

BY-LAW NUMBER 2009 -1
OF
THE POLICE SERVICES BOARD FOR THE CITY OF ORILLIA

A BY-LAW TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF OWNERS AND DRIVERS OF TAXICABS AND TAXICAB BROKERS

WHEREAS Section 151 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, authorizes a local municipality to licence, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS Section 156 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, states a by-law under Section 151 for licensing, regulating and governing the owners and drivers of taxicabs may:

- (a) establish the rates and fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality;
- (b) provide for the collection of the rates or fares charged for the conveyance, and;
- (c) limit the number of taxicabs or any class of them;

AND WHEREAS Section 23.1 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a local municipality may delegate its power to licence, regulate and govern businesses in the municipality;

AND WHEREAS the Council of the Corporation of the City of Orillia passed By-law Number 1996-136 being a by-law to delegate the power to licence, regulate and govern owners and drivers of Taxicabs and Taxicab brokers to the Police Services Board for the City of Orillia.

NOW THEREFORE THE POLICE SERVICES BOARD FOR THE CITY OF ORILLIA HEREBY ENACTS AS FOLLOWS:

SHORT TITLE

1. This By-law may be cited as the "Taxi Licensing By-Law." In the text of the By-law, it is referred to as "this By-law."

SCOPE

2. This By-law applies throughout the City of Orillia and where specifically provided, within a radius of five (5) kilometers of the boundary of the City of Orillia as shown on Schedule "A."

DEFINITIONS

3. For the purposes of this By-law:

“Applicant” means a person applying for a licence or a renewal of a licence under this By-law and in the case of a corporation, shall include all present directors.

"Board" shall mean the Police Services Board for the City of Orillia.

"Call" shall include a request or direction for the use of a Taxicab, transmitted by radio, radiophone, or by personal request of the prospective passenger, or in any other manner.

"City" shall mean the Corporation of the City of Orillia.

“Company” shall mean any entity engaging in business such as a proprietorship, partnership or corporation.

"Detachment Commander" shall mean the Ontario Provincial Police Detachment Commander for the City of Orillia.

“Dispatch” means the communication of an order or information in any manner between a Taxicab Broker (or his, her or its employees, contractors or agents) and a Taxicab Driver.

"Driver" shall mean a driver of a Taxicab who is licensed as such under this By-law.

“For Hire” when used in respect of a Taxicab, means having any such vehicle for use or service in exchange for a fee, or other monetary consideration.

"Licence" shall mean a licence granted by the Detachment Commander under the provisions of this By-law.

“Licensee” means a person licensed under this By-law.

“Officer” shall mean a Municipal By-law Enforcement Officer, Police Officer, or Police Cadet.

“Operate” when used in reference to a Taxicab, includes to drive the said vehicle and to make it available to the public in service as a Taxicab and “Operated” and “Operation” shall have corresponding meanings.

“Owner” means the person shown to be the owner of a motor vehicle according

to the records maintained by the Registrar of Motor Vehicles for the Province of Ontario. For the purposes of this By-law, where the motor vehicle is leased, the owner shall be the lessee.

“**Person**” means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and the heirs, executors or legal representatives of the person to whom the context can apply according to law.

“**Plate**” means a metal number plate issued to the Taxicab owner under the provisions of this By-law.

“**Plate Issuance Eligibility List**” means a list of applicants for a Taxicab Vehicle Licence maintained by the Detachment Commander.

“**Tariff Card**” means a card issued by the Detachment Commander for display in a Taxicab, which contains the tariffs in force.

“**Taxi Licensing Officer**” means the person designated by the Detachment Commander for the purposes of administering this By-law.

“**Taxicab**” includes any motor vehicle which is kept or used for hire for the conveyance of persons from any place within the City of Orillia to any point inside or outside that area with a seating capacity of not more than nine, but does not include a public vehicle as defined in the *Public Vehicles Act*.

“**Taxicab Broker**” means a person who owns a Taxicab business and operates his own Taxicabs or dispatches for owners of Taxicabs.

“**Taxicab Meter**” means a measuring device approved by the Detachment Commander and used in a Taxicab to calculate the rate payable for a Trip.

“**Trip**” means the distance and time travelled or the distance and time to be travelled measured from the time and point at which the passenger first enters the Taxicab, or when the Taxicab Meter is first engaged to the point at which the passenger finally leaves the taxicab.

“**Trip Record**” means the written record of the details of each trip, in a form as prescribed by the Detachment Commander.

