

CORPORATION OF THE TOWN OF PRESCOTT

BY-LAW NO. 04-2014

Being a by-law for licensing, regulating and governing vehicles used for hire including owners and drivers of taxicabs, limousines and accessible taxicab service in the Town of Prescott

Section 1: GENDER AND NUMBER

In this by-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and a corporation or vice versa where applicable.

Section 2: DEFINITIONS

1. (1) For the purposes of interpreting the provisions set forth in this by-law, the following definitions shall apply:
 - a) “Accessible Taxicab” means a class of Taxicab which is designed or modified to be used for the purpose of transporting persons with disabilities and is used for that purpose, whether or not the vehicle is also used to transport persons without disabilities and that is licensed as an Accessible Taxicab by the Corporation of the Town of Prescott;
 - b) “Accessible Taxicab Driver’s License” shall mean an Accessible Taxicab Driver’s License issued to any individual to drive or act as a driver of any accessible taxicab licensed pursuant to this by-law;
 - c) “Accessible Taxicab Service” shall mean the use of an Accessible Taxicab for the conveyance of one or more Passengers for a fee or compensation that is commenced within the boundaries of the Town of Prescott, and does not include Accessible Taxicabs that are under written contract with a health care facility;
 - d) “Accessible Taxicab Vehicle Plate” shall mean a License to provide an Accessible Taxicab Service;

- e) "Applicant" shall mean the person who makes the application for a License issued hereunder;
- f) "Board" shall mean the Town of Prescott Police Services Board;
- g) "By-Law Enforcement Officer" shall mean the By-Law Enforcement Officer for the Town of Prescott or his designate;
- h) "Driver" shall mean the individual who has care and control of a Taxicab or Limousine;
- i) "Licensee" shall mean the person holding a license as issued under the provisions of this by-law;
- j) "Licensing Officer" shall mean the Chief Administrative Officer of the Town of Prescott or his delegate;
- k) "Limousine" shall mean a stretch or longer than usual, luxury motor vehicle that is not licensed under the *Public Vehicles Act R.S.O. 1990 Chapter P.54* or any successor legislation;
- l) "Limousine Driver's License" shall mean a Limousine Driver's License as issued to any individual to drive or act as a driver of any limousine licensed pursuant to this by-law;
- m) "Limousine Service" shall mean the use of a Limousine for the conveyance of one or more Passengers for a fee or compensation that is commenced within the boundaries of the Town of Prescott.
- n) "Limousine Vehicle Plate" shall mean a License to provide a Limousine Service;
- o) "Owner" shall mean the person licensed under this by-law as the owner of a Taxicab, Limousine or Accessible Taxicab Vehicle and registered as the owner of the motor vehicle according to the records maintained by the Registrar of Motor Vehicles for the Province of Ontario;
- p) "Passenger" shall mean any individual in a Taxicab, Limousine or Accessible Taxi Cab Vehicle other than the driver;

- q) "Person" shall include an individual, a business entity, a partnership or a corporation;
- r) "Service Animal" shall mean an animal that is a service animal for a person with a disability,
- If it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or
 - If the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability;
 - And shall include a guide dog as defined in section 1 of the *Blind Persons Rights' Act*.
- s) "Tariff Card" shall mean the card prescribed in Schedule "B" attached to this by-law and shall contain the schedule of fares to be charged for providing a Taxicab Service;
- t) "Taxicab" shall mean a motor vehicle which is used for the conveyance of Passengers with a seating capacity of no more than (9) nine, but does not include a public vehicle as defined under the *Public Vehicles Act*, or successor legislation;
- u) "Taxi Cab Plate" shall mean a License to provide a Taxi Cab Service;
- v) "Taxicab Stand" shall mean an area or zoned designated place, office or building with a public waiting area, designed to accept and dispatch calls for taxicabs;
- w) "Taxicab Stand Owner" shall mean and include any person who is the owner of a Taxicab Stand and operates it with the consent of the Board and has secured permission to operate same;
- x) "Town" shall mean the Corporation of the Town of Prescott;
- y) "Vehicle" shall mean a motor vehicle as defined under the Highway and Traffic Act of Ontario R.S.O. 1990, c.H.8.

PART I - GENERAL PROVISIONS

DUTIES OF THE BY-LAW ENFORCEMENT OFFICER

GENERAL:

1. The By-Law Enforcement Officer shall:
 - a) have supervision over all persons, vehicles and equipment used or owned by persons licensed under this By-Law;
 - b) enforce the provisions of this By-Law;
 - c) prosecute all persons who offend against contravention of any provisions of this By-Law;

ADMINISTRATION

1. The duties of the By-Law Enforcement Officer or designate under this By-Law include:
 - a) Furnish application of license forms, photo identification/license/cards required by this By-Law;
 - b) Review and investigate all applications submitted for any and all licenses and shall retain the right, subject to the Board's approval, to issue, suspend or revoke any license in accordance with the provisions of this By-Law;
 - c) Monitor testing of all new license applicants to ensure compliance with the provisions of this By-Law;
 - d) Issue and sign licenses, number plates as authorized by the Board and ensure licensees receive a copy of this By-Law, a photo identification/license card, license card and in the case of taxicab owners, a Tariff card.
 - e) Collect licensing fees and keep an account of all money received on licenses, and pay the same over to the Town Treasurer quarterly, and deliver to him/her a statement of such monies.
 - f) Maintain a register of all licenses and transfers issued under this By-Law.
 - g) Examine and satisfy himself as to the sufficiency, cleanliness, repair and condition of the place of business or intended place of business of each applicant for an owner's license under this By-Law.

