4) After conducting a hearing under subsection (2), the Committee may uphold or vary the decision of the Licensing Officer, or make any decision that the Licensing Officer was entitled to make in the first instance.

(5) Notice of the Committee's decision, with reasons, shall be provided in writing served in accordance with the service provisions contained in section 63 of this By-law.

(6) The Licensing Appeal Committee's decision in respect of refusing, suspending, revoking or attaching conditions to a Licence is final.

PART IX ORDERS

69. (1) If the Licensing Officer or a Municipal By-Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the Licensing Officer or Municipal By-Law Enforcement Officer may make an Order requiring the Person who contravened this By-law or who caused or permitted the contravention to discontinue the contravening activity.

(7) An Order under subsection (1) shall set out:

(a) reasonable particulars of the contravention adequate to identify the contravention; and,

(b) the date by which there must be compliance with the Order.

(8) An Order issued under this By-law shall be served in accordance with the service provisions contained in section 63 of this By-law.

70. Every Person shall comply with an Order issued under the authority of this By-law.

PART X PENALTY

71. Every Person who contravenes any provision of this By-law or an Order under this By-law is guilty of an offence and upon conviction is liable to the appropriate penalty, as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33, as amended.

72. A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law or an Order made under this By-law is guilty of an offence.

73. (1) Notwithstanding section 71 of this By-law, each day on which a Person contravenes any provision of this By-law shall be deemed to constitute a continuing offence under this By-law as provided for in section 429(2) of the *Municipal Act, 2001*. For clarity, in the case of an Order, a contravention continues for every day or part of a day past the date set out in the Order by which the work must be complete or action taken, as the case may be.

(2) For each day or part of a day that the offence continues, the minimum fine shall be ONE HUNDRED DOLLARS ($100.00) and the maximum fine shall be FIVE THOUSAND DOLLARS ($5,000.00), and the total of all daily fines for the offence is not limited to ONE HUNDRED THOUSAND DOLLARS ($100,000.00).

74. If any section of this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted or impose conditions.

PART XI ADMINISTRATION AND ENFORCEMENT

75. (1) The Licensing Officer shall have all necessary authority to carry out the administration and enforcement of this By-law.

DRAFT

(2) Without limiting subsection (1) of this section, the Licensing Officer shall have the authority, at their sole discretion, to:

(a) prescribe administrative forms, registers and electronic data software required under this By-law;

(b) establish policies, procedures, operational protocols, inspection criteria and frequency, Licence criteria, and operational hours;

(c) receive and process all applications for all Licences and renewals of Licences under this By-law;

(d) pro-rate any licensing or administrative fees that may be charged under this By-law;

(e) issue any Licence where the Applicant meets criteria and conditions under this By- law;

(f) renew, deny, suspend, revoke, restrict or place special conditions on any Licence issued pursuant to this By-law;

(g) designate any accessibility training or other required training pursuant to this By-law;

(h) verify any information provided by an Applicant or Licensee; and,

(i) demand from a Licensee any records, information, documentation, licences or any other thing pursuant to the administration and enforcement of this By-law.

76. Any Licensee that refuses or otherwise does not supply records, information or any other thing as demanded by the Licensing Officer shall have their licence suspended. The Licensing Officer may re-instate a Licence if the Licensee supplies the information, record or other thing as demanded.

DRAFT

77. This By-law may be enforced by the Licensing Officer, a Municipal By-Law Enforcement Officer appointed by Council to enforce this By-law, or any Police Officer.

78. Any Person who obstructs or interferes with an Officer in the discharge of their duties shall be considered in violation of this By-law.

79. Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with that Person in the execution of their duties.

Survival

80. If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found illegal.

Citation

81. This By-law may be cited as the "Vehicle for Hire By-law".

By-law Commencement / Transition

82. (1) By-Law No. 2018-75, being a by-law to licence, regulate and govern vehicles for hire (Taxi's, Transportation Network Company Vehicles, Specialty Vehicles, Auxiliary Services Vehicles, Shuttle Buses, Sightseeing Vehicles, Caleche, Tow Trucks) and Businesses (Second-Hand Good Stores and Dealers, Salvage Yards, Auto-Wrecking Yards and Taxicab Brokers) and all amendments thereto, is hereby repealed.

(2) Notwithstanding subsection (1), By-law No. 2018-75, as amended, shall continue to apply to proceedings in respect of offences that occurred before its repeal.

(3) Notwithstanding subsection (1), all Licences issued under No. By-law 2018-75, including any suspensions, revocations, denials, renewals or special conditions imposed on such Persons holding licences by the

DRAFT

Region, that are in effect at the time said by-law is repealed, shall be deemed to be Licences as issued under this By-law, together with any such suspensions, revocations, denials, renewals or special conditions, and all the rules, requirements and regulations of this By-law shall apply with necessary modification.

(4) All Persons holding Licences issued under the provisions of By-law o. 2018-75 must come into compliance with all provisions of this by-law upon the renewal date of their Licence, or twelve (12) months from the date this By-law comes into force, which length of time is greater.

(5) Notwithstanding subsection (4) of this section, a Person holding a licence that fails to come into compliance with all provisions of this by-law upon the renewal date of their licence shall have their Licence revoked.

83. This by-law shall come into force and effect on the date that it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

_____

< >, Regional Chair

_____

Ann-Marie Norio, Regional Clerk

Passed: <date>

DRAFT

Bill No. 2021-<#>

Authorization Reference: < Session # >;
< Minute Item # >

Schedule “A”

Standard Character and Driving Record Criteria

An application for or renewal of a Licence under this By-law shall be denied where the Applicant:

(Parts 1 to 7 apply to all applicants)

1. Has an undertaking, recognizance, peace bond, probation order or other court or police issued document where the conditions prohibit the applicant from performing the functions of the licence being applied for;

2. Has been convicted of a criminal offence for which, in the opinion of the Licensing Officer, it wold not be in the interest of public safety to issue or maintain such a licence. Such offences include, but are not limited to: sexual-based offences, child pornography, trafficking in persons, kidnapping, hostage taking, abduction, crimes against persons under 18 years of age, assault with a weapon, assault causing bodily harm, and, aggravated assault any assault against a Peace Officer;

3. Has been found guilty and convicted of any criminal offence, in the preceding twenty (20) years from the date of the application, where the term of incarceration imposed exceeded ten (10) years;

4. Has been found guilty and convicted of any criminal offence, in the preceding ten (10) years from the date of the application, where the term of incarceration imposed was between two (2) and ten (10) years;

5. Has been found guilty and convicted of any criminal offence, in the preceding five (5) years from the date of the application, where the term of incarceration imposed was less than two (2) years;

6. Has outstanding criminal charges before the courts and is awaiting trial and sentencing; or

7. Is the subject of a current police criminal investigation.

(Parts 8, 9 and 10 shall only apply to Driver Licence applicants)

DRAFT

8. Has been found guilty of any of the following *Highway Traffic Act* offences, in the preceding five (5) years from the date of the application:

i) Careless Driving;

ii) Racing or Stunt Driving; or

iii) Exceeding the Speed Limit by 50 km/hour or more;

9. Has accumulated nine (9) or more demerit points or six (6) or more convictions under the *Highway Traffic Act* on their driving record abstract within three (3) years from the date of the application; or

10. Has had their driver's licence, issued in any province or territory, suspended under the *Highway Traffic Act* or Criminal Code within three (3) years of the date of application.

Paragraphs 2, 3, 4 and 5 shall not apply if the Applicant has received a Record Suspension or Pardon for the offence by the Parole Board of Canada.

DRAFT

Bill No. 2021-<#> Authorization Reference: < Session # >;
< Minute Item # >

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. < >

A BY-LAW TO LICENCE, REGULATE AND GOVERN
SALVAGE SHOPS AND SALVAGE YARDS

WHEREAS the Council of The Regional Municipality of Niagara considers it in the public interest to enact a by-law to licence, regulate and govern various classes of businesses and to repeal the existing Business Licensing By-law No. 2018-75, as amended;

AND WHEREAS Section 9 of the *Municipal Act*, *2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, provides The Regional Municipality of Niagara with exclusive jurisdiction to enact by-laws for the licensing, regulating and governing of salvage businesses (meaning salvage shops and salvage yards, including automobile wrecking yards or premises) within the Region;

AND WHEREAS Part IV LICENCES (more specifically sections 150 – 165) of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, authorizes The Regional Municipality of Niagara to regulate and govern businesses, meaning any business wholly or partly carried on within the Region, even if the business is being carried on from a location outside the Region;

AND WHEREAS Section 151 of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, provides The Regional Municipality of Niagara with the power to provide for a system of licences with respect to a business, and may prohibit the carrying on or engaging in the business without a licence; refuse to grant a licence or to revoke or suspend a licence; impose conditions as a requirement of obtaining, continuing to hold or renewing a licence; impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence; impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS the Council of The Regional Municipality of Niagara has determined that it is appropriate and desirable to licence salvage shops and salvage yard dealers

as a means of protecting consumers and enhancing the safety of residents and their personal property by preventing the sale of salvage that is taken from stolen goods and regulating and controlling any visual, noise, environmental, fire, safety, health and property standard nuisance or hazard caused by salvage shops and salvage yards, including automobile wrecking yards or premises;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

PART I DEFINITIONS

1. In this By-law, unless context otherwise requires,:

"**Applicant**" means any Person applying for a Licence or renewal of a Licence under this By-law;

"**Area Municipality**" means any one of the municipalities or corporations of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and/or Township of West Lincoln;

"***Controlled Drugs and Substances Act***" means the *Controlled Drugs and Substances Act,* S.C. 1996, c. 19, as amended, or any successor legislation;

"**Council**" means the Council of The Regional Municipality of Niagara;

"**Criminal Code**" means the *Criminal Code*, R.S.C. 1985, c. C-46, as amended, or any successor legislation;

"**Fees and Charges By-law**" means a by-law passed by Council pursuant to section 391 of the *Municipal Act, 2001* establishing fees and charges for services and activities provided by the Region and for the use of its property, as amended and replaced from time to time.

"***Highway Traffic Act***" means the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and its regulations, or any successor legislation;

"**Human Rights Code**" means the *Human Rights Code*, R.S.O. 1990, c. H-19, as amended, or any successor legislation;

"**Licence**" means an authorization issued under this By-law to carry on a business specified therein and the document, certificate or card issued shall provide evidence of such authority as the content may allow;

"**Licensee**" means a Person holding a Licence in accordance with this By-law;

"**Licensing Appeals Committee**" or "**Committee**" means the all citizen tribunal appointed by Council to conduct hearings under this By-law;

"**Licensing Officer**" means the Manager of Business Licensing for The Regional Municipality of Niagara or their designate;

"Ministry of the Environment" means the Ontario Ministry of the Environment, and Climate Change Resources, or any successor ministry;

"Motor Vehicle" means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c.H.8;

"***Motor Vehicle Dealers Act, 2002*"** means the *Motor Vehicle Dealers Act, 2002* S.O. 2002, c. 30, Sched. B, as amended, or any successor legislation;

"***Municipal Act, 2001***" means the *Municipal Act, 2001*, S.O.2001, c. 25, as amended from time to time;

"**Municipal Law Enforcement Officer**" means a municipal law enforcement officer appointed by Council, or an officer, employee or agent of the Region whose responsibilities include the enforcement of this By-law;

"**Officer**" means Municipal Law Enforcement Officer, Licensing Officer, or Police Officer;

"**Person**" includes an individual, a corporation, or a partnership;

"Police Officer" means a police officer as defined by the *Police Services Act*, R.S.O. 1990, c. P.15;

"Provincial Licence" means any form of Licence or certification required to be held by the Licensee pursuant to applicable Provincial laws, including but not limited to an EASR Licence;

"**Region**" means The Regional Municipality of Niagara as a municipal corporation and, where the context requires, its geographic area;

"**Register**" means the register as required under Part VIII of this By-law;

"**Salvage**" means, but is not limited, to:

(1) Dismantled or wrecked motor vehicles or any parts thereof including tires;

(2) Dismantled or scrap residential, commercial or industrial machines, appliances, or any part thereof, including e-waste; or

(3) Scrap aluminium, brass, copper, steel, or any other metal;

"**Salvage Business**" means Salvage Shops and Salvage Yards, including an automobile wrecking yard or premises;

"**Salvage Shop**" means any building, or any part thereof, within the Region, that does not have an outdoor yard, where Salvage is received, collected, sorted, processed, handled, dismantled, crushed, recycled, demolished, displayed, stored, sold or purchased;

"**Salvage Shop Licence**" means a Salvage Shop Licence issued by the Licensing Officer under this By-law;

"**Salvage Yard**" means:

(1) An outdoor yard;

(2) A building or buildings with an outdoor yard; or

(3) A fenced compound that may include a mix of outdoor storage and buildings;

within the Region where Salvage is received, collected, sorted, processed, handled, dismantled, crushed, recycled, demolished, displayed, stored, sold or purchased, and includes an automobile wrecking yard;

"**Salvage Yard Licence**" means a Salvage Yard Licence issued by the Licensing Officer under this By-law;

"**Statutory Holiday**" means New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day; and,

"**Vehicle**" means a vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c.H.8.

DRAFT

PART II LICENCE CLASSES

2. (1) The Licensing Officer shall issue Licences for the following classes:

(i) Salvage Shop Licence; and

(ii) Salvage Yard Licence.

(2) All Licences are valid for a twelve (12) month period from the date of issuance. For Licence renewals only, if deemed necessary for administrative purposes by the Licensing Officer, the term of a Licence may be adjusted, for example, to align with the term of other Provincial Licences held by the Licensee for the Business, and the Licence fee may be pro-rated accordingly.

(3) Unless otherwise provided for in this By-law, all Licences issued under this By-law are personal to the Licensee, are only transferable upon approval by the Licensing Officer, and remain the property of the Region.

PART III PROHIBITIONS

3. No Person shall own or operate a Salvage Shop within the Region unless that Person holds a Salvage Shop Licence.

4. No Person shall own or operate a Salvage Yard within the Region unless that Person holds a Salvage Yard Licence.

PART IV LICENCE APPLICATION PROCESS

5. Every application for a Licence or renewal of a Licence issued under this By-law shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application shall include the following:

(1) The full legal name, municipal address, email address and telephone number of each Applicant;

(2) If the Applicant is a partnership, the full legal name, address, email address and telephone number of each partner;

(3) If the Applicant is a corporation, all current articles of incorporation for the corporation;

(4) All current legal documents showing the registered business name of the Applicant, if applicable;

(5) The full legal names, addresses and dates of birth for all officers and directors of the Applicant, if applicable;

(6) The full legal names and signatures of all Persons having signing authority for the Applicant partnership and/or corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;

(7) A Certificate of Insurance (COI) identifying and confirming the following minimum insurance requirements:

Commercial General Liability Insurance ("CGL")

CGL insurance for all services and operations to a limit of not less than FIVE MILLION DOLLARS ($5,000,000) per occurrence.

The policy will be extended to include:

a. bodily injury, death and property damage;
b. cross liability and severability of interest;
c. blanket contractual;
d. premises and operations;
e. personal and advertising injury;
f. products and completed operations;
g. owner's and contractors protective;
h. non-owned Automobile to a limit of not less than TWO MILLION DOLLARS ($2,000,000);

The policy shall be endorsed to:

a. include The Regional Municipality of Niagara as an additional insured; and,
b. contain an undertaking by the insurers to give thirty (30) days prior written notice in the event that there is a material change in the foregoing policies or coverage affecting the Additional Insured(s) or cancellation of coverage before the expiration date of any of the foregoing policies.

Environmental / Pollution

Pollution Legal Liability insurance in an amount of not less than $5,000,000 any one claim and in the aggregate, and name The Regional Municipality of Niagara as an additional insured.

Policy Requirements

All policies of insurance shall:

a) be written with an insurer licensed to do business in Ontario;
b) be non-contributing with, and will apply only as primary and not excess to any other insurance or self-insurance available to Niagara Region;

Certificates of Insurance

Certificates of insurance originally signed by authorized insurance representatives shall be delivered to the Region prior issuance of the Licence, on a form of Certificate of Insurance which is acceptable to the Region. The Certificate of Insurance must comply with these insurance requirements and must be on the Region's form of Certificate of Insurance, which can be found on the Region's website – www.niagararegion.ca/business/fpr/cert-insurance.aspx. If the Certificate of Insurance is provided in a non-original form (e.g. a facsimile, photocopy or scanned electronic copy), the Applicant acknowledges and agrees that the Region is fully entitled to treat any such Certificate as an original and that the Applicant will be responsible for the accuracy and validity of the information contained therein. All subsequent policy renewals and certificates of insurance thereafter, during the time that the Licence is in force, shall be forwarded to the Region within fifteen (15) days of their renewal date.

(8) Information on whether the Applicant, or any officer or director of the Applicant, has had a licence in regard to a Salvage Business suspended or revoked in the Region or in any other municipality within Canada;

(9) Information on whether the Applicant, or any officer or director of the Applicant, has been convicted of an offence under any previously repealed by-law of the Region or in any other municipality within Canada governing the licensing of Salvage Businesses;

(10) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A";

(11) Confirmation the proposed Salvage Business is in compliance with all applicable environmental regulations and standards set by the Ministry of

the Environment, including but not limited to, registration with the Environmental Activity and Sector Registry for prescribed activities engaged in at an end-of-life vehicle waste disposal site, if applicable;

(12) A letter from the applicable Area Municipality confirming zoning compliance for the location of the Salvage Business; if zoned “legal non-conforming”, the applicable Area Municipality must confirm this zoning status;

(13) Information on whether the Applicant, or any officer or director of the Applicant, has been convicted of an offence or had an order issued against them relating to the protection of the environment, fire safety, health, property standards, or zoning violations within the previous twelve (12) month period;

(14) For Salvage Yard Licence applications only, the additional information as required under section 6 of this By-law; and,

(15) Payment in full of the prescribed fee in accordance with the Fees and Charges By-law.

6. In addition to the information and documentation listed in section 5 of this By-law, an application for a Salvage Yard Licence must also including the following:

(1) Photographs confirming that the proposed Salvage Yard is fully enclosed by a fence as required pursuant to section 22 of this By-law;

(2) A fire inspection report prepared by the applicable Area Municipality fire department, dated within two (2) months of the date of the application, confirming compliance with all applicable provisions under the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended;

(3) A letter from the Region’s Planning and Development Services Department confirming that the Salvage Yard Business location conforms to the Region’s Official Plan;

(4) A letter from the Niagara Escarpment Commission confirming the operation of the Salvage Yard Business in the specific location does not violate the Niagara Escarpment Plan, if applicable; and,

(5) A site plan for the Salvage Yard that shows:

(i) the legal boundaries for the Salvage Yard, which must include only those lands that are under the exclusive control of the Applicant;

(ii) the location of all existing and proposed buildings, roads, driveways, parking areas, storage areas and operating areas;

(iii) the location of any fence and/or gate as required under this By-law.

7. Every Applicant for a Salvage Yard Licence shall allow the Licensing Officer or a Municipal Law Enforcement Officer to enter onto the Salvage Yard premises to verify the site plan requirements as set out under subsection 6(5) of this By-law.

8. The Licensing Officer shall issue a Licence or a renewal of a Licence to an Applicant that has satisfied the requirements of this By-law, based on the appropriate class as set out in subsection 2 (1) of this By-law.

9. No Applicant shall knowingly misstate or provide false information to the Licensing Officer.

10. All Applicants shall provide the Licensing Officer with such other information and documentation as requested by the Licensing Officer to verify compliance with the requirements of this By-law. The Licensor reserves the right to verify the requirements with a subsequent site inspection.

11. Every Applicant and Licensee shall report to the Licensing Officer within twenty-four (24) hours after the event, of any change in any information, including full legal name, contact, address and insurance information, that was provided to the Licensing Officer pursuant to this By-law.

PART V LICENCE REQUIREMENTS

12. The fees for each Licence issued or renewed under this By-law shall be in accordance with the Fees and Charges By-law.

13. (1) Every Licensee shall hold such Licence subject to the requirements and criteria as imposed in this By-law, including compliance with criteria imposed in order to be licenced under Part IV.

(2) In the event a Licensee cannot meet the requirements as set out in subsection (1) above, the Licensee shall cease to operate the Salvage Business immediately, and surrender the applicable Licence to the Licensing Officer within twenty four (24) hours of the non-compliance.

(3) Any Licences that have been surrendered to the Licensing Officer pursuant to subsection (2) above, shall be deemed suspended, but may be reinstated and returned to the Licensee upon the Licensee providing proof of compliance with all requirements of the application for the Licence in issue.

14. Every Licensee shall notify the Licensing Officer within twenty-four (24) hours of any order or conviction pursuant to any environmental, fire safety, health hazard, property standards, or zoning legislation, regulation or by-law that relates to the Person or the Salvage Shop or Salvage Yard that is licenced under this By-law.

15. No Licensee shall alter, erase or modify, or permit the alteration, erasure or modification of their Licence or any part thereof.

16. If a Licence is defaced, destroyed, or lost, the Licensee shall apply to the Licensing Officer for a replacement and, on payment of the prescribed fee in accordance with the Fees and Charges By-law, may be issued a replacement Licence, as required.

17. Every Person required to obtain a Licence under this By-law shall obtain a separate Licence for each Salvage Business being operated within the Region.

18. A Licence issued under this By-law may be transferred, pursuant to the sale of a Salvage Business, upon the parties providing to the Licensing Officer:

(1) A completed application for transfer of a business in a form provided by the Licensing Officer;

(2) The applicable transfer application fee, as prescribed in the Fees and Charges By-law; and,

(3) Confirmation that the successor Salvage Business meets the application requirements set out in Part IV of this By-law.

19. All Licences issued under this By-law shall terminate upon the death of the Licensee or dissolution of the corporate Licensee unless, in the case of the dissolution of a corporate Licensee, the Business is transferred to a successor corporation in accordance with section 18.

20. Prior to any expansion of the operational footprint of a Salvage Business licenced under this By-law, the Applicant must provide confirmation the expanded Salvage Business continues to meet the application requirements set out in Part IV.

PART VI SPECIAL LICENCE REQUIREMENTS

Salvage Shop Licence

21. (1) No Salvage Shop Licensee shall allow Salvage to be sorted, processed, dismantled, crushed, recycled, demolished, displayed, collected or stored outdoors.

(2) Subsection (1) shall not apply to a Motor Vehicle that is operational as a mode of transportation and which is being displayed for sale by a Salvage Shop Licensee that is a registered dealer under the *Motor Vehicle Dealers Act, 2002.*

Salvage Yard Licence

22. (1) Every Person who holds a Salvage Yard Licence shall maintain a fence that fully encloses any outdoor area of the Salvage Yard.

(2) Every fence, as required under subsection (1), shall be:

(i) Installed and maintained at a height in compliance with the Area Local Municipality By-laws; or, if none exist, the following standards shall be followed – the fence shall be not less than 1.83 metres and no greater than 2.44 metres in height;

(ii) Constructed of a solid uniform material, with a uniform colour, providing a full visual and entry barrier; and

(iii) Kept in good repair at all times.

(3) If an opening in any fence as required under subsection (1) is necessary for ingress or egress, then the opening shall be covered by a gate that:

(i) Includes a locking mechanism;

(ii) Opens to a width of at least 3.5 metres;

(iii) Is of the same height as the fence;

(iv) Is kept in good repair at all times;

DRAFT

(iv) Does not open over the travelled portion of a public road allowance or sidewalk; and

(v) Is kept clear of obstructions so that it may be opened fully at all times.

(4) No person shall erect or relocate a fence or a gate as required under this section without the prior written approval of the Licensing Officer.