ADMINISTRATION- DUTIES OF THE DETACHMENT COMMANDER

4. The Detachment Commander shall have supervision over all persons licensed under this By-law and over all Taxicabs together with the equipment used by them, and the following shall be the duties of the Detachment Commander in connection with the provisions of this By-law:
 - (1) To make necessary inquiries concerning applications for licences, renewals or transfers thereof as may be required to secure due observance of the law and of this By-law.
 - (2) To grant all licences or transfer of licences where the applicant or transferee has satisfied all of the requirements of this By-law.
 - (3) To refuse to grant a licence or transfer of a licence under this By-law as set out in Section 14, to temporarily suspend a licence as set out in Section 15 and 16 and to recommend a revocation or suspension of a licence to the Board where an applicant or licensee fails to satisfy all of the requirements of this By-law, or is in contravention of this By-law.
 - (4) To keep a record of all licences and transfers of licences. Such record shall contain the name or names of the applicant, the number of Taxicabs kept by each applicant for a licence, the amount paid for same and the date of the licence. He shall keep such further particulars and such other books as the Board may order.
 - (5) To furnish each person taking out a licence with one copy of this By-law and each holder of a Taxicab Vehicle Licence with a card setting out the tariff of charges pursuant to Schedule "B" of this By-law, and each holder of a Taxicab Driver's Licence with an identification card with the number of the licence shown thereon.
 - (6) To ascertain by inspection and inquiry from time to time and as often as may be required by the Board whether or not licensees continue to comply with the provisions of this By-law.
 - (7) To submit to the Board, a report on the performance of his duties in accordance with this By-law.

DELEGATION

5. Any act authorized or directed to be carried out under the provisions of this By-law by the Detachment Commander may be carried out by the Taxi Licensing Officer of the Ontario Provincial Police, Orillia Detachment except an act under Section 14, 15 and 16 of this By-law.

LICENCES

6. (1) In the City of Orillia, no person shall:
 - (a) operate a Taxicab without having a current valid licence under this By-law and herein referred to as a "Taxicab Driver's Licence;"
 - (b) own a Taxicab, which is operated without having a current valid licence, for each Taxicab, issued under this By-law and herein referred to as "Taxicab Vehicle Licence;"
 - (c) act as a Taxicab Broker without having a current valid licence, issued under this By-law and herein referred to as "Taxicab Broker's Licence;"
 - (d) transfer any licences issued under this By-law, except as permitted by Section 27 of this By-law.
- (2) Every licence, unless sooner revoked or cancelled shall expire on the 31st day of January after the date of issue.
- (3) Every licensee shall, on request of an Officer, produce his licence and any other documentation requested.
- (4) No person shall alter, erase or modify a licence or permit the alteration, erasure or modification of a licence.

GENERAL APPLICATION REQUIREMENTS

7. (1) Applicants for any licence under this By-law shall:
 - (a) be 18 years of age or over;
 - (b) be a Canadian Citizen, a permanent resident of Canada, or have a valid employment authorization issued by the Government of Canada;
 - (c) be familiar with the provisions of this By-law, and the geography of the City.
8. (1) Applications for licences shall be delivered to the Detachment Commander upon such form or forms as may be prescribed together with the following:

- (a) Payment of the appropriate fee as set out in Schedule “C” of this By-law;
 - (b) A signed “Release and Discharge Relating to Consent to Disclosure of Criminal Record Information” form;
 - (c) If the applicant is a corporation, a copy of the incorporating document, a Certificate of Status showing that the corporation is validly in existence within 30 days of the time of the application and a list of all shareholders certified as true, correct and complete by a Notary Public for the Province of Ontario who has examined the corporate documents;
 - (d) If the applicant is a partnership or sole proprietor, a certified copy of a Business Names Report.
- (2) Every applicant or licensee on request of the Detachment Commander, shall file such information and material as the Detachment Commander may deem necessary.

Applicants – Taxicab Driver’s Licence

9. (1) An applicant for a Taxicab Driver’s Licence shall:
- (a) be the holder of a Class A, B, C, D, E, F, or G valid driver’s licence issued to him by the Ministry of Transportation;
 - (b) have a working knowledge of English.
- (2) No corporation may be licensed as a Taxicab Driver pursuant to this By-law.
- (3) Every applicant for a Taxicab Driver’s Licence shall file with the Detachment Commander:
- (a) two (2) recent suitable passport size photographs of the applicant for a Taxicab Driver’s Licence or for any renewal or transfer thereof, two (2) inches by two (2) inches;
 - (b) an original Ontario Driver’s Licence;
 - (c) an Ontario Driver’s Licence Abstract obtained from the Ministry of Transportation and dated within 30 days of the date of receipt

of the application;

- (d) if requested, a certificate from a doctor stating that the Driver is fit and able to operate a motor vehicle.

