

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2017-053

A by-law to amend By-law 2015-075, a by-law to provide for the licensing and regulation of various businesses in the Town of Oakville.

COUNCIL ENACTS AS FOLLOWS:

That the Town of Oakville Licensing By-law 2015-075 is amended as follows:

1. By deleting Schedule 34 and replacing it with Schedule 34 attached hereto.

PASSED this 26th day of June, 2017.

Rob Burton

Mayor

Vicki Tytaneck

Town Clerk

SCHEDULE 34: TAXICAB OWNER / BROKER / DRIVER

1. Issue of Licence or Renewal of Licence

- (1) When an application for a licence or for a renewal of a licence is made in accordance with the provisions of this By-law and the applicant meets all the requirements of this By-law, the Licensing Commissioner shall:
 - (a) for an owner, issue an owner's plate and/or a licence sticker;
 - (b) for a taxicab broker, issue a brokerage licence;
 - (c) for the holder of a Non-transferable Special Wheelchair Accessible Plate, issue a Non-transferable Special Wheelchair Accessible Plate and/or a licence sticker; and
 - (d) for a driver, issue a taxicab driver's licence;all of which shall set out the expiry date of the licence.
- (2) A person who is the owner of more than one vehicle shall take out a separate licence for each vehicle that is to be used as a taxicab in the Town.

2. Licensing Prerequisites New Application

- (1) In addition to the general licensing requirements set out in Schedule 1 of this By-law, every applicant for a taxicab driver's licence shall submit to the Licensing Section:
 - (a) proof of either:
 - i. Canadian citizenship,
 - ii. landed immigrant status, or
 - iii. a valid work permit issued by the Government of Canada;
 - (b) upon request of the Licensing Commissioner, a certificate prepared by a duly qualified medical practitioner which states that the applicant is fit and able to drive a taxicab; and
 - (c) drivers of accessible taxicabs must show proof of successful completion of the training program provided by an approved trainer, or proof satisfactory to the Licensing Commissioner of successful completion of any other comparable program as approved from time to time by the Licensing Commissioner which qualifies the taxicab driver to serve persons with disabilities.

3. Time for Renewal

- (1) Every application for renewal of a licence shall be delivered in accordance with the requirements of this By-law to the Licensing Section before the expiry date of the licence, failing which, the Licensee shall not be permitted to operate as a taxicab driver, owner or broker.
- (2) Notwithstanding subsection (1), when an application for renewal of a taxicab owner, driver or broker's licence is delivered to the Licensing Section within 40 days after the date of expiry of the licence, the application shall be processed by the Licensing Section as a renewal.
- (3) When no application for renewal of a licence is delivered to the Licensing

Section within the time periods prescribed in subsections (1) and (2), the licence or owner's plate shall be cancelled and the applicant shall be required to apply for any subsequent licence as a new applicant.

4. Licence Not Transferable

- (1) The licence issued to a taxicab driver or taxicab broker under this By-law shall not be transferable.
- (2) Notwithstanding the general prohibition against the transfer of licences, owner's plates, other than Non-Transferable Special Wheelchair Accessible Plates, are transferable in accordance with the terms of this Schedule.

5. Inspection of Taxicab

The Licensing Section may carry out random inspections and shall carry out mandatory inspections of licensed taxicabs and temporarily suspend the licence of any vehicle found to be mechanically unfit until such time as the condition has been rectified to the satisfaction of the Licensing Commissioner.

6. Licence required

No person shall permit a vehicle which is owned or leased by that person to be used as a taxicab unless that person is the holder of an owner's plate issued in respect of that vehicle under this By-law.

7. Eligibility to Hold Non-transferable Special Wheelchair Accessible Plates

- (1) Licensed taxicab brokers providing taxicab brokerage are eligible to hold Non-transferable Special Wheelchair Accessible Plates issued under this By-law.
- (2) Unassigned Non-transferable Special Wheelchair Accessible Plates may be issued by the Licensing Commissioner to eligible taxicab brokers based on the following criteria:
 - (a) If only one taxicab broker is providing accessible taxicab service using Non-transferable Special Wheelchair Accessible Plates, then first priority shall be given to creating competition by offering the plates to taxicab brokers not holding Non-transferable Special Wheelchair Accessible Plates;
 - (b) If sufficient plates are available for assignment, second priority shall be to ensure that each holder of Non-transferable Special Wheelchair Accessible Plates has at least two Non-transferable Special Wheelchair Accessible Plates; and
 - (c) If the criteria in subsections 2(a) and (b) do not result in the selection of a single taxicab broker, or if the Licensing Commissioner is not satisfied that the eligible taxicab broker is willing and able to provide service in accordance with the requirements of this By-law, the Licensing Commissioner shall determine the issue of the assignment of the plates,

subject to ratification by Council.

- (3) Non-transferable Special Wheelchair Accessible Plates shall be cancelled by the Licensing Commissioner upon the holder of the plate(s) ceasing to be qualified to hold such plate(s). Notwithstanding such cancellation, the Licensing Commissioner may make such temporary arrangements as are necessary and appropriate in the opinion of the Licensing Commissioner to maintain the continuity of service pending the reassignment of the accessible taxi plates, such temporary arrangements not to exceed three months without the approval of Council.
- (4) The holders of Non-transferable Special Wheelchair Accessible Plates are subject to the provisions of this By-law generally applicable to owners, unless such provisions conflict with specific provisions applicable to Non-transferable Special Wheelchair Accessible Plates.

8. Owner's Licensing Prerequisites

Every applicant for an owner's licence shall ensure that the owner's vehicle meets the requirements relating to vehicle approval as set out in section 13 of this Schedule.

