



REGIONAL MUNICIPALITY OF WATERLOO LICENSING AND RETAIL COMMITTEE AGENDA

Tuesday, December 6, 2011
5:00 p.m.
Regional Council Chamber
150 Frederick Street, 2nd Floor

1. **DECLARATIONS OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**
2. **DELEGATIONS**
3. **REPORTS – Corporate Resources**
 - a) [CR-CLK-LIC-11-007](#), By-law Amendments – License Fees and Charges 1
 - b) [CR-CLK-LIC-11-008](#), Amendments to the Taxi-Cab Meter By-law per *Accessibility for Ontarians with Disabilities Act, 2005* 10
4. **INFORMATION/CORRESPONDENCE**
5. **OTHER BUSINESS**
6. **NEXT MEETING – To be announced**
7. **ADJOURN**



REGION OF WATERLOO

**CORPORATE RESOURCES DEPARTMENT
Council and Administrative Services
Licensing and Enforcement Services**

TO: Chair Geoff Lorentz and Members of the Licensing and Retail Committee

DATE: December 6, 2011 **FILE CODE:** L18-00

SUBJECT: BY-LAW AMENDMENTS - LICENCE FEES AND CHARGES

RECOMMENDATIONS:

THAT the Regional Municipality of Waterloo amend Schedules "A" to "E" inclusive of By-law 04-072, as amended, A By-law to Establish Licence Fees and Charges for The Regional Municipality of Waterloo, as amended, in accordance with Appendix "1" of report CR-CLK-LIC-11-006, dated December 6, 2011;

AND THAT the Regional Municipality of Waterloo amend Schedule A of By-law 11-015, A By-law to Establish Fees and Charges for the Regional Municipality of Waterloo, as amended, in accordance with Appendix "2" attached to report CR-CLK-LIC-11-006, dated December 6, 2011.

SUMMARY:

This report CR-CLK-LIC-11-007 replaces report CR-CLK-LIC-11-006, the latter being issued in error.

The *Municipal Act*, as amended, permits the Region to charge fees that license, govern and regulate tree-cutting, taxi-cabs, limousines, special transportation vehicles, salvage shops, salvage yards, and shops/ dealers of second-hand goods. There has not been an increase in these fees since 2007.

REPORT:

History:

The *Municipal Act, 2001*, required "*the total amount of fees to be charged for licensing a class of business shall not exceed the costs directly related to the administration and enforcement of the by-law or portion of the by-law of the municipality licensing that class of business.*" c. 25, s. 150(9). The 2006 amendment to the *Act*, has removed this provision but the provincial government expects municipalities to continue with the principles of this former provision.

A process has been in place for many years within the Licensing and Enforcement Services whereby each staff member, at the end of each shift, completes a computerized report based on their activities and time spent in specific categories, i.e. taxi, limousine, salvage, smoking, landfill etc. These reports are then analyzed and calculations can be made identifying the average percentage that Licensing and Enforcement Services devotes to each by-law within its mandate, including the licensing by-laws. These percentages can be applied against the budget of Licensing and Enforcement Services to calculate the appropriate licensing fee(s).

Allowances can be made when additional time is devoted to a specific by-law. For example, many hundreds of additional and unrecorded hours of staff time are devoted by staff of the Corporate Resources Department including Legal Services, Administrative staff and Councillors to deal with the licensing by-laws.

In 2004, fees and charges were established based on the *Municipal Act, 2001* and the by-law was enacted by Council. The percentage of Licensing staff time devoted to activities has remained constant over the years. The last increase of licensing fees and charges occurred in October 2007.

Since then, costs to the Region (and its taxpayers) have increased due to the rising operational expenses of Licensing and Enforcement Services, i.e. staff levels, increased by-law responsibilities, the Harmonized Sales Tax (HST) and increased costs for vehicles, fuel, heating, office supplies, communications equipment, computers, salaries and so forth.

In addition, increased costs will arise from the implementation of the *Access for Ontarians with Disabilities Act* starting this year in 2011 through to 2014.

In order to meet increasing demands for service, a staff increase of 0.5 FTE was authorized by Council in 2007.

The net tax levy impact in the Licensing and Enforcement Services area during the period of 2008 to 2011 inclusive was 46%.

