

REPORT NO. 158 of the
ENVIRONMENT, TRANSPORTATION & PUBLIC SAFETY
STANDING COMMITTEE
of its meeting held September 25, 2013

Present: **Councillor J. Gignac**
 Councillor A. Halberstadt
 Councillor R. Jones
 Councillor F. Valentinis, Chair

Regrets: **Councillor H. Payne**

That the following recommendations of the Environment, Transportation and Public Safety Standing Committee **BE APPROVED:**

Moved by Councillor Jones, seconded by Councillor Gignac,
THAT Public Vehicles Licensing By-Law 137-2007, Schedule 3 **BE AMENDED**
by adding:

4.2.1 In addition to the requirements in 4.1 and 4.2, as may be applicable, applicants for a Class E – Pedicab vehicle plate and associated livery plate holder licence shall submit a document annually, completed by a mechanic duly licensed to practice in the Province of Ontario, showing mechanical fitness of the vehicle which is satisfactory to the Licence Commissioner.

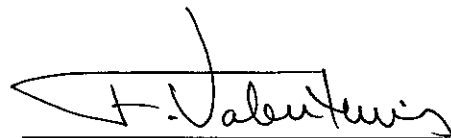
and further,

THAT Council adopt By-Law 164-2013 attached hereto as Appendix A.

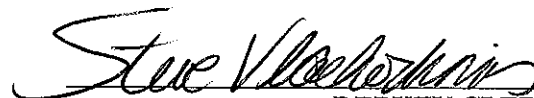
Carried.

Livelihood 16733 ST2013

Clerk's Note: The administrative report authored by the Supervisor of Licensing & Deputy Licence Commissioner dated July 29, 2013 entitled "Amendment to Public Vehicles Licensing By-law 137-2007 pertaining to Class E – Pedicabs" is attached as background information.



CHAIRPERSON



DEPUTY CLERK

NOTIFICATION:				
Name	Address	Email Address	Telephone	FAX

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THE CORPORATION OF THE CITY OF WINDSOR
Environment, Transportation & Public Safety Standing Committee –
Licensing



MISSION STATEMENT:

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

LiveLink REPORT #: 16733 ST2013	Report Date: July 29, 2013
Author's Name: Michael Chantler	Date to Standing Committee: September 25, 2013
Author's Phone: 519 255-6100 ext. 6869	Classification #:
Author's E-mail: mchantler@city.windsor.on.ca	

To: Environment, Transportation & Public Safety Standing Committee

Subject: Amendment to Public Vehicles Licensing By-Law 137-2007 pertaining to Class E - Pedicabs

1. RECOMMENDATION: City Wide: Ward(s): _____

THAT Public Vehicles Licensing By-Law 137-2007, Schedule 3 **BE AMENDED** by adding:

- 4.2.1 In addition to the requirements in 4.1 and 4.2, as may be applicable, applicants for a Class E – Pedicab vehicle plate and associated livery plate holder licence shall submit a document, completed by a mechanic duly licensed to practice in the Province of Ontario, showing mechanical fitness of the vehicle which is satisfactory to the Licence Commissioner.

And, further, THAT Council adopt By-Law # _____ attached hereto as Appendix A.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

The Licensing Division of the Office of the City Clerk recently received an application for a rickshaw business. Rickshaws fall under the category of "Class E - Pedicab" in the Public Vehicles Licensing Bylaw. This was the first application that the Licensing Department has processed for a Class E vehicle and therefore, as staff worked through the by-law requirements to ensure compliance by the applicant, there were some challenges due to the wording of the by-law. A recommendation was made to the Windsor Licensing Commission (WLC) that the by-law be amended and the following direction was given to administration in Licensing:

"That Section 4.2(b) and (e) of Schedule 3 to Public Vehicle By-Law 137-2007 BE AMENDED to reflect the exemption of Vehicle Permits issued under the Highway Traffic Act and Safety Standard Certificates as licensing requirements for Class "E" – Pedicab Livery Vehicles."

