

TOWN OF MARKHAM

ONTARIO



BY-LAW 2002-301

A BY-LAW TO LICENCE AND REGULATE OWNERS AND DRIVERS OF LIMOUSINES

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to December 14, 2007)

Amended by:

By-law 2007-282 – December 11, 2007

2002-301

A by-law to licence and regulate owners
and drivers of limousines.

WHEREAS the *Municipal Act, 2001* provides that a municipality may, by by-law, licence and regulate owners of and drivers of cabs, buses, motor or other vehicles used for hire:

AND WHEREAS the Town of Markham deems it advisable to enact a by-law to licence and regulate owners and drivers of limousines for health and safety reasons.

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

1. In this by-law:

‘COUNCIL’ means the Council of the Corporation of the Town of Markham

‘DRIVER’ means a driver of a limousine

‘LICENCE’ means a licence issued or required under this by-law

‘LICENSING OFFICER’ means the person appointed by Council to issue licences under this by-law and to suspend or revoke such licences

‘LIMOUSINE’ means a luxury class motor vehicle that has a seating capacity for not less than 5 passengers and has either been specifically constructed as a luxury class vehicle or has been altered from the original manufacturers length dimensions, and is operated by a uniformed driver for and on behalf of any person for the transportation of goods and/or passengers for gain or reward, but does not include a station wagon, panel truck, bus or van

‘OWNER’ means the owner of a limousine licensed or required to be licensed to operate a limousine

‘PASSENGER’ means any person in a limousine other than the driver

‘TOWN’ means the Corporation of the Town of Markham

2. No person shall operate a limousine in the Town of Markham without first obtaining a licence from the Town.

3. No person shall drive a limousine in the Town of Markham, without first obtaining a licence for that purpose, issued by the Town.
4. No person shall be a driver of any limousine unless the owner of such limousine is licensed under this by-law as a limousine owner in relation to such vehicle.
5. No person, being the owner of a limousine shall permit or allow any person other than a driver employed by him, to operate the limousine.
6. No driver or owner shall operate or permit to be operated, any limousine unless it is equipped with a licence plate, or other means of identification supplied by the Town securely affixed to the front grill of the vehicle.
7. The use of cell phones is permitted in the limousine. Contracts for the conveyance of persons by limousine shall be pre-arranged through the place of business of the owner of such limousine.
8. No limousine shall be equipped with a meter for registering distance travelled or computing fares to be paid.
9. No limousine shall be equipped with illuminated roof lights or other advertising devices.
10. No owner or driver of any limousine shall, at or in any public place, solicit any person to take the said limousine, or hold out the said limousine as being available for the conveyance of any person.
11. No owner or driver of any limousine shall smoke or permit the smoking of any cigar, cigarette or tobacco in a limousine.
12. Every driver, while conveying passengers in a limousine shall be attired in a business suit, including a neck tie or a uniform, supplied by the owner of the limousine and such suit shall be kept in a neat and tidy condition at all times.
13. A limousine owner's licence may be cancelled if he fails to actively operate his limousine for a period of six (6) months.
14. Every driver and every owner driving his own limousine shall have and maintain in good standing at all times a Class G licence issued by the Province of Ontario and all privileges conferred under this by-law shall for all be deemed suspended during any period in which such Class G licence is under suspension.
15. The limousine licence issued to any owner shall be immediately cancelled if the plate or other identification supplied by the Licensing Officer is found attached to any vehicle other than the vehicle for which the said licence was issued and no subsequent application from the said owner shall be accepted for a period of two years following the date of such cancellation.

16. In addition to any information required to be furnished on the application form, every applicant for a licence as a driver, shall produce with his application

- a) A Class G Licence
- b) Two copies of a recent photograph of himself, one of such photographs to be attached to the licence and the other to be filed with the application and upon application for renewal of any licence shall furnish new photographs if required to do so by the Licensing Officer
- c) A certificate of fitness, not more than 30 days old, from a medical doctor
- d) A certificate, not more than 30 days old, issued by the Ministry of Transportation and Communications showing the driving record of the applicant

17. All licences issued under this by-law shall expire on the thirty-first (31st) day of December of the year in which they were issued and no more than fifty (50) licenses shall be issued at any one time.

18. Fees charged for any licence issued under this by-law shall be as shown in By-law No. 2002-284. The non-payment of any fee, or portion thereof, may result in the cancellation or revocation of the licence.

19. Persons contracting for conveyance by limousine shall be informed of the rate to be charged at the time of contracting such conveyance and no greater amount shall be demanded or received.

20. Every owner shall, in respect of each limousine for which he holds a licence, produce a policy of insurance endorsed to the effect that the Licensing Officer will be given at least ten (10) days notice in writing of any cancellation, expiry or variation in the amount of the policy. The insurance shall be in at least the amount of \$2,000,000, exclusive of bodily injury to, or death of one or more persons, or from loss of damage to property resulting from any one accident. The said policy shall make provision for passenger hazard in an amount not less than the foregoing. A copy or certificate of such insurance shall be deposited with the Licensing Officer.

21. Every limousine owner shall file with the Licensing Officer a schedule of all hourly tariff rates charged. Such rates shall provide for a minimum one (1) hour duration at a rate not less than fifty dollars (\$50.00) for the first hour.

22. Any limousine owner and driver shall:

- a) only provide limousine service on a pre-arranged basis

- b) keep on file with the Licensing Officer the current hourly tariff rate charged
- c) only charge for services in accordance with the tariff rates filed
- d) file with the licensing officer at least seventy-two (72) hours prior to the effective date, any and all changes in tariff rates
- e) keep in the vehicle a card showing the schedule of rates, and provide a copy on request to any passenger or licensing inspector
- f) employ or use only the services of a limousine driver licensed by the Town
- g) not hold himself out as being available for service in any public place
- h) upon receipt of notice of inspection shall attend the licensing office at a time and date appointed by the Licensing Officer or inspector.

24. Any person who violates any provision of this by-law is guilty of an offence and upon conviction is liable to a penalty not to exceed five thousand dollars (\$5,000.00) exclusive of costs, for each offence.

25. By-law 206-98 "A by-law to licence and regulate owners and drivers of limousines" shall be repealed effective January 1, 2003.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 10TH DAY OF DECEMBER, 2002.

"Sheila Birrell"

TOWN CLERK

"Don Cousens"

MAYOR