- h) Inspect and satisfy himself as to the sufficiency, cleanliness, repair and condition of any vehicle or its equipment in respect of which a license is applied for or has been issued under this By-Law.
- i) Provide the Board with investigative results in relation to applications, transfers, revocations, suspensions and recommendations on licensing in accordance with this By-Law.
- j) Suspend at his discretion, any license for two (2) weeks or until the next meeting of the Board, and upon suspending any licenses shall notify the Board as to the suspension.
- k) Report to the Board the performance of his duties under this By-Law whenever required or requested by the Board.
- l) Ascertain from time to time as often as may be required by the Board whether the licensees and their equipment continue to comply with the provisions of the law and of this By-Law.

PART II - ADMINISTRATION AND APPEALS

DUTIES OF THE POLICE SERVICES BOARD

- a) The Board shall retain the right to issue, suspend, transfer or revoke licenses in accordance with the provisions of this By-Law.
- b) The Board may issue a license at its discretion.
- c) The Board may revoke or suspend any or each of the license(s) held by a licensee in the public interest and without limiting the generality of the foregoing:
 - i) For any of the circumstances referred to in Part III, Section 5, subsections a, b, c, d;
 - ii) Any violation of any of the provisions of this By-Law;
 - iii) The conduct of the licensee affords reasonable grounds for the belief that the licensee has not carried on, or will not carry on, his trade, business or occupation in accordance with law or with integrity and honesty, or;
 - iv) The conduct of the licensee or other circumstances afford reasonable

grounds for the belief that the carrying on of the business has infringed or would infringe, the rights of members of the public, or has endangered, or would endanger, the health or safety of members of the public; or

- v) Any other reasonable grounds which the Board may consider.
 - vi) In addition to any of the grounds set out in this By-Law for the suspension, revocation, renewal or refusal of licenses, the Board may, upon application of the By-Law Enforcement Officer, suspend, revoke or refuse a license, in the public interest, at its discretion, for reasonable grounds.
- c) The Board may suspend a license for cause for any period that is less than the unexpired part of the period for which it was issued in lieu of revocation as provided for in this Part.
- d) In addition to any grounds set out in this By-Law for the suspension, revocation, renewal or refusal of licenses, the Board may, upon application of the By-Law Enforcement Officer, suspend, revoke or refuse a license, in the public interest, at its discretion.
- e) Upon receipt of a report to suspend, revoke or refusal in the first instance, the Board shall determine the time and date of the hearing which shall be at least fourteen (14) days hence and give notice of its determination to the By-Law Enforcement Officer and the By-Law Enforcement Officer shall forthwith give notice in writing to the licensee.
- Said notice;
- i) Is to indicate the time, date, place and purpose of the hearing; and
 - ii) that if the licensee does not attend the hearing, the Board may proceed in his absence and he will not be entitled to any further notice;
 - iii) that it be served personally or by registered mail to the licensee at his address last known to the By-Law Enforcement Officer and;
 - iv) where the good character, propriety of conduct or competence of a licensee, if an issue, contains reasonable information of any allegations with respect thereto.
- f) The By-Law Enforcement Officer shall forthwith transmit to the Board copies of all information relating to the licensee.
- g) The applicant or licensee is entitled to be represented at the review hearing by legal counsel or other agent and is entitled to produce evidence, submit arguments

in support of their cause and to cross-examine any witness.

- i) The Board is entitled to be represented at the review hearing by legal counsel or other agent and the By-Law Enforcement Officer is entitled to produce evidence, submit arguments in support of their cause, cross-examine any witnesses and reply to evidence and arguments of the applicant or licensee.
- j) At the review hearing, the onus shall be on the By-Law Enforcement Officer to demonstrate to the satisfaction of the Board that the applicant or licensee is not entitled to the issuance or renewal of the license sought.
- k) The Board shall hear and determine the matter and may revoke, suspend, issue or renew a license subject to such conditions as it deems fit. The Board shall notify the By-Law Enforcement Officer of their decision. The By-Law Enforcement Officer shall forthwith notify the applicant or licensee by delivering a copy of the decision, personally or by registered mail to his address disclosed on the application.
- l) If any Section, subsection, clause or Part of this By-Law is or are declared by any court of law to be void, illegal or ultra vires, such section, subsection, clause or part shall be deemed to be severable and all remaining provisions hereof are declared to be separate and independent and enacted as such.

PART III LICENSES

- 1. Except where provided, any provisions of this By-Law that applies to taxicabs shall also apply to limousine licenses and accessible taxicab licenses.
- 2. Applications for licenses issued under this By-Law may be found in the following:
 - a) Owner's License -Schedule D herein
 - b) Taxicab Driver's License -Schedule D herein
 - c) Limousine License -Schedule D herein
 - d) Accessible Taxicab License -Schedule D herein
 - e) License Renewal -Schedule D herein
- 3. No person shall:
 - a) such person shall, however, in the course of a trip terminating within the geographic boundaries of the Town, be prohibited from picking up any passengers within the geographic boundaries of the Town.
 - b) Taxi companies licensed by the Town are exempt from this prohibition and may pick up fares within the Town.

