

THE CORPORATION OF THE MUNICIPALITY OF BROCKTON

BY-LAW #2006- 12

Being a by-law to amend the Municipality of Brockton Taxi
By-law #2005-25.

WHEREAS by By-law #2005-25 passed on the 9th day of May, 2005 the Municipality of Brockton did enact regulations for the licencing, regulating and governing of owners and drivers of taxicabs and limousines.

AND WHEREAS By-law #2005-25 was enacted for the purpose of providing for the health, safety and consumer protection of the residents of the Municipality.

AND WHEREAS it is necessary and desirous to amend By-law #2005-25 to clearly express the intent of the application process contained in By-law #2005-25.

NOW THEREFORE be it enacted by the council of the Municipality of Brockton as follows:

1. Article 3.0 DUTIES OF THE DETACHMENT COMMANDER OR HIS DESIGNATE OF By-law #2005-25 is hereby amended by revoking Article 3.2 and replacing it with the following:

3.2 To provide to the Applicant a Criminal Records check, a check of the Local Police Records maintained by the South Bruce OPP and a "Pardoned Sexual Offender Registry" check as completed by the Ontario Provincial Police which is valid for the current year and in addition the current years "Driver's Licence History" check as completed by the Ministry of Transportation for each licence applicant who provides to the Ontario Provincial Police South Bruce Detachment an original signed copy of the licence application contained in this by-law, signed consents as required by the Ontario Provincial Police for a criminal record check and driver licence history check and any applicable fee for same as required by the Ontario Provincial Police procedures.

2. Article 4.0 LICENCES of By-law #2005-25 is hereby amended by revoking Article 4.10 and replacing it with the following:

4.10 Applicants for licenses under this by-law shall be required to sign a waiver of disclosure to permit a Criminal Records check, a check of the Local Police Records maintained by the South Bruce OPP and a "Pardoned Sexual Offender Registry" check as completed by the Ontario Provincial Police which is valid for the current year and in addition the current years "Driver's Licence History" check as completed by the Ministry of Transportation. All costs associated in acquiring these records shall be paid for by the applicant. This information is to remain with the Ontario Provincial Police and the Detachment Commander is authorized to disclose this information to the Clerk or council as required.

3. Article 5.0 APPLICATIONS FOR LICENCES OF By-law #2005-25 is hereby amended by adding thereto the following provisions as Section 5.5.

- 5.5 A Criminal Records check, a check of the Local Police Records maintained by the South Bruce OPP and a “Pardoned Sexual Offender Registry” check as completed by the Ontario Provincial Police which is valid for the current year and in addition the current years “Driver’s Licence History” check as completed by the Ministry of Transportation.
4. Article 6.0 QUALIFICATIONS OF By-law 2005-25 is hereby amended by changing the number of the firstly numbered Article 6.6 to 6.5.
5. Schedule A, Schedule of Fees to By-law 2005-25 is hereby amended by adding the following provision thereto.
- “In addition to the prescribed licence fee the applicant shall pay all other fees and charges to obtain the information required in Article 6.0 of By-law 2005-25.”
6. Schedule B to By-law 2005-25 is hereby amended by adding the following words to the end of the fourth last paragraph commencing with “in particular, I authorize the Corporation and it agents to enquire into any background in order to determine my suitability as a taxi driver/owner. These enquiries will include a criminal check, a driver licence history check and a review of all other police contacts deemed relevant”
- “, including a pardoned sexual offender database check.”
7. Schedule B to By-law 2005-25 is further amended by replacing the reference to Section 6.6 in the third last paragraph with the following:
- “Section 6.5”
8. In all other respects By-law #2005-25 is confirmed.
9. This by-law may be cited as the “Taxi By-law 2005-25 Amendment”.

Read a first, second and third time and finally passed this 13th day of February, 2006.

Original Signed by Mayor, C. Bagnato

Mayor

Original Signed by Clerk, R. Radford

Clerk