23. Every Licensee who holds a Salvage Yard Licence shall ensure that:

(1) The outdoor area of the Salvage Yard is kept in a clean, neat, orderly and sanitary condition;

(2) All storage containers and other materials belonging to the Licensee or used for the Salvage Yard operation on-site are kept within:

(i) The enclosed area as required under section 22 of this By-law; or

(ii) An enclosed building;

(3) All Vehicles and equipment belonging to the Licensee or used for the Salvage Yard operation that do not have a current licence plate as issued by the Ministry of Transportation, or any successor Ministry, are parked within:

(i) The enclosed area, as required under section 22 of this By-law; or

(ii) An enclosed building;

(4) No Salvage is loaded, unloaded, sorted, processed, dismantled, crushed, recycled, demolished, displayed, stored, collected or placed outside of:

(i) The enclosed area as required under section 22 of this By-law; or

(ii) An enclosed building;

(5) No Salvage is placed against or within two (2) metres of the fence as required under section 22 of this By-law;

(6) No Salvage, storage container or other material within the Salvage Yard is placed on the roof of any building within the Salvage Yard;

DRAFT

(7) No gasoline, vehicle fluids or other chemicals from the Salvage Yard enter or escape onto any adjoining lands or into any aquifer, lake, pond, river, stream, drainage pond, drainage ditch or other body of water;

(8) All outdoor lighting for the Salvage Yard is arranged so as to divert light away from adjoining lands, inclusive of any public road allowances;

(9) All parking areas and roadways within the Salvage Yard are paved or are treated in a manner to reduce dust;

(10) All Vehicle batteries within the Salvage Yard are stored within an enclosed building, and in accordance with any standards required by the Ministry of the Environment, or any successor Ministry; and

(11) Salvage may not be piled or stored higher than permitted by the applicable zoning by-laws of Area Municipalities. Where the zoning by-laws of Area Municipalities are silent, Salvage shall not be piled or stored higher than 4.57 metres.

(12) All outdoor lighting for the Salvage Yard shall be arranged as to divert light away from adjoining lands, inclusive of any public road allowances.

24. (1) No Licensee who holds a Salvage Yard Licence for a Salvage Business that is adjacent to or within two (2) kilometres of a residential property shall operate or permit the operation of a crusher, loader, forklift, crane, truck or other equipment at the Salvage Yard except:

(i) Between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday; and

(ii) Between the hours of 9:00 a.m. and 5:00 p.m. on weekends.

(2) Notwithstanding subsection (1) of this section, no Licensee who holds a Salvage Yard Licence for a business that is adjacent to or within two (2) kilometres of a residential property shall operate or permit the operation of a crusher, loader, forklift, crane, truck or other equipment on a Statutory Holiday.

25. No Salvage Yard shall exceed size restrictions imposed in zoning by-laws of Area Municipalities, and if none exist, five (5) Hectares in area, unless the Salvage Yard exceeded five (5) Hectares in area on the date that this By-law came into force and effect.

DRAFT

PART VII OPERATIONS

26. Every Licensee shall ensure that the Licensee and their employees, contractors, and agents abide by the requirements of this By-law.

27. Every Licensee shall comply with all applicable Federal laws, Provincial laws, and Municipal by-laws, while operating a Salvage Business.

28. No tires shall be stored in an area of a Salvage Business licenced under this By-law where there is the potential for them to come into contact with a spark, flame or a heat source.

29. Every Licensee shall store and dispose of gasoline, oils, and other fluids from recycled Vehicles in approved containers, pursuant to standards imposed by the Ministry of the Environment or any successor Ministry. Licensees must keep records, to be produced upon demand by the Licensing Officer, documenting the means of disposal of these various Vehicle fluids.

30. Every Salvage Business licenced under this By-law that is also a registered Vehicle dealer pursuant to the *Motor Vehicle Dealers Act,* shall prominently display their proof of registration as a motor vehicle dealer in a visible area within the Salvage Business premises.

31. Every Licensee shall display their Licence in a conspicuous location that is visible to all Persons upon entering the licenced Salvage Business location.

Reporting

32. Any report to the Licensing Officer that is required pursuant to this By-law may be made outside of business hours by submitting the report via electronic mail or voicemail message to the email address or telephone number of the Licensing Officer, as publicly posted on the Region's external website from time to time.

PART VIII REGISTER

33. (1) Every Licensee shall maintain a Register recording all transactions, namely sales and purchases, made pursuant to the Salvage Business in accordance with this section.

(2) A copy of the Register entries, including photographs that may be required under subsection (5), documenting the previous day's transactions, shall be delivered to the Licensing Officer, via electronic mail, daily by 10:00

am, save and except those days that the Business is not operating, in which case the entries shall be submitted the following operating day.

(3) The Licensee shall maintain a separate Register for each Salvage Business licenced under this By-law that the Licensee operates.

(4) A Register, as required under this By-law, shall be in the form of either:

(i) A paper booklet or electronic version Register supplied by the Licensing Officer; or,

(ii) A computer software program that has been approved for use by the Licensing Officer.

(5) Every Licensee who acquires any Salvage, with the exception of Vehicles or Vehicle parts, from another Person, either personally or through an employee or agent, shall immediately record, in English, in their Register:

(i) The full legal name, address and telephone number including the type of identification provided and the plate number of the Vehicle of the Person from whom they received the Salvage item(s);

(ii) The date and time of the transaction;

(iii) The value paid or consideration given for the Salvage item(s);

(iv) a detailed description of the Salvage item(s);

(v) the name of the employee or agent of the Licensee who accepted the Salvage item(s);

(vi) the value paid or consideration given for the Salvage item(s);

(vii) The serial number of the Salvage item(s), if available; and

(viii) A photograph of any Salvage items that were purchased for more than ONE HUNDRED DOLLARS ($100.00);

(6) Every Licensee who acquires a Vehicle or Vehicle parts from another Person for the purpose of dismantling or selling such at their Salvage Business, either personally or through an employee or agent, shall immediately record, in English, in the Register:

DRAFT

(i) the full legal name, address and telephone number including the type of identification provided to verify this information and the plate number of the Vehicle of the Person from whom they received the Vehicle or Vehicle parts;

(ii) the date of the transaction;

(iii) proof of legal ownership;

(iv) The vehicle information number (VIN) of the Vehicle;

(v) the make and model of the Vehicle;

(vi) the plate number of the Vehicle delivering the Salvage Vehicle or Vehicle parts;

(vii) the name of the employee or agent of the Licensee who accepted the Vehicle or Vehicle parts;

(viii) the value paid or consideration given for the Vehicle or Vehicle parts; and

(ix) a detailed description of the Vehicle or Vehicle parts including the serial number, if applicable.

(x) A photograph of any Vehicle or Vehicle parts that were purchased for more than ONE HUNDRED DOLLARS ($100.00);

(7) Every Licensee who sells Salvage to another Person shall ensure that a copy of a receipt for the sale is maintained for a period of one (1) year after the date of the sale, and a corresponding entry is made in the Register.

(8) Every Licensee shall make the Register and the receipts required under subsection (7) available for inspection upon demand by an Officer.

(9) Every Licensee who maintains the Register through an approved computer software program shall, upon demand by an Officer:

(i) Allow the Officer to review the onscreen information for the Register; and,

(ii) Print out or otherwise copy the Register or any part thereof and provide such to the requesting Officer.

(10) The Register must be maintained for a period of one (1) year in a neat and legible condition, with no pages or computer data removed, destroyed, or altered.

(11) A Licensee may not remove or allow any other Person, with the exception of an Officer, to remove the Register from the licenced Salvage Business premises.

34. No Licensee shall purchase or acquire any Vehicle or Vehicle part without being provided proof that the Person offering the Vehicle or Vehicle part is the lawful owner of, or in is lawful possession of, the Vehicle or Vehicle part, which proof shall be retained for a minimum of one (1) year.

35. No Licensee shall acquire, purchase or offer to sell any Vehicle that has a serial number that is altered, destroyed, removed or concealed without first having given notice to a Police Officer and the Licensing Officer twenty-four (24) hours prior to the intended purchase, acquisition or sale.

36. A Licensee, upon suspicion that any Salvage offered to the Licensee may be stolen property, shall not purchase said Salvage and shall forthwith report the incident to a Police Officer and the Licensing Officer.

37. Any Salvage purchased or received for any other consideration by a Licensee that is found to be stolen property shall be reported to the Police and the Licensing Officer. If the legal owner of the stolen property has been identified, the stolen property shall be returned to the legal owner without any fees, charges or any financial burden to the legal owner and no compensation given to the Licensee. If the legal owner of the stolen property cannot be identified by Police, the Licensee shall follow the direction of the Police with regards to ownership, and shall notify the Licensing Officer.

PART IX INSPECTIONS

38. Every Licensee shall allow an Officer, upon demand, to enter upon and inspect a Salvage Business premises to ensure compliance with all provisions of this By-law.

39. Upon inspection, every Person shall produce all relevant Licences and permits, invoices, Provincial Licences and all documents required to be kept and maintained under this By-law, which may be removed by an Officer for the purpose of photocopying and returned to the Licensee within forty-eight (48) hours of removal.

40. No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer from carrying out an inspection or withhold, destroy, conceal or refuse to furnish any information or thing required by the Officer inspecting for the purpose of this inspection.

PART X POWERS OF THE LICENSING OFFICER

41. The power and authority to issue or renew a Licence, refuse to issue or refuse to renew a Licence, to revoke or suspend a Licence, to impose terms and conditions, including special conditions, on a Licence are delegated to the Licensing Officer.

42. When an application for a Licence or for a renewal of a Licence is made in accordance with the provisions of this By-law and the Applicant meets all the requirements of this By-law, the Licensing Officer shall issue a Licence.

43. The Licensing Officer may refuse to issue, refuse to renew, revoke or suspend a Licence, or impose a term or condition on a Licence on the following grounds:

(1) The conduct of the Applicant or Licensee, or where the Person is a partnership or corporation, the conduct of the partnership's or corporation's officers, directors, employees or agents, affords reasonable cause to believe that the Person will not carry on or engage in the operation of the Salvage Business in accordance with any applicable Federal law, Provincial law, or Municipal by-law, or with honesty and integrity;

(2) The Licensing Officer has reasonable cause to believe that the granting, renewal or continuation of a Licence under this By-law would pose a danger to the health or safety of any Person or the public in general;

(3) The Applicant or Licensee is carrying on activities that are in contravention of this By-law;

(4) There are reasonable grounds to believe that an application or other documents provided to the Licensing Officer by or on behalf of the Applicant or Licensee contains a false statement;

(5) Any information contained in the original application form or any other information provided to the Licensing Officer has ceased to be accurate and the Licensee has not provided up-to-date accurate information to allow the Licensing Officer to conclude that the Licence should continue;

(6) An Applicant or Licensee does not meet, at any time, one or more of the requirements of this By-law or any conditions imposed on a Licence;

(7) An Applicant or Licensee is not in compliance with any applicable Federal law, Provincial law or Municipal by-law, including but not limited to this By-law and any requirement to obtain and maintain a valid Provincial Licence; or

(8) The Applicant or Licensee has been convicted of a criminal offence which provides reasonable grounds for the Licensing Officer to believe it would not be in the interest of public health and safety and/or consumer protection to issue or maintain such a Licence.

44. Notwithstanding any other provision of this By-law, the Licensing Officer may impose conditions, including special conditions, on any Licence at issuance, renewal or at any time during the term of the Licence, as are deemed reasonably necessary in the opinion of the Licensing Officer to give effect to this By-law.

45. Where the Licensing Officer has made a decision to deny, suspend, revoke or place conditions, including special conditions, on a Licence, the Licensing Officer's written notice of that decision shall:

(1) Set out the grounds for the decision;

(2) Give reasonable particulars of the grounds;

(3) Be signed by the Licensing Officer; and,

(4) State that the Applicant or Licensee is entitled to request a hearing before the Licensing Appeals Committee if the Applicant or Licensee delivers a request for a hearing, in writing, accompanied by the applicable fee set out in the Fees and Charges By-law, to the Licensing Officer, within thirty (30) calendar days after the notice is served.

46. (1) Where notice to an Applicant or Licensee is required under this By-law, it is sufficiently given if delivered personally to the Applicant or Licensee, sent by electronic mail, or sent by registered mail to the address provided on the application or Licence, as applicable, of the Applicant or Licensee.

(2) Where service is effected by registered mail under subsection (1), notice shall be deemed to have been made on the fifth (5th) day after the date of mailing. Service is deemed effective by electronic mail at the time it is sent. Personal service is deemed effective at the time it is given.

47. Where no appeal is registered within the required time period, the decision of the Licensing Officer shall be final.

48. Where a Licence issued under this By-law has been suspended or revoked or special conditions have been placed on the Licence, the Licensee shall return the applicable Licence to the Licensing Officer within twenty-four (24) hours of service of written notice.

Appeal

49. The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Licensing Appeals Committee.

50. The provisions of sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted by the Committee under this By-law.

51. (1) When an Applicant is denied a Licence or has their Licence revoked or suspended, or has conditions, including special conditions, placed on their Licence, they may request an appeal hearing before the Licensing Appeals Committee, within thirty (30) calendar days of service of the notice described in section 46, for review of this decision. This request for an appeal shall be made in writing, be sent to the Licensing Officer, and set out the relief sought and the reasons for the appeal.

(2) When a request for a hearing under subsection (1) and the applicable fee for filing an appeal, as set out in the Fees and Charges By-law, have been received, a hearing shall be scheduled before the Licensing Appeals Committee and notice of the hearing date shall be given to the Applicant or Licensee.

(3) A notice of hearing shall include:

(i) A statement of the time, date, location, and purpose of the hearing; and,

(ii) A statement that if the Applicant or Licensee does not attend the hearing, the Licensing Appeals Committee may proceed in their absence without notice to them.

(4) After conducting a hearing under subsection (2), the Committee may uphold or vary the decision of the Licensing Officer, or make any decision that the Licensing Officer was entitled to make in the first instance.

(5) Notice of the Committee's decision, with reasons, shall be provided in writing and served in accordance with the service provisions contained in section 46.

(6) The Licensing Appeal Committee's decision in respect of refusing, suspending, revoking or attaching conditions to a Licence is final.

PART XI ORDERS

52. (1) If the Licensing Officer or a Municipal By-Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the Licensing Officer or Municipal By-Law Enforcement Officer may make an Order requiring the Person who contravened this By-law or who caused or permitted the contravention to discontinue the contravening activity.

(2) An Order under subsection (1) shall set out:

(i) reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and,

(ii) the date by which there must be compliance with the Order.

(3) An Order issued under this By-law shall be served in accordance with the service provisions contained in section 46.

53. Every Person shall comply with an Order issued under the authority of this By-law.

PART XII ADMINISTRATION AND ENFORCEMENT

Penalty

54. Every Person who contravenes any provision of this By-law or an Order under this By-law is guilty of an offence and upon conviction is liable to the appropriate penalty as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33, as amended.

55. A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law or an Order made under this By-law, is guilty of an offence.

56. (1) Notwithstanding section 54 of this By-law, each day on which a Person contravenes any provision of this By-law shall be deemed to constitute a continuing offence under this By-law, as provided for in subsection 429(2) of the *Municipal Act, 2001*. For clarity, in the case of an Order, a contravention continues for every day or part of a day past the date set out in the Order by which the work must be complete or action taken, as the case may be.

(2) For each day or part of a day that the offence continues, the minimum fine shall be ONE HUNDRED DOLLARS ($100.00) and the maximum fine shall be FIVE THOUSAND DOLLARS ($5,000.00), and the total of all daily fines for the offence is not limited to ONE HUNDRED THOUSAND DOLLARS ($100,000.00).

57. If any section of this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, or may impose conditions.

Administration and Enforcement

58. (1) The Licensing Officer shall have all necessary authority to carry out the administration and enforcement of this By-law.

(2) Without limiting subsection (1) of this section, the Licensing Officer shall have the authority, at their sole discretion, to:

(i) prescribe administrative forms, registers and electronic data software required under this By-law;

(ii) establish policies, procedures, operational protocols, inspection criteria and frequency, Licence criteria, and operational hours;

(iii) receive and process all applications for all Licences and renewals of Licences under this By-law;

(iv) pro-rate any licensing or administrative fees that may be charged under this By-law;

(v) issue any Licence where the Applicant meets criteria and conditions under this By- law;

(vi) renew, deny, suspend, revoke, restrict or place special conditions on any Licence issued pursuant to this By-law;

(vii) designate any accessibility training or other required training pursuant to this By-law;

(viii) verify any information provided by an Applicant or Licensee; and,

(ix) demand from a Licensee any records, information, documentation, licences or any other thing pursuant to the administration and enforcement of this By-law.

59. Any Licensee that refuses or otherwise does not supply records, information or any other thing as demanded by the Licensing Officer shall have their Licence suspended. The Licensing Officer may re-instate a Licence if the Licensee supplies the information, record or other thing as demanded.

60. This By-law may be enforced by the Licensing Officer, a Municipal By-Law Enforcement Officer appointed by Council to enforce this By-law, or any Police Officer.

61. Any Person who obstructs or interferes with an Officer in the discharge of their duties under this By-law, shall be considered in violation of this By-law.

62. Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with that Person in the execution of their duties, and shall be considered in violation of this By-law.

Survival

63. If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found illegal.

Citation

64. This By-law may be cited as the "Salvage Business By-law".

By-law Commencement / Transition

65. (1) By-Law No. 2018-75, being a by-law to licence, regulate and govern vehicles for hire (Taxi’s, Transportation Network Company Vehicles, Specialty

Vehicles, Auxiliary Services Vehicles, Shuttle Buses, Sightseeing Vehicles, Caleche, Tow Trucks) and Businesses (Second-Hand Good Stores and Dealers, Salvage Yards, Auto-Wrecking Yards and Taxicab Brokers) and all amendments thereto, is hereby repealed.

(2) Notwithstanding subsection (1), By-law No. 2018-75, as amended, shall continue to apply to proceedings in respect of offences that occurred before its repeal date.

(3) Notwithstanding subsection (1), all Salvage Business-related licences issued under By-law No. 2018-75, including any suspensions, revocations, denials, renewals or special conditions imposed on Licensees, that are in effect at the time said by-law is repealed, shall be deemed to be Licences as issued under this By-law, together with any such suspensions, revocations, denials, renewals or special conditions, and all the rules, requirements and regulations of this By-law shall apply with necessary modification.

(4) All Persons holding Salvage Business-related licences issued under By-law No. 2018-75 must come into compliance with all provisions of this By-law upon the renewal date of their Licence or within twelve (12) months from the date this By-law comes into force, whichever date is later.

(5) A Licensee that fails to come into compliance with all provisions of this By-law upon the renewal date of their Licence shall have their Licence revoked.

66. This By-law shall come into force and effect on the date that it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

DRAFT

Schedule "A"

Standard Character Criteria

An application for, or renewal of, a Licence under this By-law shall be denied where the Applicant:

(Parts 1 to 7 apply to all applicants)

1. Has an undertaking, recognizance, peace bond, probation order or other court or police issued document where the conditions prohibit the Applicant or Licensee from performing the functions of the Licence being applied for;

2. Has been convicted of a criminal offence which provides reasonable grounds for the Licensing Officer to believe it would not be in the interest of public health and safety and/or consumer protection to issue or maintain such a Licence. Such offences include, but are not limited to: sexual-based offences, child pornography, trafficking in persons, kidnapping, hostage taking, abduction, crimes against persons under 18 years of age, assault with a weapon, assault causing bodily harm, and, aggravated assault any assault against a Peace Officer;

3. Has been found guilty and convicted of any criminal offence, in the preceding twenty (20) years from the date of the application, where the term of incarceration imposed exceeded ten (10) years;

4. Has been found guilty and convicted of any criminal offence, in the preceding ten (10) years from the date of the application, where the term of incarceration imposed was between two (2) and ten (10) years;

5. Has been found guilty and convicted of any criminal offence, in the preceding five (5) years from the date of the application, where the term of incarceration imposed was less than two (2) years;

6. Has outstanding criminal charges before the courts and is awaiting trial and sentencing; or

7. Is the subject of a current police criminal investigation.

Paragraphs 2, 3, 4 and 5 shall not apply if the Applicant or Licensee has received a Record Suspension or Pardon for the offence by the Parole Board of Canada.

DRAFT

Bill No. 2021-<#> Authorization Reference: < Session # >;
< Minute Item # >

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO LICENCE, REGULATE AND GOVERN
SECOND-HAND GOOD SHOPS AND DEALERS IN
SECOND-HAND GOODS

WHEREAS the Council of The Regional Municipality of Niagara considers it in the public interest to enact a by-law to licence, regulate and govern various classes of businesses and to repeal the existing Business Licensing By-law No. 2018-75, as amended;

AND WHEREAS Section 9 of the *Municipal Act*, *2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, provides The Regional Municipality of Niagara with exclusive jurisdiction to enact by-laws for the licensing, regulating and governing of second-hand goods businesses within the Region;

AND WHEREAS Part IV of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, authorizes The Regional Municipality of Niagara to regulate and govern businesses, meaning any business wholly or partly carried on within the Region, even if the business is being carried on from a location outside the Region;

AND WHEREAS Section 151 of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, provides The Regional Municipality of Niagara with the power to provide for a system of licences with respect to a business, and may prohibit the carrying on or engaging in the business without a licence; refuse to grant a licence or to revoke or suspend a licence; impose conditions as a requirement of obtaining, continuing to hold or renewing a licence; impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence; impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS the Council of The Regional Municipality of Niagara has determined that it is appropriate and desirable to licence second-hand good shops and second-

hand good dealers as a means of deterring the sale of stolen goods to second-hand shops and second-hand good dealers and deterring thefts overall within the Region;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

PART I DEFINITIONS

1. In this By-law, unless context otherwise requires:

"**Applicant**" means any Person applying for a Licence or renewal of a Licence under this By-law;

"**Area Municipality**" means any one of the municipalities or corporations of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and/or Township of West Lincoln;

"***Controlled Drugs and Substances Act***" means the *Controlled Drugs and Substances Act,* S.C. 1996, c. 19, as amended, or any successor legislation;

"**Council**" means the Council of The Regional Municipality of Niagara;

"**Criminal Code**" means the *Criminal Code*, R.S.C. 1985, c. C-46, as amended, or any successor legislation;

"**Fees and Charges By-law**" means a by-law passed by Council pursuant to section 391 of the *Municipal Act, 2001* establishing fees and charges for services and activities provided by the Region and for the use of its property, as amended and replaced from time to time.

"**Licence**" means an authorization issued under this By-law to carry on a business specified therein and the document, certificate or card issued shall provide evidence of such authority as the content may allow;

"**Licensee**" means a Person holding a Licence in accordance with this By-law;

"**Licensing Appeals Committee**" or "**Committee**" means the all citizen tribunal appointed by Council to conduct hearings under this by-law;

"**Licensing Officer**" means the Manager of Business Licensing for The Regional Municipality of Niagara or their designate;

DRAFT

"***Municipal Act, 2001***" means the *Municipal Act, 2001*, S.O.2001, c. 25, as amended from time to time;

"**Municipal Law Enforcement Officer**" means a municipal law enforcement officer appointed by Council, or an officer, employee or agent of the Region whose responsibilities include the enforcement of this By-law;

"**Officer**" means Municipal Law Enforcement Officer, Licensing Officer, or Police Officer;

"Pawnbroker" means a Person who exercises the trade of receiving or taking, by way of pawn or pledge, any goods for the repayment of money lent thereon;

"**Person**" includes an individual, a partnership, or a corporation;

"Police Officer" means a police officer as defined by the *Police Services Act*, R.S.O. 1990, c. P.15;

"Provincial Licence" means any form of Licence or certification required to be held by the Licensee pursuant to applicable Provincial laws;

"**Region**" means The Regional Municipality of Niagara as a municipal corporation and, where the context requires, its geographic area;

"**Register**" means the Register as required under Part VII of this By-law;

"**Second-Hand Good Business**" includes Second-Hand Shops and Second-Hand Good Dealers;

"**Second-Hand Good Dealer**" means a Person that does not have a fixed location at a building, booth, stall or other place but who goes from house to house or along highways, within the boundaries of the Region, to collect, purchase, sell or obtain Second-Hand Goods;

"**Second-Hand Good Dealer Licence**" means a Second-Hand Good Dealer Licence as issued by the Licensing Officer under this By-law;

"**Second-Hand Good**" means any item listed in Schedule "A" of this By-law, whether in new or used condition, that has been sold, traded, exchanged, consigned or otherwise disposed of by its original owner, and does not include books (hard cover or softcover), magazines, comics books, or clothing;

DRAFT

"**Second-Hand Shop**" means a building, booth, stall or other place, or any part thereof, that is a permanent or semi-permanent location, within the geographic boundaries of the Region, where:

(1) A Second-Hand Good is offered for sale; or

(2) There is an offer to acquire, consign or exchange a Second-Hand Good;

"**Second-Hand Shop Licence**" means a Second-Hand Shop Licence as issued by the Licensing Officer under this By-law; and

PART II LICENCE CLASSES

2. (1) The Licensing Officer shall issue Licences for the following classes:

(i) Second-Hand Goods Dealer; and

(ii) Second-Hand Shop.

(2) All Licences are valid for a twelve (12) month period from the date of issuance. For Licence renewals only, if deemed necessary for administrative purposes by the Licensing Officer, the term of a Licence may be adjusted, for example, to align with the term of other Provincial Licences held by the Licensee for the Business, and the Licence fee may be pro-rated accordingly.