4. No person shall provide false, misleading or incorrect information for the purpose of securing any license issued pursuant to this By-Law. In addition to any other penalty imposed, it may disqualify the applicant in securing a license and the fee paid on any such application shall be non-refundable and shall be used to offset the cost of the investigating and processing of the applicant.
5. No applicant shall be considered for a license unless and until the By-Law Enforcement Officer is satisfied that:
 - a) The Applicant has not been found guilty of an offence under the Criminal Code of Canada, or an offence under the Controlled Drugs and Substances Act (The Narcotic Control Act), within;
 - i) three (3) years for a summary conviction offence or
 - ii) five(5) years for an indictable offence.
 - b) The Applicant has not been found guilty of any sexual offence under the Criminal Code of Canada or any crime of violence.
 - c) The Applicant has not been found guilty of an offence under the Liquor License Act of Ontario pertaining to the illegal sale or purchase of liquor within the preceding three (3) years.
 - d) In the case of an applicant who is not renewing a license, the applicant must not be subject of any outstanding criminal charges or warrants in any jurisdictions.
6. Notwithstanding *Section 5*, but subject to *Section 7*, the following may apply:
 - a) An applicant who has been found guilty of a criminal offence and received an absolute discharge may be granted a license.
 - b) An applicant who has been found guilty of a criminal offence and received a conditional discharge, pardon and/or suspended sentence may be granted a license on condition that it be reviewed after a period of six months.
7. No applications for taxicab driver's licenses will be accepted for reinstatement or issuing in the first instance, for a period of 12 months following the reinstatement of a person's driver's license that has been suspended or canceled as the result of a conviction for a breach of one of the driving sections of the Criminal Code of Canada.
8. Applicants for taxicab driver's licenses shall possess a valid Ontario Driver's License void of any restriction that would prohibit operation of a taxi, and

is not a probationary driver, nor a Class G1 or G2 driver.

9. Applicants for any license issued under this By-Law shall be at least 19 years of age, be of good character and habits and shall submit the following with their application:

- 1) Vulnerable Sector Check with initial license application
- 2) Drivers' Record/Abstract from Ministry of Transportation, Police Records Check, Criminal Records Check and Vulnerable Sector Check

at the responsibility of the applicant and licensee every year with the license renewal.

10. Where application is made by an incorporated body for the issuance of a taxicab owner's license, the application must be accompanied by an Affidavit of the Secretary of the incorporated body, which Affidavit sets forth the following, together with application form as set out in Form 1:

- a) the exact name of the corporation
- b) the date of incorporation
- c) whether incorporated under the laws of Ontario or Canada.

11. An applicant that is refused a license shall receive such refusal in writing, with said notice to be served personally or by registered mail to the applicant at the address shown on the application. Such notice shall be in Form 2 or in like form.
12. An applicant in receipt of a notice of refusal may file an application, in writing to the Board for a review, as prescribed *in Part II*, of this By-Law.
13. Notwithstanding any other provisions of this By-Law every license/card issued under this By-Law shall remain the sole and exclusive property of the Board.
14. Every licensed applicant, upon being issued with a renewed license/card, shall return to the By-Law Enforcement Officer, the expired license or card as the case may be.
15. Every applicant for licenses under this By-Law, or renewal of licenses, shall pay the fee provided in *Schedule C* of this By-Law.
16. A license that is suspended, canceled or revoked by the By-Law Enforcement Officer, is subject to an appeal to the Board by the person feeling aggrieved.
17. Every license granted under this By-Law, unless sooner revoked or canceled shall expire on the 28th day of February next, after the date of issue thereof.
18. Where the time for doing an act under this By-Law expires on a Saturday, Sunday or on a statutory holiday, the act may be completed on the next work day.

19. Where a license holder is seeking to renew their license and has not submitted the renewal application prior to the expiry date of their current license, any subsequent application submitted shall be considered to be a new application for a license and the applicant must therefore comply with the application procedures and pay the required fee set out in *Schedule C* of this By-Law. The By-Law Enforcement Officer may in extenuating circumstances allow a delay of not more than 30 days, with a renewal of such license.
20. In the event that the license holder does not wish to renew their license or fails to renew within 14 days after the expiry date of their current license, then the number plate and license(s) shall be forfeited and returned immediately to the Board.
21. No license issued under this By-Law shall be transferable, except as authorized under this By-Law.
22. Where, in accordance with the limitation set out in Sections 27 and 28 of this By-law, there is no further license available, a person seeking a license may apply to be placed on a waiting list and such application shall be accompanied by the fee prescribed in *Schedule C* to this By-Law.
23. Upon the transfer/leasing/assignment of a license being completed in accordance with Part II hereof, the name of the transferor/leaser/assignor shall be struck off the list maintained in accordance with subsection 22 hereof, if their name is on such waiting list.
24. Every lost, stolen or damaged license shall be reported to the By-Law Enforcement Officer forthwith. Replacement licenses may be issued upon payment of the fee as set out in *Schedule C*, in this By-Law.
25. Every person licensed under this By-Law shall, upon changing his address, notify the By-Law Enforcement Officer, in writing, within six (6) days and give his new address.
26. The maximum number of taxicab (only) license shall not, at any time exceeds one (1) license for every six hundred (600) persons residing in the Town of Prescott.
27.
 - a) The maximum number of taxicab licenses in the Town of Prescott shall not exceed eight (8).
 - b) A Taxicab Stand Owner shall not possess more than 50% of the Taxicab License allocation.