9. Taxicab Owner's Duties

Every licensed owner of a taxicab shall:

- (1) ensure that the taxicab:
 - (a) meets the standards required for the issue of an acceptance under an Ontario Ministry of Transportation Vehicle Inspection Report or meets the standards for the issue of a Safety Standard Certificate of mechanical fitness;
 - (b) interior is:
 - i. clean,
 - ii. dry, and
 - iii. in good repair;
 - (c) exterior is:
 - i. clean,
 - ii. in good repair,
 - iii. free from exterior body damage,
 - iv. possesses a well maintained exterior paint finish, and
 - v. equipped with four (4) identical hubcaps;
 - (e) is equipped with two doors on both sides and a taxicab meter is installed and operational.
- (2) keep at all times in the vehicle for which the person is the licensed owner, the original or a photostat copy of the original of each of the following documents:
 - (a) the current Ontario Ministry of Transportation and Communications Passenger Motor Vehicle Permit issued for that licensed vehicle;

- (b) the current owner's licence permit issued under this By-law; and
 - (c) the certificate of liability insurance for the vehicle in accordance with this By-law;
- (3) have in or on the taxicab:
- (a) the owner's plate firmly affixed to the right rear trunk or at a location and manner approved by the Licensing Commissioner;
 - (b) the owner's plate number for that taxicab, in numbers of at least 15 centimeters in height, affixed to the rear of both front fenders not more than 8 centimeters below the top of the fenders and on the back of the vehicle in a clearly visible location, of a distinct contrasting colour to that of the vehicle to which they are affixed, or in a location or manner approved by the Licensing Commissioner;
 - (c) affixed to the passenger visor so as to be visible to the passenger or in a location approved by the Licensing Commissioner, the current tariff card which bears the plate number of the taxicab;
 - (d) a taxicab meter approved by the Licensing Commissioner mounted in a position that is clearly visible to the passengers in the front and rear seats of the taxicab; and
 - (e) an electrically illuminated roof sign which is securely attached to the top of the taxicab in a manner approved by the Licensing Commissioner and wired to the taxicab meter and working in conjunction with the taxicab meter so that it is not illuminated when the taxicab meter is engaged and is illuminated when the headlights are on and the taxicab meter is in a vacant status;
- (4) employ or use only the services of drivers who are licensed under this By-law; provide the Licensing Section and, where applicable, any licensed taxicab broker with whom the owner may be associated, with the name of any licensed driver operating the taxicab within two (2) business days of the time when the licensed driver has commenced to operate the said taxicab;
- (5) retain all trip sheets for at least twelve (12) months and make them available for inspection at the request of an inspector or the Licensing Commissioner;
- (6) promptly repair any mechanical defect in the taxicab observed by the owner or reported to the owner by a licensed driver or the Licensing Commissioner;
- (7) notify the Licensing Commissioner when the effect of any collision or other occurrence will be to prevent a taxicab licensed under this By-law from being operated for more than five days;
- (8) if holding multiple licences, ensure that all the taxicabs are available on a continuous twenty-four hour basis to the satisfaction of the Licensing Commissioner;
- (9) upon request of the Licensing Commissioner produce the owner's licence issued under this By-law and such other documentation as is requested upon an inspection;

- (10) if holding a licence for an accessible taxicab:
 - (a) only operate an accessible vehicle which complies with this By-law;
 - (b) take such steps as may be required to ensure that accessible taxicabs are available to passengers with disabilities on a continuous twenty-four hour basis to the satisfaction of the Licensing Commissioner;
- (11) keep accurate records of the number of trips made monthly for all passengers, including passengers with disabilities using the accessible taxicab; and
- (12) enter into a written contract with all licenced drivers operating that owner's taxicab and a copy of each contract shall be provided to the Licensing Commissioner upon request.

10. Taxicab Owner's Prohibitions

No licensed taxicab owner shall:

- (1) permit a vehicle not owned by the owner to be operated in any manner under the authority of the owner's plate;
- (2) permit the owner's taxicab to be operated with mechanical defects of which the owner is aware;
- (3) operate or permit the operation of the owner's vehicle as a taxicab without the owner's plate or licence sticker for that vehicle affixed thereto;
- (4) operate or permit the operation of the owner's vehicle as a taxicab if it is not a licensed taxicab under this bylaw;
- (5) use or permit the use of the owner's vehicle as a taxicab if the useable trunk capacity of the vehicle has been reduced such that the vehicle is incapable of accommodating a wheelchair, walker or similar device used to aid persons with disabilities;
- (6) fail to actively operate a vehicle for which the owner has been issued an owner's plate as a taxicab for more than 365 consecutive days.
- (7) permit the taxicab to be operated without a heater in working condition;
- (8) permit the taxicab to be operated without an air conditioning system in working condition;
- (9) display any owner's plate, decal or sticker issued by any other municipal licensing authority or purporting to be issued by such municipal licensing authority;
- (10) allow or permit the taxicab to be operated when it has exterior body damage or rust for more than thirty (30) days following notice in writing by the Licensing Commissioner or a police officer;
- (11) put any name, address or telephone number or other identification on the taxicab or the taxicab's roof sign other than that of the taxicab broker with whom the owner is affiliated;
- (12) place on the taxicab any emblem, decal, roof sign or other markings which are

- the same colour or similar to any distinctive emblem, decal, roof sign or other marking being used by any taxicab broker with whom the owner is not affiliated;
- (13) operate a taxicab which has the same distinctive colour scheme being used by any taxicab broker with whom the owner is not affiliated;
 - (14) operate the taxicab in affiliation with a taxicab broker who is not licensed under this By-law;
 - (15) display any sign, emblem, decal, ornament or advertisement on or in the taxicab except in a form and location approved by the Licensing Commissioner;
 - (16) tamper with any taxicab meter so that it does not reflect the appropriate tariff set out in Appendix "1" of this Schedule;
 - (17) operate or permit the taxicab to be operated unless the taxicab meter is a type approved by the Licensing Section and has been tested by an inspector;
 - (18) put any taxicab into service without first having properly affixed to the vehicle the owner's plate, the roof light and the side numbers;
 - (19) affix any material to the windows of the taxicab without the permission of the Licensing Commissioner; or
 - (20) permit a taxicab operating under a Non-transferable Special Wheelchair Accessible Plate to operate outside the boundaries of the Town between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, except for the purpose of transporting a passenger with a disability.