(3) Unless otherwise provided for in this By-law, all Licences issued under this By-law are personal to the Licensee, are only transferable upon approval by the Licensing Officer, and remain the property of the Region

PART III PROHIBITIONS

3. No Person shall carry on or engage in the provision of a Second-Hand Good Business within the Region unless that Person holds a valid and current Licence permitting them to do so.

4. No Person shall own or operate a Second-Hand Shop within the Region unless that Person holds a Second-Hand Shop Licence.

5. No Person shall act as a Second-Hand Good Dealer within the Region unless that Person holds a Second-Hand Good Dealer Licence.

DRAFT

6. Notwithstanding sections 3, 4 and 5 above, no Second-Hand Shop Licence or Second-Hand Good Dealer Licence is required where the Second-Hand Good:

(1) Is being offered for sale at a Person's residence or in a Person's residential neighbourhood as part of a garage or yard sale; or

(2) Is being offered for sale at a premises that is owned or operated by a not-for-profit or charitable organization.

PART IV LICENCE APPLICATION PROCESS

7. Every application for a Licence or renewal of a Licence issued under this By-law shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application shall include the following:

(1) the full legal name, municipal address, email address and telephone number of each Applicant;

(2) If the Applicant is a partnership, the full legal name, address, email address and telephone number of each partner;

(3) If the Applicant is a corporation, all current articles of incorporation for the corporation;

(4) All current legal documents showing the registered business name of the Applicant, if applicable;

(5) The full legal names, dates of birth and addresses for all officers and directors of the Applicant, if applicable;

(6) The full legal names and signatures of all Persons having signing authority for the Applicant partnership and/or corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;

(7) A Certificate of Insurance (COI) identifying and confirming the following minimum insurance requirements:

Commercial General Liability Insurance ("CGL")

CGL insurance for all services, operations, products and work to a limit of not less than FIVE MILLION DOLLARS ($5,000,000) per occurrence.

The policy will be extended to include:

DRAFT

a. bodily injury, death and property damage;
b. cross liability and severability of interest;
c. blanket contractual;
d. premises and operations;
e. personal and advertising injury;
f. products and completed operations;
g. owner's and contractors protective;
h. non-owned Automobile to a limit of not less than TWO MILLION DOLLARS ($2,000,000);

The policy shall be endorsed to:

a. include The Regional Municipality of Niagara as an additional insured; and,
b. contain an undertaking by the insurers to give thirty (30) days prior written notice in the event that there is a material change in the foregoing policies or coverage affecting the Additional Insured(s) or cancellation of coverage before the expiration date of any of the foregoing policies.

Policy Requirements

All policies of insurance shall:
a) be written with an insurer licensed to do business in Ontario;
b) be non-contributing with, and will apply only as primary and not excess to any other insurance or self-insurance available to Niagara Region;

Certificates of Insurance

Certificates of insurance originally signed by authorized insurance representatives shall be delivered to the Region prior issuance of the Licence, on a form of Certificate of Insurance which is acceptable to the Region. The Certificate of Insurance must comply with these insurance requirements and must be on the Region's form of Certificate of Insurance, which can be found on the Region's website – www.niagararegion.ca/business/fpr/cert-insurance.aspx. If the Certificate of Insurance is provided in a non-original form (e.g. a facsimile, photocopy or scanned electronic copy), the Applicant acknowledges and agrees that the Region is fully entitled to treat any such Certificate as an original and that the Applicant will be responsible for the accuracy and validity of the information contained therein. All subsequent policy renewals and certificates of insurance thereafter, during the time that the Licence is in force, shall be forwarded to the Region within fifteen (15) days of their renewal date.

DRAFT

(8) Information on whether the Applicant, or any officer or director of the Applicant, has had a licence in regard to a Second-Hand Good Business suspended or revoked in the Region or in any other municipality within Canada;

(9) Information on whether the Applicant, or any officer or director of the Applicant, has been convicted of an offence under any previously repealed by-law of the Region or in any other municipality within Canada governing the licensing of a Second-Hand Good Business;

(10) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with Schedule "B".

(11) For an application for a Second-Hand Shop Licence only:

(i) A letter from the applicable Area Municipality confirming zoning compliance for the location of the Second-Hand Shop; if zoned "legal non-conforming", the applicable Area Municipality must confirm this zoning status; and,

(ii) Information on whether the Applicant, or any officer or director of the Applicant, has been convicted of an offence, or has had an order issued against them, relating to the protection of the environment, fire safety, health standards, property standards, Building Code standards or zoning violations of a Second-Hand Goods Business within the previous twelve (12) month period; and,

(12) Payment in full of the prescribed fee in accordance with the Fees and Charges By-law.

8. The Licensing Officer shall issue a Licence or a renewal of a Licence to an Applicant that has satisfied the requirements of this By-law, based on the appropriate class as set out in subsection 2 (1) of this By-law.

9. No Applicant shall knowingly misstate or provide false information to the Licensing Officer.

10. All Applicants shall provide the Licensing Officer with such other information and documentation as requested by the Licensing Officer to verify compliance with the requirements of this By-law.

DRAFT

11. Every Applicant and Licensee shall report to the Licensing Officer within twenty-four (24) hours after the event, of any change in any information, including full legal name, contact and address information and insurance, that was provided to the Licensing Officer pursuant to this By-law.

PART V LICENCE REQUIREMENTS

12. The fees for each Licence issued or renewed under this By-law shall be in accordance with the Fees and Charges By-law.

13. (1) Every Licensee shall hold such Licence subject to the requirements and criteria as imposed in this By-law, including compliance with criteria imposed in order to be licenced under Part IV.

(2) In the event a Licensee cannot meet the requirements as set out in subsection (1) above, the Licensee shall cease to operate the Second Hand Shop immediately, and surrender the applicable Licence to the Licensing Officer within twenty-four (24) hours of the non-compliance.

(3) Any Licences that have been surrendered to the Licensing Officer pursuant to subsection (2) above, shall be deemed suspended, but may be reinstated and returned to the Licensee upon the Licensee providing satisfactory proof of compliance with all requirements of the application for the Licence in issue.

14. If a Licence is defaced, destroyed, or lost, the Licensee shall apply to the Licensing Officer for a replacement and, on payment of the prescribed fee in accordance with the Fees and Charges By-law, may be issued a replacement Licence, as required.

15. No Licensee shall alter, erase, or modify, or permit the alteration, erasure or modification of that Licence or any part thereof.

16. Every Person required to obtain a Licence under this By-law shall obtain a separate Licence for each Second-Hand Good Business location, as applicable.

17. The Licensing Officer may approve the transfer of a Second-Hand Shop Licence from one Person to another, pursuant to the sale of a business, upon the parties providing to the Licensing Officer:

(i) A completed application for transfer of a business in a form provided by the Licensing Officer;

DRAFT

(ii) The transfer application fee as prescribed in the Fees and Charges By-law; and,

(iii) Confirmation of that the new Applicant meets the application requirements for a Second-Hand Shop Licence, as set out in Part IV of this By-law.

18. All Licences issued under this By-law shall terminate upon the death of the Licensee or dissolution of the corporate Licensee unless, in the case of the dissolution of a corporate Licensee, the Business is transferred to a successor corporation in accordance with Section 17.

PART VI OPERATIONS

19. Every Licensee shall ensure that the Licensee and their employees and agents abide by the requirements of this By-law.

20. Every Licensee shall comply with all applicable Federal laws, Provincial laws, and Municipal by-laws, while operating a Second-Hand Goods Business.

21. Every Licensee shall report to the Licensing Officer within five (5) calendar days after the event, of any change in any information that was provided to the Licensing Officer pursuant to this By-law.

22. Every Person who holds a Second-Hand Shop Licence shall display their Licence in a conspicuous location so that it is visible to all persons in their Second-Hand Shop.

23. Every Person who holds a Second-Hand Goods Dealer Licence, when acting as a Second-Hand Dealer, shall display their Licence in a position where it may be readily seen and read by Persons, and shall produce it, upon request.

24. No Licensee shall acquire, hold or offer to sell a Second-Hand Good that has a serial number or name altered, destroyed, removed or concealed, unless that serial number or name has been altered, removed or concealed by the manufacturer of the Second-Hand Good.

25. No Licensee shall obtain a Second-Hand Good from a Person who is under the age of eighteen (18) years.

26. (1) No Licensee shall obtain a Second-Hand Good from a Person without first obtaining two (2) pieces of identification, at least one being a government-issued photo identification card.

DRAFT

(2) Subsection (1) does not apply where the Licensee obtains the Second-Hand Good from an auction.

27. (1) No Licensee shall sell or otherwise dispose of a Second-Hand Good within twenty-one (21) calendar days of the date that the Second-Hand Good was acquired from another Person.

(2) No Licensee shall remove, or allow another person to remove, the Second-Hand Good from the Licensee's Second-Hand Shop or the Second-Hand Good Dealer's inventory during the twenty-one (21) calendar days as required under subsection (1) above.

(3) A Licensee, upon demand by an Officer, shall make available for inspection a Second-Hand Good that is required to be held under subsections (1) and (2) above.

(4) For Licensees that also act as Pawnbrokers, if a Second-Hand Good was acquired as part of a default in payment of a short-term loan, pawn or pledge, the item must be held for twenty-one (21) days from the date of default in payment.

(5) This section does not apply to Second-Hand Goods that are obtained by a Licensee from an auction.

Reporting

28. Any report to the Licensing Officer that is required pursuant to this By-law may be made outside of the Region's business hours by submitting the report via electronic mail or voicemail message to the email address or telephone number for the Licensing Officer, as publicly posted on the Region's website from time to time.

PART VII REGISTER

29. (1) Every Licensee shall maintain a Register recording all transactions, namely sales and purchases, made pursuant to the Second-Hand Shop Business in accordance with this section.

(2) A copy of the Register entries, including photographs that may be required under subsection (5) below, documenting the previous day's transactions shall be delivered to the Licensing Officer, via email, daily by 10:00 am, save and except those days that the Business is not operating, in which case, the entries shall be submitted the following operating day.

DRAFT

(3) Where the Licensee owns or operates more than one Second-Hand Good Shop, the Licensee shall maintain a separate Register for each licenced Second-Hand Good Shop.

(4) A Register, as required under this By-law, shall be in the form of either:

(ii) A paper booklet or electronic version Register supplied by the Licensing Officer; or,

(iii) A computer software program that has been approved for use by the Licensing Officer.

(5) Every Licensee who acquires a Second Hand Good from another Person, either personally or through an employee or agent, shall immediately record, in English, in their Register:

(ii) The full legal name, and date of birth of the Person from whom they received the Second-Hand Good;

(iii) The type of identification, and any serial number thereon, that is shown pursuant to the requirements of this By-law;

(iv) The date and time of the transaction;

(v) The full legal name of the Licensee's or agent that accepted the Second-Hand Good;

(vi) A unique receipt number for every item sold;

(vii) The consideration given for the Second-Hand Good;

(viii) A general description of the Second-Hand Good, including, where applicable, the serial number, make, and model; and

(ix) A photograph of each item received, whether the item was acquired pursuant to a default in payment of a short-term loan or pawn, or not.

(6) Where a Second-Hand Good is acquired from an auction, the Licensee, in substitute for the requirements under subsections (5)(i) and (5)(ii) above, shall record the full legal name and address of the auctioneer, and auction, if different.

DRAFT

(7) Every Licensee who sells a Second-Hand Good to another Person shall ensure that a copy of a receipt for the sale is maintained for a period of one (1) year after the date of the sale, and a corresponding entry is made in the Register.

(8) Every Licensee shall make the Register and receipts available for inspection upon demand by an Officer.

(9) Every Licensee who maintains the Register through an approved computer software program shall, upon demand by an Officer:

(i) Allow the Officer to review the onscreen information for the Register; and,

(ii) Print out or otherwise copy the Register or any part thereof and provide such to the requesting Officer.

(10) The Register must be maintained for a period of one (1) year in a neat and legible condition, with no pages or computer data removed, destroyed, or altered.

(11) A Second-Hand Shop Licensee may not remove or allow any other Person, with the exception of an Officer, to remove the Register from their Second-Hand Shop.

30. A Licensee, upon suspicion that any Second-Hand Goods offered to the Licensee may be stolen property, shall not purchase said Second-Hand Goods and shall forthwith report the incident to a Police Officer and the Licensing Officer.

31. Any Second-Hand Good purchased or received for any other consideration by a Licensee that is found to be stolen property shall be reported to the Police and the Licensing Officer. If the legal owner of the stolen property has been identified, the stolen property shall be returned to the legal owner without any fees, charges or any financial burden to the legal owner or any financial compensation given to the Licensee. If the legal owner of the stolen property cannot be identified by Police, the Licensee shall follow the direction of the Police with regard to the property, and shall notify the Licensing Officer.

PART VIII INSPECTIONS

DRAFT

32. Every Licensee shall allow an Officer, upon demand, to enter upon and inspect a Second-Hands Good Business premises to ensure compliance with all provisions of this By-law.

33. Upon inspection, every Person shall produce all relevant Licences and permits, invoices, Provincial Licences, and all documents required to be kept and maintained under this By-law, which may be removed by an Officer for the purpose of photocopying, and returned to the Licensee within forty eight (48) hours of removal.

34. No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer from carrying out an inspection or withhold, destroy, conceal or refuse to furnish any information or thing required by the Officer inspecting for the purpose of this inspection.

PART VIII POWERS OF THE LICENSING OFFICER

35. The power and authority to issue or renew a Licence, refuse to issue or refuse to renew a Licence, to revoke or suspend a Licence, to impose terms and conditions, including special conditions, on a Licence are delegated to the Licensing Officer.

36. When an application for a Licence or for a renewal of a Licence is made in accordance with the provisions of this By-law, and the Applicant meets all the requirements of this By-law, the Licensing Officer shall issue a Licence.

37. The Licensing Officer may refuse to issue, refuse to renew, revoke or suspend a Licence, or impose a term or condition on a Licence on the following grounds:

    (1) The conduct of the Applicant or Licensee, or where the Person is a partnership and/or corporation, the conduct of the partnership's or corporation's officers, directors, employees or agents, affords reasonable cause to believe that the Person will not carry on or engage in the operation of the Second Hand Goods Business in accordance with any applicable Federal law, Provincial law, or Municipal by-law, or with honesty and integrity;

    (2) The Licensing Officer has reasonable cause to believe that the granting, renewal or continuation of a Licence under this By-law would pose a danger to the health or safety of any Person or the public in general;

    (3) The Applicant or Licensee is carrying on activities that are in contravention of this By-law;

(4) There are reasonable grounds to believe that an application or other documents provided to the Licensing Officer by or on behalf of the Applicant or Licensee contains a false statement;

(5) Any information contained in the original application form or any other information provided to the Licensing Officer has ceased to be accurate and the Licensee has not provided up-to-date accurate information to allow the Licensing Officer to conclude that the Licence should continue;

(6) An Applicant does not meet, at any time, one or more of the requirements of this By-law or any conditions imposed on a Licence;

(7) An Applicant or Licensee is not in compliance with any applicable Federal law, Provincial law or Municipal by-law, including but not limited to this By-law and any requirement to obtain and maintain a valid Provincial Licence; or

(8) The Applicant or Licensee has been convicted of a criminal offence which provides reasonable grounds for the Licensing Officer to believe it would not be in the interest of public health and safety and/or consumer protection to issue or maintain such a Licence.

38. Notwithstanding any other provision of this By-law, the Licensing Officer may impose conditions, including special conditions, on any Licence at issuance, renewal or at any time during the term of the Licence, as are deemed reasonably necessary in the opinion of the Licensing Officer to give effect to this By-law.

39. Where the Licensing Officer has made a decision to deny, suspend, revoke or place conditions, including special conditions, on a licence, the Licensing Officer's written notice of that decision shall:

(1) Set out the grounds for the decision;

(2) Give reasonable particulars of the grounds;

(3) Be signed by the Licensing Officer; and,

(4) State that the Applicant or Licensee is entitled to request a hearing before the Licensing Appeals Committee if the Applicant or Licensee delivers a request for a hearing, in writing, accompanied by the applicable fee set out in the Fees and Charges By-law, to the Licensing Officer, within thirty (30) calendar days after the notice is served.

DRAFT

40. (1) Where notice to an Applicant or Licensee is required under this By-law, it is sufficiently given if delivered personally to the Applicant or Licensee, sent by electronic mail, or sent by registered mail to the address provided on the application or Licence, as applicable, of the Applicant or Licensee.

(2) Where service is effected by registered mail under subsection (1), notice shall be deemed to have been made on the fifth (5th) day after the date of mailing. Service is deemed effective by electronic mail at the time it is sent. Personal service is deemed effective at the time it is given.

41. Where no appeal is registered within the required time period, the decision of the Licensing Officer shall be final.

42. Where a Licence issued under this By-law has been suspended or revoked or special conditions have been placed on the Licence, the Licensee shall return the applicable Licence to the Licensing Officer within twenty four (24) hours of service of written notice.

Appeal

43. The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Licensing Appeals Committee.

44. The provisions of sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted by the Committee under this By-law.

45. (1) When an Applicant is denied a Licence or has their Licence revoked or suspended, or has conditions, including special conditions, placed on their Licence, they may request an appeal hearing before the Licensing Appeals Committee, within thirty (30) calendar days of service of the notice described in section 40, for review of this decision. This request for an appeal shall be made in writing, be sent to the Licensing Officer, and set out the relief sought and the reasons for the appeal.

(2) When a request for a hearing under subsection (1) above and the applicable fee for filing an appeal, as set out in the Fees and Charges By-law, have been received, a hearing shall be scheduled before the Licensing Appeals Committee and notice of the hearing date shall be given to the Applicant or Licensee.

(3) A notice of hearing shall include:

DRAFT

(i) A statement of the time, date, location, and purpose of the hearing; and,

(ii) A statement that if the Applicant or Licensee does not attend the hearing, the Licensing Appeals Committee may proceed in their absence without notice to them.

(4) After conducting a hearing under subsection (2) above, the Committee may uphold or vary the decision of the Licensing Officer, or make any decision that the Licensing Officer was entitled to make in the first instance.

(5) Notice of the Committee's decision, with reasons, shall be provided in writing and served in accordance with the service provisions contained in section 40 of this By-law.

(6) The Licensing Appeal Committee's decision in respect of refusing, suspending, revoking or attaching conditions to a Licence is final.

PART IX ORDERS

46. (1) If the Licensing Officer or a Municipal By-Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the Licensing Officer or Municipal By-Law Enforcement Officer may make an Order requiring the Person who contravened this By-law or who caused or permitted the contravention to discontinue the contravening activity.

(2) An Order under subsection (1) shall set out:

(i) reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and,

(ii) the date by which there must be compliance with the Order.

(3) An Order issued under this By-law shall be served in accordance with the service provisions contained in section 40.

47. Every Person shall comply with an Order issued under the authority of this By-law.

PART X ADMINISTRATION AND ENFORCEMENT

DRAFT

Penalty

48. Every Person who contravenes any provision of this By-law or an Order under this By-law is guilty of an offence and upon conviction is liable to the appropriate penalty, as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33, as amended.

49. A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law or an Order made under this By-law is guilty of an offence.

50. (1) Notwithstanding section 48 of this By-law, each day on which a Person contravenes any provision of this By-law shall be deemed to constitute a continuing offence under this By-law as provided for in subsection 429(2) of the *Municipal Act, 2001*. For clarity, in the case of an Order, a contravention continues for every day or part of a day past the date set out in the Order by which the work must be complete or action taken, as the case may be.

(2) For each day or part of a day that the offence continues, the minimum fine shall be ONE HUNDRED DOLLARS ($100.00) and the maximum fine shall be FIVE THOUSAND DOLLARS ($5,000.00), and the total of all daily fines for the offence is not limited to ONE HUNDRED THOUSAND DOLLARS ($100,000.00).

51. If any section of this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, or may impose conditions.

Administration and Enforcement

52. (1) The Licensing Officer shall have all necessary authority to carry out the administration and enforcement of this By-law.

(2) Without limiting subsection (1) of this section, the Licensing Officer shall have the authority, at their sole discretion, to:

(i) prescribe administrative forms, registers and electronic data software required under this By-law;

DRAFT

(ii) establish policies, procedures, operational protocols, inspection criteria and frequency, Licence criteria, and operational hours;

(iii) receive and process all applications for all Licences and renewals of Licences under this by-law;

(iv) pro-rate any licensing or administrative fees that may be charged under this By-law;

(v) issue any Licence where the Applicant meets criteria and conditions under this By- law;

(vi) renew, deny, suspend, revoke, restrict or place special conditions on any Licence issued pursuant to this By-law;

(vii) designate any accessibility training or other required training pursuant to this By-law;

(viii) verify any information provided by an Applicant or Licensee; and,

(ix) demand from a Licensee any records, information, documentation, licences or any other thing pursuant to the administration and enforcement of this By-law.

53. Any Licensee that refuses or otherwise does not supply records, information or any other thing as demanded by the Licensing Officer shall have their Licence suspended. The Licensing Officer may re-instate a Licence if the Licensee supplies the information, record or other thing as demanded.

54. This By-law may be enforced by the Licensing Officer, a Municipal By-Law Enforcement Officer appointed by Council to enforce this By-law, or any Police Officer.

55. Any Person who obstructs or interferes with an Officer in the discharge of their duties under this By-law shall be considered in violation of this By-law.

56. Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with an Officer in the execution of their duties, and shall be considered in violation of this By-law.

Survival

DRAFT

57. If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found illegal.

Citation

58. This By-law may be cited as the "Second-Hand Goods Business By-law".

By-law Commencement / Transition

59. (1) By-Law No. 2018-75, being a by-law to licence, regulate and govern vehicles for hire (Taxi's, Transportation Network Company Vehicles, Specialty Vehicles, Auxiliary Services Vehicles, Shuttle Buses, Sightseeing Vehicles, Caleche, Tow Trucks) and Businesses (Second-Hand Good Stores and Dealers, Salvage Yards, Auto-Wrecking Yards and Taxicab Brokers) and all amendments thereto, is hereby repealed.

(2) Notwithstanding subsection (1), By-law No. 2018-75, as amended, shall continue to apply to proceedings in respect of offences that occurred before its repeal date.

(3) Notwithstanding subsection (1) , all Second Hand Good-related licences issued under By-law No. 2018-75, including any suspensions, revocations, denials, renewals or special conditions imposed on Licensees, that are in effect at the time said by-law is repealed, shall be deemed to be Licences as issued under this By-law, together with any such suspensions, revocations, denials, renewals or special conditions, and all the rules, requirements and regulations of this By-law shall apply with necessary modification.

(4) All Persons holding Second-Hand Good-related licences issued under the provisions of By-law No. 2018-75 must come into compliance with all provisions of this By-law upon the renewal date of their Licence or within twelve (12) months from the date this By-law comes into force, whichever date is later.

(5) A Licensee that fails to come into compliance with all provisions of this by-law upon the renewal date of their Licence shall have their Licence revoked.