PART IV - OWNERS' REGULATIONS

1. Except where provided, any provisions of this By-Law that applies to taxicab Owners shall also apply to limousine and accessible taxicab Owners.
2. No person shall act as a taxicab Owner to whom this By-Law applies without a license from the Board in Form 1 or in the like form and such taxicab Owner shall, upon making application for his license, pay the fee as prescribed in *Schedule C* herein. The application for such license is found in Form 1.
3. An applicant for a taxicab Owner's license, in addition to the information required, shall furnish proof of the location of the premises, from which he proposes to carry on the business, that the premises comply with the zoning By-Law, building By-Laws and other applicable By-Laws and regulations of the Town, and that the premises will be situated within the Town. These premises will only be used for carrying on a taxicab stand business. The call taking and dispatching of taxi cabs can be done from this location.
4. No person shall be granted a Owner's license until he satisfies the Board that he can and will provide satisfactory 24-hour service to the public.
5. An Owner may not be entitled to the keeping or renewing of a license under this By-Law subject to:
 - a) the provisions of part II, section 1, subsections b, c, d, e, f, g.
 - b) Take, consume, be under the influence of or have in his or her possession (except in accordance with the Liquor License Act) any alcohol, drugs or other intoxicants, nor shall the use thereof by him/her be apparent.
6. Every owner shall:
 - a) Supply the Board with a copy of the Federal Radio License call sign and frequency number, if any.
 - b) Provide telephone and properly licensed radio dispatching facilities (no C.B. radios) maintained in proper working condition. Neither Owner can operate their business solely on cellular technology.
 - c) Ensure that all taxicabs dispatched by him and all drivers thereof are fully licensed and have complied with the requirements of The Highway Traffic Act and this By-Law.
 - d) Make out and deliver to the By-Law Enforcement Officer on an annual basis a list of the vehicles owned by the Owner, vehicles owned by Independents and the names and numbers of all drivers.

- e) Notify the By-Law Enforcement Officer in writing within ten (10) days of any additions or deletions from the list provided.
 - f) Take reasonable steps to ensure that all employees behave civilly and courteously in the performance of their duties.
 - g) Be responsible for keeping a record of the date, origin, and destination of each trip, the name of the driver and the license number of the taxicab.
 - h) Such records shall be retained for 12 months and are open for inspection by the By-Law Enforcement Officer or the Board. Such records may be removed and retained for a reasonable time.
 - i) Provide or make available to all drivers a United States currency conversion table on a daily basis.
 - j) Maintain a list of all complaints received concerning taxicab service provided by that Owner including, with respect to each complaint, the following information:
 - i) Name and taxicab driver's license number of the driver involved.
 - ii) Name of the person from whom it was received, and
 - iii) A brief description of the allegations contained therein.
 - iv) Submit, on a monthly basis to the By-Law Enforcement Officer, completed reports, including the outcome of such complaints.
6. File, with the By-Law Enforcement Officer, a list of the taxicab owner rules and procedures including the terms and conditions of payment by owners or their agents and to abide by them, and display the same list filed prominently in the taxicab owner's office.
7. Post a copy of this By-Law and a copy of the Schedule of Rates found in Schedule A herein, in a conspicuous location and accessible to all drivers and will ensure that all employees are familiar and abide with the requirements of this By-Law.
8. Owners are, at all times, to ensure compliance with the applicable human rights legislation, failure of which may result in an investigation, hearing, and possible suspension or revocation of their license.
9. Comply with The Employment Standards Act and The Occupational Health and Safety Act of Ontario.

10. No Taxicab Owner shall:
- a) knowingly permit or allow any person, other than a dispatcher:
 - i) to use any radio system, frequency or telephone system in his ownership or under his control to receive or dispatch calls if such owner or driver is not licensed under this By-Law;
 - ii) to use any radio system, frequency or telephone system in his ownership or under his control to receive or dispatch calls if such owner or driver is under suspension or his license is revoked.
 - b) possess or operate or permit the possession or operation of any device capable of receiving the communications of any competitor. The By-Law Enforcement Officer, may upon any breach, suspend for a specified period or revoke the Owner's license and in such an event the By-Law Enforcement Officer or the Board shall not be required to comply with the suspension and revocation procedures described in Part II, of this By-Law.
 - c) Charge dispatch fees or increase dispatch fees unless they have first:
 - i. submitted in writing a notice of intent to the Board at least one calendar month prior to the proposed effective date of any increase; and
 - ii. prominently displayed in the owner's office a copy of the notice of intent for at least one (1) month prior to the proposed effective date of any increase
 - d) Implement any changes in the rules and procedures outlined in Section 7 until said change(s) is filed with the By-Law Enforcement Officer and is displayed prominently in the owner's office.
 - e) Make any charge or financial demand, directly or indirectly, of a taxicab owner or driver of a taxicab other than dispatch fees.
 - f) Enter into an agreement for the provision of taxicab service with a taxicab driver or taxicab owner who is already affiliated with another taxicab Owner.
 - g) Charge a tariff or enter into an agreement to charge a tariff which is not in accordance with the appropriate tariff set out in *Schedule A* of this By-Law. The provision does not apply to any pre-arranged contract(s) negotiated between the owner and another firm/company or employee thereof.
 - h) Allow any loitering or gambling in the taxi stand.

PART V - TAXICAB OWNER REGULATIONS

1. Except where provided, any provisions of this By-Law that apply to taxicab owner shall also apply to limousine and accessible taxicab owners.
2. The owner of any taxicab to which this By-Law applies shall not use or operate the same or allow the same to be used or operated, without a license from the Board which said license is found in Form 4 and such owner, upon making application for his license, shall pay the required fee as prescribed in this By-Law under *Schedule C* herein. The application for such license is found in Form 1.
3. No person, either directly or indirectly shall be granted more than four licenses and he satisfies the Board that he can and will provide a satisfactory 24-hour service to the public for each license issued.
4. Every owner shall ensure that every driver, and every other person involved in the operation of their taxicab(s) is fully licensed and complies with requirements of The Highway Traffic Act and this By-Law.
5. Every owner shall keep a record of the date, time origin, and destination of each trip, the name of the driver, and the number plate of the taxicab, which shall be maintained for twelve (12) months, and surrendered for examination on request of the By-Law Enforcement Officer.
6. Every owner who hires a driver shall check the driver's trip records and shall require an entry for each trip recorded on the meter.
7. An owner may not be entitled to the keeping or renewing of a license under this By-Law, subject to the provision of Part II, Section 1, subsections a, b, c, d, e, f and g.
8. Every owner, at the time of licensing shall deposit with the By-Law Enforcement Officer a policy of liability insurance in a form satisfactory to the Board. The said policy of insurance to be acceptable and approved shall include a passenger hazard clause, and shall be issued by a company authorized to do such insurance business with the Province of Ontario and shall indemnify the applicant in the sum of \$2,000,000.00 to cover public liability and property damage.
9. Every licensed owner shall file with the By-Law Enforcement Officer at least five (5) working days prior to the expiry date of the current insurance policy all insurance renewal policies of insurance. A copy of the renewal shall be

forwarded to the By-Law Enforcement Officer.