Applicants – Taxicab Vehicle Licence

- 10. (1) An applicant for a Taxicab Vehicle Licence shall:
 - (a) be registered with the Ministry of Transportation as owner of the Taxicab for which the licence is applied;
 - (b) submit each Taxicab owned by him for examination and approval by the Detachment Commander prior to a Taxicab Vehicle Licence being issued for same.
- (2) Every applicant for a Taxicab Vehicle Licence shall file with the Detachment Commander:
 - (a) current passenger motor vehicle permit which is in good standing, issued in the name of the applicant by the Ministry of Transportation, for the vehicle of which he is the owner;
 - (b) A Certificate of Insurance certifying that the owner of each Taxicab for which a Taxicab Vehicle Licence is being applied for, are insured for public liability, property damage and passenger hazard, with a minimum of \$2,000,000 coverage per incident or occurrence and written confirmation from the insurer that the Board will receive at least fifteen (15) days written notice prior to any cancellation, expiration or variation thereof. Appended to each certificate shall be a list of all Drivers;
 - (c) A valid and current Safety Standards Certificate as prescribed by the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended, with respect to each Taxicab for which a Taxicab Vehicle Licence is being applied for or any renewal or transfer thereof.

Applicants – Taxicab Broker's Licence

- 11. (1) Every Taxicab Broker shall maintain a permanent business office within the City for the carrying on of his business and provide 24 hour Taxicab Service to the public for each day of the year.
- (2) No Taxicab Vehicle Licence or Taxicab Broker's Licence shall be issued to a person in respect of a business carried on upon lands not

zoned for such use under the City's Zoning By-law.

- (3) Where an applicant for a Taxicab Broker's Licence has entered into a written agreement with a company with respect to a reduction in the fare, a copy of the said agreement shall be filed with the Detachment Commander.

BUSINESS NAME AND CHANGE OF INFORMATION

12. (1) A licensee shall carry on business in the City in the name which is set out on the licence and shall not carry on business in the City in any other name unless he has first notified the Detachment Commander.
- (2) A licensee shall notify the Detachment Commander within five (5) days of any change of name, address or any other information related to the licensee.
- (3) Where the licensee is a corporation, the licensee shall notify the Detachment Commander of any change in the names and addresses of officers and directors, the location of the corporate head office, change of ownership of shares within five(5) days of the change, and if necessary, the licence shall be returned immediately to the Detachment Commander for amendment.
- (4) Every Driver licensed under this By-law shall immediately report any suspension of his Ontario Driver's Licence to the Detachment Commander.

CHANGE OF OWNERSHIP

13. Every licensee shall, upon change of ownership of the licensed business return and surrender his current licence to the Detachment Commander. The Taxicab Broker shall make application for a new licence as set out in this By-law.

REFUSAL, SUSPENSION AND REVOCATION OF LICENCES

REFUSAL OF LICENCE

14. (1) The Detachment Commander shall refuse to grant a licence under this By-law to any person if:
 - (a) the applicant has submitted false information filed in support of a licence;

- (b) application is for a Taxicab Vehicle Licence and the Licence and Plate, if issued, would exceed the maximum number of Licences and Plates permitted by the Board;
- (c) the applicant has past breaches of this By-law and the Detachment Commander determines that the issuing of the licence would be contrary to the public interest;
- (d) the applicant has failed to comply with the requirements of this By-law or other applicable By-law of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity;
- (e) the applicant has any outstanding fines imposed under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, for the contravention of any provision of this By-law or any other municipal By-law or Provincial Statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business;
- (f) the applicant has been convicted of an offence for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against Persons) or IX (Offences Against Property) of the Criminal Code of Canada R.S.C. 1985 c. C-46, as amended, and;
- (g) where the applicant has been convicted of a criminal offence other than those set out in Section 14(1)(f) of this By-law or an offence under the *Controlled Drugs and Substances Act* (Canada) the Detachment Commander shall refer the application to the Board for consideration.