3. DISCUSSION:

Upon examination of the bylaw, it was noted that there were three requirements under Section 4 (Application for Licence Governed by this Schedule) of the bylaw that would make it impossible for a Pedicab to be licensed. A Vehicle Permit issued under the *Highway Traffic Act, R.S.O. 1990* (HTA), a vehicle identification number (V.I.N) and a Safety Standards Certificate are all items required under the current by-law that would not apply to a Class E-Pedicab vehicle.

A Vehicle Permit and a V.I.N. are simply not available for this type of vehicle as they are not licensed and regulated under the HTA. In lieu of a Safety Standards Certificate, administration believes that it is in the interest of public safety that potential Pedicab vehicles are inspected by a licensed mechanic and should be required to produce a document indicating mechanical fitness upon application for a licence. It should be noted that the original direction by the WLC was to specifically amend Section 4.2(b) & (e). However, after consultation with Legal Department, it was agreed that by adding Section 4.2.1 to the by-law, the wording "*as may be applicable*" will allow administration to address only those items that pertain to this category of livery licence. This is a preferred method over adding multiple exemptions. The additional wording requiring a mechanical inspection report will serve to protect the riding public from potentially unsafe vehicles; much like a Safety Standards Certificate does in the case of limousines or taxicab vehicles. This proposed amendment implements the intention of the WLC.

4. RISK ANALYSIS:

Administration feels that it continues to protect the public through licensing and regulating this class of vehicle by requiring proof of insurance as well as a certificate of mechanical fitness for the vehicles used as a Pedicab in the City of Windsor.

5. FINANCIAL MATTERS:

If we were unable to process an application for a Pedicab plate holder licence, the loss to the city would be the licensing fee of \$180.00 per vehicle.

6. CONSULTATIONS:

A discussion took place at the June 27, 2013 Windsor Licensing Commission hearing and the direction given to administration was to make amendments to the current by-law governing this category of licence. By-law amendment was reviewed by City of Windsor Legal Department.

7. CONCLUSION:

Administration recommends amending Public Vehicles Licensing By-Law #137-2007 to ensure that applicants for a Class E – Pedicab plate holder licence are able to comply with the requirements of the by-law.

Michael Chantler

**Michael Chantler
Supervisor of Licensing &
Deputy Licence Commissioner**

Valerie Critchley

**Valerie Critchley,
City Clerk & Licence Commissioner**

Helga Reidel

**Helga Reidel
Chief Administrative Officer**

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APPENDICES:

Appendix A, being a By-Law to amend Public Vehicles Licensing By-Law 137-2007

DEPARTMENTS/OTHERS CONSULTED:

**Name: Wira Vendrasco
Phone #: 519 255-6100 ext. 6375**

NOTIFICATION :

Name	Address	Email Address	Telephone	FAX

BY-LAW NUMBER ____-2013

**A BY-LAW TO FURTHER AMEND BY-LAW
137-2007, BEING A BY-LAW RESPECTING
THE LICENSING AND REGULATING OF
PUBLIC VEHICLES**

Passed the ____th day of _____, 2013.

WHEREAS it is deemed expedient to further amend By-law Number 137-2007 being a by-law respecting the licensing and regulating of public vehicles;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. **THAT** Public Vehicles Licensing By-Law 137-2007, Schedule 3, Section 4.2 **BE AMENDED** by adding:

4.2.1 In addition to the requirements in 4.1 and 4.2, as may be applicable, applicants for a Class E – Pedicab vehicle plate and associated livery plate holder licence shall submit a document, completed by a mechanic duly licensed to practice in the Province of Ontario, showing mechanical fitness of the vehicle which is satisfactory to the Licence Commissioner.

2. This by-law shall come into force and take effect on the day of the final passing thereof.

EDDIE FRANCIS, MAYOR

CLERK

First Reading -
Second Reading -
Third Reading -