10. Every owner's license shall expire and become void upon the termination of the said policy. The owner shall forthwith remove the taxicab number plate and return or relinquish it to the By-Law Enforcement Officer.
11. At the time of issue of a license to an owner of a taxicab, such owner shall be supplied with the appropriate number plate, or validation tag, as supplied by the Board, for each vehicle for which such owner is licensed. In case of the number plate, it shall be securely attached to the front grill of the vehicle for which it was issued and shall be plainly visible. The number plate shall not be removed or used for any other vehicle except as provided under Section 21 hereof. In case of a validation tag, it shall be attached to the upper left corner of the number plate for which it was issued and shall not be removed or used on any other plate.
12. Notwithstanding any other provisions of this By-Law all number plates, validation stickers issued under this By-Law shall remain the sole and exclusive property of the Board.
13. Every owner who disposes or temporarily replaces his vehicle in respect of which he has been licensed shall be responsible to remove such plate from such vehicle and surrender it to the By-Law Enforcement Officer, unless he acquires another vehicle to replace the one so disposed of, in which case, he shall submit such new vehicle to the By-Law Enforcement Officer for inspection and if approved the transfer of all pertinent licenses and number plate.
14. The holder of an owner's license may apply to the Board to have the license transferred to any other person who fulfils the requirements. The owner who desires to transfer such license shall file with the Board a Statutory Declaration setting forth the name and address of the transferee, a description of the taxicab and the price paid or to be paid by such holder, the radio together with particulars of the transfer of the said license. If approved, the Board may issue a transfer of the license upon obtaining a new license and payment of the license fee herein before mentioned.
15. The making of a false or intentionally misleading recital of fact, statement or representation in such agreement, shall be deemed a violation of the provisions of this By-Law.
16. Once the Board has approved the sale of a taxicab, the new owner must, within 30

days, submit an application for an owner's license and successfully obtain an owner's license.

17. If an owner does not provide regular service or discontinues his taxicab service for a period exceeding ninety (90) days or allows a final judgment recorded against him for damages arising from the operation of a cab to remain unsatisfied for ninety (90) days, his or her license will be suspended. If such regular service discontinuance or final judgment continued for a period exceeding three hundred and sixty five (365) days, the By-Law Enforcement Officer may revoke such license but such decision shall be subject to the appeal provisions described in Part II of this By-Law.
18. In the event of the death of the holder of an owner's license, the estate of the deceased shall report it to the By-Law Enforcement Officer within fifteen (15) days of the date of death. The estate shall have a period of one (1) year within which to arrange for continuance of the business without the appropriate license being suspended or cancelled.
19. Every owner shall, within 24 hours; repair any defect(s) in the vehicle as reported to them by a licensed driver or the By-Law Enforcement Officer, and the motor vehicle will not be operated until such repairs have been made. Holidays and weekends will not be counted for purposes of determining the 24-hour period aforesaid. If defect concerns the safety of any person, then the vehicle will be removed from service immediately.
20. Every owner shall comply with the Employment Standards Act and the Occupational Health and Safety Act of Ontario.
21. The owner shall notify the By-Law Enforcement Officer within twenty-four (24) hours upon replacement of the Provincial License Plate(s) for any taxicab, due to loss or theft.
22. The owner shall notify the By-Law Enforcement Officer within twenty-four (24) hours upon any loss or theft of any number plate(s) issued in accordance with this By-Law.
23. Every owner of one or more licensed taxicabs operated by others shall file, in writing, with the By-Law Enforcement Officer, the name and address of each licensed driver employed by him, and shall within two (2) days advise the By-Law Enforcement Officer of all changes in his staff or licensed drivers.
24. An owner's vehicle, to be licensed, shall be submitted for visual inspection by the By-Law Enforcement Officer and the owner shall produce satisfactory proof that, in the case of a taxicab only, the vehicle:

- i) has a manufacturer's rated seating capacity of not less than 5 and not more than 9, including the driver;
 - ii) has operable seatbelt assemblies for all seating positions within the motor vehicle;
 - iii) possesses no less than three (3) side passenger doors;
 - iv) is equipped with at least 5 serviceable tires, one of which shall be available as a spare and each shall comply with The Highway Traffic Act Tire Standards and Specifications, R.R.O. 1990, Reg. 625, as may be amended: and
 - v) with respect to a taxicab only, has reasonably sufficient available luggage space;
 - vi) has a valid Safety Certificate issued for the motor vehicle;
 - vii) is equipped with a roof sign, such sign to be installed on the roof of the taxicab while the vehicle is in use as a taxicab. The roof sign shall be illuminated, when the vehicle is in operation as a taxicab from half an hour after sunset to half an hour before sunrise;
 - viii) has a heater in good working order; and
 - ix) has an Emergency First Aid Kit and an Emergency Road Kit.
25. Every owner of a licensed taxicab shall, on the 1st day of March of each year, provide the By-Law Enforcement Officer with a certificate of mechanical fitness for the vehicle, or each of the vehicles owned and used by the owner.
26. No person shall prevent the By-Law Enforcement Officer from inspecting a taxi that is not engaged, for the purpose of satisfying himself as to the sufficiency, cleanliness, repair and condition of any vehicle or its equipment in respect of which a license is applied for or has been issued under this By-Law and to that end, may give a taxicab owner or driver written notice requiring such owner or driver, at their own expense, cause any vehicle and require the taxicab owner to obtain an Ontario Ministry of Transportation Safety Standards Certificate.
27. The Ontario Ministry of Transportation Safety Standards Certificate provided pursuant to Sections 25(vi) and 26 - must be verified to the satisfaction of the By-Law Enforcement Officer. If it is determined that the said Safety Standards Certificate is false or was fraudulently obtained or issued, the By-Law Enforcement Officer may suspend or revoke the owner's license and number plate for cause. In such an event the By-Law Enforcement Officer, or the Board, shall not be required to comply with the suspension and revocation procedures described in Part II, of this By-Law.
28. Every owner shall ensure that, where a vehicle is equipped with a propane or natural gas tank, that it has been installed and certified by a licensed, certified gas fitter and in all respect complies with applicable Provincial Regulations. The owner shall produce, upon request by the By-Law Enforcement Officer, for inspection a certificate certifying compliance with the applicable Provincial Regulations with respect to any such vehicle so equipped.