ADMINISTRATIVE SUSPENSIONS

15. (1) The Detachment Commander may suspend a Taxicab Vehicle Licence or Taxicab Driver's Licence, where the licensee has failed to meet the administrative requirements upon which the licence is issued.
- (2) Except where otherwise provided, where the licensee fails to meet the

administrative requirements of this By-law, the Detachment Commander may suspend the licence until such time as the requirements of this By-law are met.

- (3) The Detachment Commander shall re-instate any licence which has been suspended, upon satisfactory proof that the administrative requirements of this By-law have been met.

SUSPENSION- IMMEDIATE DANGER TO HEALTH AND SAFETY

16. (1) Notwithstanding any other provision of this By-law, if the Detachment Commander is satisfied that the continuation of a licence under this By-law poses an immediate danger to the health or safety of any person or to any property, the Detachment Commander, for the time and on such conditions as he considers appropriate, without a hearing, suspend the licence subject to the following:
 - (a) Before suspending the licence, the Detachment Commander shall provide the licensee with the reasons for the suspension, in writing, and an opportunity to respond to them, and;
 - (b) The suspension shall not exceed twenty-eight (28) days.

SUSPENSION OR REVOCATION BY POLICE SERVICES BOARD

17. (1) The Board may suspend or revoke any licence granted under this By-law for failure to comply with any of the provisions of this By-law including any of the grounds for refusal to grant or suspend a licence as set out in this By-law.

NOTICE AND HEARING

18. (1) Where the Detachment Commander refuses to issue a licence, or suspends a licence under this By-law, or where the Board has suspended or revoked a licence, written notice of that decision shall be given to the applicant or licensee, advising of the decision with respect to the application or licence.
 - (2) The written notice to be given under Section 18(1) shall:
 - (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) state that the applicant or licensee is entitled to a hearing by

filing with the Chairman of the Board, an appeal in writing of the said decision within fifteen (15) days of being notified.

- (3) On receipt of a written request for a hearing from an applicant or licensee, the Chairman of the Board shall schedule the hearing and shall give the applicant or licensee reasonable written notice of the date, time and place of the hearing, and, shall also notify the Detachment Commander.
- (4) The Board upon receiving an appeal from an applicant or licensee, shall conduct a hearing pursuant to the procedures set out in the *Statutory Powers Procedure Act*, R.S.O, 1990, c. S.22, as amended.
- (5) When an applicant or licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Board may proceed with the hearing in his absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.
- (6) The Board may, after the appropriate hearing is conducted, issue a licence, refuse to issue a licence, revoke a licence or suspend a licence and may make any suspension of a licence subject to such terms or conditions as the Board may prescribe and a decision made pursuant to the exercise of these powers is final and binding upon the applicant or licensee.

RETURN OF A LICENCE

19. A licensee whose licence has been revoked or suspended shall return the licence and all plates issued by the Detachment Commander with reference to such licence to the Detachment Commander within twenty-four (24) hours of service of the notice of revocation, and an Officer may enter upon the business premises or vehicles of the licensee for the purpose of receiving, taking or removing the said licence and plates.

SERVICE

20. Any notice required to be given under this By-law may be given by personal service or by registered letter, mailed to the proposed recipient of such notice at his last known address or his place of business and if given by registered letter, shall be deemed to have been received on the fifth day after mailing.

REGULATIONS

DRIVER'S DUTIES/CONDUCT

21. (1) Every Driver licensed under this By-law shall:
- (a) keep a Trip Record of all calls received by him which result in the transporting of a passenger from one location to another and such Trip Record shall contain the following information:
 - (i) the licence plate permit number of the Taxicab issued by the Ministry of Transportation and the number of the Taxicab Plate issued under the provisions of this By-law;
 - (ii) the name, address and Taxicab Driver's Licence number of the Driver;
 - (iii) the amount of fare collected for each trip;
 - (iv) date, time, origin and destination of each trip.
 - (b) deliver to the owner of the Taxicab, the Trip Record for each day he drives;
 - (c) produce Trip Records upon the request of any Officer;
 - (d) place a taxi driver photo identification card as prescribed in a transparent folder in such a manner in the Taxicab so as to be conveniently seen and read by passengers;
 - (e) on each work shift before commencing driving, examine for mechanical defects or interior or exterior damage any Taxicab which he is to drive during the shift, and shall similarly examine the Taxicab at the end of each shift, and if he is not the Owner of the Taxicab, shall report forthwith to the Owner any defects of which he is, or becomes aware of;
 - (f) punctually keep all his appointments and engagements resulting from calls and shall, unless the Taxicab he is driving has been previously engaged, serve at any place within the City and at any specified time, whether by day or night, any person who may lawfully require his Taxicab and he shall not neglect to fulfil his appointments or engagements except for reasons beyond his control;
 - (g) serve the first person offering to hire him, unless such person owes him a fare for services or unless the person is likely to

soil or damage the interior of his vehicle;