These net tax levy impacts cannot all be attributed to the licensing by-laws but is shared on a 50-50 basis with the enforcement of other non-licensing by-laws, i.e. outdoor water, garbage, landfill, signs, work permits, and provincial statutes, i.e. *Retail Business Holidays Act, Smoke-Free Ontario Act*.

Revenues from licensing fees have increased between 2007 and 2010:

- 2007 \$187,705.00
- 2008 \$190,223.00
- 2009 \$213,442.00
- 2010 \$213,709.00

These revenues from licenses cover approximately 50% of the total cost of Licensing and Enforcement Services and the tax base should not be expected to contribute to a higher amount.

Accordingly, staff is recommending increases averaging **5%** to Schedules A to E inclusive, of the *Licensing Fees and Charges By-law* as outlined in Appendix "A" and "B" attached to this report. The word "averaging" is used as "rounding-out" takes place to ease financial transactions.

Additionally, staff was directed to investigate and consider an across-the-board increase of 5% for all fees and charges charged by the Region.

As an example, a taxi-cab driver licence will increase from \$135 to \$140 dollars (new application) and a renewal will rise from \$110 to \$115 dollars per year. Another example, a salvage yard licence would increase from \$880 to \$925 dollars (new application) and a renewal would rise from \$355.00 to \$370.00.

If Committee and Council agree to increase the fees as recommended, an appropriate by-law amendment will need to be prepared and presented to Council before the end of the year.

The legally required notices for the meeting to be held on December 6, 2011 were mailed to all licence holders.

CORPORATE STRATEGIC PLAN:

Focus Area 5: Service Excellence: Deliver excellent and responsive services that inspire public trust.

FINANCIAL IMPLICATIONS

To date in 2011, Licensing and Enforcement Services has collected approximately \$189,000.00 in licensing fees. It is anticipated that with this proposed increase, licensing revenues will increase by approximately \$11,500.00 in 2012

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

The following Departments were consulted in the preparation of this report: Legal Services, and Financial Services

ATTACHMENTS:

Appendix "1" Impact of changes to Licence Fees, proposed increases.
Appendix "2" Impact of changes to Regional Fees proposed increases.

PREPARED BY: *M. (Marty) Sawdon*, Administrator, Licensing and Enforcement Services

APPROVED BY: *Kris Fletcher*, Director, Council and Administrative Services / Regional Clerk

APPENDIX "1"

SCHEDULE "A"

TAXI-CAB METER BY-LAW – FEES AND CHARGES

TYPE OF LICENSE	NEW APPLICATION		RENEWAL	
	Existing	Proposed	Existing	Proposed
Accessible Taxi-cab Owner Licence: Include: One (1) Accessible Taxi-cab Vehicle Licence	\$135	\$140	\$245	\$260
Each Additional Accessible Taxi-cab Vehicle Licence:	\$135	\$140	\$245	\$260
Accessible Taxi-cab Driver Licence: If acquired between February 1 st and June 30th	\$135	\$140	\$110	\$115
Accessible Taxi-cab Driver Licence: If acquired between July 1 st and January 1 st	\$80	\$85	\$110	\$115
Taxi-cab Broker Licence:	\$220	\$230	\$220	\$230
Taxi-cab Owner Licence: Includes: One (1) Taxi-cab Driver Licence and Taxi-cab Vehicle Licence for primary and back-up Taxi-cab	\$740	\$780	\$245	\$260
Taxi-cab Driver Licence: If acquired between February 1 st and June 30th	\$135	\$140	\$110	\$115
Taxi-cab Driver Licence: If acquired between July 1 st and January 31st	\$80	\$85	\$110	\$115
Taxi-cab Driver Licence: If holding a valid Accessible Taxi-cab Driver Licence:	\$55	\$60	\$55	\$60
Taxi-cab Driver Licence: If holding a valid Special Transportation Driver Licence or Limousine Driver Licence:	\$55	\$60	\$55	\$60

OTHER FEES		
	Existing	Proposed
Person holding a Taxi-cab Driver Licence or Accessible Taxi-cab Driver Licence transfers sponsorship:	\$11	\$12
Replacement of Taxi-cab Driver Licence or Accessible Taxi-cab Driver Licence:	\$11	\$12
Taxi-cab Meter Test and Reseal:	\$22	\$25
Re-testing of an Inaccurate Taxi-cab Meter:	\$22	\$25

