

The Corporation of the City of Burlington

City of Burlington By-law 67-2021

A by-law to amend By-law 20-2009, being a by-law to provide for the licensing, regulating and governing of Public Vehicles in the City of Burlington.

File: 110-04-1, BB-12-21

Whereas Part IV of the *Municipal Act, 2001* provides that a local municipality may provide for a system of licences with respect to businesses; and

Whereas sections 8, 9 and 11 of the *Municipal Act, 2001* authorize the City of Burlington to pass by-laws necessary and desirable for municipal purposes, and in particular, paragraphs 6 and 8 of subsection 11(2) authorize by-laws respecting the health, safety and well-being of persons, the protection of persons and property, including consumer protection; and

Whereas on March 9, 2009, Council of The Corporation of the City of Burlington passed By-Law 20-2009, being a by-law to provide for the licensing, regulating and governing of Public Vehicles in the City of Burlington; and

Whereas the Council of The Corporation of the City of Burlington deems it appropriate to amend By-law Number 20-2009 to allow for flexibility in the administration of By-law and to attract new taxi businesses to the City of Burlington; and

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. Section 1.1(26) of By-law 20-2009 definition of “Licensing Manager” is deleted in its entirety and replaced with the following:

(26) “Licensing Manager” means the Director of Building and By-law and or their designate.

2. Section 1.1(27) of By-law 20-2009 definition of “Licensing Office” is deleted in its entirety and replaced with the following:

(27) “Licensing Office” means the department of the City of Burlington responsible for issuing licences under this By-law.

3. Section 1(44) of By-law 20-2009 definition of “Tariff Card” is amended by deleting the words “issued by the Licensing Manager” located after the word “tariff”.

4. By-law 20-2009 is amended by adding a new Section 3.2 immediately after Section 3.1 of Part 3 – Licensing Office as follows:

3.2

- (a) The Licensing Manager may provide exemptions to the requirements of By-law 20-2009 provided the intent of the By-law can be met and health and safety

requirements are preserved.

- (b) Exemptions contemplated under subsection (a) are intended to provide flexibility in the application and vetting process of licence applications and to reflect current operations. The exemptions contemplated under (a) are not intended to exempt any health and safety requirements, or legal processes related to licence revocation, suspension or the refusal to issue or renew licences.
  - (c) Requests for exemptions to By-law 20-2009 must be submitted in writing and detail each section for which an exemption is sought.
- 5. Section 4.2 (a) of By-law 20-2009 is amended by deleting the words “Schedule “A” to this By-law” and replaced with the words “the City’s Rates and Fees By-law”.
  - 6. Section 4.4 of By-law 20-2009 is amended by deleting the words “Schedule of fees under this by-law” and replaced with the words “City’s Rates and Fees By-law”.
  - 7. Section 10.3 (a) of By-law 20-2009 is amended by deleting the words “Schedule “A” of this by-law” and replaced with the words “the City’s Rates and Fees By-law”.
  - 8. By-law 20-2009 is amended by deleting Section 11.2 in its entirety and replacing it with the following:
    - 11.2 The Licensing Committee is hereby established pursuant to Section 23.5 of the *Municipal Act, 2001*, as amended, which shall be composed of not fewer than three members of the Council who are appointed by resolution of Council, and one such member shall be designated as the chair of the committee.
  - 9. Section 16.2 of By-law 20-2009 is amended by deleting the words “Schedule “A” to this By-law” located after the word “in” and replaced with the words “the City’s Rates and Fees By-law”.
  - 10. Section 16.3 of By-law 20-2009 is amended by deleting the words “Schedule “A” to this By-law” and replaced with the words “the City’s Rates and Fees By-law”.
  - 11. Section 16.6 of By-law 20-2009 is amended by deleting the words “Schedule “A” of this Businesses By-law” located after the word “in” and replace with the words “the City’s Rates and Fees By-law”.
  - 12. By-law 20-2009 is amended by adding a new Section 27.1 (d) immediately after Section 27.1 (c) as follows:
    - 27.1 (d) The Licensing Manager may approve changes to the tariff schedule if requested by the taxi brokerage or independent operator in writing at least one month in advance of the proposed change. Any approved changes will be posted on the City’s website.

13. By-law 20-2009 is amended by adding a new Section 29.10 immediately after Section 29.9 as follows:

29.10 Despite sections 29.5 to 29.9, new Taxicab Owner Licenses and Owner Plates may be issued by the Licensing Manager outside of the procurement and Council approval process contemplated in those sections, until December 31, 2023.

14. Despite the amendments made in this by-law, Public Vehicle By-law 20-2009, as it read prior to this amendment shall continue to apply to proceedings in respect to offences that occurred before the amendment.

15. Subject to the amendments made in this by-law, in all other respects, By-law 20-2009 is hereby confirmed unchanged.

16. This By-law comes into force on the date of its passing.

Passed this 30th day of November, 2021

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk Kevin Arjoon \_\_\_\_\_