DRAFT

60. This by-law shall come into force and effect on the date that it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

DRAFT

Schedule “A”

Second Hand Goods

The following items, whether in new or used condition, are considered “Second Hand Goods” for the purposes of this By-law:

1. Paper currency, coins and stamps from Canada or any other country;
2. Gold, silver or other precious metals;
3. Gemstones, jewelry, including costume, and watches or any parts thereof;
4. Paintings, photographs, sculptures or any other work of art;
5. Antiques and collectables including, but not limited to, photographs, figurines, furniture, glassware, steins, vases and pottery;
6. Musical instruments and electronic amplifiers or any part thereof;
7. Photographic equipment and peripherals including, but not limited to, cameras and lenses;
8. Military and police articles including, but not limited to, uniforms, medals, crests, insignias;
9. Swords, knives, axes or antique firearms that do not require a Possession Acquisition Licence, as issued by the Chief Fire Arms Officer of Ontario or other Province or Territory within Canada, to purchase or resell;
10. Binoculars, monoculars, telescopes, scopes, rangefinders and microscopes;
11. Computers and peripherals or any part thereof;
12. Computer software;
13. Video game consoles and peripherals or any part thereof;
14. Video games including console and computer games and any peripherals or part thereof;
15. Personal electronics, including but not limited, to cellular phones, tablets, notebooks, pagers and any other device or part thereof;
16. Handheld recording devices or any part thereof;

DRAFT

Schedule “A”

Second Hand Goods

17. Home electronics including, but not limited to, lamps, televisions, radios, stereos (including car stereos), speakers, vacuum cleaners, air purifiers, humidifiers, de-humidifiers or any part thereof;

18. Home appliances including, but not limited to, microwaves, refrigerators, freezers, stoves, washers, dryers, dishwashers, toasters, coffee makers or any part thereof;

19. Home and car alarms, remote starters and security cameras, security systems and peripherals or any part thereof;

20. Sports equipment including, but not limited to, hunting gear, bicycles, golf clubs, skis, hockey equipment, football equipment, basketball equipment or any part thereof;

21. Sports memorabilia and collectibles, including but not limited, to trading cards, figurines, autographs, photographs;

22. Toys and toy collectibles including, but not limited to, model trains, model cars, radio controlled vehicles;

23. Automobile equipment including, but not limited to, carburetors, intakes, wheels, fuel injection systems, gauges, headers or performance equipment;

24. Scooters, skateboards, e-bikes;

25. Hand tools and power tools, including but not limited to, wrenches, air compressors, welders, drills, sanders or any part thereof;

The following items, whether in new or used condition, are considered Second Hand Goods but are excluded from the requirement of having to be documented in a Licensee’s Register pursuant to Part VII of this By-law:

1. Vinyl records, cassette tapes, compact discs, DVDs, and Blu-ray discs .

DRAFT

Schedule “B”

Standard Character Criteria

An application for a Licence or for renewal of a Licence under this By-law shall be denied where the Applicant:

(Parts 1 to 7 apply to all applicants)

1. Has an undertaking, recognizance, peace bond, probation order or other court or police issued document where the conditions prohibit the Applicant or Licensee from performing the functions of the Licence being applied for;

2. Has been convicted of a criminal offence which provides reasonable grounds for the Licensing Officer to believe it would not be in the interest of public health and safety and/or consumer protection to issue or maintain such a Licence. Such offences include, but are not limited to: sexual-based offences, child pornography, trafficking in persons, kidnapping, hostage taking, abduction, crimes against persons under 18 years of age, assault with a weapon, assault causing bodily harm, and, aggravated assault any assault against a Peace Officer;

3. Has been found guilty and convicted of any criminal offence, in the preceding twenty (20) years from the date of the application, where the term of incarceration imposed exceeded ten (10) years;

4. Has been found guilty and convicted of any criminal offence, in the preceding ten (10) years from the date of the application, where the term of incarceration imposed was between two (2) and ten (10) years;

5. Has been found guilty and convicted of any criminal offence, in the preceding five (5) years from the date of the application, where the term of incarceration imposed was less than two (2) years;

6. Has outstanding criminal charges before the courts and is awaiting trial and sentencing; or

7. Is the subject of a current police criminal investigation.

Paragraphs 2, 3, 4 and 5 shall not apply if the Applicant or Licensee has received a Record Suspension or Pardon for the offence by the Parole Board of Canada.

DRAFT

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO LICENCE, REGULATE AND GOVERN TOW TRUCKS, AND OWNERS, DRIVERS AND BROKERS OF TOWING BUSINESSES

WHEREAS the Council of The Regional Municipality of Niagara considers it in the public interest to enact a by-law to licence, regulate and govern various classes of businesses and to repeal the existing Business Licensing By-law No. 2018-75, as amended;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, provides The Regional Municipality of Niagara with exclusive jurisdiction to enact by-laws for the licensing, regulating and governing of business within the Region;

AND WHEREAS Part IV LICENCES (more specifically sections 150 – 165) of the Municipal Act, 2001, S.O. 2001, Chap. 25, as amended, authorizes The Regional Municipality of Niagara to enact by-laws to licence, regulate and govern businesses, and to impose conditions on the obtaining, holding and keeping of licences to carry on such businesses; regulate and govern businesses, meaning any business wholly or partly carried on within the Region, even if the business is being carried on from a location outside the Region;

AND WHEREAS Section 151 of the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, provides The Regional Municipality of Niagara with the power to provide for a system of licences with respect to a business, and may prohibit the carrying on or engaging in the business without a licence; refuse to grant a licence or to revoke or suspend a licence; impose conditions as a requirement of obtaining, continuing to hold or renewing a licence; impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence; impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS the Council for The Regional Municipality of Niagara has determined that it is appropriate and desirable to licence Tow Trucks and Towing Businesses as a means of protecting consumers, enhancing the safety of residents, nuisance control, and crime reduction within the Region;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

PART I DEFINITIONS

1. In this By-law, unless context otherwise requires:

“Applicant” means any Person applying for a Licence or renewal of a Licence under this By-law;

“Area Municipality” means any one of the municipalities or corporations of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, or Township of West Lincoln;

“Broker” means a Person who, in pursuance of a trade, business, or occupation, arranges for the provision of Towing Service not operated by such Person to a Hirer;

“Controlled Drugs and Substances Act” means the *Controlled Drugs and Substances Act,* S.C. 1996, c. 19, as amended, or any successor legislation;

"**Council**" means the Council of The Regional Municipality of Niagara;

“**Criminal Code**” means the Criminal Code, R.S.C. 1985, c. C-46, as amended, or any successor legislation;

“CVOR Certificate” means a Commercial Vehicle Operator’s Registration Certificate as issued by the Ministry of Transportation, pursuant to the *Highway Traffic Act*;

“**Dispatch”** means the act or service of sending or directing a Tow Truck, by electronic or any other means, to a Person or Persons who have requested Tow, but does not include a request made directly to a Driver, and “Dispatched” and “Dispatching” shall have corresponding meanings;

"Driver" means the person who holds a Tow Truck Driver Licence and drives, uses or

operates a Tow Truck as licensed under this By-law;

"**Fees and Charges By-law**" means a by-law passed by Council pursuant to section 391 of the *Municipal Act, 2001* establishing fees and charges for services and activities provided by the Region and for the use of its property, as amended and replaced from time to time.

"**GPS**" or "**Global Positioning System**" means a global navigation system that provides geographic location, velocity and time synchronization of a person or thing using signals from satellites;

"Gross Axel Weight Rating (GAWR)" means the specific weight determined by the manufacturer to be the maximum allowable weight that can be placed on an individual axle;

"Gross Vehicle Weight Rating (GVWR)" means the maximum total vehicle rated capacity, as rated by the manufacturer specification stamp on the vehicle, which includes the weight of the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo;

"Heavy Tow Truck" means a Tow Truck with a GVWR over 11,819 kg;

"Hirer" means the owner of a Motor Vehicle, motorhome, trailer or other vehicle that is Towed; or, in the absence of such owner:

(1) An agent of the owner, duly authorized by such owner to exercise control over the Towed Motor Vehicle, motorhome, trailer, or other vehicle on the owner's behalf; or

(2) Any person having lawful custody or the legal right to possession of a Towed Motor Vehicle, motorhome, trailer, or other vehicle.

"*Highway Traffic Act*" means the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended, or any successor legislation;

"Holiday" means Saturday, Sunday, New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, and any other day fixed as a public holiday by the federal or Ontario provincial government;

"Human Rights Code" means the *Human Rights Code*, R.S.O. 1990, c. H-19, as

amended, or any successor legislation;

"**Licence**" means an authorization issued under this By-law to carry on a business specified therein and the document, certificate or card issued shall provide evidence of such authority as the content may allow;

"**Licensee**" means a Person holding a Licence in accordance with this By-law;

"Licensing Appeals Committee" means the all-citizen tribunal appointed by Council to conduct hearings under this By-law;

"Licensing Officer" means the Manager of Business Licensing for the Regional Municipality of Niagara and includes their designates;

"Medium Tow Truck" means a Tow Truck with a GVWR between 4,501 kg and 11,819 kg;

"Ministry of Transportation" means the Ministry of Transportation for the Province of Ontario or any successor ministry, department or other government body;

"Motor Vehicle" means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c.H.8;

"***Municipal Act, 2001***" means the *Municipal Act, 2001*, S.O.2001, c. 25, as amended from time to time;

"Municipal By-Law Enforcement Officer" means a municipal by-law enforcement officer as appointed by Council, or an officer, employee or agent of the Region whose responsibilities include the enforcement of this By-law;

"**Officer**" means a Municipal Law Enforcement Officer, Licensing Officer, or Police Officer;

"Person" includes an individual, a sole proprietorship, a partnership, and a corporation;

"Police Officer" means a police officer as defined by the *Police Services Act*, R.S.O. 1990, c. P.15;

"Provincial Licence" means any form of Licence or certification required to be held by the Licensee pursuant to applicable Provincial laws, including but not limited to the TSSEA;

“Recovery Service” means a service carried out to relocate or reposition a Motor Vehicle, motorhome, trailer, or other similar vehicle; that involves the use of a winch or a specialized extraction device; and that must be performed to prepare it for attachment or Towing;

“Region” means The Regional Municipality of Niagara as a municipal corporation and, where the context requires, its geographic area;

“**Standard Tow Truck**” means a light duty Tow Truck, with a GVWR of 4,500 kg or less;

“Statutory Holiday” means New Year’s Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, August Civic Holiday, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day;

“Tariff Schedule" means the schedule setting out the maximum fees permitted to be charged to all Hirers of a Tow Truck for the towing of a Motor Vehicle and other services performed by any Licensee in relation to such Tow Truck, as set by the Licensing Officer and publicly posted from time to time on the Region’s website;

“Towed Vehicle” means a Motor Vehicle, motorhome, trailer or other similar vehicle:

a) Towed or otherwise conveyed by a Tow Truck;
b) In respect of which an agreement is made or intended to be made for the Towing of such Motor Vehicle, motorhome, trailer, or other vehicle; or for the provision of other related services thereto, by a Hirer.

“Tow” means to transport another Motor Vehicle, motorhome, trailer or other similar vehicle; including a Motor Vehicle that is damaged, incomplete or inoperable, using a Tow Truck, including any ancillary activity such as lifting a Motor Vehicle for purposes of loading, towing or transporting it or placing it onto a truck or trailer for the purpose of towing or transporting it by means of a boom, hook, hoist, pulley stinger, sling, belt, form or other similar device that elevates part or all of the drawn Motor Vehicle, with or without the use of a dolly or other similar device, and “Towing” and “Towed” shall have corresponding meanings;

“*Towing and Storage Safety and Enforcement Act*” or “TSSEA” means the *Towing and Storage Safety and Enforcement Act*, 2001 S.O.2021, c.26, Sched.3, as amended, or any successor legislation;

“Towing Services” means the provision or offer of provision of a Tow Truck for

compensation and includes

a) Towing or Recovery Services in respect of Motor Vehicles, motorhomes, trailers, and other similar vehicles, that are disabled, abandoned, impounded, seized, damaged, incomplete or inoperable or that require removal from a location for any other reason,
b) Clearing debris from collisions on highways and roads, and
c) Conveying the Hirer, owner or driver of the Motor Vehicle or other Towed vehicle in a Tow Truck;

"Tow Truck" means

a) A Motor Vehicle registered and commonly known as a tow truck that is equipped with a boom and a retractable wheel lift, or is a flatbed equipped with the retractable wheel lift,
b) A commercial Motor Vehicle, as defined in subsection 1(1) of the *Highway Traffic Act*, used exclusively to tow or transport other Motor Vehicles, motorhomes, trailers and other similar vehicles, and
c) a Motor Vehicle that is designed, modified, configured or equipped so that it is capable of towing other Motor Vehicles, motorhomes, trailers, and other similar vehicles;

"Tow Truck Broker" means a Person who, in pursuance of a trade, business, or occupation, arranges for the provision of Towing Services to a Hirer;

"**Tow Truck Business**" and **"Towing Business"** means a business engaged in Towing Services, which may include the operation of a Tow Truck Yard, if applicable;

"**Tow Truck Business Licence**" means a Licence issued by The Regional Municipality of Niagara;

"Tow Truck Plate" means a sign to be affixed to a Tow Truck displaying a series of letters and numbers that is issued by the Licensing Officer pursuant to this By-law, as evidence that the Tow Truck is authorized to operate within the Region;

"Tow Truck Yard" means a pound, yard, shop, public garage, or any other type of premises used for the storage, impounding, repair, or servicing of Motor Vehicles;

PART II LICENCE CLASSES

2. The Licensing Officer shall issue Licences for the following classes:

(1) Tow Truck Broker;
(2) Tow Truck Yard;
(3) Tow Truck Vehicle;
(4) Tow Truck Driver; and,
(5) Tow Truck Licence Plate.

3. (1) No Person shall carry on or engage in the Tow Truck Business unless the Person has a valid and current Licence permitting that Person to do so in The Regional Municipality of Niagara as required in accordance with this By-law**.**

(2) All Licences are valid for a twelve (12) month period from the date of issue. For Licence renewals only, if deemed necessary for administrative purposes by the Licensing Officer, the term of a Licence may be adjusted, for example to align with the term of other Provincial Licences held by the Licensee for the Towing Business, and the Licence fee may be pro-rated accordingly.

(3) Unless otherwise provided for in this By-law, all Licences issued under this By-law are personal to the Licensee, are only transferable upon approval by the Licensing Officer, and remain the property of the Region.

(4) This By-law shall apply to all Towing Services provided on both public and private property within the Region.

PART III TOW TRUCK BROKER LICENCE

Prohibition

4. No Person shall act as a Broker without first having obtained a Tow Truck Broker Licence in accordance with this By-law.

Licence Application

5. Every application for a Tow Truck Broker Licence or renewal of such a Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application shall include the following:

(1) the full legal name, municipal address, email address and telephone number of each Applicant;

(2) If the Applicant is a partnership, the full legal name, address, email address and telephone number of each partner;

(3) If the Applicant is a corporation, all current articles of incorporation for the corporation;

(4) All current legal documents showing the registered business name of the Applicant, if applicable;

(5) The full legal names, dates of birth and addresses for all officers and directors of the Applicant, if applicable;

(6) The full legal names and signatures of all Persons having signing authority for the Applicant corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;

(7) The full legal names of all Drivers who are currently affiliated, or will be affiliated, with the Applicant as their Broker;

(8) A Certificate of Insurance (COI) identifying and confirming the following minimum insurance requirements:

Commercial General Liability Insurance ("CGL")

CGL insurance for all services, operations, and work to a limit of not less than FIVE MILLION DOLLARS ($5,000,000) per occurrence.

The policy will be extended to include:

a. bodily injury, death and property damage;
b. cross liability and severability of interest;
c. blanket contractual;
d. premises and operations;
e. personal and advertising injury;
f. products and completed operations;
g. owner's and contractors protective;
h. non-owned Automobile to a limit of not less than TWO MILLION DOLLARS ($2,000,000);

The policy shall be endorsed to:

a. include The Regional Municipality of Niagara as an additional insured; and,
b. contain an undertaking by the insurers to give thirty (30) days prior written notice in the event that there is a material change in the foregoing policies or coverage affecting the Additional Insured(s) or cancellation of coverage before the expiration date of any of the foregoing policies.

Policy Requirements

All policies of insurance shall:

a) be written with an insurer licensed to do business in Ontario;
b) be non-contributing with, and will apply only as primary and not excess to any other insurance or self-insurance available to Niagara Region;

Certificates of Insurance

Certificates of insurance originally signed by authorized insurance representatives shall be delivered to the Region prior issuance of the Licence, on a form of Certificate of Insurance which is acceptable to the Region. The Certificate of Insurance must comply with these insurance requirements and must be on the Region's form of Certificate of Insurance, which can be found on the Region's website – www.niagararegion.ca/business/fpr/cert-insurance.aspx. If the Certificate of Insurance is provided in a non-original form (e.g. a facsimile, photocopy or scanned electronic copy), the Applicant acknowledges and agrees that the Region is fully entitled to treat any such Certificate as an original and that the Applicant will be responsible for the accuracy and validity of the information contained therein. All subsequent policy renewals and certificates of insurance thereafter, during the time that the Licence is in force, shall be forwarded to the Region within fifteen (15) days of their renewal date.

(9) Proof of a current and valid CVOR Certificate issued to the Applicant;

(10) Proof of certification under the TSSEA as required;

(11) Information on whether the Applicant, or any officer or director of the Applicant, has had a licence in regard to the provision of Towing Services

suspended or revoked in the Region or in any other municipality within Canada;

(12) Information on whether the Applicant, or any officer or director of the Applicant, has been convicted of an offence under any previously repealed by-law of the Region or other municipality within Canada governing the licencing of a Towing Business;

(13) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule “A”;

(14) Payment in full of the prescribed fee in accordance with the Fees and Charges By-law;

(15) A description and picture of any name, logo and/or trademark the Broker intends to use for any advertising or for display on any Tow Trucks affiliated with the Broker.

General Licence Requirements

6. Every Broker licensed under this By-law shall:

(1) Have a physical business premises located within the Region;

(2) Have a telephone number or email address that is solely associated with the Broker, to be used by customers who wish to make contact with the Broker;

(3) Have a digital Dispatch system and GPS that allows the Broker to communicate with and locate all Tow Trucks that are affiliated with the Broker;

(4) Have a minimum of one (1) Tow Truck, licensed under this By-law, affiliated exclusively with the Broker;

(5) Maintain a daily record (the “Register”) of all transactions and services performed by the Broker and any affiliated Drivers, in a form satisfactory to the Licensing Officer, which includes the full legal name and address of

every Hirer, a description of any Motor Vehicles Towed including the Vehicle Identification Number and Provincially issued licence plate number, the location of any Towed Vehicle, the fees charged, and the total fees collected, to be maintained for a period of twelve (12) months;

(6) Send an electronic copy of the Register entries of the previous day's transactions to the Licensing Officer, via email, daily by 10:00 a.m., save and except those days that the business is not operating due to a Holiday or Statutory Holiday or some other closure, in which case, the entries shall be submitted the following operating day;

(7) Ensure that each Driver who operates through the Broker has completed annual driver training that includes the following topics:

(i) The safe and proper operation of a Tow Truck, including Standard, Medium, and Heavy Tow Trucks as well as flatbed or float vehicles, Towing equipment and devices and safe operation during inclement weather;

(ii) Vehicle recovery training, including winching, chocking, and other methods required for performing a Recovery Service;

(iii) Ontario Traffic Manual Book 7 (Temporary Conditions) Training, as may be updated from time to time;

(iv) Workplace Hazardous Materials Information System (WHMIS) Training;

(v) Road safety training and safety requirements under the *Highway Traffic Act*;

(vi) The proper response to an emergency situation including medical emergency, fire and Motor Vehicle accidents;

(vii) The provision of Towing Service in a manner that is free of discrimination and is in compliance with the *Human* Rights Code;

(viii) Health and safety awareness training; and

(ix) Bill 168, the *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009,* training.

(8) Ensure that the name, logo and/or trademark used for any advertising or for display on any Tow Trucks affiliated with the Broker, corresponds exactly with what was submitted to the Licensing Officer as part of the Licence application;

(9) Have the ability to accept debit, credit and/or cash for roadside payments;

(10) Not request or be paid a rate for Towing Services which is greater than the rates listed on the Tariff Schedule as established by the Licensing Officer;

(11) Ensure that any Driver who operates through the Broker keeps a legible copy of the Tariff Schedule in their Tow Truck while the Tow Truck is being operated and produces it upon request of any Person;

(12) Ensure that any Tow Truck Dispatched does not Tow a Motor Vehicle or trailer that exceeds the Tow Truck's Gross Vehicle Weight Rating (GVWR); and not to exceed the Gross Axel Weight Rating (GAWR) front and rear tire road range and Tow Truck wheel lift rating;

(13) Take all reasonable steps to ensure that each Driver that is affiliated with the Broker complies with the requirements of this By-law;

(14) Report within twenty-four (24) hours, to the Licensing Officer any known contravention of this By-law by a Driver affiliated with the Broker;

(15) Report within twenty-four (24) hours to the Licensing Officer any known:

(i) Investigation, charge or conviction pursuant to the *Criminal Code*, *Controlled Drugs and Substances Act* or *Highway Traffic Act*; or

(ii) Ontario driver's licence suspension; or,

(iii) expiry, suspension, revocation or conditions imposed on a Provincial Licence

of a Driver who is affiliated with the Broker;

(16) Report within twenty-four (24) hours to the Licensing Officer:

(i) Any known Motor Vehicle accident that is reportable pursuant to section 199 of the *Highway Traffic Act*, or any successor provision; or,

(ii) Personal injury; or,

(iii) cancellation of insurance

involving a Tow Truck that is affiliated with the Broker;

(17) Report within twenty-four (24) hours, to the Licensing Officer if the Broker has terminated any Tow Truck Vehicle Licensee or Tow Truck Driver Licensee that is affiliated with the Broker;

(18) Provide run sheets, as referred to in section 29 of this By-law, made in duplicate, and in a form approved by the Licensing Officer, to any Driver affiliated with the Broker;

(19) Keep original copies of all run sheets referred to section 29 of this By-law, for at least one (1) year after the services recorded in them are provided, and make them available for inspection by the Licensing Officer; and,

(20) Provide the Licensing Officer, by the fifteenth (15th) day of every month, the following documentation for the preceding month in relation to the Broker's operations:

(i) A compilation of all run sheets, as described in section 29 of this By-law, recording every Towing Service provided by Drivers affiliated with that Broker; and,

(ii) Upon request, a copy of every itemized receipt issued for any Towing Service provided.

Broker Licence Transfer

7. The Licensing Officer may approve the transfer of a Tow Truck Broker Licence from one Person to another upon the parties providing to the Licensing Officer:

(1) A completed transfer application;

(2) The transfer application fee as prescribed in the Fees and Charges By-law; and,

(3) Confirmation of that the new Applicant meets the application requirements for a Tow Truck Broker Licence, as set out in Part III of this By-law.

Part IV TOW TRUCK VEHICLE LICENCE AND TOW TRUCK LICENCE PLATES

Prohibition

8. (1) No Person shall cause or permit a Motor Vehicle to be used as a Tow Truck without first having obtained a:

(i) Tow Truck Vehicle Licence for the Motor Vehicle; and,

(ii) Tow Truck Plate to be affixed to the Motor Vehicle in accordance with the requirements of this By-law.

9. No Person shall allow or permit another Person to provide or attempt to provide to a Hirer a Towing Service using a Motor Vehicle licensed under this By-law unless such Person holds a valid Tow Truck Driver Licence and a valid Tow Truck Plate is affixed to the Motor Vehicle in accordance with this By-law.

10. No Licensee shall affix, or permit any other Person to affix, a Tow Truck Plate to a Motor Vehicle other than the Tow Truck for which the Tow Truck Plate was issued under this By-law.

Licence Application

11. Every application for a Tow Truck Vehicle Licence and/or Tow Truck Plate Licence and renewal Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application for a Tow Truck Vehicle Licence and Tow Truck Plate Licence, or application for renewal of either Licence shall include:

(1) the full legal name, municipal address, email address and telephone number of each Applicant;

(2) If the Applicant is a partnership, the full legal name, address, email address and telephone number of each partner;

(3) If the Applicant is a corporation, all current articles of incorporation for the corporation;

(4) All current legal documents showing the registered business name of the Applicant, if applicable;

(5) The full legal names, dates of birth and addresses for all officers and directors of the Applicant, if applicable;

(6) The full legal names and signatures of all Persons having signing authority for the Applicant corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;

(7) The make, model, fuel type, VIN, production year, Ministry of Transportation issued licence plate number and valid Motor Vehicle permit for the Applicant's Tow Truck, confirming a valid "Tow Truck" designation;

(8) Copies of any safety standards certificates, annual inspection certificates and semi-annual inspection certificates issued in respect of the Motor Vehicle, as may be required for the issuance of a CVOR;

(9) If leased from a leasing company, a copy of the leasing agreement including an authorization for the leased Motor Vehicle to be used as a Tow Truck;

(10) Proof of automobile insurance in accordance with the requirements set out in section 13 of this By-law;

(11) A declaration signed by a Broker confirming the Applicant's affiliation or employment with that Tow Truck Broker.

(12) Confirmation that the Applicant, or any officer or director of the Applicant, has not had a licence in regard to the ownership of a Tow Truck suspended or revoked by the Region or other municipality in Canada within three (3) years of the current application;

(13) Confirmation that the Applicant, or any officer or director of the Applicant, has not been convicted of an offence under any Towing business by-law of the Region or other municipality in Canada in regard to the ownership of a Tow Truck in the three (3) year period prior to the date of the application;

(14) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within 60 days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A" to this By-law.

(15) Payment of the prescribed fee in accordance with the Fees and Charges By-law; and

(16) Proof of certification under the TSSEA as required.

12. (1) The Licensing Officer may set a limit or quota on the number of Tow Truck Plates that may be issued within the Region.