SCHEDULE "B"**LIMOUSINE TAXI-CAB BY-LAW – FEES AND CHARGES**

TYPE OF LICENCE	NEW APPLICATION		RENEWAL	
	Existing	Proposed	Existing	Proposed
Limousine Owner Licence: Includes: One (1) Limousine Vehicle Licence	\$740	\$780	\$245	\$260
Additional Limousine Vehicle Licence:	\$95	\$100	\$95	\$100
Limousine Driver Licence: If holding a valid Limousine Owner Licence	\$65	\$70	\$45	\$50
Limousine Driver Licence: If acquired between April 1 st and September 30 th	\$135	\$140	\$80	\$85
Limousine Driver Licence: If acquired between October 1 st and March 31 st	\$95	\$100	\$80	\$85
Limousine Driver Licence: If holding a valid Special Transportation Driver Licence or Taxi-cab Driver Licence	\$55	\$60	\$45	\$50
OTHER FEES				
			Existing	Proposed
Replacement of Limousine Driver Licence:			\$11	\$12
Day Vehicle Permit:			\$55	\$60
Minimum Fee for Limousine Service:			\$80	\$85

SCHEDULE "C"**SPECIAL TRANSPORTATION TAXI-CAB BY-LAW – FEES AND CHARGES**

TYPE OF LICENSE	NEW APPLICATION		RENEWAL	
	Existing	Proposed	Existing	Proposed
Special Transportation Owner License: Include: One (1) Special Transportation Vehicle Licence	\$740	\$780	\$245	\$260
Additional Special Transportation Vehicle Licence:	\$95	\$100	\$95	\$100
Special Transportation Driver Licence: If holding a valid Special Transportation Owner Licence	\$55	\$60	\$40	\$45
Special Transportation Driver Licence: If acquired between October 1st and March 31st	\$110	\$115	\$80	\$85
Special Transportation Driver Licence: If acquired between April 1st and September 30th	\$55	\$60	\$80	\$85
Special Transportation Driver Licence: If holding a valid Limousine Driver License or Taxi-cab Driver License	\$40	\$45	\$40	\$45
OTHER FEES				
			Existing	Proposed
Replacement of Special Transportation Driver Licence			\$11	\$12
Minimum Fee for Special Transportation Service			\$8	\$10

SCHEDULE "D"**SALVAGE BY-LAW – FEES AND CHARGES**

Type of Licence	New Application		Renewal	
	Existing	Proposed	Existing	Proposed
Salvage Shop: If acquired between June 1 st and November 30 th	\$330	\$350	\$190	\$200
Salvage Shop: If acquired between December 1 st and May 31 st	\$165	\$175	\$190	\$200
Salvage Yard: If acquired between June 1 st and November 30 th	\$880	\$925	\$355	\$370
Salvage Yard: If acquired between December 1 st and May 31 st	\$440	\$460	\$355	\$370

SCHEDULE "E"**SECOND-HAND GOODS BY-LAW - FEES AND CHARGES**

Type of Licence	New Application		Renewal	
	Existing	Proposed	Existing	Proposed
Second Hand Dealer: If acquired between August 1 st and January 31 st	\$190	\$200	\$80	\$85
Second Hand Dealer: If acquired between February 1 st and July 31 st	\$110	\$115	\$80	\$85
Second Hand Shop: If acquired between August 1 st and January 31 st	\$275	\$290	\$190	\$200
Second Hand Shop: If acquired between February 1 st and July 31 st	\$165	\$175	\$190	\$200

APPENDIX "2"**SCHEDULE "A"****WOODLAND PROTECION (TREE CUTTING) BY-LAW – REGIONAL FEES AND CHARGES
By-law 11-015**

Description	Fee	
	Existing	Proposed
Permit for Good Forestry Practice	No Fee	No Fee
Permit for Diameter Limit/Basal Area	\$55	\$60
Woodland Removal Permit	\$1000	\$1050



REGION OF WATERLOO

CORPORATE RESOURCES DEPARTMENT Council and Administrative Services Licensing and Enforcement Services

TO: Chair Geoff Lorentz and Members of the Licensing and Retail Committee

DATE: December 6, 2011

FILE CODE: L18-00

SUBJECT: **AMENDMENTS TO THE TAXI-CAB METER BY-LAW PER *ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005***

RECOMMENDATION:

For Information

SUMMARY:

Ontario Regulation 191/11 Integrated Accessibility Standards, made under the *Accessibility for Ontarians with Disability Act, 2005* became law in June of this year. The Regulation imposes duties upon municipalities to ensure that taxi-cabs meet accessibility standards as described in the Regulation by January 1, 2012.