11. Disposal of Taxicab

When a licensed taxicab owner disposes of or otherwise ceases to use as a vehicle licensed as a taxicab under this By-law, the owner shall remove the following items from that vehicle immediately upon the vehicle ceasing to be used as a taxicab and prior to any disposal of the vehicle:

- (1) the roof light;
- (2) taxicab meter;
- (3) all identifying decals or markings;
- (4) fender numbers; and
- (5) all other items which make the vehicle appear to the public to be a taxicab.

12. Insurance

- (1) When a licensed owner ceases to have a current valid Ontario standard automobile insurance policy in good standing and properly endorsed in accordance with the provisions of this By-law, the licence shall be deemed to be suspended as of the date on which the cessation of insurance occurred, and the licence shall only be reinstated on there being delivered to the Licensing Commissioner written proof of insurance in accordance with the provisions of this By-law.
- (2) When the licensed owner has had the owner's licence suspended under subsection (1), the owner shall forthwith remove the owner's plate and return or

relinquish the owner's plate and the licence to the Licensing Commissioner.

- (3) When a licensed owner cancels the owner's current insurance before the expiry date of the policy, the owner must produce a certificate of newly acquired insurance properly endorsed in accordance with the provisions of this By-law, or return the owner's plate and licence to the Licensing Commissioner on the date and time of cancellation.
- (4) Every licensed owner shall file with the Licensing Commissioner at least five (5) working days prior to the expiry date of the current insurance policy all insurance renewal policies or certificates of insurance.

13. Vehicle Approval

- (1) An applicant for an owner's licence shall, before using the vehicle to be licensed as a taxicab under this By-law:
 - (a) attend at the Licensing Section and produce and file the following documents:
 - i. a copy of the current passenger motor vehicle permit in good standing issued by the Ministry of Transportation and Communications issued in the plate owner's name;
 - ii. a copy of the current Ontario Standard Automobile Insurance Policy endorsed to show the vehicle being registered; and
 - iii. a Safety Standard Certificate issued under the *Highway Traffic Act* within the previous thirty-six (36) days; and
 - (b) pay the appropriate fee.
- (2) A licensed owner shall file with the Licensing Section all documents required by the Licensing Commissioner to report any change related to the vehicle ownership within one (1) business day of such change of vehicle ownership.
- (3) An owner licensed under this By-law who disposes of their vehicle licensed as a taxicab or otherwise ceases to use the taxicab for the purposes permitted under this By-law and acquires another vehicle for the purposes permitted under this By-law, before using the vehicle shall comply with subsection(1) and (2).
- (4) For the purposes of the inspection required under subsections(1) and (3), the vehicle to be used shall be submitted for inspection by the Licensing Commissioner during normal business hours and shall not be used until the inspection has taken place, the approval given and the other provisions of subsections (1) and (3) have been satisfied.
- (5) When the vehicle inspection has taken place as required under subsections (1) or (3), and the vehicle has been approved, the vehicle shall be deemed to be licensed as a taxicab.

14. Model Year Restrictions

- (1) No motor vehicle more than four (4) model years old shall be licensed as a taxicab.
- (2) The renewal of a taxicab licence will not extend to a vehicle more than seven (7) model years old.

- (3) Notwithstanding the provisions of subsection (2), an owner may, on written request to the Licensing Section and on payment of the fee, obtain a one-year extension on the model year of the existing taxicab, such extension not to exceed beyond ten (10) years of the model year of the vehicle.
- (4) For the purposes of this By-law, the age of a motor vehicle shall be calculated from July 31st of the model year.

15. Taxicab Meter Testing and Approval

When the Licensing Commissioner is not available to test the taxicab meter as required because the services have been requested outside the regular business hours of the Licensing Section, the licensed taxicab owner or licensed taxicab driver who has had the taxicab meter altered, repaired or replaced in the taxicab, may operate the taxicab for a period of one (1) business day that Town Hall is open for business, provided that the licensed taxicab driver has in the driver's possession a certificate or receipt for the alteration, repair or installation of the taxicab meter signed and dated by the person who made the alteration, repairs or installation.

16. Mandatory Taxicab Inspections

- (1) The Licensing Commissioner shall give notice to the licensed taxicab owner of one mandatory inspection a year for each taxicab.
- (2) Upon receipt of notice of inspection under subsection (1) each licensed taxicab owner or the owner's driver shall attend with the vehicle at the appointed time and place and shall bring a Safety Standards Certificate issued under the *Highway Traffic Act* within thirty-six (36) days of the date of attendance. Failure to attend shall result in the taxicab being suspended from operation until an inspection can be completed. A re-inspection fee will apply.
- (3) If a taxicab is removed from service due to a significant failure of the inspection required under subsection (1) which could affect public safety, a re-inspection fee will apply.
- (4) When a vehicle has been inspected under Section 18 within thirty (30) days of the date set out in the notice of mandatory inspection referred to in subsection (1), the taxicab owner shall not be required to have the vehicle re-inspected as required by the notice.
- (5) If a taxicab accumulates more than 50,000 kilometers in a calendar year the taxicab owner shall submit to the Licensing Commissioner a second Safety Standards Certificate issued under the *Highway Traffic Act*.