(2) If a quota or limit as referenced in subsection (1) is put in place, there shall be no waiting list maintained. Any new Tow Truck Plates to be issued by the Licensing Officer will be offered to Applicants who meet the application requirements for a Tow Truck Vehicle Licence set out in section 11 of this By-law, in order of when completed applications are received.

(3) Any quotas or limits that may be implemented shall remain in effect according to the time limit as determined by the Licensing Officer not to exceed three (3) years, after which time the Licensing Officer shall conduct a review to determine whether these quotas or limits should be revised.

Tow Truck Vehicle and Plate Requirements

13. (1) Every Tow Truck Vehicle Licensee shall maintain on file with the Region a Certificate of Insurance for each Tow Truck licensed under this By-law, identifying and confirming:

(i) a minimum limit of liability of TWO MILLION DOLLARS ($2,000,000.00) per occurrence, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons, and loss or damage to property;

(ii) a minimum limit of liability of ONE HUNDRED THOUSAND DOLLARS ($100,000.00) per occurrence, exclusive of interest and costs, for damage to customers' vehicles while in the care, custody, or control of the Licensee; and,

(iii) a minimum limit of liability of ONE HUNDRED THOUSAND DOLLARS ($100,000.00) per occurrence, exclusive of interest and costs, against liability resulting from direct physical loss or damage to cargo including Motor Vehicles and goods accepted by the Licensee for Towing.

(2) Proof of insurance shall be provided annually through a Certificate of Insurance that confirms the required coverage. The Licensee shall provide the Licensing Officer with renewal replacements on or before the expiry of any such insurance.

14. Every Tow Truck licensed under this By-law shall be equipped with the following equipment, which shall be kept in good working order at all times:

(1) A fire extinguisher, securely mounted in a place and readily accessible by the Driver near the entrance of the Tow Truck, tagged and inspected monthly;

(2) A GPS that sets out and records the location of the Tow Truck;

(3) A Dispatch system that allows communication between the Tow Truck Driver and Broker;

(4) A hoisting device of sufficient capacity to safely lift the Motor Vehicle to be Towed, and a tow cradle, tow bar, or tow sling equipped and maintained to ensure the safe lifting and conveying of Towed Motor Vehicles, not to exceed the GVWR (Gross Vehicle Weight Rating), the GAWR (Gross Axel Weight Rating) front and rear, tire load range and tow truck lift ratings for boom and wheel lift;

(5) Four (4) devices for securing the steering wheel, trunk, hood, or doors of a Motor Vehicle;

(6) at least two (2) safety chains having a minimum length of 3 metres, each comprised of links of at least 8 millimetres steel and must have legible rating tags;

(7) an audible warning system connected to the Tow Truck's backup lamps that is automatically activated when the tow Truck is in reverse gear;

(8) a bar light that produces intermittent flashes of amber light visible from 360 degrees and from a distance of 200 yards;

(9) a digital camera or camera-enabled mobile phone;

(10) a high-visibility, fluorescent safety vest and CSA steel toed safety boots for use by the Driver with a class rating of 3 level 2;

(11) One (1) push broom, a scoop shovel, absorbent material to absorb vehicle fluids, and a receptacle to collect absorbent material; and,

(12) road triangles or pylons, pry bar, hammer, wheel chocks, winch hooks, tie downs, and extended magnetic turn signal and brake indicators, and any other tools and safety equipment as may be required by the Licensing Officer.

15. Every Person that holds a Tow Truck Plate shall display:

(1) The Tow Truck Plate on the frame of the Tow Truck’s roof light in order to be seen from the rear of the vehicle;

(2) the number of the Tow Truck Licence Plate issued by the Licensing Officer, in contrasting colours on both sides of the Tow Truck; and

(3) Two (2) decals that are a minimum of 200 square centimeters each in area in visible locations on the exterior of the Tow Truck that displays in large print the name or trademark of the affiliated Broker, which shall correspond exactly with the information submitted and approved as a part of the Licence application.

16. Every Tow Truck Vehicle Licensee shall ensure that their Licence is kept within the Tow Truck and is available for inspection upon request by Hirers, Officers, and Persons authorized to enforce this By-law.

17. A Tow Truck Vehicle Licence is specific to the Tow Truck for which it has been issued. When a Tow Truck is replaced with another Tow Truck, the Tow Truck

Plate that is affiliated with the previous Tow Truck may be transferred to the replacement Tow Truck, provided:

(1) The Licensee applies to the Licensing Officer for a new Tow Truck Vehicle Licence in a form provided by the Licensing Officer and meets the applicable requirements under this By-law for such a Licence;

(2) A Tow Truck Vehicle Licence is issued for the replacement Tow Truck; and,

(3) The Licensee pays the transfer fee in accordance with the Fees and Charges By-law.

18. A Tow Truck Plate may be leased to another Tow Truck Vehicle Licensee provided the Tow Truck Plate Licensee first provides the Licensing Officer with the details of the lease arrangement including the term of the lease and confirmation that the Owner of the Tow Truck Plate remains responsible for compliance with the requirements of this By-law, and that the Lesee meets the requirements for a Tow Truck Plate-holder as set out in this By-law.

19. The Licensing Officer may approve the transfer of ownership of a Tow Truck Plate Licence from one Person to another upon the parties providing to the Licensing Officer:

(1) A completed transfer application, in a form provided by the Licensing Officer;

(2) A transfer application fee as prescribed in the Fees and Charges By-law; and

(3) Confirmation that the new Applicant meets all application requirements and conditions for a Tow Truck Plate Licence under this By-law.

20. Notwithstanding any other provision of this By-law, a Licensing Officer may provide approval for the transfer of a Tow Truck Plate in the event of the plate holder’s death, subject to completion and approval of the required transfer application within thirty (30) days, failing which, the Licence plate shall be surrendered.

21. A Tow Truck Vehicle Licence and Tow Truck Plate shall only be issued to an Applicant who is affiliated with a single Tow Truck Broker that is licensed under this By-law. A Tow Truck Vehicle Licensee and the Tow Truck Plate assigned to

that Licensee may not be affiliated with multiple Tow Truck Brokers at the same time.

22. A Licensee may hold multiple Tow Truck Vehicle Licences and/ or Tow Truck Plates.

23. All Tow Truck Plates that are expired are deemed revoked by the Licensing Officer and must be returned to the Licensing Officer. A replacement fee shall be charged to the Tow Truck Plate Licensee if the Tow Truck Plate is not returned.

24. (1) A Licensee may apply for a non-use status designation of a Tow Truck Plate for a period of up to sixty (60) days in a calendar year. This application must be approved by the Licensing Officer and all appropriate fees, in accordance with the Fees and Charges By-law, must be paid.

(2) No Person shall operate, or permit to be operated, any Tow Truck that bears a Tow Truck Plate that is has been designated for non-use status.

(3) Tow Truck Plates that have been designated for non-use status for more than sixty (60) days in a calendar year shall be returned to the Licensing Officer.

PART V TOW TRUCK DRIVER LICENCE

Prohibition

25. (1) No Person shall drive or operate a Tow Truck for the purposes of providing a Towing Service unless that Person is the holder of a Tow Truck Driver Licence as issued under this By-law.

(2) No Driver shall provide or attempt to provide to a Hirer Towing Services unless they are affiliated with a Broker.

(3) No Driver shall use or attempt to use a Motor Vehicle as Tow Truck unless the Motor Vehicle has been issued a Tow Truck Vehicle Licence and Tow Truck Plate under this By-law which is affixed to the Motor Vehicle.

Licence Application

26. Every application for a Tow Truck Driver Licence and/or renewal of such a Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application for a Tow Truck Driver Licence or a renewal shall include the following:

(1) The Applicant's full legal name, address, telephone number, email address and date of birth;

(2) Proof of a valid, unrestricted, Class G driver's licence issued by the Ministry of Transportation, and a class of driver's licence required to drive a Tow Truck, meeting the vehicle towing weight requirements, and at least two (2) years of driving experience;

(3) Two (2) pieces of government issued identification, one being photo identification;

(4) Confirmation that the Applicant is legally eligible to work in Canada;

(5) Confirmation that the Applicant has not had a Tow Truck Driver Licence revoked, suspended or denied within three (3) years of the date of application;

(6) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A";

(7) A Ministry of Transportation three (3) year driver's abstract;

(8) A declaration signed by the Applicant confirming they do not have any current outstanding police investigations, *Highway Traffic Act* charges or criminal charges or warrants pending before any courts;

(9) a declaration signed by a Broker confirming the Applicant's affiliation or employment with that Broker;

(10) Confirmation from the Applicant's affiliated Broker that the Applicant has successfully completed all required driver training; and

(11) Proof of certification under the TSSEA as required.

27. An Applicant for a Tow Truck Driver Licence shall submit to a photograph being taken of them for use on the Tow Truck Driver Licence.

General Licence Requirements

28. Every Driver, while operating a Tow Truck licensed under this By-law, shall:

(1) Display their Licence in a location that is clearly visible within the Tow Truck and make it available for review by any Person, upon request;

(2) Ensure their Tow Truck Vehicle Licence is in the Tow Truck;

(3) Display a copy of the Tariff Schedule in their Tow Truck so that it is clearly visible to all Hirers;

(4) Verbally advise a Hirer of the rates for Towing and related services set out in the Tariff Schedule, upon request;

(5) Not charge fees for any Towing Service provided to a Hirer in excess of the rates for such services set out in the Tariff Schedule;

(6) Ensure the proof of Motor Vehicle insurance slip is in the Tow Truck;

(7) Ensure all proof of Motor Vehicle ownership is in the Tow Truck;

(8) Ensure the Tow Truck Plate is affixed to the Tow Truck as prescribed in this By-law;

(9) Ensure that the GPS and Dispatch systems in the Tow Truck are operational;

(10) Provide an itemized receipt to Hirers for all Towing Services performed, which includes the date, a description of all services provided, the total cost of the Services provided, and the Driver's Tow Truck Plate number and Driver's Tow Truck Driver licence number;

(11) Take due care of all Motor Vehicles, motorhomes, trailers, or other vehicle or other vehicles and property delivered or entrusted to them for Towing or

storage to prevent loss of or from or damage to such Motor Vehicles motorhomes, trailers, or other vehicles and property;

(12) Ensure that the Motor Vehicle motorhome, trailer, or other vehicle being Towed does not exceed the Gross Vehicle Weight Rating (GVWR) and Gross Axel Weight Rating (GAWR) and boom, lift weight restrictions of their Tow Truck;

(13) Keep the hoisting device on their Tow Truck lowered at all times when the Tow Truck is in motion, unless it is Towing a Motor Vehicle, motorhome, trailer, or other vehicle;

(14) Ensure that any dolly affixed to their Tow Truck is affixed in a manner that does not obstruct the Driver's view to the rear of the Tow Truck;

(15) Ensure their Tow Truck and its equipment are in good repair and free from mechanical defects;

(16) Examine the licensed Tow Truck they intend to operate at the commencement of each work shift for any mechanical defects or operational issues and at the conclusion of each work shift; and,

(17) Report any mechanical defects or operational issues which are disclosed during the inspections referenced in subsection (16) forthwith to the owner of the Tow Truck, and refrain from operating it until such defects or issues are rectified.

29. (1) Every Driver shall maintain a run sheet in a form satisfactory to the Licensing Officer to be kept in the Tow Truck at all times, to be completed immediately upon the conclusion of a Towing Service, with the following information:

(i) The Tow Truck Licence Plate number and Tow Truck Driver licence number;
(ii) The full legal name and address of the Hirer;
(iii) A description including the condition of the Motor Vehicle motorhome, trailer, or other vehicle being Towed, including the Provincially issued licence plate number and Vehicle Information Number (VIN);
(iv) A description of the Towing Service provided;
(v) The date and time the Driver arrives at the location;
(vi) The date and time of drop-off and the location, if applicable;

(vii) The time the Towing Service provided to the Hirer is concluded; and,
(viii) The amount charged and collected for the Towing Service provided;

(2) Original copies of all run sheets in a form satisfactory to the Licensing Officer referenced in subsection (1) shall be submitted to the Driver's affiliate Broker for retention in accordance with the Broker's duties under subsection 6 (19) of this By-law.

30. No Driver shall:

(1) Verbally solicit any Person for the purposes of providing a Towing Service;

(2) Operate a Tow Truck licensed under this By-law in a dangerous, careless, or reckless manner;

(3) Operate a Tow Truck licensed under this By-law in excess of posted speed limits;

(4) Obstruct the use of any sidewalk, access way, street, roadway, driveway or highway with a Tow Truck licensed under this By-law;

(5) Permit their Tow Truck, as licensed under this By-law, to remain standing on any sidewalk, access way, street, roadway, driveway or highway, unless for the immediate purpose of:

(i) performing a Recovery Service; or

(ii) Towing a Motor Vehicle;

(6) Smoke tobacco or cannabis or permit tobacco or cannabis to be smoked in a Tow Truck licensed under this By-law;

(7) Consume or be under the influence of any alcohol while operating a Tow Truck licensed under this By-law;

(8) Consume, possess or be under the influence of any controlled substance as defined in the *Controlled Drugs and Substances Act* while operating a Tow Truck licensed under this By-law; or

(9) Use an electronic cigarette or permit the use of an electronic cigarette in a

Tow Truck licensed under this By-law.

31. (1) Every Driver shall notify the Licensing Officer within twenty-four (24) hours of any charge or conviction they have received that is in contravention of the criteria set out in Schedule “A” of this By-law or of any Motor Vehicle accident involving a Tow Truck licensed under this By-law.

(2) Every Driver shall notify the Licensing Officer within twenty-four (24) hours of any police investigation, charge or conviction relating to the Driver pursuant to the *Criminal Code,* the *Highway Traffic Act* or the *Controlled Drugs and Substances Act* with all particulars relating to the investigation, charge or conviction;

(3) If the Licensing Officer has reasonable grounds to believe that any of the information that was provided in the Licensee’s application for a Tow Truck Driver Licence has changed without the Licensee advising of the change, the Licensing Officer may, upon demand, request the Licensee produce an updated:

(i) Criminal Record and Judicial Matters check; or

(iii) A three (3) year Ontario Driver’s Abstract.

32. A Tow Truck Driver, while operating a Tow Truck licensed under this By-law, shall turn on the amber emergency lighting of the Tow Truck when stopped on a road allowance, when providing a roadside Towing Services.

33. (1) Every Tow Truck Driver shall Tow a Motor Vehicle motorhome, trailer, or other vehicle by the most direct route reasonably possible in the circumstances and in the most efficient manner, unless otherwise directed by the Hirer.

(2) No Tow Truck Driver shall make any intermediate stop when Towing a Motor Vehicle motorhome, trailer, or other vehicle to a collision reporting centre as directed by a Police Officer or to a destination specified by a Hirer.

(3) No Tow Truck Driver shall Tow any Motor Vehicle, motorhome, trailer, or other vehicle or hook, lift, or connect the Motor Vehicle motorhome, trailer, or other vehicle to a Tow Truck, or perform any related Towing Services, unless first requested to do so by one of the following:

(i) A Hirer;
(ii) An Officer;
(iii) Any member of an Area Municipality fire department; or,
(iv) Any Person authorized by law to direct the removal of the Motor Vehicle motorhome, trailer, or other vehicle from public or private property;

(4) No Tow Truck Driver shall suggest or recommend to any Hirer or other Person requesting the Towing Service that the Motor Vehicle motorhome, trailer, or other vehicle be Towed, driven or delivered to any particular Tow Truck Yard, body shop, storage yard, or any other public garage, building or place.

(5) Every Tow Truck Driver shall, where the final destination specified by a Hirer is unable to accept the Hirer's Motor Vehicle, motorhome, trailer, or other vehicle, contact the Hirer and obtain the Hirer's consent to Tow the Motor Vehicle motorhome, trailer, or other vehicle to an alternate destination.

34. No Tow Truck Driver shall remove a Motor Vehicle motorhome, trailer, or other vehicle from private property unless:

(1) The Hirer has care and control of the Motor Vehicle motorhome, trailer, or other vehicle; or,

(2) The following conditions are met:

(i) The private property owner has entered into an agreement with the Tow Truck Driver's affiliated Broker to provide a Towing Service for that private property, and signs are posted throughout that property with a minimum of two (2) signs indicating where the Motor Vehicle motorhome, trailer, or other vehicle has been Towed to and a contact name and phone number for the Broker is clearly displayed on the sign; and

(ii) The Niagara Regional Police Service and the Licensing Officer have been notified of the Tow, along with information as to the description of the Motor Vehicle, motorhome, trailer, or other vehicle that is Towed, the date and time of the Tow, and Tow Truck Yard to which the vehicle has been Towed.

DRAFT

35. No Tow Truck Driver shall Tow a Motor Vehicle from public or private property if that Motor Vehicle is the subject of a police investigation, without first having authorization from the investigating Police Officer to remove the Motor Vehicle.

36. Where a Motor Vehicle, motorhome, trailer, or other vehicle is Towed to a licensed Tow Truck Yard within the Region, the Tow Truck Driver shall ensure that the Motor Vehicle, motorhome, trailer, or other vehicle is secured and the owner of the Motor Vehicle, motorhome, trailer, or other vehicle has reasonable access to it to remove personal effects, unless otherwise instructed by a Police Officer pursuant to a police investigation.

37. No Tow Truck Driver licensed under this By-law shall deliver a Towed Motor Vehicle, motorhome, trailer, or other vehicle to a Tow Truck Yard outside the geographical boundaries of the Region unless the Hirer has requested and given their express consent for such Towed Motor Vehicle, motorhome, trailer, or other vehicle to be delivered to that Tow Truck Yard outside of the Region.

PART VI TOW TRUCK YARD LICENCE

Prohibitions

38. (1) No Person shall own or operate a Tow Truck Yard within the Region without first having obtained a Licence, issued pursuant to this By-law, permitting them to do so.

(2) No Person shall own or operate a Tow Truck Yard within the Region, without first having obtained a Tow Truck Broker Licence.

Licence Application

39. Every application for a Tow Truck Yard Licence or renewal of such a Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application for a Tow Truck Yard Licence shall include the following:

(1) the full legal name, municipal address, email address and telephone number of each Applicant;

(2) the municipal address of the Tow Truck Yard;

(3) confirmation that the Applicant holds a valid Tow Truck Broker Licence;

(4) A Certificate of Insurance (COI) identifying and confirming the following minimum insurance requirements for the Tow Truck Yard:

Commercial General Liability Insurance ("CGL")

CGL insurance for all services, operations, and work to a limit of not less than FIVE MILLION DOLLARS ($5,000,000) per occurrence.

The policy will be extended to include:

i. bodily injury, death and property damage;
j. cross liability and severability of interest;
k. blanket contractual;
l. premises and operations;
m. personal and advertising injury;
n. products and completed operations;
o. owner's and contractors protective;
p. non-owned Automobile to a limit of not less than TWO MILLION DOLLARS ($2,000,000);

The policy shall be endorsed to:

c. include The Regional Municipality of Niagara as an additional insured; and
d. contain an undertaking by the insurers to give thirty (30) days prior written notice in the event that there is a material change in the foregoing policies or coverage affecting the Additional Insured(s) or cancellation of coverage before the expiration date of any of the foregoing policies.

Policy Requirements

All policies of insurance shall:

c) be written with an insurer licensed to do business in Ontario;
d) be non-contributing with, and will apply only as primary and not excess to any other insurance or self-insurance available to Niagara Region;

DRAFT

Certificates of Insurance

Certificates of insurance originally signed by authorized insurance representatives shall be delivered to the Region prior issuance of the Licence, on a form of Certificate of Insurance which is acceptable to the Region. The Certificate of Insurance must comply with these insurance requirements and must be on the Region's form of Certificate of Insurance, which can be found on the Region's website – www.niagararegion.ca/business/fpr/cert-insurance.aspx. If the Certificate of Insurance is provided in a non-original form (e.g. a facsimile, photocopy or scanned electronic copy), the Applicant acknowledges and agrees that the Region is fully entitled to treat any such Certificate as an original and that the Applicant will be responsible for the accuracy and validity of the information contained therein. All subsequent policy renewals and certificates of insurance thereafter, during the time that the Licence is in force, shall be forwarded to the Region within fifteen (15) days of their renewal date.

(5) Information on whether the Applicant, or any officer or director of the Applicant, has been convicted of an offence or has had an order issued against them relating to the protection of the environment, fire safety, public health, property standards, or zoning violation within the previous twelve (12) month period;

(6) Verification that the Tow Truck Yard is fully enclosed by a fence, as required under this By-law;

(7) a fire inspection report prepared by the applicable Area Municipality fire department, dated within two (2) months of the date of the application, confirming compliance with all applicable provisions under the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended;

(8) a letter from the Region's Planning and Development Services Department, or successor department, confirming the Tow Truck Yard location conforms to the Region's Official Plan;

(9) A letter from the Niagara Escarpment Commission confirming the Tow Truck Yard in its present location does not violate the Niagara Escarpment Plan, if applicable;

(10) A site plan for the Tow Truck Yard that shows:

(i) the legal boundaries for the Tow Truck Yard, which must include only those lands that are under the exclusive control of the Applicant;

(ii) the location of all existing and proposed buildings, roads, driveways, parking areas, storage areas and operating areas;

(iii) the location of any fence and/or gate, as required under this By-law;

(iv) The finished surface of the storage yard complies with the requirements set out in subsection 42(6) of this By-law; and,

(v) The location of CCTV cameras as required under subsection 42(7) of this By-law; and

(11) Proof of certification under the TSSEA, if required.

40. Every Applicant for a Tow Truck Yard Licence shall allow any Officer to enter onto the Tow Truck Yard premises to verify the site plan requirements as set out in subsection 39(10) of this By-law.

Licence Requirements

41. (1) Every Tow Truck Yard Licensee shall maintain a fence that fully encloses the entire perimeter of the property.

(2) Every fence as required under subsection (1) shall be installed and maintained in compliance with the Area Local Municipality By-laws. If none exist, the following standards shall be followed:

(i) Not less than 1.83 metres and no greater than 2.44 metres in height;

(ii) Constructed of a uniform material, with a uniform colour, providing a full entry barrier; and

(iii) Kept in good repair at all times.

(3) If an opening in any fence as required under subsection (1) is necessary for ingress or egress, then the opening shall be covered by a gate that:

(i) Includes a locking mechanism;

(ii) Opens to a width of at least 3.5 metres;

(iii) Is of the same height as the fence;

(iv) Is kept in good repair at all times;

(v) Does not open over the travelled portion of a public road allowance or sidewalk; and

(vi) Is kept clear of obstructions so that it may be opened fully at all times.

(4) No Person shall relocate a fence or a gate as required under this section without the prior written approval of the Licensing Officer.

42. Every Tow Truck Yard Licensee shall ensure that:

(1) The outdoor area of their Tow Truck Yard is kept in a clean, neat, orderly and sanitary condition;

(2) All storage containers and other materials belonging to the Licensee or used for the Tow Truck Yard operation on-site are kept within the enclosed area created by the fence, as required under section 41 of this By-law, or in an enclosed building;

(3) All Motor Vehicles onsite or used for the Tow Truck Yard operation that do not have a current licence plate as issued by the Ministry of Transportation are parked within the enclosed area created by the fence, as required under section 41 of this By-law, or an enclosed building;

(4) All outdoor lighting for the Tow Truck Yard is arranged so as to divert light away from adjoining lands, inclusive of any public road allowances;

(5) All parking areas and roadways within the Tow Truck Yard are paved or are treated in a manner to reduce dust;

(6) All areas of the Tow Truck Yard that are used for storage have a surface that is hard compacted and consisting of gravel, tar and chip, pavement, or cement, and is free of potholes and debris;

(7) The Tow Truck Yard is equipped with operational CCTV cameras that provide video surveillance of all Motor Vehicles contained within the enclosed portion of the Tow Truck Yard; and

(8) Contact information for the Tow Truck Yard, including a telephone number and hours of operation, is posted outside of their premises and is clearly visible to any owners of Towed Motor Vehicles stored within the Tow Truck yard;

(9) Any voicemail or email messages from a Hirer or owner of a Towed Motor Vehicle must be promptly returned; and,

(10) Reasonable and prompt access to a Towed Motor Vehicle is given to a Hirer and/or owner of a Towed Motor Vehicle, at no additional cost or fee.

43. Any Tow Truck Yard that is licensed under this By-law must be located within the geographical boundaries of the Region.

44. Any Tow Truck Yard that is licensed under this By-law must be owned by a single Broker or a co-operative of Brokers licensed under this By-law.