REPORT:

The purpose of this report is to provide Committee members with information about the new accessibility standards and its impact on the existing *Taxi-cab Meter By-law*. These changes are seen as mandatory in order to be compliant with the legislation. Our Notice Policy requires us to give 14 days notice prior to any by-law amendments. This notice has been provided to align with our regularly scheduled Council meeting on December 14, 2011. There was insufficient time to put forward this amendment and hold a public meeting with Licensing and Retail Committee. Therefore Council will have to hear any delegations about the changes and a call for delegations will be placed on the Council agenda. Since these by-law changes support the Regulations it is not anticipated that delegations will come forward. Staff is not proposing a recommendation in this report as to not prejudge the process. Staff does however support the changes to the by-law.

Accessibility for Ontarians with Disabilities Act, 2005

In June 2011, the Province enacted the Integrated Accessibility Standards, which is a regulation pursuant to the *Accessibility for Ontarians with Disabilities Act, 2005*, that prescribes certain accessibility standards for service providers.

Section 80 of the regulation requires that municipalities that license taxi-cabs impose specific accessibility standards in relation to owners and operators of taxi-cabs. These requirements relate to the charging of fares, posting licence information on the rear bumper of the taxi-cab and ensuring that licence information is accessible. The latter provisions are required by January 1, 2012. Section 80 states as follows:

Duties of municipalities, taxicabs

80. (1) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs are prohibited,

(a) from charging a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip; and

(b) from charging a fee for the storage of mobility aids or mobility assistive devices.

(2) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs place vehicle registration and identification information on the rear bumper of the taxicab.

(3) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs make available vehicle registration and identification information in an accessible format to persons with disabilities who are passengers.

(4) The information in subsection (2) shall meet the requirements of subsection 58 (3).

(5) Municipalities described in this section shall meet the requirements in this section,

(a) by July 1, 2011, in respect of subsection (1); and

(b) by January 1, 2012, in respect of subsections (2) and (3).

Recommended By-law Amendments

Staff is recommending that the Region pass a by-law to amend the Taxi-cab Meter By-law to ensure compliance with the Integrated Accessibility Standards. A copy of the by-law being proposed is attached as Appendix 'A' to this report.

Currently, the Region regulates the fees that may be charged for a taxi-cab meter. The fee structure prevents an operator from charging a higher fee for a disabled person. Regardless, the recommended by-law amendment to incorporate the prohibition on discriminatory fees as set out in the Integrated Accessibility Standard would make it absolutely clear that any higher fee is prohibited.

A further housekeeping amendment is also being proposed. The purpose of the amendment would be to eliminate Schedule 'B' of the by-law, the physical design of the tariff card. Currently the existing tariff card just repeats the information contained within another section. Modifications to the tariff card require Council approval. Staff views this as an administrative detail and would like to be able to make modifications when appropriate without having to seek Council approval. As an example, under the AODA, the tariff card may need to be available in different formats and staff may need to modify the card so it is usable by the customer. To accomplish this intent, Schedule "B" of the Taxi-cab Meter By-law (the Tariff Card) would be deleted. The definition in Section 1(19) would be deleted and changed to:

"(19) **Tariff Card**" means the tariff card prescribed by the Clerk using the tariff rates as prescribed in Schedule "A" of this By-law, attached;

Implementing the By-law Changes

The Region's implementation plan is as follows:

Installation of Metallic White Licence Plate (outside of the vehicle) - A new metallic white licence plate containing the taxi-cab number (same number as on roof-top sign), the Regional logo, the type of licence and a yearly validation security sticker has been developed. The plate will be required to be securely affixed to the rear bumper of the vehicle. The taxi meter metallic plates etc. will be issued upon renewal. The metallic plates should be in place by January 31st. After this date staff

will add this item to the normal inspection process.