17. Transfer of Taxicab Owner's Licence

- (1) No taxicab owner shall transfer or otherwise dispose of a licence unless the owner:
 - (a) has held that licence as a taxicab owner for at least three years if issued from the Waiting List, or for one year if transferred from a previous owner;
 - (b) follows the procedure set 17(2); and
 - (c) pay the appropriate fee.

-
- (2) A taxicab owner transferring their taxicab owner's plate licence shall:
 - (a) complete and file with the Licensing Section a declaration provided by the Licensing Section;
 - (b) provide a fully detailed contract of sale for the taxicab owner's plate; and
 - (c) return to the Licensing Section the owner's plate and licence sticker issued in the owner's name which is being transferred.
 - (3) Notwithstanding the provisions of subsection (1)(a), the holder of a taxicab owner's licence may request a hearing before the Appeals Committee to permit the transfer or other disposition of a licence plate before the expiry date of the prescribed time protocol.
 - (4) When there is a transfer or other disposition of shares of a corporation which is duly licensed as a taxicab owner under this By-law, such that after such transfer or disposition the person who controlled (within the meaning of subsection 1(5) of the *Business Corporations Act*, R.S.O. 1990, c. B.16) the corporation prior to the transfer or disposition no longer controls the corporation, it shall be deemed to be a transfer of a taxicab owner's licence and the provisions of subsections (1) and (2) shall apply.
 - (5) When a transfer is approved by the Licensing Section, the new taxicab owner must submit the vehicle for examination in accordance with this By-law before the licence and an owner's plate or licence sticker is issued.
 - (6) No person shall sell, lease, rent, transfer or otherwise dispose of a Non-transferable Special Wheelchair Accessible Plate.

18. Transfer of Deceased Taxicab Owner's Licence

- (1) The provisions of Sections 17(1), (2), (3) and (4) do not apply where the licence becomes an asset of the estate of a deceased owner.
- (2) Where the owner of a taxicab dies, the licence shall be suspended and the plate or licence sticker shall be removed forthwith.
- (3) Subject to subsection (2), on the death of a taxicab owner the plate or licence sticker shall be returned to the Licensing Section and after filing documentation sufficient to prove that the licence is an asset of the estate, the licence may be transferred to the estate of the deceased taxicab owner and may be held in the name of the estate until disposition to a person qualified under this By-law.
- (4) Notwithstanding the provisions of subsection (3), if the licence is transferred into the name of the estate of a deceased owner it can only be held in the name of the estate for a period of one year from transfer and if it not disposed of in that period it shall be revoked by the Licence Commissioner unless such period is extended by the Appeals Committee.
- (5) To effect transfer of an owner's licence to the estate of a deceased owner the following must be filed:
 - (a) proof that the persons disposing of the property have the legal status to effect the transfer;

- (b) proof of insurance in the name of the estate; and
 - (c) proof of ownership of the motor vehicle in the name of the estate.
- (6) When the owner's licence is transferred to a spouse, it will not be a prerequisite that a taxicab driver's licence be obtained.

19. Taxicab Broker Duties

Every licensed taxicab broker shall:

- (1) maintain an office within the Town from which the taxicab brokerage business is conducted which provides adequate telephone, radio and dispatch facilities and off-street parking;
- (2) require all taxicab owners who have entered into arrangements with them for the provision of taxicab brokerage services to use the same design and colour scheme of roof sign which shall include the name of the taxicab broker, and shall produce a file sample of the roof sign with the Licensing Section;
- (3) provide a file sample of any roof sign used by the brokerage to the Licensing Section;
- (4) provide the Licensing Section with a list showing in numerical order by owner's plate number the name of every driver operating any taxicab with respect to which an arrangement has been entered into for the provision of taxicab brokerage services;
- (5) upon request, provide the Licensing Section on a monthly basis with dispatch order counts which record the number of trips each vehicle has made for all passengers, including passengers with disabilities;
- (6) upon request, provide the Licensing Section each year with the annual dispatch order counts within one (1) month of the end of each calendar year;
- (7) notify the Licensing Section in writing within ten (10) days of any additions or deletions from the list provided under subsection (4);
- (8) carry on the taxicab brokerage business twenty-four (24) hours a day during the term of the licence unless otherwise directed by the Licensing Commissioner;
- (9) keep a record of each taxicab dispatched on a trip, the time and date of receipt and dispatch of the order, and the pickup location, and shall retain the records for a period of at least six months, and make them available to the Licensing Commissioner upon request;
- (10) supply the Licensing Section with a copy of the taxicab broker's Federal Radio Licence call sign and frequency number, if any;
- (11) upon request, inform any customer of the anticipated length of time required for a taxicab to arrive at the pickup location;
- (12) when volume of business is such that service will be delayed to a prospective customer, the broker shall inform the customer of the approximate time of the delay before accepting the order;



- (13) dispatch a taxicab to any person requesting service within the Town unless the person requesting service has not paid for a previous trip and these facts are verified by the broker, and the person requesting service is advised of the reason for refusing to dispatch the taxicab;
- (14) file a list of the taxicab brokerage rules and procedures including the terms and conditions of payment by owners or their agents with the Licensing Section, and abide by the rules and procedures and display the same list filed prominently in the taxicab brokerage office;
- (15) carry on the business only in the name in which the broker is licensed;
- (16) if there is more than one broker licensed by the Town, where service requested is of a type which would require an accessible taxicab and the broker does not dispatch to accessible taxicabs or does not have an accessible taxicab immediately available to service the call, the broker shall advise the person requesting such service of any estimated delay in service and of the name and telephone number of other brokerages licensed by the Town offering such service;
- (17) where the brokerage provides accessible taxicabs and such service is requested by a person with a disability, provide priority service for such person;
- (18) provide the licensing section with a list of all taxicab drivers that operate an accessible taxicab; and
- (19) provide training to all drivers who have entered into arrangements with the broker on driver expectations.