29. The owner of every licensed taxicab shall at all times keep the same in a clean and sanitary condition and in good repair, and the By-Law Enforcement Officer may, upon breach of this provision, suspend the operation of such vehicle, until such time as the same has been put in a clean and sanitary condition and in good repair, and such owner shall thereupon cease to operate, or permit the operation of said vehicle.
30. Owners must assist the By-Law Enforcement Officer in his inquiry where a complaint has been made against an owner or driver and that complaint is being investigated.
31. Owners are, at all times, to ensure compliance with the applicable human rights legislation, failure of which may result in an investigation, hearing, and possible suspension or revocation of their license.

PART VI -TAXICAB DRIVERS' REGULATIONS

1. Except where provided, any provisions of this By-Law that apply to taxicab drivers shall also apply to limousine and accessible taxicab drivers.
2. Every driver should have a thorough knowledge of the duties of a taxicab driver as set out in this By-Law and be prepared to submit to a written or oral test upon the request of the By-Law Enforcement Officer.
3. All drivers shall comply with the application and licensing requirements set out in this By-Law.
4. No person shall transport or permit another person or persons to be transported from one point within the Town to another point within the Town, or to any point not more than five (5) kilometers beyond its limits and charge a fee for said transportation, except as authorized under this By-Law.
5. No person shall drive or act as a driver of any taxicab to which this By-Law applies without having a driver's license issued from the By-Law Enforcement Officer which said license may be in Form 3 herein, or in like form, and such person shall, upon making application for his license, pay to the By-Law Enforcement Officer the license fee prescribed in *Schedule C* herein. The fee shall be an annual one and shall not be divisible except as provided in *Schedule C*. The application for such license may be in Form 1 herein, or in the like form.
6. Every Driver shall:
 - Each day before commencing his shift and similarly at the end of each shift, shall

examine the vehicle for mechanical, safety or sanitary defects to the vehicle and shall report forthwith any defects found to the owner of the vehicle.

- Ensure that his taxicab is maintained in a clean condition as to its exterior and in a clean, dry and odor-free interior.
 - Report forthwith to his employer any accident or collision in which he or a passenger was involved connected with the operation of his taxicab.
 - At the expiration of his shift, return the taxicab to his employer and shall not at any time abandon the taxicab or permit any other person drive same.
 - Charge a single fare for each trip.
7. A driver may, between the hours of 8 p.m. and 8 a.m. each day, require payment of the taxi fare up front. The amount to be paid shall be a reasonable pre-estimate of the fare, based on the current rate tariff card, and the estimated distance of travel. Should the actual distance traveled prove less than the advance estimate, the balance of the pre-paid fare shall be returned promptly to the person hiring the taxicab. Should a person fail or refuse to pay the fare up front, the driver may refuse to convey the passenger.
8. Every driver while acting as such, shall:
- a) Be properly dressed, neat and clean in his person. Clothing shall be clean, and free from holes, tears and odor in the material. Shirts shall be equipped with a collar, neat properly cuffed knee length shorts, sweaters, jackets, shirts or hats shall not display any graphics or language likely to offend any member of the public. Bush jackets, jogging pants, spandex leggings or sandals shall not be allowed. Socks shall be worn at all times. Sleeveless shirts, shirts with the mid-riff exposed, or cut-offs shall not be permitted. Sideburns, hair, mustaches or beards shall be kept neat and well-trimmed. The By-Law Enforcement Officer may, in his discretion, make exceptions to the above.
 - b) Be civil, well behaved and refrain from using profanity and shall, when receiving or delivering passengers, give such reasonable assistance in opening of the door and shall deposit all luggage as directed, such request or direction being reasonable. When called to a house or other place for the reception of passengers may notify the person calling of his readiness to receive them, by going to the door or other place and informing an adult of his presence.
 - c) Take due care of all property delivered or entrusted to them for conveyance of safekeeping, and immediately upon their termination of any hiring engagement, shall examine the interior of the taxicab for any property lost or left therein, and

all property or money left in the taxicab shall be forthwith delivered over to the person owning and if the person owning cannot at once be found, the driver shall deliver the property or money to the nearest police station with all the information in their possession regarding said property or money.

- d) Shall turn off any radio, (except for the taxicab two-way radio) tape player or any other sound producing mechanical device in the taxicab upon being requested to do so.
- e) Shall not smoke in any Taxi cab at any time.
- f) Attend, forthwith at the Town Hall office to respond to any public complaints and/or investigations conducted by the By-Law Enforcement Officer on matters relating to this By-Law.