- (h) upon request of any passenger, give in writing his name, Taxicab Driver's Licence number issued to him under the provisions of this By-law, number of the Taxicab Plate and the permit number issued by the Ministry of Transportation of the Taxicab he is driving;
- (i) take due care of all property delivered or entrusted to him and accepted by him for conveyance or safe keeping and immediately upon termination of any hiring or engagement, shall search his Taxicab for any property lost or left therein and all property or money left in his Taxicab shall be forthwith delivered over to the person owning same, or if the person cannot be found at once, then to the Police Officer on duty at the Ontario Provincial Police, Orillia Detachment with all information in his possession regarding same and immediately notify his dispatcher of such property;
- (j) travel by the most direct route to the point of destination unless otherwise directed by the person engaging the Taxicab;
- (k) be neat and clean in his person and appearance which includes maintaining good grooming and proper hygiene;
- (l) be properly dressed, which shall not include the wearing of torn jeans, cut-offs, muscle shirts or t-shirts with offensive sayings, lewd wording or racial and ethnic references;
- (m) keep the interior and exterior of the Taxicab clean;
- (n) not use foul, profane or abusive language;
- (o) operate a Taxicab solely in association with, and will accept calls only from, a licensed Taxicab Broker;
- (p) not carry with him, or in the Taxicab, any radio equipment, radio scanners or other equipment capable of monitoring radio calls other than the radio equipment used or required to transmit to or receive broadcasts or signals from the radio dispatcher employed by the Taxicab Broker for whom the Driver is working;

- (q) not use any space made available for public parking whether for a fee or otherwise.
- (r) while in charge of a Taxicab for hire, shall not:
 - (i) solicit any person to take or use the Taxicab he is driving by calling out or shouting;
 - (ii) employ or permit any runner or other person to assist or act in concert with him in obtaining any passenger;
 - (iii) take, consume or have in his possession any intoxicant;
 - (iv) make any loud noise or disturbance, or annoy or insult any person whatsoever;
 - (v) carry in any Taxicab, a greater number of passengers than is set out in the manufacturer's rating for the motor vehicle;
 - (vi) induce any person to engage his taxicab by any misleading or deceiving statement or representation about the location or distance to any destination;
 - (vii) carry any passenger other than those employing his services, unless authorized by the Owner of the Taxicab he is driving;
 - (viii) take on any additional passenger(s), except with permission of the passengers already in the Taxicab;
 - (ix) permit any immoral, indecent or disorderly conduct in his Taxicab;
 - (x) knowingly drive a person whom he suspects has committed an offence or is committing an offence against the Criminal Code of Canada and/or any Federal or Provincial Statute;
 - (xi) smoke or permit any passenger to smoke tobacco, or any other substance in the Taxicab.
 - (xii) operate a taxicab while his Taxicab Driver's Licence is under suspension.

VEHICLE OWNER'S DUTIES

22. (1) Every holder of a Taxicab Vehicle Licence under this By-law shall:
- (a) keep an orderly record of all calls answered by Taxicabs owned by him showing date, time, origin, destination, Taxicab Vehicle Licence number, and the Driver. The records are to be retained for a period of twelve (12) months and are open for inspection by any Officer. Such records may be removed and retained for a reasonable time by such Officer;
 - (b) submit a Valid Safety Standards Certificate in accordance with the provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, by an independent licensed mechanic as approved by the Detachment Commander for every vehicle used as a Taxicab, every three (3) months from the date of the issuance of a Taxicab Vehicle Licence;
 - (c) ensure that the Taxicab meets the standards required for the issue of a Safety Standards Certificate in accordance with the provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, at all times;
 - (d) submit each Taxicab owned by him for examination at his expense, at any time as required by the Detachment Commander. The Detachment Commander may require any Taxicab to be re-examined by a mechanic of the Detachment Commander's choice;
 - (e) where the Detachment Commander requires a Taxicab to be examined or inspected, not operate or permit to be operated the vehicle as a taxicab until it has passed such examination or inspection to the satisfaction of the Detachment Commander;
 - (f) employ or use only the services of Drivers licensed under this By-law;
 - (g) notify the Detachment Commander within forty-eight (48) hours after employing a Driver that he has employed such Driver and similarly notify the Detachment Commander within forty-eight (48) hours after the said Driver leaves his employ giving the reasons therefor;
 - (h) keep all Taxicabs owned by him that are licensed under this