20. Taxicab Broker Prohibitions

No licensed taxicab broker shall:

- (1) charge dispatch fees or increase dispatch fees unless the broker has first:
 - (a) submitted in writing a notice of intent to the Licensing Commissioner at least one (1) month prior to the proposed effective date of any increase or imposition of fees; and
 - (b) prominently displayed in the brokerage office a copy of the notice of intent for at least one (1) month prior to the proposed effective date of any increase or imposition of fees;
- (2) when implementing any change in the rules and procedures referred to in Section 19(14) ensure it is filed with the Licensing Section and displayed prominently in the brokerage office for one month prior to the change taking effect;
- (3) accept orders for, or dispatch or direct orders to a taxicab:
 - (a) where the service requested of the broker or driver is prohibited under this By-law, or any other municipal By-law or provincial or federal statute;
 - (b) where the owner of the taxicab is not licensed under this By-law, unless otherwise approved by the Licensing Commissioner; or
 - (c) where the amount charged is less than the fare permitted under this By-law, except in the case of a pre-arranged trip;
- (4) be permitted to have exclusive rights to any taxicab stand in the Town or enter



- into or become a party to any exclusive concession agreement;
- (5) require any driver to accept any order necessitating an expenditure of money by the driver on behalf of the customer;
 - (6) make any charge or financial demand, directly or indirectly, of a taxicab owner or driver of a taxicab other than dispatch fees;
 - (7) dispatch to any person a taxicab which is not on the list provided under Section 19(4);
 - (8) charge a tariff or enter into an agreement to charge a tariff or advertise a tariff which is not in accordance with the approved tariff set out in Appendix "1" of this Schedule, with the exception of pre-arranged trips for school children;
 - (9) possess or use on premises associated with the brokerage, or have anywhere in the broker's possession, a scanner or radio that is capable of monitoring a taxicab broker's radio frequency other than the broker's own radio frequency;
 - (10) dispatch calls to any taxicab if the licensed owner or licensed driver, in the opinion of the Licensing Commissioner, is in contravention of any section of this By-law;
 - (11) permit any person or dispatcher to use obscene, abusive, foul, racist or threatening language in the course of transmitting or receiving messages or orders on any radio system or telephone system used in conjunction with the brokerage;
 - (12) dispatch a taxicab operating under a Non-transferable Special Wheelchair Accessible Plate on a call requiring the taxicab to operate outside the boundaries of the Town between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, unless for the purpose of transporting a passenger with a disability; or
 - (13) charge the owner of an accessible taxicab a higher dispatch fee than the dispatch fee applicable to other taxicabs.

21. Taxicab Driver's Duties

Every licensed driver shall:

- (1) examine the vehicle for obvious mechanical defects and interior or exterior damage to the vehicle each day before commencement and after completion of the operation of the vehicle, and shall report forthwith any defects found to the owner of the vehicle;
- (2) carry their Ontario driver's licence at all times while operating the vehicle;
- (3) display at all times while operating the vehicle and in a location approved by the Licensing Commissioner, their current taxicab driver's identification card with coloured photograph issued by the Licensing Section;
- (4) apply to the Licensing Section for a replacement of their taxicab driver's identification card if it is defaced, destroyed or lost, and pay the appropriate fee;
- (5) be civil, courteous, and refrain from using profanity;



-
- (6) offer to assist every passenger particularly when it is evident that the passenger is a person with a disability, is elderly, or is in need of enhanced service;
 - (7) if requested give a passenger a receipt bearing the name of the taxicab company, the date of the fare, the taxicab plate number, the amount paid and the tax (HST number clearly thereon);
 - (8) except where there is a previous order or engagement, serve the first person requiring the service of the taxicab at any place within the Town, at any time by day or night, except when the person:
 - (a) is intoxicated or disorderly;
 - (b) refuses to give the person's destination;
 - (c) is in the possession of an animal other than a medical aid animal;
 - (d) is eating or drinking any food or beverage;
 - (e) has not paid a previous fare;
 - (f) is, in the opinion of the driver, unable or unwilling to pay the fare and has been unable or unwilling to satisfy the driver that they have the funds to pay the fare; or
 - (g) is a grossly unclean person.
 - (9) punctually keep all appointments, and not make any appointment if a previous engagement would prevent the driver from fulfilling it;
 - (10) take due care of all property delivered or entrusted to the driver for conveyance or safekeeping, and, immediately upon the termination of any hiring engagement, shall examine the interior of the taxicab for any property left therein, and all property left in the taxicab shall be forthwith delivered over to the person owning the property and where the owner is unavailable, the driver shall deliver the property to the nearest police station with all the information in the driver's possession regarding the property and report their actions to the brokerage;
 - (11) take the most direct available route to the destination requested by the passenger unless the passenger directs otherwise;
 - (12) display at all times while operating the vehicle and in a location approved by the Licensing Commissioner, a current tariff card as set out in Appendix "1" of this Schedule and the card shall be made available to a passenger upon request;
 - (13) keep a trip sheet of all trips made by the taxicab during a shift and shall turn it in to the owner at the end of the shift. The trip sheet shall contain the following information:
 - (a) the name of the driver, the date and the taxicab owner's plate number;
 - (b) the starting location and destination of every trip made; and
 - (c) the amount of the fare collected for each trip.
 - (14) only enter a taxicab stand by taking the position at the end of any line formed by the taxicabs already on the stand;
-