45. The Licensing Officer may approve a transfer of Tow Truck Yard Licence from one Person to another upon the parties providing to the Licensing Officer:

(1) A completed transfer application, in a form provided by the Licensing Officer;

(2) A transfer application fee, as prescribed in the Fees and Charges By-law; and

(3) Confirmation that the new Applicant meets all application requirements and conditions for a Tow Truck Yard Licence under this By-law.

DRAFT

PART VII GENERAL LICENCE REQUIREMENTS

46. The Licensing Officer shall issue a Licence or a renewal of a Licence to an Applicant that has satisfied the requirements of this By-law, based on the appropriate Licence class and subclass, if applicable, as set out in Part V of this By-law.

47. Every Applicant shall provide payment, in full, of the appropriate fee, as prescribed in accordance with the Fees and Charges Bylaw, at the time the application for a Licence is submitted.

48. (1) No Applicant shall knowingly misstate or provide false information to the Licensing Officer.

(2) All Applicants shall provide the Licensing Officer with such other information and documentation as requested by the Licensing Officer.

(3) Every Applicant and Licensee shall report to the Licensing Officer within twenty-four (24) hours after the event, of any change in any information, including contact, address and insurance information, that was provided to the Licensing Officer pursuant to this By-law.

49. (1) Every Licensee shall hold such Licence subject to the requirements and criteria as imposed in this By-law, including compliance with criteria imposed in order to be licenced, as set out in Parts III, IV and V of this By-law.

(2) In the event a Licensee cannot meet the requirements as set out in subsection (1), the Licensee shall cease to operate the Tow Truck Business immediately, and surrender the applicable Licence to the Licensing Officer within twenty four (24) hours of the non-compliance.

(3) Any Licences that have been surrendered to the Licensing Officer pursuant to subsection (2) above, shall be deemed suspended, but may be reinstated and returned to the Licensee upon the Licensee providing proof of compliance with the requirements of the application for the Licence in issue.

50. Every Licensee shall comply with all applicable Federal laws, Provincial laws, and Municipal by-laws, while providing or offering a Towing Service, including but not limited to the TSSEA.

51. (1) No Person shall alter, erase, or modify, or permit the alteration, erasure or modification of any Licence or any part thereof issued under this By-law.

(2) If a Licence is defaced, destroyed, or lost, the Licensee shall apply to the Licensing Officer for a replacement and, on payment of the prescribed fee in accordance with the Fees and Charges By-law, may be issued a replacement Licence, as required.

52. Any report to the Licensing Officer that is required pursuant to this By-law may be made during a Holiday, or before or after business hours as posted by the Region, by submitting the report via electronic mail or leaving a voicemail message to the email address or telephone number posted on the Region's website from time to time.

53. No Licensee shall knowingly interfere in any way with the hiring or use of another Licensee's Tow Truck where a Hirer has hired or indicated an intention to hire such Tow Truck, excepted where a Police Officer directs the Towing of a Motor Vehicle by a specific Licensee to assist in an investigation.

54. No Licensee shall induce any Person to employ or hire a Tow Truck by knowingly misleading or deceiving such Person as to the location or distance of any place, or by making any false representation to such Person.

55. No Licensee shall make or convey, or permit to be made or conveyed, an offer of Towing Services while they are within two hundred (200) meters of the scene of an accident or an apparent accident, or within two hundred (200) metres of a Motor Vehicle involved in an accident, unless they are requested to attend at the scene or the Motor Vehicle by:

(1) A Hirer;

(2) A peace officer as defined in the *Criminal Code*;

(3) An Officer authorized to enforce this By-law; or,

(4) Any other Person authorized by law to direct the removal of a Motor Vehicle or vehicles from the scene of an accident;

unless emergency conditions exist which pose an immediate threat to the safety of any Person.

56. No Licensee shall request, accept or give, or permit any other Licensee to request, accept or give, any gift, fee, payment or other remuneration to or from any Person other than a Hirer in exchange for any service relating to the use of a Tow Truck, its equipment or its Driver.

57. Every Licensee shall accept payment for Towing and related services by credit card, debit card and cash.

58. Every Licensee shall permit a Hirer or owner of a Towed Vehicle reasonable access to their Motor Vehicle motorhome, trailer, or other vehicle to remove any personal property at no additional cost or fee. For the purpose of this section, reasonable access means that access must be granted, at a minimum, between standard business hours of 9 a.m. and 5 p.m. on all days that are not Statutory Holidays.

PART VIII DISCRIMINATION

59. No Licensee shall discriminate against any Person because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability, or otherwise contravene the *Human Rights Code*, in relation to the provision of a Towing Service.

60. Without limiting section 59 of this By-law, no Licensee shall charge:

    (1) A higher fare or an additional fee for Persons with disabilities than for Persons without disabilities for the same Towing Service; or

    (2) A fee for the storage of mobility aids or mobility assistive devices in relation to a Towing Service.

PART IX INSPECTIONS

61. Every Licensee shall allow an Officer, upon demand, to enter upon and inspect a Broker’s premises, Tow Truck Yard and/ or a Tow Truck licensed under this By-law to ensure that all provisions of this By-law have been satisfied.

62. Upon inspection, every Person shall produce all relevant Licences and permits, invoices, vouchers or like documents, trip records, Provincial Licences and all documents required to be kept and maintained under this By-law, which may be removed for the purpose of photocopying and returned to the Licensee within forty eight (48) hours of removal.

63. No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer from carrying out an inspection or withhold, destroy, conceal or refuse to furnish any information or thing required by the Officer inspecting for the purpose of this inspection.

PART X POWERS OF THE LICENSING OFFICER

64. The power and authority to issue or renew a Licence, refuse to issue or refuse to renew a Licence, to revoke or suspend a Licence, to impose terms and conditions, including special conditions, on a Licence are delegated to the Licensing Officer.

65. When an application for a Licence or for a renewal of a Licence is made in accordance with the provisions of this By-law and the Applicant meets all the requirements of this By-law, the Licensing Officer shall issue a Licence.

66. The Licensing Officer may refuse to issue, refuse to renew, revoke or suspend a Licence, or impose a term or condition on a Licence on the following grounds:

(1) The conduct of the Applicant or Licensee, or where the Person is a corporation, that the conduct of the corporation's officers, directors, employees or agents, affords reasonable cause to believe that the Person will not carry on or engage in the operation of the business in accordance with any applicable Federal law, Provincial law, or Municipal By-law, or with honesty and integrity;

(2) The Licensing Officer has reasonable cause to believe that the granting, renewal or continuation of a Licence under this By-law would pose a danger to the health or safety of any Person or the public in general;

(3) The Applicant or Licensee is carrying on activities that are in contravention of this By-law;

(4) There are reasonable grounds to believe that an application or other documents provided to the Licensing Officer by or on behalf of the Applicant or Licensee contains a false statement;

(5) Any information contained in the original application form or any other information provided to the Licensing Officer has ceased to be accurate and the Licensee has not provided up-to-date accurate information to allow the Licensing Officer to conclude that the Licence should continue;

(6) An Applicant does not meet, at any time, one or more of the requirements of this By-law or any conditions imposed on a Licence;

(7) An Applicant or Licensee is not in compliance with any Federal law, Provincial law, or Municipal By-law, including but not limited to this By-law and any requirement to obtain and maintain a valid Provincial Licence; or

(8) The Applicant or Licensee has a police investigation or been charged or been convicted of a criminal or *Highway Traffic Act* offence which provides reasonable grounds for the Licensing Officer to believe it would not be in the interest of public health and safety and/or consumer protection to issue or maintain such a licence.

67. Notwithstanding any other provision of this By-law, the Licensing Officer may impose conditions, including special conditions, on any Licence at issuance, renewal or at any time during the term of the Licence, as are necessary in the opinion of the Licensing Officer to give effect to this By-law.

68. Where the Licensing Officer has made a decision to deny, suspend, revoke or place conditions, including special conditions, on a Licence, the Licensing Officer's written notice of that decision shall:

(1) Set out the grounds for the decision;

(2) Give reasonable particulars of the grounds;

(3) Be signed by the Licensing Officer; and,

(4) State that the Applicant or Licensee is entitled to request a hearing before the Licensing Appeals Committee if the Applicant or Licensee delivers a request for a hearing, in writing, accompanied by the applicable fee set out in the

Fees and Charges By-law, to the Licensing Officer, within thirty (30) calendar days after the notice is served.

69. (1) Where notice to an Applicant or Licensee is required under this By-law, it is sufficiently given if delivered personally to the Applicant or Licensee, sent by electronic mail, or sent by registered mail to the address provided on the application or Licence, as applicable, of the Applicant or Licensee.

(2) Where service is effected by registered mail under subsection (1), notice shall be deemed to have been made on the fifth (5^{th}) day after the date of mailing. Service is deemed effective by email at the time it is sent. Personal Service is deemed effective at the time it is given.

70. Where no appeal is registered within the required time period, the decision of the Licensing Officer shall be final.

71. Where a Licence issued under this By-law has been suspended or revoked or special conditions have been placed on the Licence, the Licensee shall return the applicable licence to the Licensing Officer within twenty four (24) hours of service of written notice.

Appeal

72. The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Licensing Appeals Committee (the “Committee”).

73. The provisions of sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted by the Committee under this By-law.

74. (1) When an Applicant is denied a Licence or has their Licence revoked or suspended, or has conditions, including special conditions, placed on their Licence, they may request an appeal hearing before the Licensing Appeals Committee, within thirty (30) calendar days of service of the notice described in section 69 of this By-law, for review of this decision. This request for an appeal shall be made in writing, be sent to the Licensing Officer, and set out the relief sought and the reasons for the appeal.

(2) When a request for a hearing under subsection (1) and the applicable fee for filing an appeal, as set out in the Fees and Charges By-law, have been

received, a hearing shall be scheduled before the Licensing Appeals Committee and notice of the hearing date shall be given to the Applicant.

(3) A notice of hearing shall include:

(i) A statement of the time, date, location, and purpose of the hearing; and,

(ii) A statement that if the Applicant or Licensee does not attend the hearing, the Licensing Appeals Committee may proceed in their absence without notice to them.

(4) After conducting a hearing, the Committee, may uphold or vary the decision of the Licensing Officer, or make any decision that the Licensing Officer was entitled to make in the first instance.

(5) Notice of the Committee's decision, with reasons, shall be provided in writing and served in accordance with the service provisions contained in section 69 of this By-law.

(6) The Licensing Appeal Committee's decision in respect of refusing, suspending, revoking or attaching conditions to a Licence is final.

PART XI ORDERS

75. (1) If the Licensing Officer or a Municipal By-Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the Licensing Officer or Municipal By-Law Enforcement Officer may make an Order requiring the Person who contravened this By-law or who caused or permitted the contravention to discontinue the contravening activity.

(2) An Order under subsection (1) shall set out:

(i) reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred, if applicable; and,

(ii) the date by which there must be compliance with the Order.

(3) An Order issued under this By-law shall be served in accordance with the service provisions contained in section 69 of this By-law.

76. Every Person shall comply with an Order issued under the authority of this By-law.

PART XII ADMINISTRATION AND ENFORCEMENT

Penalty

77. Every Person who contravenes any provision of this By-law or an Order under this By-law is guilty of an offence and upon conviction is liable to the applicable penalty as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33, as amended.

78. A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law or an Order made under this By-law is guilty of an offence.

79. (1) Notwithstanding section 77 of this By-law, each day on which a Person contravenes any provision of this By-law shall be deemed to constitute a continuing offence under this By-law as provided for in section 429(2) of the *Municipal Act, 2001*. For clarity, in the case of an Order, a contravention continues for every day or part of a day past the date set out in the Order by which the work must be complete or action taken, as the case may be.

(2) For each day or part of a day that the offence continues, the minimum fine shall be ONE HUNDRED DOLLARS ($100.00) and the maximum fine shall be FIVE THOUSAND DOLLARS ($5,000.00), and the total of all daily fines for the offence is not limited to ONE HUNDRED THOUSAND DOLLARS ($100,000.00).

80. If any section of this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the Person convicted or impose conditions

Administration / Enforcement

81. (1) The Licensing Officer shall have all necessary authority to administer and enforce this By-law.

(2) Without limiting subsection (1), the Licensing Officer shall have the authority to:

(i) prescribe administrative forms, registers and electronic data software required under this By-law;

(ii) establish policies, procedures, operational protocols, inspection criteria and frequency, licence criteria and operational hours;

(iii) establish, maintain and publically post, on the Region's website, a Tariff Schedule of maximum rates to be charged to all Hirers of a Tow Truck for Towing Services;

(iv) establish policies and procedures as necessary regarding the tow rotation system utilized by police and emergency services;

(v) pro-rate any licensing or administrative fees that may be charged under this By-law;

(vi) issue any Licence where the Applicant meets criteria and conditions under this By-law;

(vii) renew, deny, suspend, revoke, restrict or place special conditions on any Licence issued pursuant to this By-law;

(viii) designate any accessibility training or other required training pursuant to this By-law;

(ix) verify any information provided by an Applicant or Licensee; and,

(x) Demand from any Licensee any records, information, documentation, licences or any other thing pursuant to the administration and enforcement of this By-law.

82. Any Licensee that refuses or otherwise does not supply records, information or any other thing as demanded by the Licensing Officer shall have their Licence suspended. The Licensing Officer may re-instate a Licence if the Licensee supplies the information, record or other thing as demanded.

DRAFT

83. This By-law may be enforced by the Licensing Officer, a Municipal By-Law Enforcement Officer appointed by Council to enforce this by-law, or any Police Officer.

84. Any Person who obstructs or interferes with an Officer in the discharge of their duties shall be considered in violation of this By-law.

85. Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with that Person in the execution of their duties.

Survival

86. If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found illegal.

Citation

87. This By-law may be cited as the "Towing Services By-law".

By-law Commencement / Transition

88. (1) By-Law No. 2018-75, being a by-law to licence, regulate and govern vehicles for hire (Taxicabs, Transportation Network Company Vehicles, Specialty Vehicles, Auxiliary Services Vehicles, Shuttle Buses, Sightseeing Vehicles, Caleche, Tow Trucks) and Businesses (Second-Hand Good Stores and Dealers, Salvage Yards, Auto-Wrecking Yards and Taxicab Brokers) and all amendments thereto, is hereby repealed.

(2) Notwithstanding subsection (1), By-law No. 2018-75, as amended, shall continue to apply to proceedings in respect of offences that occurred before its repeal.

(3) Notwithstanding subsection (1), all Tow Truck-related licences issued under By-law 2018-75, including any suspensions, revocations, denials, renewals or special conditions imposed on licence-holders, that are in effect at the time said by-law is repealed, shall be deemed to be Licences as issued under this By-law, together with any such suspensions, revocations, denials, renewals or special

conditions, and all the rules, requirements and regulations of this By-law shall apply with necessary modification.

(4) All Persons holding Tow Truck-related licences issued under the provisions of By-law 2018-75 must come into compliance with all provisions of this By-law upon the renewal date of their Licence or twelve (12) months from the date this By-law comes into force, whichever date is later.

(5) A Licensee that fails to come into compliance with all provisions of this By-law upon the renewal date of their Licence shall have their Licence revoked.

89. This By-law shall come into force and effect on the date that it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

_____
Jim Bradley, Regional Chair

_____
Ann Marie Norio, Regional Clerk

Passed: <date>

DRAFT

SCHEDULE “A”

STANDARD CHARACTER AND DRIVING RECORD CRITERIA

An application for or renewal of a Licence under this By-law shall be denied where the Applicant:

(Parts 1 to 7 apply to all Applicants)

1. Has an undertaking, recognizance, peace bond, probation order or other court or police issued document where the conditions prohibit the Applicant or Licensee from performing the functions of the licence being applied for;

2. Has been convicted of a criminal offence which provides reasonable grounds for the Licensing Officer to believe it would not be in the interest of public health and safety and/or consumer protection to issue or maintain such a Licence. Such offences include, but are not limited to: sexual-based offences, child pornography, trafficking in persons, kidnapping, hostage taking, abduction, crimes against persons under 18 years of age, assault with a weapon, assault causing bodily harm, and, aggravated assault any assault against a Peace Officer;

3. Has been found guilty and convicted of any criminal offence, in the preceding twenty (20) years from the date of the application, where the term of incarceration imposed exceeded ten (10) years;

4. Has been found guilty and convicted of any criminal offence, in the preceding ten (10) years from the date of the application, where the term of incarceration imposed was between two (2) and ten (10) years;

5. Has been found guilty and convicted of any criminal offence, in the preceding five (5) years from the date of the application, where the term of incarceration imposed was less than two (2) years;

6. Has outstanding criminal charges before the courts and is awaiting trial and sentencing; or

7. Is the subject of a current police criminal investigation.

(Parts 8, 9 and 10 shall only apply to Driver Licence Applicants)

8. Has been found guilty of any of the following *Highway Traffic Act* offences, in the preceding five (5) years from the date of the application:

i) Careless Driving;

ii) Racing or Stunt Driving; or

iii) Exceeding the Speed Limit by 50 km/hour or more;

9. Has accumulated nine (9) or more demerit points or six (6) or more convictions under the *Highway Traffic Act* on their driving record abstract within three (3) years from the date of the application; or

10. Has had their driver's licence, issued in any province or territory, suspended under the *Highway Traffic Act* or *Criminal Code* within three (3) years of the date of application.

Paragraphs 2, 3, 4 and 5 shall not apply if the Applicant has received a Record Suspension or Pardon for the offence by the Parole Board of Canada.

DRAFT

BUSINESS LICENSING

PROPOSED BY-LAW UPDATES

PUBLIC INFORMATION CENTRE

Niagara Region

The Niagara Region Business Licensing office is in the process of reviewing and modernizing its by-laws related to taxi cabs, Transportation Network Companies (TNC), shuttles, sightseeing vehicles, specialized transport, medical transport, tow trucks, second hand shops, and salvage and auto wrecking yards.

We value input from the public as they are the consumers of services offered by these various industries.

We value input from the industries as these by-laws govern how they operate within the Niagara Region.

In order to support public safety and ensure high quality customer service while balancing support for industry operations we need input from both stakeholder groups.

This booklet contains an overview of suggested changes to modernize our existing by-law. We are now seeking your input in order to ensure these revisions support our municipality, our consumers, and the industries involved.

Second-Hand Goods Stores



Operational Changes

1. Second-hand goods that are deemed high value will be defined in a schedule to the by-law and require a register to be completed for every transaction.

2. The registry will include the name etc of the seller, the date and time, a detailed description of the goods, the value or consideration paid for the good, the serial number of the good if available and a photo taken of each item and whether the item was taken in as a 'PAWN' loan or not, the items will be held for 21 days before resale unless the item was brought in as a 'PAWN' item.

3. If the good is not contained in the Schedule of Goods then the registry does not have to be completed.

4. Second hand goods will now include antiques and other items purchased from a person for any dollar value or other consideration.

5. Second-hand goods will no longer include scrap metal or other recyclable items but will continue to include used tires purchased for resale.

6. If an item was purchased or received for any other consideration and turns out to be stolen property, the property shall be turned over to the legal owner without any fees, charges or any other form of financial burden to that legal owner.

7. If the business feels the item may be stolen property, the property should not be purchased and the transaction refused and the police contacted.

8. No person under the age of 18 may sell any item listed in the Schedule of Goods and no Second-Hand Shop or Dealer may purchase it.

9. The register shall be delivered to the Niagara Region daily by 10:00 am.

Eligibility/Compliance Requirements

1. Businesses are required to maintain a $5 million general liability insurance.

2. All owners, persons associated with the business or employees of the business will supply the Region a Criminal Record and Judicial Matters check annually.

Taxi/ Transportation Network Company (TNC)



Process Improvements

1. The Taxi Plate waiting list will be eliminated, as the list will be eliminated taxi-plates my be placed on 'non-use' for any amount of time as long as fees are paid annually for the plate.

2. All persons on the current waiting list will be issued their respective plate(s).

3. Those persons on the current waiting list that do not wish to accept their plate shall receive a refund for their initial plate fee and forfeit their $75.00 fee for each year they were on the waiting list.

4. Taxi-Cabs and TNC's may accept all forms of payment.

5. The number of Taxi Plates will be reviewed annually with stakeholders to determine if more plates need to be issue.

Operational Changes

1. A Taxi Cab Broker must have a minimum of 5 regular or accessible taxi-cab vehicles operating under the Brokerage banner.

2. A maximum of 5 TNC Brokers will be allowed to operate within Niagara Region.

3. There will be no borders for Taxi plates, a taxi plate issued by Niagara Region is valid for operation anywhere within the Niagara Region.

4. Only Taxi-Cabs may accept Flag, Hail or Taxi Stand ride requests.

5. TNC's ride requests must be pre-booked either through an application based system or by telephone through a dispatch service that records the trip request on the application for the driver and the value of the trip shall be communicated to the customer and agreed to prior to commencement of the trip.

6. The number of accessible Taxi-Cabs will be based on a percentage of Regular taxi-cabs operating under a Brokerage banner. The initial percentage will be 10% with a minimum of 1 vehicle for Brokers with only 5 regular taxi-cabs. TNC's shall pay a fee of $0.05 per trip for not supplying accessible services.

7. Only Taxi-Cabs may use 'top signs' and use marked 'taxi stands', TNC's are not permitted to use "top signs" and may not use 'taxi stands'.

8. Taxi and TNC Brokers will solely be responsible for the training of their drivers, all training subjects and criteria will be supplied to the Niagara Region annually. Accessible drivers will receive an accessible endorsement on their Taxi-Cab Driver licence upon proof of passing an accessible vehicle training course.

9. Spare vehicles may be used to assist with peak period service during certain holidays such as Christmas and New Years.

10. TNC's must display a decal on the passenger side of the front and rear window for each TNC service they are operating under.

Eligibility/Compliance Requirements

1. The Niagara Region will establish a set of criteria for Taxi and TNC drivers that all initial applicants and renewal request will be reviewed against. This will include, demerit points, driver convictions, suspensions, criminal convictions or other types of court or other agency restrictions that would prohibit a driver from operating a Taxi and TNC vehicle.

2. Vehicles between 0 and 3 years of age with lest than 40,000 km will not require a safety inspection certificate to be licensed, vehicles between 3 and 7 years of age require an annual safety inspection certificate, vehicles greater than 7 years require a safety inspection certificate every 6 months.

3. All Taxi-Cab and TNC Drivers will now only need to supply a Criminal Record and Judicial Matters check annually for licensing, a Vulnerable Sector Police Screen may be requested by the Niagara Region for any Driver before a licence may be issued or maintained.

4. All Driver applicants will require an unrestricted Class 'G' Ontario Driver Licence in order to be considered for a Taxi-Cab or TNC Niagara Region issued driver licence.

5. Brokers are required to maintain a $5 million general liability insurance policy, vehicles must have a $2 million per incident insurance policy, TNC drivers must also prove their insurance company knows they are using their vehicle for TNC service and either provide a confirmation from their insurance Broker or provide proof of a 6A/6U/6G endorsement.

6. Leased vehicles may be licensed.

Specialty Vehicles for Hire

Shuttle, Sight-Seeing, Private Ambulance/Medical Transport, Specialty/Limousine, Caleche or other services)



Process Improvements

1. Services may accept all form of payment.

Operational Changes

1. The minimum rate charged for all services shall be $10.00 and the full fare shall be communicated to the passenger and agreed to prior to commencement of the trip.

2. ‘Top signs’ cannot be used.

3. Business Licence holders will supply a monthly ridership count by the 15th day of each month.

4. The Niagara Region may impose a limit on the number of Specialty Services operating within the Niagara Region.

5. Businesses will solely be responsible for the training of their drivers, all training subjects and criteria will be supplied to the Niagara Region annually.

Eligibility/Compliance Requirements

1. An unrestricted ‘F’ class Ontario Driver Licence is required for all vehicles that are an Ambulance Transport, or a vehicle designed to hold between 10 to 24 passengers in conjunction with a Niagara Region issued driver licence.

2. An unrestricted ‘C’ class Ontario Driver Licence is required for all vehicles designed to hold 25 or more passengers, in conjunction with a Niagara Region issued driver licence.

3. An unrestricted ‘G’ class Ontario Driver Licence is required for all vehicles designed to hold 9 or less passengers, in conjunction with a Niagara Region issued driver licence.

4. No rental vehicles may be used.

5. Leased vehicles may be licensed.

6. The Niagara Region will establish a set of criteria for vehicle drivers that all initial applicants and renewal request will be reviewed against. This will include, demerit points, driver convictions, suspensions, criminal convictions or other types of court or other agency restrictions that would prohibit a driver from operating a vehicle.