By-law in good repair and keep the interior and exterior of the Taxicab clean;

- (i) not permit any Driver to be on duty for more than twelve (12) hours in any twenty-four (24) consecutive hours;
- (j) check immediately any mechanical defect in his Taxicab reported by a Driver and shall not in any case operate or permit to be operated any Taxicab not in good mechanical condition;
- (k) equip each Taxicab owned by him with two (2) frames, one (1) suitable to hold the Taxi Driver's photo identification card and one (1) suitable to hold the Tariff Card and such frames shall be so placed in the Taxicab as to be conveniently seen and read by any person engaging the Taxicab;
- (l) prominently display on the rear of each Taxicab owned by him, in such location as approved by the Detachment Commander, a Plate for each Taxicab;
- (m) display on the interior of each Taxicab owned by him the number of the Plate referred to in the preceding subsection so that a passenger can read same;
- (n) have on top of each Taxicab owned by him an electric sign approved by the Detachment Commander and securely fixed clearly indicating the vehicle is a Taxicab in the trade name under which it operates or the name of the holder of the Taxicab Broker's Licence such sign to be connected to the metal plate or flag as provided;
- (o) ensure that the electric sign affixed to each Taxicab owned by him, is illuminated from one-half hour before sunset to one-half hour after sunrise;
- (p) not permit any person to smoke tobacco, or any other substance in the Taxicab;
- (q) operate solely in association with, and will accept calls only from, a licensed Taxicab Broker;
- (r) attend at the Ontario Provincial Police, Orillia Detachment forthwith to surrender any Taxicab Vehicle Licence plate taken out of operation by the Owner;

- (s) not permit any Driver whose Taxicab Driver's Licence has been suspended, to operate a Taxicab owned by him.

BROKER'S DUTIES

23. (1) Every holder of a Taxicab Broker's Licence under this By-law shall:
- (a) keep his office within the City for the carrying on of his business orderly, clean, neat and smoke-free;
 - (b) provide telephone and radio dispatching facilities maintained in proper working condition;
 - (c) ensure that all Taxicabs dispatched by him and all Drivers thereof are properly licensed under this By-law;
 - (d) keep an orderly record of all calls received and dispatched by him showing date, time, origin, destination, Driver of Taxicab and Taxicab Vehicle Licence number. The records are to be retained for a period of twelve (12) months and are open for inspection by any Officer. Such records may be removed and retained for a reasonable time by such Officer;
 - (e) make out and deliver to the Detachment Commander a quarterly list of the names of the holders of Taxicab Vehicle Licences operating Taxicabs in association with such broker on the 1st day of January, April, July and October in each year;
 - (f) provide written notification within forty-eight (48) hours of any additions to or deletions from the list referred to in Section 23(1)(e) of this By-law;
 - (g) ensure that effective January 31, 2012, the model year of all Taxicabs owned or dispatched by him do not exceed five (5) years of age. For the purpose of clarity, if an application was made in 2012, vehicles manufactured on, or after 2008 are eligible;
 - (h) not permit any radio equipment, radio scanners or other equipment capable of monitoring radio calls in his office, other than the radio equipment used or required to transmit to or receive broadcasts or signals from the radio dispatcher

employed by the Taxicab Broker;

- (i) Keep his licence conspicuously posted on the business premises.

TAXICAB METERS

24. (1) Every holder of a Taxicab Vehicle Licence under this By-law shall have affixed to each Taxicab for which a licence has been issued a Taxicab Meter.
- (2) Every holder of a Taxicab Vehicle Licence shall ensure that each Taxicab Meter is:
- (a) submitted when required for testing, inspecting and sealing by the Detachment Commander;
 - (b) illuminated from one-half hour before sunset to one-half hour after sunrise;
 - (c) so placed as to be conveniently seen at all times by the passenger or passengers of the Taxicab;
 - (d) used only when the seal thereon is intact;
 - (e) kept in good working order at all times and not used when defective in any way;
 - (f) adjusted in accordance with the tariff prescribed by Schedule "B" of this By-law;
 - (g) activated when a passenger first enters the Taxicab and shall remain operating throughout the Trip.
- (3) Every holder of a Taxicab Vehicle Licence or a Taxicab Driver's Licence shall not operate or cause to be operated a Taxicab equipped with the Taxicab Meter unless and until the Taxicab Meter has been tested, sealed, and approved by the Detachment Commander, nor shall such persons operate or cause to be operated a Taxicab when the Taxicab Meter has been repaired, altered, tampered with or adjusted, unless and until such Taxicab Meter has been subsequently tested and sealed.