-
- (15) engage the taxicab meter at the commencement of the trip when the passenger enters the taxicab and keep it engaged throughout the trip except where subsection 20(8) of this Schedule is applicable;
 - (16) at the conclusion of the trip, place the taxicab meter in the time off status and, after payment, place it in the vacant status;
 - (17) turn off any radio, tape player, compact disc player or any other sound-producing mechanical device in the taxicab and turn down the volume on the two-way radio upon being requested to do so by any passenger, and having done so, leave such devices in the off position or, if two-way radio, turned down, until termination of the trip with that passenger;
 - (18) only operate a vehicle which:
 - (a) meets the standards required for issuance of an Ontario Ministry of Transportation Vehicle Inspection Report or meets the standards for issuance of a Safety Standard Certificate of mechanical fitness;
 - (b) as to its interior is:
 - i. clean,
 - ii. dry, and
 - iii. in good repair;
 - (c) as to its exterior is:
 - i. clean,
 - ii. in good repair,
 - iii. free from exterior body damage, and
 - iv. possessing a well maintained exterior paint finish; and
 - (d) is equipped with two doors on both sides and a taxicab meter is installed and operational.
 - (19) if operating an accessible taxicab, only operate an accessible vehicle which complies with the definition of such a vehicle as set out in this By-law;
 - (20) if operating an accessible taxicab, securely fasten all wheelchairs or any other passenger aids so that they are prevented from moving while the accessible vehicle is in motion; and
 - (21) upon request of the Licensing Commissioner, produce their licence issued under this By-law and such other documentation as may be required and set out in this Schedule.

22. Taxicab Driver Prohibitions

No licensed driver shall:

- (1) carry in any vehicle a greater number of passengers than is set out in the manufacturer's rating of seating capacity for such vehicle;
- (2) operate a vehicle with luggage or any object placed in, hung on or attached to the vehicle in such a manner as will obstruct the driver's view of the highway;
- (3) take, consume or have in their possession any alcohol, drugs or intoxicants while operating a taxicab, or operate a taxicab while under the influence of

- alcohol, drugs or intoxicants, regardless of whether the level of intoxication meets or exceeds the standards otherwise prescribed by law;
- (4) use any tariff card, other than that obtained from the Licensing Section, or remove, exchange, lend or otherwise dispose of the tariff card;
 - (5) take on any additional passengers after the vehicle has departed with one or more passengers from any one starting point except under the following circumstances:
 - (a) when done at the request of a passenger already in the vehicle;
 - (b) in an emergency situation;
 - (c) when operating a vehicle which is being used exclusively for the transportation of children to and from school; or
 - (d) when operating an accessible taxicab which is being used pursuant to a prearranged contract for transportation of passengers with disabilities;
 - (6) leave any passenger at any location other than the destination requested by the passenger unless:
 - (a) the driver is unable to take the passenger to the requested destination by reason of:
 - i. the taxicab being incapable of being operated safely;
 - ii. the driver being incapable of operating the taxicab safely; or
 - iii. the conduct of the passenger being such that the driver can no longer operate the vehicle safely;
 - (b) the driver has requested the attendance of another taxicab or the police at the location; and
 - (c) the other taxicab or the police have arrived at the location;
 - (7) while waiting at a taxicab stand or at any public place:
 - (a) obstruct or interfere in any way with the normal use of the taxicab stand or public place, or interfere with the surrounding traffic patterns;
 - (b) make any loud noise or disturbance;
 - (c) fail to have the taxicab under observation at all times by not being sufficiently close to the vehicle;
 - (d) wash the taxicab; or
 - (e) make repairs to the taxicab, unless the repairs are immediately necessary;
 - (8) pick up any passenger within sixty (60) metres of a taxicab stand when there are one or more taxicabs waiting in line at the stand:
 - (a) unless an arrangement has been previously made with the passenger to pick them up at that location; or
 - (b) unless the passenger exhibits a preference for that taxicab and the chosen taxicab driver notifies the driver of the first taxicab at the taxicab stand;
 - (9) operate a vehicle with mechanical defects of which the driver is aware;