7. Businesses are required to maintain a $5 million general liability insurance policy, vehicles that hold 9 passengers or less must have a $2 million per incident insurance policy, vehicles that hold 10 to 24 passengers must have a $5 million per incident insurance policy, vehicles that hold 25 or more passengers must have an $8 million per incident insurance policy.

8. Private or Medical Transport Ambulances and vehicles holding 10 passengers or more must supply a Ministry heavy vehicle inspection certificate every 6 months.

9. Horses must be inspected annually by a veterinarian.

10. All Drivers will need to supply a Criminal Record and Judicial Matters check annually for licensing, a Vulnerable Sector Police Screen may be requested by the Niagara Region for any Driver before a licence may be issued or maintained.

11. Vehicles that hold 9 passengers or less between 0 and 3 years of age with lest than 40,000 km will not require a safety inspection certificate to be licensed, vehicles between 3 and 7 years of age require an annual safety inspection certificate, vehicles greater than 7 years require a safety inspection certificate every 6 months .

Tow Trucks and Towing Yards



Operational Changes

1. All fees for all services must be approved by the Licensing Officer and must be posted within the vehicle and provided to the customer and the tow must be authorized by the customer prior to the service.

2. Fees are for the entire municipality of the Niagara Region shall be based on kilometers traveled, services provided and storage fees calculated by day and itemized on a receipt for the customer.

3. Fees must outline charges for entering into another municipality adjacent to the Niagara Region.

4. The Niagara Region may impose a limit on the number of Towing Services operating within the Niagara Region.

5. A registry of every tow completed is to be supplied to the Niagara Region every morning by 10:00 am.

6. No Police/EMS/Fire scanners may be used.

7. If the tow company has been called as part of an agreement signed by a third party to provide “roadside assistance” those fees may be charged in place of the established fees. All tow companies shall provide a list of third party ‘roadside assistance programs’ that they are contracted for.

8. Storage yards and compounds require a permanent metal fence with a minimum height of 3 meters and have a locking gate and a security system which includes Closed Circuit Television Cameras (CCTV) and must be licensed as a yard or compound with the Niagara Region.

9. Before a vehicle may be transferred into the Tow companies name, a letter of authorization must be received from the Licensing Officer authorizing the transfer and outline the make, model, year, VIN and provide an insurance release letter.

10. Towing Businesses may elect to be a member of the Niagara Region administered Towing Rotation, this will not form part of this by-law but will be contained in a separate Schedule of the by-law.

11. A customer may elect to call another towing service from outside of the Niagara Region and may freely do so, likewise, other garages and car dealerships may be called to tow a vehicle at the discretion of the customer. Niagara Region staff or police, fire or EMS will not provide any assistance in contacting a towing service but provide the number for the tow rotation list as administered by the Niagara Region.

12. Only towing companies that have their own licensed storage yard may tow vehicles to that yard.

13. All yards will be inspected and licensed by the Niagara Region, and where the yard is deemed as a police impound yard, co-inspected by police and the Niagara Region.

Eligibility/Compliance Requirements

1. An unrestricted ‘G’ class Ontario Driver Licence is required in conjunction with a Niagara Region issued driver licence.

2. Upgraded Ontario Driver Licences are required for drivers depending on the type and class of vehicle being operated.

3. The Towing Company must supply a copy of the current and valid CVOR for the business.

4. No rental vehicles may be used.

5. Leased vehicles may be used.

6. The Niagara Region will establish a set of criteria for drivers that all initial applicants and renewal request will be reviewed against. This will include, demerit points, driver convictions, suspensions, criminal convictions or other types of court or other agency restrictions that would prohibit a driver from operating a vehicle.

7. The Towing company must supply a Ministry heavy vehicle inspection certificate every 6 months for every towing vehicle.

8. Businesses are required to maintain a $5 million general liability insurance, a $2 million per incident vehicle insurance policy, a $2 million per incident on-hook/in tow vehicle insurance policy, $2 million per incident garage/storage/damage liability insurance policy.

9. Vehicle types will be defined as light, medium and heavy duty and further classified as ‘flatbed’ or ‘hook/chain/boom and wheel lift’ truck and must be built as and registered as a tow truck with the Ministry of transportation.

10. All tow trucks must have a winch, 360’ amber safety lights mounted in a roof bar and other equipment as required by the Licensing Officer.

11. All Drivers will need to supply a Criminal Record and Judicial Matters check annually for licensing, a Vulnerable Sector Police Screen may be requested by the Niagara Region for any Driver before a licence may be issued or maintained.

Salvage and Auto Wrecking Yard



Operational Changes

1. The register is to be completed for every transaction.

2. The registry will include the name etc of the seller, the date and time, a detailed description of the goods, the value or consideration paid for the good, the serial number or VIN of the good if available and a photo taken of each item and shall also include the make model and plate number of the vehicle delivering the items.

3. Hours of operation will now be outlined and include weekends and holidays and be impacted by the distance from residential areas by distance.

4. If an item was purchased or received for any other consideration and turns out to be stolen property, the property shall be turned over to the legal owner without any fees, charges or any other form of financial burden to that legal owner.

5. If the business feels the item may be stolen property, the property should not be purchased and the transaction refused and the police contacted.

6. The register shall be delivered to the Niagara Region daily by 10:00 am.

Eligibility/Compliance Requirements

1. There will be two categories, Shops and Yards, Shops cannot have an outdoor storage yard.

2. Fencing shall be uniform and permanent and shall not be made of ‘see through’ materials and shall be a minimum of 3 meters in height, no materials may be stacked higher than the fence and all materials must be 1 meter from the fence and the yard must have a locking gate and any high mast lighting must only point into the yard area.

3. A Salvage Yard may collect all salvage materials including motor vehicles and their parts, an Auto Wrecker may only collect motor vehicles and their parts.

4. Businesses are required to maintain a $5 million general liability insurance.

5. All owners, persons associated with the business or employees of the business will supply the Niagara Region a Criminal Record and Judicial Matters check annually and the business shall supply he number of employees working at the property.

6. The Business must now have an annual fire inspection and provide the document to the Niagara Region as part of the annual renewal.

7. The business must include all Ministry licences as part of the application process.

8. The business shall provide a property description outlining all buildings and storage areas, their purpose and what is contained in each area and indicate areas that contain HAZMAT materials such as batteries, fuel oil, acids etc.

9. Any business that is zoned as ‘legal non-conforming” may continue to operate and if sold may continue to operate if the local municipality approves the continuation of the business operation under the ‘legal non-conforming’ zoning restriction.

10. Legal non-conforming and regular operations may not expand their business footprint unless approval is granted by the local municipality and the Niagara Region.

11. Scrap metal bins for public use may only be placed outside of the fenced compound if the local municipality grants approval and the business applies for a separate licence from the Niagara Region for each bin.

12. Businesses that have an OMVIC licence to re-sell motor vehicles must clearly mark these vehicles for sale and may store these vehicles outside of the compound provided they are in compliance with all zoning requirements.

BUSINESS LICENSING BY-LAW REVIEW

We need your help to improve
our business licensing by-laws.

TAKE OUR ONLINE SURVEY

niagararegion.ca/business/licensing

Niagara Region

niagararegion.ca/business/licensing

For more information: licensing@niagararegion.ca

Fee #	Previous Fee #	Fee/Charge Description	Unit of Measure	2020 Fee/Charge ($)	2021 Base Fee/Charge ($)	HST ($)	2021 Total Fee/Charge ($)	Tax Implication	Change
Business Licensing:									
Unless otherwise stated below, refer to the appropriate Business Licensing By-Law for details on required frequency of fee payment (e.g. annual, one-time, etc.)									
Fee descriptions that include "renewal" may be prorated under certain criteria as set under the appropriate Business Licensing by-law.									
CS-144	CS-50	Adult Entertainment Parlour Owner	each	3,750.00	3,750.00	-	3,750.00	Exempt	None
CS-145	CS-51	Adult Entertainment Parlour Operator	each	1,200.00	1,200.00	-	1,200.00	Exempt	None
CS-146	CS-52	Adult Entertainment Parlour Entertainer	each	250.00	250.00	-	250.00	Exempt	None
CS-147	CS-53	Adult Entertainment Parlour Owner - Non-refundable Administration Fee	each	150.00	375.00	-	375.00	Exempt	None
CS-148	CS-54	Adult Entertainment Parlour Operator - Non-refundable Administration Fee	each	50.00	120.00	-	120.00	Exempt	None
CS-149	CS-55	Adult Entertainment Parlour Entertainer - Non-refundable Administration Fee	each	25.00	25.00	-	25.00	Exempt	None
CS-150	CS-56	Adult Entertainment Parlour Transfer of Owner's Licenses - Arm’s length transfer	each	3,750.00	3,750.00	-	3,750.00	Exempt	None
CS-151	CS-57	Adult Entertainment Parlour Transfer of Owner's Licenses - Transfer to an existing Co-owner or non-arm’s length transfer	each	1,015.00	1,015.00	-	1,015.00	Exempt	None
N/A	CS-58	Auto Wrecking Yard – Initial Application	each	360.00	370.00	-	370.00	Exempt	Delete
N/A	CS-59	Auto Wrecking Yard – Renewal	each	220.00	220.00	-	220.00	Exempt	Delete

Fee #	Previous Fee #	Fee/Charge Description	Unit of Measure	2020 Fee/Charge ($)	2021 Base Fee/Charge ($)	HST ($)	2021 Total Fee/Charge ($)	Tax Implication	Change
CS-152	CS-66	Caleche Business License	each	150.00	150.00	-	150.00	Exempt	Updated description
CS-153	N/A	Caleche Coach Operator License (1 month) - Initial Application	each	-	10.00	-	10.00	Exempt	New fee
CS-154	N/A	Caleche Coach Operator License (6 month) - Initial Application	each	-	30.00	-	30.00	Exempt	New fee
CS-155	CS-60	Caleche Coach Operator License (12 month) - Initial Application	each	60.00	60.00	-	60.00	Exempt	Updated description
CS-156	N/A	Caleche Coach Operator License (1 month) - Renewal	each	-	10.00	-	10.00	Exempt	New fee
CS-157	N/A	Caleche Coach Operator License (6 month) - Renewal	each	-	14.00	-	14.00	Exempt	New fee
CS-158	CS-61	Caleche Coach Operator License (12 month) - Renewal	each	28.00	28.00	-	28.00	Exempt	Updated description
CS-159	N/A	Caleche Carriage Plate and License (1 month) - Initial Application	each	-	100.00	-	100.00	Exempt	New fee
CS-160	N/A	Caleche Carriage Plate and License (6 month) - Initial Application	each	-	180.00	-	180.00	Exempt	New fee
CS-161	CS-62	Caleche Carriage Plate and License (12 month) - Initial Application	each	360.00	360.00	-	360.00	Exempt	Updated description
CS-162	N/A	Caleche Carriage Plate and License (1 month) - Renewal	each	-	50.00	-	50.00	Exempt	New fee
CS-163	N/A	Caleche Carriage Plate and License (6 month) - Renewal	each	-	93.00	-	93.00	Exempt	New fee

Fee #	Previous Fee #	Fee/Charge Description	Unit of Measure	2020 Fee/Charge ($)	2021 Base Fee/Charge ($)	HST ($)	2021 Total Fee/Charge ($)	Tax Implication	Change
CS-164	CS-63	Caleche Carriage Plate and License (12 month) - Renewal	each	185.00	185.00	-	185.00	Exempt	Updated description
CS-165	N/A	Caleche Carriage Plate and License (1 month) - Extra plate existing business	each	-	50.00	-	50.00	Exempt	New fee
CS-166	N/A	Caleche Carriage Plate and License (6 month) - Extra plate existing business	each	-	93.00	-	93.00	Exempt	New fee
CS-167	N/A	Caleche Carriage Plate and License (12 month) - Extra plate existing business	each	-	185.00	-	185.00	Exempt	New fee
CS-168	N/A	Caleche Horse License (1 month)	each	-	10.00	-	10.00	Exempt	New fee
CS-169	N/A	Caleche Horse License (6 month)	each	-	15.00	-	15.00	Exempt	New fee
CS-170	CS-65	Caleche Horse License (12 month)	each	30.00	30.00	-	30.00	Exempt	Updated description
CS-171	N/A	Caleche Business License - Transfer	each	-	150.00	-	150.00	Exempt	New fee
CS-172	CS-64	Caleche Carriage Plate and License - Transfer	each	360.00	360.00	-	360.00	Exempt	Updated description
N/A	CS-67	Paratransit Driver – Initial Application	each	60.00	60.00	-	60.00	Exempt	Delete
N/A	CS-68	Paratransit Driver – Renewal	each	40.00	40.00	-	40.00	Exempt	Delete
N/A	CS-69	Paratransit Owner – Initial Application	each	1,300.00	1,300.00	-	1,300.00	Exempt	Delete
N/A	CS-70	Paratransit Owner – Renewal	each	260.00	260.00	-	260.00	Exempt	Delete
N/A	CS-71	Paratransit Owner – Transfer	each	1,300.00	1,300.00	-	1,300.00	Exempt	Delete
N/A	CS-72	Paratransit Business	each	150.00	150.00	-	150.00	Exempt	Delete

Fee #	Previous Fee #	Fee/Charge Description	Unit of Measure	2020 Fee/Charge ($)	2021 Base Fee/Charge ($)	HST ($)	2021 Total Fee/Charge ($)	Tax Implication	Change
CS-173	CS-73	Salvage Yard License – Initial Application	each	370.00	370.00	-	370.00	Exempt	Updated description
CS-174	CS-74	Salvage Yard License – Renewal	each	220.00	220.00	-	220.00	Exempt	Updated description
CS-175	N/A	Salvage Yard License – Transfer	each	-	370.00	-	370.00	Exempt	New fee
CS-176	CS-75	Salvage Shop License – Initial Application	each	-	270.00	-	270.00	Exempt	Updated description
CS-177	CS-76	Salvage Shop License – Renewal	each	-	120.00	-	120.00	Exempt	Updated description
CS-178	N/A	Salvage Shop License – Transfer	each	-	270.00	-	270.00	Exempt	New fee
CS-179	CS-77	Second Hand Goods Dealer License – Initial Application	each	260.00	260.00	-	260.00	Exempt	Updated description
CS-180	CS-78	Second Hand Goods Dealer License – Renewal	each	160.00	160.00	-	160.00	Exempt	Updated description
CS-181	N/A	Second Hand Goods Dealer License – Transfer	each	-	260.00	-	260.00	Exempt	New fee
CS-182	CS-79	Second Hand Shop License – Initial Application	each	300.00	300.00	-	300.00	Exempt	Updated description
CS-183	CS-80	Second Hand Shop License – Renewal	each	185.00	185.00	-	185.00	Exempt	Updated description
CS-184	N/A	Second Hand Shop License – Transfer	each	-	300.00	-	300.00	Exempt	New fee
N/A	CS-81	Shuttle Driver – Initial Application	each	60.00	60.00	-	60.00	Exempt	Delete
N/A	CS-82	Shuttle Driver – Renewal	each	40.00	40.00	-	40.00	Exempt	Delete
N/A	CS-83	Shuttle Owner – Initial Application	each	1,300.00	1,300.00	-	1,300.00	Exempt	Delete
N/A	CS-84	Shuttle Owner – Renewal	each	260.00	260.00	-	260.00	Exempt	Delete
N/A	CS-85	Shuttle Owner – Transfer	each	1,300.00	1,300.00	-	1,300.00	Exempt	Delete

Fee #	Previous Fee #	Fee/Charge Description	Unit of Measure	2020 Fee/Charge ($)	2021 Base Fee/Charge ($)	HST ($)	2021 Total Fee/Charge ($)	Tax Implication	Change
N/A	CS-86	Shuttle Business	each	150.00	150.00	-	150.00	Exempt	Delete
N/A	CS-87	Sightseeing Driver – Initial Application	each	60.00	60.00	-	60.00	Exempt	Delete
N/A	CS-88	Sightseeing Driver – Renewal	each	40.00	40.00	-	40.00	Exempt	Delete
N/A	CS-89	Sightseeing Owner – Initial Application	each	1,300.00	1,300.00	-	1,300.00	Exempt	Delete
N/A	CS-90	Sightseeing Owner – Renewal	each	260.00	260.00	-	260.00	Exempt	Delete
N/A	CS-91	Sightseeing Owner – Transfer (New Owner)	each	1,300.00	1,300.00	-	1,300.00	Exempt	Delete
N/A	CS-92	Sightseeing Business	each	150.00	150.00	-	150.00	Exempt	Delete
CS-185	CS-93	Spare Vehicle Plate and License – Initial Application	each	625.00	625.00	-	625.00	Exempt	Updated description
CS-186	CS-94	Spare Vehicle Plate and License – Renewal	each	300.00	300.00	-	300.00	Exempt	Updated description
N/A	CS-95	Specialty Driver – Initial Application	each	60.00	60.00	-	60.00	Exempt	Delete
N/A	CS-96	Specialty Driver – Renewal	each	40.00	40.00	-	40.00	Exempt	Delete
N/A	CS-97	Specialty Owner – Initial Application	each	1,300.00	1,300.00	-	1,300.00	Exempt	Delete
N/A	CS-98	Specialty Owner – Renewal	each	260.00	260.00	-	260.00	Exempt	Delete
N/A	CS-99	Specialty Owner – Transfer	each	1,300.00	1,300.00	-	1,300.00	Exempt	Delete
N/A	CS-100	Specialty Business	each	150.00	150.00	-	150.00	Exempt	Delete
CS-187	CS-103	Taxicab Broker License	each	150.00	150.00	-	150.00	Exempt	Updated description
CS-188	N/A	Taxicab Broker License - Transfer	each	-	150.00	-	150.00	Exempt	New fee
CS-189	CS-101	Taxicab Driver License - Initial Application	each	60.00	60.00	-	60.00	Exempt	Updated description
CS-190	CS-102	Taxicab Driver License - Renewal	each	40.00	40.00	-	40.00	Exempt	Updated description

Fee #	Previous Fee #	Fee/Charge Description	Unit of Measure	2020 Fee/Charge ($)	2021 Base Fee/Charge ($)	HST ($)	2021 Total Fee/Charge ($)	Tax Implication	Change
CS-191	CS-104	Taxicab Vehicle Plate and License - Initial Application	each	1,300.00	1,300.00	-	1,300.00	Exempt	Updated description
CS-192	CS-105	Taxicab Vehicle Plate and License - Renewal	each	260.00	260.00	-	260.00	Exempt	Updated description
CS-193	N/A	Taxicab Vehicle Plate and License - Extra plate existing business	each	-	260.00	-	260.00	Exempt	New fee
CS-194	CS-106	Taxicab Vehicle Plate and License - Transfer	each	1,300.00	1,300.00	-	1,300.00	Exempt	Updated description
CS-195	CS-113	Tow Truck Business License	each	150.00	150.00	-	150.00	Exempt	Updated description
CS-196	N/A	Tow Truck Business License - Transfer	each	-	150.00	-	150.00	Exempt	New fee
CS-197	CS-107	Tow Truck Driver License – Initial Application	each	60.00	60.00	-	60.00	Exempt	Updated description
CS-198	CS-108	Tow Truck Driver License – Renewal	each	40.00	40.00	-	40.00	Exempt	Updated description
CS-199	CS-109	Tow Truck Vehicle Plate and License - Initial Application	each	1,300.00	1,300.00	-	1,300.00	Exempt	Updated description
CS-200	CS-110	Tow Truck Vehicle Plate and License - Renewal	each	260.00	260.00	-	260.00	Exempt	Updated description
CS-201	N/A	Tow Truck Vehicle Plate and License - Extra plate existing license	each	-	260.00	-	260.00	Exempt	New fee
CS-202	CS-111	Tow Truck Vehicle Plate and License - Transfer	each	1,300.00	1,300.00	-	1,300.00	Exempt	Updated description
CS-203	CS-112	Tow Truck Yard License	each	100.00	100.00	-	100.00	Exempt	Updated description
CS-204	N/A	Tow Truck Yard License - Transfer	each	-	100.00	-	100.00	Exempt	New fee

Fee #	Previous Fee #	Fee/Charge Description	Unit of Measure	2020 Fee/Charge ($)	2021 Base Fee/Charge ($)	HST ($)	2021 Total Fee/Charge ($)	Tax Implication	Change
CS-205	N/A	Transportation Network Company Broker License	each	-	150.00	-	150.00	Exempt	New fee
CS-206	CS-114	Transportation Network Company Driver License - Initial Application	each	40.00	60.00	-	60.00	Exempt	Updated description; fee increased from $40 to $60
CS-207	N/A	Transportation Network Company Driver License - Renewal	each	-	40.00	-	40.00	Exempt	New fee
CS-208	N/A	Transportation Network Company Vehicle License	each	-	20.00	-	20.00	Exempt	New fee
N/A	CS-115	Transportation Network Company – Driver application administration fee for second and subsequent short-term licences (less than 12 months)	each	25.00	25.00	-	25.00	Exempt	Delete
CS-209	CS-116	Transportation Network Company Fleet Size - 1 - 24 Vehicles	each	1,020.00	1,020.00	-	1,020.00	Exempt	None
CS-210	CS-117	Transportation Network Company Fleet Size - 25 - 99 Vehicles	each	5,100.00	5,100.00	-	5,100.00	Exempt	None
CS-211	CS-118	Transportation Network Company Fleet Size - 100 - 499 Vehicles	each	10,200.00	10,200.00	-	10,200.00	Exempt	None
CS-212	CS-119	Transportation Network Company Fleet Size - 500 - 999 Vehicles	each	15,300.00	15,300.00	-	15,300.00	Exempt	None
CS-213	CS-120	Transportation Network Company Fleet Size - 1000+ Vehicles	each	50,750.00	50,750.00	-	50,750.00	Exempt	None
CS-214	CS-121	Transportation Network Company Per Trip Charge	trip	0.13	0.13	-	0.13	Exempt	None

Fee #	Previous Fee #	Fee/Charge Description	Unit of Measure	2020 Fee/Charge ($)	2021 Base Fee/Charge ($)	HST ($)	2021 Total Fee/Charge ($)	Tax Implication	Change
CS-215	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Business License	each	-	150.00	-	150.00	Exempt	New fee
CS-216	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Business License - Transfer	each	-	150.00	-	150.00	Exempt	New fee
CS-217	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Driver License (1 month) - Initial Application	each	-	10.00	-	10.00	Exempt	New fee
CS-218	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Driver License (6 month) - Initial Application	each	-	30.00	-	30.00	Exempt	New fee
CS-219	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Driver License (12 month) - Initial Application	each	-	60.00	-	60.00	Exempt	New fee
CS-220	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Driver License (1 Month) - Renewal	each	-	10.00	-	10.00	Exempt	New fee
CS-221	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Driver License (6 month) - Renewal	each	-	20.00	-	20.00	Exempt	New fee
CS-222	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Driver License (12 month) - Renewal	each	-	40.00	-	40.00	Exempt	New fee

Fee #	Previous Fee #	Fee/Charge Description	Unit of Measure	2020 Fee/Charge ($)	2021 Base Fee/Charge ($)	HST ($)	2021 Total Fee/Charge ($)	Tax Implication	Change
CS-223	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Vehicle Plate and License (1 month) - Initial Application	each	-	300.00	-	300.00	Exempt	New fee
CS-224	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Vehicle Plate and License (6 month) - Initial Application	each	-	650.00	-	650.00	Exempt	New fee
CS-225	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Vehicle Plate and License (12 month) - Initial Application	each	-	1,300.00	-	1,300.00	Exempt	New fee
CS-226	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Vehicle Plate and License (1 month) - Renewal	each	-	50.00	-	50.00	Exempt	New fee
CS-227	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Vehicle Plate and License (6 month) - Renewal	each	-	130.00	-	130.00	Exempt	New fee
CS-228	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Vehicle Plate and License (12 month) - Renewal	each	-	260.00	-	260.00	Exempt	New fee

Fee #	Previous Fee #	Fee/Charge Description	Unit of Measure	2020 Fee/Charge ($)	2021 Base Fee/Charge ($)	HST ($)	2021 Total Fee/Charge ($)	Tax Implication	Change
CS-229	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Vehicle Plate and License (1 month) - Extra plate existing business	each	-	50.00	-	50.00	Exempt	New fee
CS-230	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Vehicle Plate and License (6 month) - Extra plate existing business	each	-	130.00	-	130.00	Exempt	New fee
CS-231	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Vehicle Plate and License (12 month) - Extra plate existing business	each	-	260.00	-	260.00	Exempt	New fee
CS-232	N/A	Vehicles for Hire (includes Shuttle, Sightseeing, and Specialty) Vehicle Plate and License - Transfer	each	-	1,300.00	-	1,300.00	Exempt	New fee

Regional Municipality of Niagara
Draft Amendments to 2021 Schedule of Fees and Charges - Business Licensing Section
(proposed to be effective September 1, 2021)

Fee #	Previous Fee #	Fee/Charge Description	Unit of Measure	2020 Fee/Charge ($)	2021 Base Fee/Charge ($)	HST ($)	2021 Total Fee/Charge ($)	Tax Implication	Change
Business Licensing Administrative									
CS-233	CS-122	NSF Cheque	each	35.00	35.00	-	35.00	Exempt	None
CS-234	CS-123	Late fee	each	50.00	50.00	-	50.00	Exempt	None
CS-235	CS-124	License replacement	each	60.00	60.00	-	60.00	Exempt	None
CS-236	CS-125	Replacement Plate	each	-	10.00	-	10.00	Exempt	None
CS-237	CS-126	Replacement Vehicle	each	100.00	100.00	-	100.00	Exempt	None
CS-238	CS-127	Hearing fee	each	-	75.00	-	75.00	Exempt	None
CS-239	N/A	Vehicle plate – non-use status (relevant renewal rate will apply upon re-activation)	each	-	-	-	-	Exempt	New fee

Note - Tax Implication:

- If HST is found to be applicable where originally deemed not applicable, HST will be applied and payable by the user paying the fee or charge.