TARIFF AND TARIFF CARDS

25. (1) No person shall charge any rate or fare for the conveyance of passengers by a Taxicab within the City or from any point within the City to any point outside except in accordance with Schedule "B" of this By-law.
- (2) Every holder of a Taxicab Driver's Licence shall operate the Taxicab that he is driving for the transportation exclusively of one person or group of persons in the same party; one fare or charge only being collected for each specific Trip.
- (3) Every holder of a Taxicab Driver's Licence shall furnish to every passenger where required a receipt for charges made or paid by him, indicating thereon the mileage travelled, and such holder shall promptly furnish such receipt upon request together with his name, Taxicab Driver's Licence number issued to him under the provisions of this By-law, number of the Taxicab Plate and the permit number issued by the Ministry of Transportation of the Taxicab he is driving.
- (4) Every holder of a Taxicab Vehicle Licence shall prominently display in each Taxicab owned by him, in such location as approved by the Detachment Commander, a copy of the Tariff Card setting out the fares as in Schedule "B" of this By-law.

DISCRIMINATION

26. (1) No person licensed pursuant to this By-law shall discriminate against any member of the public.
- (2) No person licensed pursuant to this By-law shall in respect to any person with a disability:
- (a) refuse to serve such person;
 - (b) refuse to permit such person to enter into or upon any place, premise, vehicle or thing to which the licence relates; or
 - (c) refuse to permit such person to remain in or upon such place, premises, vehicle or thing;
- by reason only of the presence of such disability.
- (3) No person licensed pursuant to this By-law shall in respect of any person being guided or assisted by a service animal:
- (a) refuse to serve such person;

- (b) refuse to permit such person to enter with the animal into or upon any place, premises, vehicle or thing to which the licence relates; or
- (c) refuse to permit such person and such animal to remain in or upon such place, premises, vehicle or thing;

by reason only of the presence of the said animal.

TAXICAB VEHICLE LICENCE - LIMITATION – PLATE ISSUANCE ELIGIBILITY LIST

- 27. (1) The total number of Taxicab Vehicle Licences issued annually shall not exceed fifty-three (53).
- (2) Any person wanting to be placed on the Plate Issuance Eligibility List, must submit a Plate Issuance Eligibility List Application Form.
- (3) The Detachment Commander shall maintain a Plate Issuance Eligibility List which will contain the names of applicants for a Taxicab Vehicle Licence in the order of the receipt of their application.
- (4) No person shall hold more than one position on the Plate Issuance Eligibility List at any one time.
- (5) The Plate Issuance Eligibility List shall expire January 31, each year.
- (6) The applicant shall at all times continue to meet the requirements of the Application for Plate Issuance Eligibility List in order to remain on the Plate Issuance Eligibility List.

TRANSFER OF LICENCE

- 28. (1) Subject to the established transfer fee as set out in Schedule “C”, and provided the transferee meets all of the requirements of this By-law for an applicant, a Taxicab Vehicle Licence may be transferred.
- (2) Subject to the established transfer fee as set out in Schedule “C”, and provided the transferee meets all of the requirements of this By-law for an applicant, a Taxicab Broker Licence may be transferred.

DISPOSAL OF TAXICAB

- 29. (1) Where the holder of a Taxicab Vehicle Licence ceases to operate a

Taxicab, he shall immediately remove from such vehicle:

- (a) the roof sign with indicator light;
- (b) the meter;
- (c) all identifying decals or markings;
- (d) any other markings which would identify the vehicle as a taxicab.

ENTRY AND INSPECTION

30. (1) An Officer may at all reasonable times:

- (a) inspect any vehicle, building, place or premise used in the carrying on of any trade, calling, business or occupation required to have a licence under this By-law, excluding any portion used as a dwelling unit, and;
- (b) inspect any goods, articles, books, records and other documents of or relating to any such trade, calling, business or occupation.

OBSTRUCTION

31. (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- (2) Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

ENFORCEMENT

32. (1) The provisions of this By-law may be enforced by any Police Officer of the Ontario Provincial Police, Police Cadet and/or Municipal By-law Enforcement Officer.