-
- (10) operate a vehicle as a taxicab that is not a licensed taxicab;
 - (11) operate a Non-transferable Special Wheelchair Accessible Plate taxicab outside the boundaries of the Town between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, except for the purpose of transporting a passenger with a disability;
 - (12) accept an order for taxicab services from anyone other than a taxicab broker licensed under this By-law, unless an owner/driver is not affiliated with a taxicab broker, and provided this shall not prevent a driver from accepting a direct request from a passenger who, while present at the same location as the taxicab, has either hailed or approached the taxicab;
 - (13) if affiliated with a taxicab broker, accept direct requests for taxicab service from a passenger who has not used the services of that taxicab broker, provided this shall not prevent a driver from accepting a direct request from a passenger, who while present at the same location as the taxicab, has either hailed or approached the taxicab;
 - (14) permit a passenger to stand in the vehicle while the vehicle is in motion;
 - (15) recommend hotels or restaurants or other like facilities unless requested to do so by the passenger;
 - (16) operate a taxicab when the taxicab meter has not been adjusted in accordance with the existing current rates set out in the By-law;
 - (17) operate a taxicab when the taxicab meter does not operate properly;
 - (18) tamper with a taxicab meter so that it does not correspond with the appropriate tariff set out in Appendix "1" to this Schedule;
 - (19) operate a taxicab whose meter does not correspond with the appropriate tariff set out in Appendix "1" to this Schedule;
 - (20) operate a taxicab without:
 - (a) an owner's plate;
 - (b) side numbers; and
 - (c) a roof light, in accordance with the provisions of this Schedule;
 - (21) induce any person to enter their vehicle by any misleading or deceiving statement or representation to that person about the location or distance of any destination named by that person;
 - (22) publish or use any tariff, or demand or receive rates and charges other than those authorized by this By-law, except in the case of a pre-arranged trip;
 - (23) subject to subsection 20(8) of this Schedule and except for a tip, gratuity, credit card service charge or reimbursement of expenses incurred at the direction of the passenger, recover or receive any fare or charge from any passenger or persons who had demanded the driver's services which is greater or less than the tariff authorized by this By-law under Appendix "1", except in the case of a pre-arranged trip;
 - (24) recover or receive any fare or charge from any person to whom the driver has
-



- refused to show the tariff card;
- (25) make any charge for time lost through defects or inefficiency of the vehicle or the incompetence of the driver;
- (26) make any charge for the time elapsed due to early arrival of the vehicle or the incompetence of the driver;
- (27) operate a vehicle for which there is no proof of insurance filed in accordance with this By-law;
- (28) enter into or become a party to an exclusive concession agreement;
- (29) agree to pay, accept a fee or consideration or do any other act or thing pursuant to an exclusive concession agreement;
- (30) use or permit to be used a two-way radio or monitoring device in the taxicab which enables the driver to transmit and/or receive any frequency of a taxicab broker licensed under this By-law with whom the driver is not affiliated;
- (31) use any radio system or communication system to speak to anyone other than a dispatcher while a passenger is in the vehicle except in the case of an emergency;
- (32) speak in an obscene, foul, boisterous, racist, loud, threatening or abusive manner to any person, including a dispatcher, while carrying on the business of a taxicab driver;
- (33) have any sexual contact with a passenger or initiate such contact by making or responding to sexual advances;
- (34) transport a child under the age of twelve years old in the front seat of the taxicab;
- (35) be required to accept any order when the expenditure of money by the licensed taxicab driver is required on behalf of the passenger; and
- (36) be required to provide change for any note larger than twenty dollars (\$20.00) unless the fare is at least one half (1/2) the value of the note.

23. Exemptions

- (1) Notwithstanding the provisions of section 21(8) of this Schedule, a licensed driver may refuse to serve a passenger if the driver has a disability, impairment or allergy and has filed with the Licensing Commissioner a certificate from their doctor confirming the driver's disability, impairment or allergy and their inability to serve the passenger by reason of the disability, impairment or allergy.
- (2) When a licensed driver is unable to service a passenger for the reasons set out in subsection (1), the licensed driver shall make proper arrangements for the service of that passenger before proceeding to the driver's next engagement.
- (3) For the purposes of this Schedule, an infant two years of age or younger, carried by an adult and sitting in the lap of the adult while in the vehicle, shall not be included in the calculation of manufacturer's rating of seating capacity for such vehicle.

24. Flat Rate

- (1) When a driver picks up a passenger within the Town for a trip with the destination outside the Town, the driver and the passenger may agree before the commencement of the trip to a flat rate.
- (2) When the driver under subsection (1) drives a taxicab, the driver shall engage the taxicab meter while the taxicab is within the Town.

25. Medical Certificate

The Licensing Commissioner may require a taxicab driver to provide a certificate prepared by a duly qualified medical practitioner attesting as to whether or not the taxicab driver is fit and able to operate a taxicab and the taxicab driver's licence will be suspended pending the production of the certificate.

26. Ontario Driver's Licence Suspended & Demerit Points

- (1) When a licensed taxicab driver has had their driver's licence issued under the *Highway Traffic Act* cancelled, revoked or suspended or where such driver's licence has expired, the licence issued under this By-law shall be deemed to be suspended as of the date of cancellation, revocation, suspension or expiration of the licence issued under the *Highway Traffic Act* and the driver shall immediately return to the Licensing Section the licence issued under this By-law.
- (2) When a licensed taxicab driver's Ontario Driver's record shows six (6) demerit points, the driver is required to notify the Licensing Commissioner immediately, attend the Licensing Section for an interview, and will produce a further Ontario Driver's record within six months of the interview.
- (3) When a licensed taxicab driver's Ontario Driver's record shows eight (8) demerit points, the driver will be required to take a driver training course approved by the Licensing Commissioner.
- (4) When a licensed taxicab driver's Ontario Driver's record shows ten (10) demerit points, the taxicab driver's licence will be suspended and the driver shall immediately return to the Licensing Section the licence issued under this By-law.
- (5) When a licensed taxicab driver's licence has been suspended as set out herein, the driver may not apply for re-issuance of a taxicab driver's licence under this By-law until their Ontario Driver's record shows less than six (6) demerit points.

27. Refusal to issue or renew a licence

A Licensee is entitled to have a licence renewed except where:

- (1) at any time within three years prior to the application, the applicant or Licensee has been prohibited from driving due to a conviction under any applicable statute of Ontario or has ever been convicted of an offence under the Criminal Code, the *Narcotics Control Act* or the *Food and Drug Act* provided the conviction directly affects the applicant's or Licensee's ability to competently and responsibly carry on the business of driving a taxicab, owning or operating a taxicab or operating as a taxicab broker or the applicant's or Licensee's ability

- to comply with the provisions of this By-law;
- (2) the applicant or Licensee's Ontario Driver's record shows 10 demerit points;
 - (3) the applicant or Licensee is carrying on activities that are or will be, if the applicant is licensed, in contravention of this By-law;
 - (4) the applicant or Licensee fails to successfully complete any testing, training, educational or awareness program required by the Licensing Commissioner; or
 - (5) does not provide the information required for renewal of a licence under this By-law.

