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To: Corporate Services Committee

From: Jacqueline Long, Interim Commissioner,  
Corporate Services Department and H.R.

Report Number: CORP-15-87

Date of Report: September 10, 2015

Date of Meeting: September 14, 2015

Subject: Regulating Roof Lights for the Designated Driver Industry

File: D-2300

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## **1.0 Purpose**

This report responds to the Corporate Services Committee's June 19, 2015 direction to consider establishing size and placement standards for 'roof lights' or 'car toppers' and report back.

## **2.0 Recommendation**

That the Corporate Services Committee recommend to City Council:

That Council approve an amendment in a final form acceptable to the City Solicitor to amend Licensing By-law 120-2005 as amended, to regulate the size, placement and content of roof lights or toppers on designated driver chase vehicles subject to conditions summarized in Section 5.2.2 of report CORP-15-87 "Regulating Roof Lights for the Designated Driver Industry".

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

Legal Services was consulted in the preparation of this report.

## **5.0 Analysis**

### **5.1 Background**

At its June 19, 2015 special meeting, the Corporate Services Committee ("Committee") considered report CORP-15-74 "Regulation of Designated Drivers Follow-Up Report" addressing the D.D. Industry's concerns relating to a proposed framework to regulate the

D.D. Industry in the City of Oshawa. Committee approved the proposed regulatory framework with some minor amendments and provided the following direction to staff:

“That Part 3 of the motion concerning prohibiting the D.D. Chase vehicles from displaying ‘roof lights’ or ‘car toppers’ be referred to staff for further consideration with regard to size and placement on the chase vehicles, with specific consideration to not facilitating any confusion with taxi designation.”

Council approved the amended regulatory framework for Designated Driver Services at its June 29, 2015 meeting with the exception of standards pertaining to roof lights.

## 5.2 Roof Lights

Roof lights, also referred to as car toppers or roof signs, are generally illuminated signs affixed to the roof of a motor vehicle advertising a specific service. The use of roof lights is ubiquitous in the Taxicab Industry; however, roof lights are also widely used in other industries including driving schools and delivery services.

The following sections in the City’s Taxicab By-law 50-2003 (“Taxicab By-law”) regulate roof lights for taxicabs in the following areas:

- **6.5.1 (n) iv):** No Taxicab Driver shall operate a Taxicab without a properly functioning roof light.
- **7.3.1 (h) v):** Every Taxicab Owner shall have a roof light which is securely attached to the top of the Taxicab.
- **7.7.1 (g):** No Taxicab Owner shall display a roof light with the same colour or have similar markings of any Taxicab Broker with whom they are not affiliated.
- **7.7.1 (k):** No Taxicab Owner shall put any Taxicab into service without a roof light that is properly affixed.
- **8.1.1 (b):** Every Taxicab Broker shall require all Taxicab Owners who have entered into an affiliation with him/her to use the same design and colour scheme of roof light which shall include the name of the Taxicab Broker or the business name under which the Taxicab Broker operates, and shall produce and file a sample of the roof light with the City Clerk.

Standards for roof lights are common in many municipalities’ taxicab by-laws. Roof lights distinguish taxicabs from other vehicles and allow customers to quickly identify and flag/hail cruising taxicabs<sup>1</sup> or taxicabs parked at taxicab stands or other known locations where taxicabs congregate. Given that roof lights are a prominent indicator that a taxicab is on-duty, some municipalities require taxicabs to remove their roof light if taxi drivers are off-duty or using their vehicle for purposes other than a taxicab.

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<sup>1</sup>Typically refers to a taxicab driving on streets or public places in search of, or soliciting, prospective passengers for hire.

### **5.2.1 Concerns with D.D. Chase Vehicle Roof Lights**

The principal concern regarding D.D. chase vehicles operating roof lights is that they could potentially resemble taxicabs. Such a resemblance can cause confusion for prospective taxi clients, and in particular, visitors from outside of Oshawa, who are not familiar with the City's licensed taxicab brokerages. Indeed, this confusion was expressed by participants at the stakeholder industry consultation sessions who observed certain D.D. chase vehicles with roof lights being hailed/flagged on the street to provide taxi services. Participants further expressed that a number of these D.D. chase vehicles were providing taxi services -- an activity they are not licensed to provide.

### **5.2.2 Regulating the Size, Placement and Content of Roof Lights**

As per Committee's direction, staff considered regulating the size, placement and content of roof lights on D.D. chase vehicles in an effort to limit the confusion between D.D. chase vehicles and taxicabs and to address health and safety concerns. Staff recommend establishing the following basic standards:

- a) restricting the length and width of roof lights to no greater than the length and width of the roof of the chase vehicle the roof light is affixed to;
- b) prohibiting roof lights from encroaching on any part of the vehicle outside the area of the roof of the chase vehicle;
- c) that the roof lights comply with City of Oshawa Sign By-law 72-96 and all applicable highway traffic laws;
- d) prohibiting D.D. roof lights from displaying the words "Taxi", "Cab", "Taxicab", and/or any other words that may indicate the vehicle is providing a licensed taxicab service pursuant to Taxicab By-law 50-2003; and
- e) prohibiting D.D. roof lights from being displayed on the chase vehicle when the vehicle is not being used for the purposes of providing a designated driving service.

Notwithstanding the proposed standards, staff do not recommend establishing specific size and placement standards for D.D. roof lights for the following reasons:

- the specific dimensions of roof lights would be difficult to regulate as they are produced and sold by a multitude of vendors in varying shapes and sizes;
- establishing a uniform standard for sizes and placement of roof lights is further complicated by the diversity of vehicle types used as chase vehicles;
- standards may limit the ability of D.D. Brokers to distinguish their services from other D.D. Brokers;
- there are limited options for regulating the placement of roof lights on chase vehicles; and

- establishing standards for sizes and placement would present challenges for enforcement (i.e., measuring the exact size of a roof light while it is affixed to a chase vehicle).

## **6.0 Financial Implications**

There are no financial implications directly related to the recommendations of this report.

## **7.0 Relationship to the Oshawa Strategic Plan**

The recommendation in this report is consistent with Goal 4.5, Accountable Leadership by seeking feedback from stakeholders with a view to addressing policy issues respecting the Taxicab and the Designated Driver Industries.



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Corporate Services Department and H.R.