PENALTY

33. (1) Every person who contravenes any of the provisions of this By-law, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and on

conviction is liable to a fine not exceeding \$25,000;

- (2) Where a corporation is convicted of an offence under the provisions of this By-law, the maximum penalty that may be imposed on the corporation is \$50,000.

INTERPRETATION

34. (1) 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.
- (2) All Schedules to this By-law shall form part of this By-law.

VALIDITY AND SEVERABILITY

35. (1) Every provision of this By-law is declared to be severable from the remainder of the By-law and if any provision of this By-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

PREVIOUS BY-LAW- REPEAL

36. (1) By-law 2004-1, as amended, is hereby repealed.

EFFECTIVE DATE

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

By-law read a first, second and third time and passed on the 27th of October 2009.

Don MacNeil
Chairman

S. Kirkwood
Secretary

SCHEDULE "A"
FIVE KILOMETER BOUNDARY

The five (5) kilometer boundary zone surrounding the City's municipal boundaries defined as north, south, east and west boundaries are as follows:

NORTH BOUNDARY: Warminster Road (both sides) from Oro-Medonte Line #12 into Stockdale Road to the intersection at New Brailey Line.

EAST BOUNDARY: The projection of New Brailey Line from Stockdale Road to Lake Couchiching, across Lake Couchiching to Airport Road. Airport Road northeast to Fisher Road, Fisher Road south to Cedar Lane which dead ends north of Ramara Concession for the purposes of this bylaw Cedar Lane is projected South across country crossing Ramara Concession Road 2 at #7025, across Boundary Road at #3798, across Monck Road 1.2 kilometers east of Ramara Side Road 25, across Concession Road 11 at #3816 and continues joining Muley Point Road at Highway 12. Continue south on Muley Point Road to the east side of Val Harbour Estates to Lake Simcoe shoreline.

SOUTH BOUNDARY: From the extension of Muley Point Road through Val Harbour Estates, southwest along the shoreline of Lake Simcoe Muley Point, across Lake Simcoe to the junction Concession 12 (Line) Oro-Medonte and Lake Simcoe

WEST BOUNDARY: Concession 12 (Line 12) from shoreline of Lake Simcoe to the intersection of Warminster Road.

Note: All concessions, roads, streets used as five (5) kilometer borders include both sides including those roads where numbers are used to indicate the boundary.

SCHEDULE "B"

FARES

1. The fare within the City or to a point within five (5) kilometers of the boundaries of the City shall be:
 - a) \$3.50 inclusive of Goods and Services Tax at the commencement of any trip; plus
 - b) \$0.25 inclusive of Goods and Services Tax for every 1/10 of 1 kilometre for the duration of the trip.
2. A discount in the amount of twenty (20) percent of all fares that exceed \$10.00 shall be given to senior citizens. For the purposes of this By-law, senior citizens shall be defined as any person who has attained the age of 60 years. A senior citizen as defined within this By-law must produce upon request of the Driver, a senior citizens' card to attain the discounted rate.
3. The rate for any trip that commences in the City and exceeds five kilometers of the boundaries of the City is subject to this schedule up to the five-kilometer boundary line of the City and shall be metered to that point. Any additional fare outside the five-kilometer boundary line of the City is not subject to this schedule and is negotiable between the broker and passenger and shall be added to the metered rate.
4. The fare for waiting time shall be charged at a rate of \$0.75 per minute or \$36.00 per hour.
5. For Taxicabs, which are station wagons or vans, the fare shall be the fare as set out above plus \$5.00 for the transport of goods other than groceries or luggage.
6. A Taxicab Broker may enter into a written agreement with a company with respect to a reduction in the fare, provided it has first been approved by the Detachment Commander and that any discount does not exceed thirty (30) percent of the fare.

SCHEDULE "C"

LICENCE FEES PAYABLE

<i>Licence</i>	<i>Fee- Effective January 30, 2010</i>	<i>Fee- Effective January 30, 2011</i>	<i>Fee- Effective January 30, 2012</i>
Taxicab Broker Licence	\$788	\$812	\$836
Taxicab Vehicle Licence	\$315	\$324	\$334
Taxicab Driver Licence	\$105	\$108	\$111
Transfer Taxicab Broker Licence	\$788	\$812	\$836
Transfer Taxicab Vehicle Licence	\$315	\$324	\$334
Appeal – PSB	\$26	\$27	\$28

*For the purpose of a Taxicab Driver's Licence and renewals, the fee shall be non-refundable if the licence is denied.

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