- Inter- and intra-municipal supplies are tax exempt and billed under the "2021 Base Fee/Charge" column unless they relate to supply of electricity, gas, steam, or telecommunication services made while acting as a public utility.

Towing Rate Fee Tariff (effective September 01, 2021)

(Maximum chargeable fees may be discounted at the discretion of the licensed tow company)

(Auto club contract rates supersede tow rate fee tariff)

The Towing Tariff Rates Apply to Standard Weight Tow Trucks (Including Flatbeds) unless other wise Specified. No other fees may be charged.

Service	Maximum Rate	Notes
Accident Tow	$325.00	Includes 30 mins of clean-up, after initial 30 mins clean-up billed at $25 per 15 min increment and 25 kms of towing, after initial 25 kms $4.00 per km charge
Breakdown Tow	$160.00	Includes 25 km of towing, after initial 25 kms $4.00 per km charge
Vehicle Recovery	$75.00 (initial 15 mins)	After initial 15 mins fee billed at $25.00 per 15 mins, includes winching
Absorbent Material	$15.00	Billed for each bag of material used
Extra Truck	$25.00	Fee is billed for every 15 minute interval
Debris Disposal	$100.00	Flat Rate
Dollies	$75.00	Flat Rate
Lock-Out	$75.00	Unlocking Vehicle
Tire Change	$75.00	Charged Per Tire Changed
Boost	$75.00	Boosting the Battery
Fuel Delivery	$75.00	Plus cost of fuel
Modified Vehicle Tow	$100.00	Extra charge due to modifications to the vehicle, height, width, ground clearance, length
Burned Vehicle Tow	$100.00	Extra charge for burned out vehicle tow for cleanup of equipment and yard surface
Second and Subsequent Accident Tow	$150.00	Fee charged for each location the vehicle is towed after being removed from the licensed yard
Wait Time	$25.00	Fee is billed for every 15 minute interval
Per km Tow Rate	$4.00 per km	
Medium Duty Tow Truck	$50.00	$50.00 added to Accident Tow or Breakdown Tow due to weight of vehicle being towed
Heavy Tow Truck	$750.00 per hour	Minimum 2 hr charge, after 2 hours billed at $187.50 per 15 min increment

Outdoor Vehicle Storage	$60.00	Per calendar day of vehicle storage
Indoor Vehicle Storage	$75.00	Per calendar day of vehicle storage
Heavy Vehicle Storage	$100.00	Per calendar day of heavy vehicle storage
After Hours Gate Fee	$75.00	Afterhours access to vehicle in storage yard. Fee is for upto one hour of access.

Taxi-Cab Meter Tariff (effective September 01, 2021)

(Taxi-Cab Meter rates are maximums and may be discounted at the discretion of the licensed taxi-cab broker)

(Contract or flat rates may be charged as long as the Taxi-Cab Meter rate is not exceeded)

Taxi-Cab Meters must be activated for all trips. No surcharges for Accessible Services shall be charged. No other fees may be charged.

Taxi-Cab Meter Rate Type	Taxi-Cab Meter Rates
Taxi-Cab Meter Initial Drop Rate	$3.80
Taxi-Cab Meter Distance Rate	$0.32 per 110 meters
Taxi-Cab Meter Wait Time Rate	$31.00 per hour

Industry Information

The following data regarding the businesses licensed by the Region is provided for information purposes.

1. Taxi and TNC

- Number of Taxi Brokers 12
- Number of Taxi Drivers 284 to 375 (number has fluctuated due to COVID-19 impacts)
- Number of Taxi Plates 371 (347 main and 24 spare)
- Number of TNC Brokers 3
- Number of TNC Drivers 686 to 1200 (number has fluctuated due to COVID-19 impacts)
- Number of TNC Vehicles 686 to 1200 (number has fluctuated due to COVID-19 impacts)

2. Vehicles Used for Hire

- Number of Vehicle for Hire Businesses 85 (number may be reduced after July 2021 due to COVID-19 impacts and the delayed tourism season)
- Number of Vehicle for Hire Drivers 85 to 300 (number has fluctuated due to COVID-19 impacts)
- Number of Vehicle for Hire Plates 414 (number may be reduced after July 2021 due to COVID-19 impacts and the delayed tourism season)
- The number of business that have made it through the COVID-19 pandemic and remain operating will not be known until after July 2021. We expect anywhere from 30 to 40% will not be returning to provide any business operations. The majority of the operators have placed most of their fleets in non-use.

3. Salvage Yards

- Number of Salvage Yard Businesses 19
- Number of Salvage Shop Businesses 1
- Number of Auto Wrecking Yard Businesses 24
- Salvage Yards and Auto Wrecking Yards will be merged

4. Second Hand Shops

- Number of Second Hand Shop Businesses 53
- Number of Second Hand Dealer Businesses 15

5. Tow Trucks

- Number of Towing Businesses 44
- Number of Towing Drivers 170
- Number of Towing Plates 186
- Towing fee tariff has been created and is attached to this report as Appendix 8
- Strengthened Provincial Oversight of the Towing Sector:
    - During the course of the Region's internal review and stakeholder engagement, the Province was also doing their own review, resulting in the Moving Ontarians More Safely Act, 2021 (MOMS Act). The MOMS Act was introduced by the Ontario government to help strengthen Provincial oversight of various sectors, including the towing sector, and received Royal Assent on June 3, 2021. The MOMS Act entails the following legislative and regulatory changes, including the introduction of the Towing and Storage Safety and Enforcement Act, 2021, (TSSEA):
        - requiring tow operators, tow truck drivers and vehicle storage operators to be certified under the TSSEA and meet prescribed requirements and standards;
        - set standards for customer protection and roadside behaviours, including penalties for non-compliance; and
        - establish a Director of Towing and Vehicle and Storage Standards to provide oversight.
    - Reference to the TSSEA provisions have been integrated into the Region's Tow Truck By-law, to ensure that Applicants and Licensees are aware of the new requirements.
    - The TSSEA is anticipated to come into force some time in 2022, on a date as prescribed by the Lieutenant Governor.

6. Adult Entertainment Sector to be reviewed in 2022

Governance and enforcement of the Adult Entertainment and Body Rub Parlour industries became the responsibility of Niagara Region as part of the transfer of business licensing from Niagara Regional Police.

Currently the governance and enforcement of Adult Entertainment and Body Rub Parlour industries is conducted in two ways:

- Delegated authority to the Region from the local area municipalities (St. Catharines, Thorold and Niagara Falls); or
- Directly through a Niagara Region by-law (Niagara-on-the-Lake, Fort Erie and Welland).

Staff intend to conduct a separate review of the existing adult entertainment licensing regime, including stakeholder and public engagement. The complexity of the 3 existing lower-tier by-laws; coupled with the desire to harmonize all the Adult Entertainment by-laws in the future was the key factor in that decision and a fulsome review will be undertaken Q3 2022.

Business Licensing Division Overview

The Business Licensing Division is comprised of the following staffing complement:

- 1 FTE – Manager Business Licensing/Licensing Officer
- 4 FTE – Licensing Enforcement Officer
- 1 TPT – Licensing Enforcement Officer
- 1 FTE – Licensing Enforcement Clerk

The Division's administrative hours are Monday to Friday 9:00 am to 5:00 pm.

The Division's enforcement operations are 7 days a week (Monday to Friday, 7:30 am to 8:30 pm, inclusive of holidays; and 10:00 am to 8:30 pm on weekends).

Some of the primary administrative services provided by the division include:

- Processing licence applications;
- Approving, denying, revoking, suspending or placing conditions on licences;
- Processing payments;
- Maintaining the licensing database;
- Issuing licences;
- Coordinating court appearances, court documentation and evidence requirements.

The major operational services provided by the division include:

- Scheduled compliance inspections of licence holders;
- Random compliance inspections of licence holders;
- Complaint investigations pertaining to licence holders;

- Complaint investigations pertaining to unlicensed businesses;
- Deterring criminal impacts within the licensed industries and liaising with NRPS as necessary.

In the initial analysis of the transfer of business licensing responsibilities to Niagara Region from Niagara Regional Police, it was suggested that the division could operate on 100% cost recovery through licensing fees. This has not been the case since the transition of the responsibilities and has been further impacted by the COVID-19 restrictions on the businesses licensed by the division.

It is expected that full cost recovery from licensing fees will not be achieved but rather a percentage of the operations will be recoverable through the fees as is the case in many municipalities. Licensing fees continue to be reviewed and will be adjusted annually to offset expenses directly related to licensing including wage increases, cost of living and technology expenses.

It should be noted these operations have been maintained during the COVID-19 pandemic lockdown measures.

Subject: Rapid Housing Initiative (RHI) Capital Funding

Report to: Corporate Services Committee

Report date: Wednesday, August 11, 2021

Recommendations

1. That, contingent on Federal government approval of Niagara's RHI submission, a gross capital budget adjustment in the amount of $13,577,582 and $0 net, **BE APPROVED (**and **INITIATED)** for the Welland Multi-Residential Intensification Project; and
2. That the project **BE FUNDED** as follows:
    - Federal RHI Grant - $10,515,033
    - Development Charges – Social Housing - $2,465,243
    - Municipal Contributions - $597,306

Key Facts

- The purpose of this report is to notify Regional Council of staff's intention to submit the Welland Multi-Residential Intensification project under the recently announced RHI City Stream funding program and to seek approval for the required budget adjustment.
- The Rapid Housing Initiative (RHI) is a Federal funding program created in 2020 to address the urgent housing needs of vulnerable populations. New Construction or Major Renovation projects must add net new units, and be completed within one (1) year of funding agreement.
    - RHI Round 2 funding was announced by the Federal government for 2021, totalling $1.5 billion to be delivered through two separate funding streams: the Cities Stream (administered by each municipality receiving funds), and the Projects Stream (capital grant directly allocated to project applicants).
    - The Regional Municipality of Niagara has received $10.5 million in Capital Grant, to be allocated to local affordable housing project(s) selected by the Region.
- Section 6.6(b) of the Budget Control By-Law allows for the creation of an in-year Capital Project if external funding is received for that project. Budget adjustments exceeding $1 million require Regional Council approval.
    - Staff have identified that non-Federally funded costs associated for this project are eligible for Development Charges as the units are new to Niagara's affordable housing inventory.

  - Consistent with other similar projects with funds provided to the Region for a housing project, a legal operating agreement will likely be required between NRH (Niagara Regional Housing) and Niagara Region outlining responsibilities depending on the requirements of the RHI funding programs.
- The City of Welland is in full a support of the project; at a pre-consultation meeting in December 2020, City staff confirmed exemption from zoning bylaws, Development Charge and Planning fee waivers, and expedited approvals to meet the RHI timeline.
- The funding announcement under the Cities Stream will allow Niagara Region to transfer the NRH current proposed project from the RHI Project Stream to the Cities Stream; NRH may then submit a replacement project into the RHI Project Stream for application for full capital funding (to be considered in a subsequent call for proposals across the country).
- In accordance with the Niagara Region budget planning by-law and capital financing policy, operating costs associated with new capital are to be approved in the year the capital project is approved in order to ensure all required funding is established.

Financial Considerations

This project was identified in NRH's 2022 capital budget forecast and is now being recommended for RHI funding as it is shovel ready. Confirmation of the Federal capital funding is pending approval based on a business case to be submitted by Niagara Region to CMHC (Canadian Mortgage & Housing Corporation) through the RHI City Stream by August 31, 2021. It is anticipated that Niagara Region will be notified of the final decision regarding the business case by mid October 2021. The project must be completed 12 months after signing the agreement and all of the funds will be advanced to Niagara Region once the project is approved. Details of the business case and funding submission process are outlined in the Analysis section of this report.

The project budget originated in 2020 with a $100,000 transfer of NRH surplus operating funds in order to get Region owned land shovel ready for this project. The anticipated capital costs being requested as part of this budget adjustment are $13.6 million, funded by Federal RHI grant in the amount of $10.5 million, $2.5 by Social Housing Development Charges (DCs) and $0.6 million in municipal contributions through Development Charge Grants/Exemptions. The Regional portion of the DC grants/exemptions is funded from the levy similar to all other DC grants.

If the proposed capital costs of the project cannot be funded through RHI, Niagara Region would consider the project as a 2022 capital budget request, funded by DCs and reserves, as previously planned.

Development charges of $2.5 million are recommended to fund a part of this project since the $10.5 million provided under RHI is not sufficient to fund construction of all 42 units of the project. A minimum of 41 units are required in order to receive RHI funding and 42 units is preferred based on project design.

Niagara Region's 2017 Development Charge Background study includes $26 million in total capital projects with $20 million for additional housing units which may be used to fund the Region's share of this project. The province proclaimed amendments to the DC Act on September 18, 2020 which removed a mandatory 10% reduction of funding of eligible Development Charge therefore the full $2.5 million may be funded from DCs. Social housing reserves were $2.5 million at the 2020 year-end before capital commitments. Net of commitments the balance is forecast to be negative $11 million. The pace of Regional construction activity has not realized the same level of DC collections/revenues in the Social Housing Development Reserve however any projected DC deficits as a result of capital commitments will be recovered through future DC collections under both the current and future DC by-laws. The reserve is projected to be positive by 2024 based on projected annual collections of $3.0 million.

A requirement under the Niagara Region budget planning by-law and capital financing policy is that operating costs associated with new capital are budgeted in the year the project is approved in order to ensure all required funding is established. Also, it is best practice for housing developments to be self-sustaining once constructed and occupied, meaning that tenant rents collected are sufficient to fund operating and capital requirements of the facility without a levy impact. It should be noted that in light of the fact that RHI funding targets vulnerable populations and requires a certain tenant portfolio mix based on all unit rents being based on Rent Geared to Income, the budget for anticipated tenant rents is expected to be sufficient to fund operating costs. The Region's current asset management practice is to include, in the operating budget of any new incremental capital asset, a contribution to reserves in accordance with best practice in asset management that ranges from 2-3% based on the useful life of the assets. The budget for tenant rents will fund $64,000 (0.6%) transfer to capital reserves leaving a shortfall of approximately $163,000 per year which staff will make best efforts to address in the 2022 budget.

Estimated operating budget:

Type of Revenue/Expense	**Estimated Annual Amount**	**Details**
Rental Income (100% RGI)	$ (268,000)	Includes $5,000 estimated laundry income

Type of Revenue/Expense	Estimated Annual Amount	Details
Facility Expenses	$ 204,000	Includes utilities, property taxes, maintenance, janitorial, snow, insurance
Contribution to Reserves (alignment with asset management direction)	$ 227,000	Based on 2% of replacement cost
Total Estimated Shortfall	**$ 163,000**	Shortfall of 1.44% of replacement cost

Capital funding from the Federal and provincial governments has most recently been provided without considering the ongoing operating budget needs once the asset is in-service. In light of the positive social outcomes that it will achieve for the vulnerable populations that are targeted, Niagara Region remains committed to this project even though this development would not be fully self-sustaining for capital replacement. The 2021 operating budget for NRH will be adjusted to reflect the estimated annual operating revenues and expenses for this project to a net impact of zero.

Analysis

Project Summary:

In 2019, Niagara Regional Housing (NRH) acquired a 0.58 acre vacant lot in Welland for the purposes of residential development to help address Niagara's housing crisis. NRH has continued front-end planning for a new multi-unit, modular, affordable apartment on the property. In response to the Federal government's July 2021 announcement of the Rapid Housing Initiative Round 2, development work for the project has been accelerated to meet the aggressive timelines of this funding program.

The guiding principle for this project is the creation of "safe, affordable, and sustainable" housing for vulnerable members of the population, including women, Indigenous groups and minorities who are all highly represented on NRH's centralized waitlist. The project will serve people in both the highest core need and longest NRH wait-time segments. (e.g. Welland's 16-year wait for an affordable 1-bed unit, or 7-year wait for a 2-bed unit).

The project involves construction of a 42-unit mid-rise modular apartment, with a combination of 1-bedroom, 2-bedroom and studio / bachelor units. All units will be full RGI with rents set to the maximum shelter allowance. Six units will be dedicated to supportive housing through the Region's Housing First program.

The building is to remain affordable in perpetuity, title shall remain in the name of NRH and it will be operated by NRH as part of its housing portfolio in accordance with existing agreements between NRH and Niagara Region.

By selecting a modular design / construction approach, NRH is adopting an innovative delivery method that should provide the following benefits: government funding to offset the majority of capital costs, resulting in reduced operating expenses compared to a conventional build; and a compressed construction schedule that will allow NRH to put people in new units in a significantly shortened timeframe, meeting the rapid implementation requirements of the funding.

The project will exceed both accessibility and energy efficiency requirements. NRH continues to incorporate Niagara's Facility Accessible Design Standards (FADS) on all new projects, as well as industry-approved barrier-free principles.

Niagara Region Public Health - HEIP

As identified in BRC-C 8-2021 Health Equity-Informed Planning (HEIP) Project Update, a cross sectional, interdepartmental team of staff have been guiding the Health Impact Assessment (HIA) process at Niagara Region. This is aligned with the HEIP Project, part of the Council strategic priority, Fostering a Healthy and Vibrant Community. The initial stages of an HIA involves screening projects for information to aid in the understanding of what social determinants of health (SDOH) the capital project may impact. The Welland Multi-Residential Intensification project was selected to be part of this process. Results of this initial screen along with other select projects will be summarized as part of the 2022 Capital Budget Report.

Alternatives Reviewed

- Council approve gross capital budget adjustment, and project proceeds as per RHI 2 funding schedule.
- Council not approve gross capital budget adjustment, and project is delayed until alternative funding becomes available and Niagara Region will forfeit the receipt of the RHI City Stream funding allocation of $10.5 million.

Relationship to Council Strategic Priorities

Since RHI funding provides an opportunity to increase affordable housing stock in Niagara in support of vulnerable populations, this project is aligned with the Council Strategic Priority of Healthy and Vibrant Communities.

Other Pertinent Reports

N/A

Prepared by:
Cameron Banach
Manager Housing Operations
Community Services/Acting CEO
Niagara Regional Housing

Recommended by:
Adrienne Jugley
Commissioner
Community Services

Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Donovan D'Amboise, Manager of Program Financial Support (Acting), Gordon Szaszi, Housing Development Project Manager, Sterling Wood, Legal Counsel, and Helen Chamberlain, Director of Financial Management & Planning/Deputy Treasurer.

Corporate Service Department
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM

CSC-C 21-2021

Subject: Additional Information for CSD 37-2021, Respecting Development Charge Demolition Credit Extension Request – Brownfield Redevelopment, Grimsby

Date: August 11, 2021

To: Corporate Services Committee

From: Rob Fleming, Senior Tax & Revenue Analyst

At the Corporate Services Committee (CSC) on July 14, 2021, Committee members were in receipt of a staff report CSD 37-2021 Development Charge Demolition Credit Extension Request – Brownfield Redevelopment, Grimsby, which contained three recommendations on the subject property. The first recommendation as approved by Committee and subsequently Council the following week is as follows:

> ***Recommendation 1:*** *That the eligibility period extension request for the Regional Development Charge demolition credits associated with the brownfield redevelopment located at 362-398 North Service Rd., Grimsby (commonly referred to as "5th Wheel")* ***BE APPROVED*** *as per Table 2 of Report CSD 37-2021, in accordance with section 18 (c) of By-law 2017-98;*

Recommendations 2 and 3 of the report were amended and subsequently deferred to the August 11, 2021 CSC meeting pending further information from staff. The recommendations as amended and deferred are as follows:

> ***Recommendation 2:*** *That the eligibility period extension request for the Regional Development Charge demolition credits associated with 2 Winston Rd., Grimsby,* ~~***BE DENIED***~~ ***BE APPROVED****; and*
>
> ***Recommendation 3:*** ~~*That no additional extension for the Brownfield Transition agreement made under Schedule F of By-law 2017-98 between the Regional Municipality of Niagara and Losani Homes (1998) LTD. or other grants associated with the 5th Wheel development* ***BE APPROVED****.*~~ *That any extensions to brownfield grant agreements between the Regional Municipality of*

Niagara and Losani Homes (1998) LTD. ***BE APPROVED*** *if the extension aligns with the Town of Grimsby's Development Charges By-law.*

As mentioned, CSC deferred Recommendations 2 and 3 pending additional information from staff. Staff noted two areas of discussion that would have benefitted from further information. As such, staff have compiled the following:

Information Request 1: What is the Town of Grimsby's position on the extension of the demolition credits associated with 2 Winston Rd. property for an additional 3 years?

Town of Grimsby staff have indicated that they will not be recommending an extension to their Council for the Town's demolition credits associated with the 2 Winston property for the same reason as noted by Region staff through report CSD 37-2021. Town staff have also indicated that they believe that the residential lot in question is not a developable portion of the Fifth Wheel property. The residential portion will form part of the future park through parkland dedication and the land is designated parkland in their Official Plan, within the 30 metre required setback and identified as hazard land, therefore, the parcel in question was not developable to begin with. With that information in mind, Town staff are of the opinion the site does not qualify as a brownfield and the lot was never developable and therefore would not be eligible for an extension under the Development Charges By-law.

Information Request 2: Is the Town of Grimsby providing the property in question a Brownfield Development Charge grant similar to that of the Region's and if so, will they be extending their grant approvals?

Town of Grimsby staff have indicated that the properties will not be receiving a Brownfield Development Charge grant from the Town. They have also indicated that the property will not be receiving any Community Improvement Plan grants as those grants are limited to the downtown area only (for which these properties are not located). If recommendation 3 is approved as amended it will not result in an extension of the Region's Brownfield Development Charge Transition Agreement grant that is set to expire August 31, 2022, as the Town does not have a program for which the Region can align.

Based on the additional information provided in this memo staff recommend that the original Recommendations 2 and 3 as presented with Report CSD 37-2021 be approved.

Respectfully submitted and signed by

_____

Rob Fleming, MBA
Senior Tax & Revenue Analyst

Administration
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM

CSC-C 22-2021

Subject: Recommendations from the Women's Advisory Committee meeting held on July 28, 2021

Date: August 11, 2021

To: Corporate Services Committee

From: Ann-Marie Norio, Regional Clerk

The Women's Advisory Committee, at its meeting held on July 28, 2021, was provided a presentation respecting Women Owned/Led Businesses in Niagara by Blake Landry, Economic Research & Analysis Manager, Niagara Region.

Subsequently the Committee passed the following motions:

That the Women's Advisory Committee **RECOMMENDS:**

1. That the presentation respecting Women Owned/Led Businesses **BE USED** to inform policies and programs offered to support businesses ensuring a gender based lens; and

2. That a Gender-based Analysis Plus process **BE COMPLETED** for all economic development surveys where appropriate.

As these recommendations impact Economic Development, it is suggested that they be referred to the Planning and Economic Development Committee for consideration.

Should Corporate Services Committee be in favour of the referral, the following motion is suggested:

That the recommendations from the Women's Advisory Committee meeting held on July 28, 2021, respecting Economic Development, **BE REFERRED** to the Planning and Economic Development Committee meeting being held on September 15, 2021.

Respectfully submitted and signed by

_____
Ann-Marie Norio
Regional Clerk