10. Every driver shall:

- a) Give the name of the driver and the owner of the taxicab, if other than the driver, upon request by any passenger, or by any person to whom or to whose property injury has been occasioned by himself or his taxicab.
- b) Take the most direct available route to the destination desired unless the passenger designates otherwise.
- c) Be permitted to operate a taxicab on an hourly basis at the request of a passenger and then only at the rate therefore fixed by *Schedule B*.
- d) Accept as payment for the fare any one or a combination of the following;
 - i) Canadian and American currency or
 - ii) any other method of payment acceptable to the taxicab Owner associated with the relevant taxicab.
- e) Calculate the conversion to Canadian currency, if United States currency is tendered by the passenger in payment of the fare, on the basis of the current rate of exchange as set out by Owner on the date that the currency is tendered by the passenger.
- f) Provide to a passenger, upon request, a receipt disclosing
 - i) the signature of the taxicab driver
 - ii) the taxicab number plate

- iii) the date of the trip
 - iv) the mileage traveled; and
 - v) the amount of the fare
 - g) Keep a trip record of all trips made by the taxicab during a shift, and shall return it to the owner at the end of the shift. The trip record shall contain the following information:
 - i) date, name of the driver and taxicab number plate
 - ii) the location and destination of every trip made
 - iii) the amount of fare collected for each trip
 - iv) make available his trip record and give full information thereof to the By-Law Enforcement Officer on being requested to do so.
11. Request the appropriate Police, Fire or Ambulance Service when they become aware that any member of the community is in urgent need of any of the above services.
 12. A taxicab driver's license issued under this By-Law shall be automatically revoked upon that driver's Provincial driver's license being expired, cancelled, suspended, disqualified or prohibited from driving a motor vehicle by reason of the legal suspension or cancellation in Ontario of their license to drive a motor vehicle or by reason of an Order made under the Criminal Code prohibiting them from driving a motor vehicle on a highway in Canada, and, subject to Part III, Section 7, they shall not be entitled to again apply for a taxicab driver's license until satisfactory proof is filed with the By-Law Enforcement Officer that such suspension, disqualification or prohibition has been terminated. Upon such revocation, the taxi driver's license shall be surrendered immediately to the By-Law Enforcement Officer.
 13. When a taxicab driver's license is revoked, notice may be delivered personally to the licensee or sent by registered mail addressed to the last known address provided by the licensee. The taxicab driver's license must be surrendered to the By-Law Enforcement Officer immediately upon receipt of the said notice.
 14. a) A driver may not be entitled to keeping or renewing of a license under this By-Law, subject to the provisions of Part II, section 1, subsections b, c, d, e, f, g.
 - b) A driver, while on duty shall wear their identification card on their exterior clothing.

15. No Driver Shall:

- a) Operate a taxicab unless the motor vehicle being used has a current (validated) number plate affixed thereto and that the owner of the motor vehicle is licensed as such under this By-Law.
- b) Possess or operate or permit the possession or operation of any device capable of receiving the communication of any competitor. The By-Law Enforcement Officer, may, upon any breach, suspend for a specified period or revoke such driver's license and in such an event the By-Law Enforcement Officer or the Board, shall not be required to comply with the suspension and revocation procedures described in Part II, of this By-Law.
- c) Take, consume, be under the influence of or have in his possession (except in accordance with The Liquor License Act) any alcohol, drugs or other intoxicants, nor shall the use thereof by him be apparent while he is in charge of such taxicab.
- d) Refuse a request for a taxicab without sufficient cause. Sufficient cause shall be deemed to include previous unpaid fare(s) or disorderly conduct by the person so refused.
- e) Refuse to provide service to an individual who is visually or hearing impaired or accompanied by a service animal while such animal is providing service as a guide for the visually or hearing impaired individual or physically challenged person.
- f) Carry any passenger who is under the influence of any intoxicant while his taxicab is occupied by a person who is not accompanying the person so under the influence.
- g) Operate any taxicab without having the owner's license, operator's taxicab driver's license and in case of taxicab only, a tariff card, displayed in plain view of the passenger, and shall produce the license(s) for inspection when asked to do so by any passenger or the By-Law Enforcement Officer. The driver shall not be entitled to receive any fare or charge whatsoever for services unless said property is so displayed.
- h) Make any charges for time lost through defects or inefficiency of the vehicle or the incompetence of the driver.
- i) Publish or use a tariff or demand or receive rates and charges other than

those authorized by this By-Law.

- j) Knowingly drive a person whom he suspects has committed an offence against The Criminal Code of Canada and/or any Federal or Provincial Statutes and is attempting to avoid capture or detection.
- k) Permit any immoral, indecent or disorderly conduct in his taxicab.
- l) Make any loud noise or disturbance or use obscene impertinent or abusive language or molest or annoy or insult any passenger or other person.
- m) Allow any person, other than himself, to act as driver of the taxicab of which he is in charge, except a licensed driver acting as a taxicab trainee.
- n) Be entitled to receive any fare or charge whatever for service if the said driver knowingly or ignorantly misinforms or deceives any person as to the time or place of the arrival or departure of any railway train, or other public conveyance, or the location of or distance from any part of the Town to any railway station, hotel, public place or private residence, or induces any person to employ his taxicab by any false representation, or deceives, insults or ill-treats any passenger, and such person, if convicted of any offence under this subsection shall also incur the penalties hereinafter provided in this By-Law.
- o) Obstruct or interfere with the surrounding traffic patterns.
- q) Charge a tariff or enter into an agreement to charge a tariff which is not in accordance with the appropriate tariff set out in *Schedule A* herein. The provision does not apply to any pre-arranged contract(s) negotiated between the owner and another firm/company or employee thereof.
- r) While conveying a paying passenger, have in his taxicab any person who is not a paying passenger other than a taxicab driver trainee(s).
- s) Double up on any call, i.e. when a taxicab is hired by a passenger or passengers, the said taxicab shall not again be used for hire by any other passenger until the first passenger has reached his or her destination and has been discharged.
- t) Carry in any vehicle a greater number of passengers than is set out in the manufacturer's rating of seating capacity for such vehicle. Seat belts shall be worn pursuant to the provisions of The Highway Traffic Act.
- u) Take on any additional passengers after the vehicle has departed with one or

more passengers from any one starting point except under the following conditions:

- i) when done at the request of a passenger already in the vehicle
 - ii) in an emergency situation
 - iii) when operating a vehicle which is being used exclusively for the transportation of children to and from school
- v) Drive a vehicle with mechanical defects of which they are aware.
- w) Drive a vehicle with luggage or any object placed in, hung on or attached to the vehicle or in such a manner as will obstruct the driver's view of the highway.
- a) In the case of a taxicab only, operate the taxicab without ensuring the roof sign is securely affixed to the roof of the taxicab and is in good working order.
 - b) Drivers are, *at* all times, to ensure compliance with the applicable human rights legislation, failure of which may result in an investigation, hearing, and possible suspension or revocation of their license.

PART VII-LIMOUSINE REGULATIONS

1. Every licensed limousine shall at all times be equipped with at least five serviceable tires, one which shall be available as a spare and each shall comply with The Highway Traffic Act Tire Standards and Specifications, RRO. 1990, Reg. 625, as may be amended.
2. The limousine service that is provided pursuant to this By-Law shall only be provided:
 - a) by pre-arrangement, reserved in advance by at least one (1) hour;
 - b) for a minimum of two (2) hours, at an hourly rate of charge of not less than Thirty (\$36.00) Dollars per hour.
3. For the purposes of this tariff the following definitions shall apply:
 - a) "Sedan or Standard Limousine" means a manufactured full size luxury motor vehicle including full size vans with no alterations to the length of the vehicle.
 - b) "Mini-Stretch Limousine" means a manufactured full size luxury motor vehicle with a maximum stretch of 55.9 cm.

- c) "Stretch Limousine" means a manufactured full size luxury motor vehicle, which has been altered to lengthen the motor vehicle in excess of 55.9 cm to a maximum of 152.4 cm.
 - d) "Super Stretch Limousine" means a manufactured full size luxury motor vehicle, which has been altered to lengthen the motor vehicle by more than 152.4 cm.
4. Limousines shall not be equipped with a radio or any other device capable of monitoring calls for taxicabs, limousines operated by other Owners licensed under this By-Law.
 5. Notwithstanding, the Board may grant a limousine license to an owner currently operating a limousine service with the Town, utilizing a motor vehicle other than defined in this Section on the expressed understanding that such owner agrees to comply with the minimum provisions of this By-Law.

PART VIII - RENTAL REGULATIONS

1. An owner may provide for the rental of his or her vehicle which has affixed the taxicab, limousine or accessible taxicab license issued to it on a daily, weekly, monthly or yearly basis provided that:
 - a) the owner provides a motor vehicle that complies with the requirements of this By-Law.
 - b) the owner retains the ability and right to obtain possession and control of the vehicle to ensure compliance with the provisions of the By-Law.
 - c) no person shall rent a plate without the concurrent rental of the motor vehicle registered to that plate as the licensed taxicab, limousine or accessible taxicab, of record with the By-Law Enforcement Officer.

PART IX - TARIFF REGULATIONS

1. The rates or fares to be charged by the owners or drivers of taxicabs, or motor vehicles to which this By-Law applies, for the conveyance of passengers either wholly within the Town limits, or to any point not more than five (5) kilometers beyond its limits, shall be as shown in *Schedule A* of this By-Law, and no higher an amount than that contained in said *Schedule* shall be charged or payable.
2. The tariff card shall be furnished by the By-Law Enforcement Officer and shall show the tariffs as set out in *Schedule A*. The tariff card shall be contained in clear see-through plastic and placed and kept in the taxicab where it will be clearly visible to

the passenger.

3. Every lost, stolen or damaged tariff card shall be replaced upon payment of the appropriate fee, as outlined in *Schedule C*.
4. Tariff rates shall be set by the Board, and not adjusted more frequently than once during any twelve (12) month period.
5. The date for implementing the Tariff rate adjustment, if any, shall be October 1st.
6. The Board shall only consider a Tariff rate adjustment upon receiving a written request for such an adjustment from a taxicab owner's license holder or a certified union or association representing taxicab drivers.
7. A written request for a Tariff rate adjustment must be submitted to the Board on or before June 1st. This request will be forwarded to the Board for consideration. If no written request for a Tariff rate adjustment is received on or before June 1st in any year, there shall be no adjustment before October 1st of the following year.
8. All Schedules, Forms and Tariff Cards appended to this By-Law shall be deemed to for an integral part of this By-Law.

PART X - PENALTY

Except as otherwise provided herein, or by Statute, any person convicted of a breach of any of the provisions of this By-Law, or any By-Law amending same, shall forfeit and pay, at the discretion of the convicting judge, a penalty not exceeding \$2000.00 for each offence, exclusive of cost, and such fines are recoverable under the Provincial Offences Act.

That By-Law 09-1998 is hereby repealed and replaced by this current By-Law.

This By Law shall come into force and take effect on the date of the passing thereof.

READ A FIRST AND SECOND TIME THIS 20th Day of January 2014

Mayor

Clerk

READ A THIRD AND FINAL TIME THIS _____ Day of _____ 2014

Mayor

Clerk