Paper Copy of the metallic plate (Inside the vehicle) -To meet the needs of the visually impaired, an enlarged laminated paper copy of the metallic plate will be provided. This copy needs to be displayed inside the cabin of the vehicle-for-hire and be visible to all passengers. This paper copy will be issued at the same time as the taxi-cab metallic plates etc., upon renewal and should be in place by January 31st. After this date staff will add this item to the normal inspection process.

Vehicle Registration and Identification Information It will be mandatory for all owners and drivers to inform passengers of the assigned Regional vehicle registration and identification information and the tariff rate when requested by a passenger(s). This duty will be included in the By-law amendment and notice will be provided to all Brokers, Owners, Owner/Drivers and Drivers and will be included with the renewal process.

Other Alternative Formats - staff is currently studying Braille formats and a new a style of tariff card that will also be in an accessible format.

CORPORATE STRATEGIC PLAN:

This By-law amendment meets the Corporate Priority of Service Excellence 5.1: Improve the accessibility of Regional programs and services to support our diverse community, in the Strategic Plan. In addition, this proposed by-law meets the required legal purposes of the *Accessibility for Ontarians with Disabilities Act, 2005* and general licensing powers afforded to municipalities by the *Municipal Statute Law Amendment Act, 2006*.

FINANCIAL IMPLICATIONS:

The bumper licence plates and interior cabin cards containing the vehicle registration and identification information will be provided by the Region and will remain the property of the Region. Adequate funding is available to acquire these items.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

Legal Services has been consulted in the development of the by-law amendment. Staff has also consulted with Vanessa Lopak, the Region's lead for the implementation of the Accessibility Regulations.

ATTACHED:

- Appendix 'A' proposed Amending By-law.
- Appendix 'B' Metallic Plate for outside vehicle – rear bumper.
- Appendix 'C' Paper duplicate (with enlarged taxi number) for inside vehicle cabin.

PREPARED BY: *M (Marty) Sawdon*, Administrator, Licensing and Enforcement Services

APPROVED BY: *K. Fletcher*, Director, Council and Administrative Services/Regional Clerk

Appendix "A"

BY-LAW NUMBER "\Insert By-law Number\""

OF

THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law to Amend By-law 04-069, A By-law to Licence, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi-cab Meters within The Regional Municipality of Waterloo, as amended

The Council of the Regional Municipality of Waterloo enacts as follows:

1. Section 1 of By-law 04-069, A By-law to Licence, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi-cab Meters within The Regional Municipality of Waterloo, as amended, is amended by adding the following:

"(2.1) "Accessible Taxi-cab Licence Plate" means the Accessible Taxi-cab Licence Plate that is issued by the Clerk under this By-law;"

"(23.1) "Taxi-cab Licence Plate" means the Taxi-cab Licence Plate that is issued by the Clerk under this By-law;"

2. Section 1(19) of By-law 04-069, A By-law to Licence, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi-cab Meters within The Regional Municipality of Waterloo, as amended, is hereby deleted and replaced with:

"(19) **Tariff Card**" means the tariff card prescribed by the Clerk using the tariff rates as prescribed in Schedule "A" of this By-law, attached;"

3. Section 26 of By-law 04-069, A By-law to Licence, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi-cab Meters within The Regional Municipality of Waterloo, as amended, is hereby deleted and replaced with the following:

"26. (1) Every Driver while operating a Taxi-cab or Accessible Taxi-cab as licensed under this By-law shall display his or her licence in a location that is clearly visible to all Passengers.

(2) Every Owner licensed under this By-law and every Driver while operating a Taxi-cab or Accessible Taxi-cab as licensed under this By-law shall display the Taxi-cab Vehicle Licence in a location that is clearly visible to all Passengers.

(3) Every Driver providing a Taxi-cab or Accessible Taxi-cab Service shall verbally advise a Passenger of his or her Taxi-cab or Accessible Taxi-cab Driver Licence number and the Taxi-cab or Accessible Taxi-cab Vehicle Licence number upon request."