28. Refund of Fee on Refusal to Issue or to Renew a Licence

When an application for a licence or for renewal of a licence is refused, an applicant can apply to the Licensing Commissioner for a partial refund of the licence fee.

29. Issuance of a Licence on Terms and Conditions

Notwithstanding any other provision of this By-law, the Licensing Commissioner shall issue a licence or renew a licence subject to such terms and conditions as are necessary to give effect to this By-law if first consented to by the applicant or Licensee; or if recommended by the Appeals Committee after a hearing.

30. Revocation or Suspension of a Licence

The Licensing Commissioner shall revoke or suspend a licence where the Licensee would be disentitled to a renewal of a licence, and shall advise the Licensee of their right to appeal.

31. Refund of Fee on Revocation of a Licence

- (1) When a licence is revoked, the Licensee is entitled to apply to the Licensing Commissioner for a refund of that part of the licence fee that is proportionate to the unexpired part of the term for which the licence was issued.
- (2) The provisions of subsection (1) do not apply when the unexpired part of the term is less than four (4) months.

32. Cancellation of a Licence

- (1) A licence issued to a taxicab owner may be cancelled by the Licensing Commissioner for non-compliance with the provisions of this By-law unless the taxicab owner can show to the satisfaction of the Appeals Committee just cause for such failure to comply.
- (2) A licence issued to a taxicab owner under this By-law may be cancelled by the Licensing Commissioner at any time if the owner fails to actively operate the vehicle for which the owner's plate has been issued for more than forty (40) days in any six consecutive months unless the owner can show to the satisfaction of the Appeals Committee just cause for such failure.
- (3) A licence issued to a taxicab broker under this By-law may be cancelled by the Licensing Commissioner at any time if the taxicab broker fails to actively operate



for a continuous period of sixty (60) days the taxicab brokerage for which the licence has been issued unless the taxicab broker can show to the satisfaction of the Appeals Committee just cause for such failure.

- (4) A licence issued to a taxicab driver under this By-law may be cancelled by the Licensing Commissioner at any time if the taxicab driver commits any violation of the regulations of this By-law.
- (5) Any licence issued under this By-law may be cancelled by the Licensing Commissioner at any time upon the written request of the Licensee.
- (6) Where a licence is cancelled under this section, the Licensee is not entitled to any refund of the licensing fee or any other fee.

33. Return of the Licence after Cancellation, Revocation or Suspension

- (1) When a licence has been cancelled, revoked or suspended, the holder of the licence shall return the licence and, if applicable, the owner's plate or licence sticker to the Licensing Section within one (1) business day of service of written notice of the decision of the Appeals Committee.
- (2) The Licensing Commissioner may enter upon the business premises or into the vehicle(s) of the Licensee for the purpose of receiving, taking or removing the said licence, owner's plate or licence sticker.
- (3) When a person has had their licence cancelled, revoked or suspended under this By-law, they shall not refuse to deliver up the licence, the owner's plate or licence sticker, nor shall they in any way obstruct or prevent the Licensing Commissioner from obtaining the licence.

34. Limitation of Number of Owner's Licences Issued

- (1) In addition to taxicab owner's licences, a maximum of 6 Non-transferable Special Wheelchair Accessible Plates shall be issued.
- (2) Non-transferable Special Wheelchair Accessible Plates shall be deemed to be taxicab owner's plates, the vehicles licensed pursuant to such plates shall be deemed to be taxicabs, and holders of such plates shall be deemed to be owners under this By-law, except as specifically set out in this By-law.
- (3) No person shall sell, lease, rent, transfer or otherwise dispose of a Non-transferable Special Wheelchair Accessible Plate.
- (4) When Council deems it advisable to issue Non-transferable Special Wheelchair Plates, the requirements set out in section 10 of this Schedule shall apply.

Appendix 1 - TAXICAB TARIFF

- (1) By Distance:
For the initial 130 metres or part thereof: \$4.50
For each additional 130 metres or part thereof: \$0.25
- (2) Waiting Time:
For each 30 seconds of waiting time while taxicab meter engaged: \$0.25

(3) Reduction for Senior Citizens: 10%

- Upon proof of age
- Flat rate trips not included
- Discount not applied on rates below \$10.00

Appendix 2 - CUSTOMER'S BILL OF RIGHTS

Every taxicab customer is entitled to receive:

- (1) prompt and reliable service;
- (2) a courteous, knowledgeable driver who is neat and clean in appearance;
- (3) a safe and comfortable ride in a clean car, both inside and out, in good mechanical condition;
- (4) assistance when required;
- (5) assistance at all times with groceries, luggage and parcels;
- (6) a silent ride upon request; and
- (7) a receipt upon request.

The driver has the right to refuse a fare where the fare:

- (1) is obnoxious or disorderly;
- (2) under the influence of alcohol;
- (3) is in the possession of an animal other than a medical aid animal;
- (4) is eating or drinking any food or beverage;
- (5) has not paid a previous fare;
- (6) refuses to give the destination; or
- (7) is an unclean person.

The driver cannot be required to provide change for any note larger than twenty dollars (\$20.00) unless the fare is at least one half (1/2) the value of said note.