4. By-law 04-069, A By-law to Licence, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi-cab Meters within The Regional Municipality of Waterloo, as amended, is hereby amended by adding the following:

“36.1 Notwithstanding any other provision in this By-law, no Driver who provides a Taxi-cab or Accessible Taxi-cab Service 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.”
5. Section 37 of By-law 04-069, A By-law to Licence, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi-cab Meters within The Regional Municipality of Waterloo, as amended, is hereby deleted and replaced with the following:

“37. (1) Every Driver providing a Taxi-cab or Accessible Taxi-cab Service shall display a Tariff Card in a location that is clearly visible to all Passengers.

(2) Every Driver providing a Taxi-cab or Accessible Taxi-cab Service shall verbally advise a Passenger of the contents of the Tariff Card upon request.”
6. Section 48 of By-law 04-069, A By-law to Licence, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi-cab Meters within The Regional Municipality of Waterloo, as amended, is hereby deleted and replaced with the following:

“48. (1) Every Driver providing a Taxi-cab Service or an Accessible Taxi-cab Service shall ensure that his or her Taxi-cab or Accessible Taxi-cab has the Taxi-cab vehicle number as assigned by the Clerk displayed on the Taxi-cab or the Accessible Taxi-cab in such a manner that it is clearly visible to all persons from a distance of five (5) metres, day or night.

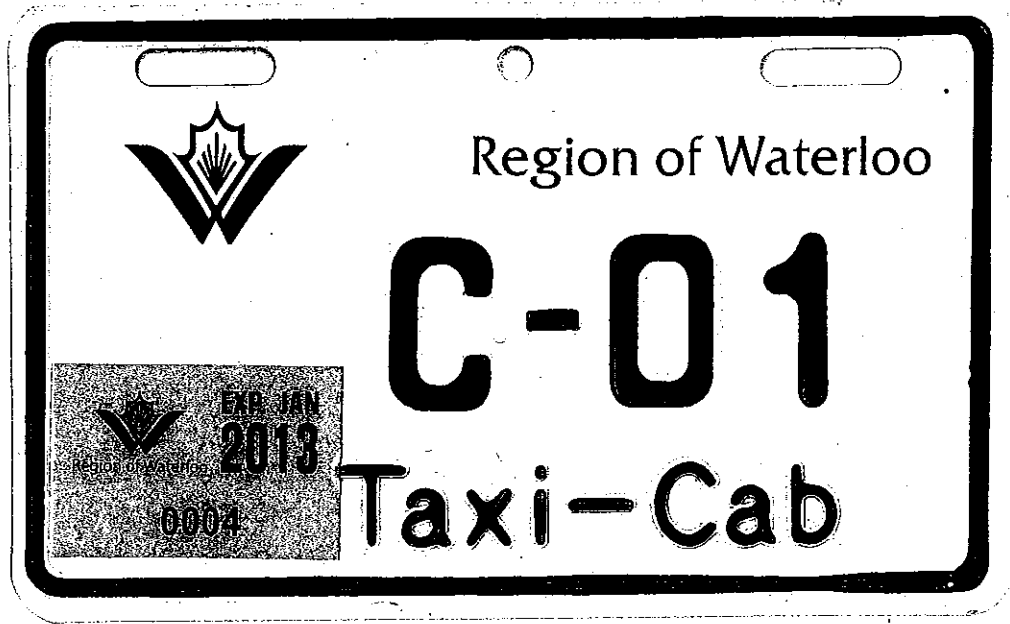
(2) Every Owner licensed under this By-law and every Driver while operating a Taxi-cab or Accessible Taxi-cab as licensed under this By-law shall display the Taxi-cab or Accessible Taxi-cab Licence Plate on the rear bumper of their Taxi-cab or Accessible Taxi-cab.”
6. Schedule “B” of By-law 04-069, A By-law to Licence, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi-cab Meters within The Regional Municipality of Waterloo, as amended, is hereby deleted.
7. This By-law comes into force and effect on January 1, 2012.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 14th day of December, A.D., 2011.

REGIONAL CLERK

REGIONAL CHAIR

APPENDIX 'B'



Metallic Licence Plate - City Cabs 01 (Kitchener)
(Blue Letters on White)

APPENDIX 'C'



Region of Waterloo

W 01

Taxi-Cab

Interior Licence – Waterloo City Cabs 01
(Black Letters on White)