



Office Consolidation Taxicab Licensing By-law No. 6702/06

Passed by Council on September 18, 2006

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Amendments:

| | | |
|----------------|-------------------|---|
| By-law 6905/08 | October 20, 2008 | Schedule 2 |
| By-law 7067/10 | June 21, 2010 | Sections 62 and 63 |
| By-law 7255/12 | December 10, 2012 | For a complete listing of amendments, see By-law No. 7255/12 |

The Corporation of the City of Pickering

Taxicab Licensing By-Law 6702/06

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The Corporation of the City of Pickering

Taxicab Licensing By-Law No. 6702/06

**Being a by-law to license, regulate, and govern taxicab businesses
within the City of Pickering.**

Whereas section 150 of the *Municipal Act, 2001* provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality;

And whereas the City of Pickering wishes to license, regulate and govern taxicab businesses within the City.

Now therefore be it resolved that the Council of the Corporation of the City of Pickering enacts as follows:

Part I – Interpretation

Definitions

1 In this by-law,

“**accessible taxicab**” has the same meaning as in section 1 of Ontario Regulation 629;

“**accessible taxicab plate licence**” means a licence issued by the City to permit the operation of a specific vehicle as an accessible taxicab;

“**accessible taxicab plate licensee**” means a person to whom an accessible taxicab plate licence has been issued;

“**affiliated**” means under contract to provide dispatch services and “**affiliation**” has a corresponding meaning;

“**applicant**” means a person applying for a licence or a renewal of a licence and “**application**” has a corresponding meaning;

“**authorized vehicle inspection station**” means a place designated by the City to conduct vehicle safety inspections;

“**broker**” means any person who carries on the business of accepting orders for, or dispatching in any manner to, two or more licensed taxicabs and “**brokerage**” has a corresponding meaning;

“**brokerage licence**” means a licence issued by the City to permit the operation of a brokerage;

“**CIR**” means a Criminal Information Report containing the results of a search of the Canadian Police Information Centre that includes a list of all criminal convictions for which a pardon has not been received, and all outstanding criminal charges;

“**City**” means the geographical area of the City of Pickering or the Corporation of the City of Pickering, as the context requires;

“**City Clerk**” means the Clerk of the City or a designate;

“**City plate licence**” means a licence issued by the City to permit the operation of a specific vehicle as a taxicab;

“**City plate licensee**” means a person to whom a City plate licence has been issued;

“**clean air cab**” means a taxicab that meets specific clean air criteria established by Council;

“**clean air cab plate licence**” means a licence issued by the City to permit the operation of a clean air cab;

“**clean air cab plate licensee**” means a person to whom a clean air cab plate licence has been issued;

“**Council**” means the Council of the City;

“**dispatch**” means to communicate orders or other information in any manner between a broker and a driver;

“**dispatcher**” means a person who is in the employ of, or working under a contract with, a broker and whose duties include accepting orders and/or dispatching those orders to drivers;

“**driver**” means a person licensed to operate a taxicab;

“**driver’s abstract**” means a Driver Record Search issued by the Ministry of Transportation;

“**dues**” means any amount charged by a broker to a plate owner or a lessee to receive orders from the broker;

“**fare**” means the total amount charged to a person for a trip in accordance with Schedule 2;

“**fender numbers**” means permanent lettering representing the taxicab plate number and prefaced by the letter “P”, of at least 15 cm in height, in a contrasting colour to the vehicle and affixed on both front fenders in a font style and location approved by the City;

“**industry participants**” means plate owners, drivers, dispatchers, taxicab plate licensees, lessees and brokers;

“**issued**” means issued or renewed by the City under this by-law and “**issuance**” has a corresponding meaning;

“**lease**” means an agreement between a plate owner and a driver under which the plate owner authorizes the driver to use one or more owner plates for a fee;

“**lessee**” means a driver who has entered into a lease;

“**licence**” means a taxicab driver’s licence, taxicab plate licence and/or brokerage licence as the context requires;

“**licensed**” means licensed under this by-law;

“**licensing officer**” is deleted by By-law 7255/12;

“**limousine**” means a vehicle that is kept or used for hire for the conveyance of persons solely on an hourly, daily or weekly basis, with a minimum fee or charge of not less than twenty-five dollars for a single conveyance, that does not contain a taxicab meter, roof light or two-way radio (or similar device);

“**maintenance log**” means a log containing information relating to the repair of a taxicab including the vehicle information number of the taxicab, taxicab plate number, make, model and model year of the taxicab, the nature of the repair, the date of the repair, the name of the person performing the repair, and confirmation that the plate owner was notified of the repair;

“**mechanical defect**” means damage to, or failure of a part, component or feature of, a vehicle;

“**model year**” means the year of the vehicle noted on the Ontario Motor Vehicle Registration for the vehicle;

“**officer**” means a municipal law enforcement officer employed by the City, or a police officer pursuant to subsection 42(1)(h) of the *Police Services Act*.

“**operate**”, when used in reference to a taxicab, includes driving the taxicab and making it available to the public in service as a taxicab and “**operation**” has a corresponding meaning;

“**order**”, except where the term is used in Parts XII and XIV, means a request for taxicab service received by a broker or a driver;

“**passenger**” means any person other than the driver seated in a taxicab and includes any person engaging or attempting to engage the services of a taxicab;

“**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;

“**physically disabled person**” has the same meaning as in section 1 of Ontario Regulation 629;

“**plate eligibility list**” means the list of applicants for a City plate licence maintained by the City;

“**plate owner**” means a person who is the owner of a taxicab plate according to City records;

“**plate owner licence**” means a licence issued by the City to a plate owner to permit the operation of a specific vehicle as a taxicab;

“**plate owner licensee**” means a person to whom a plate owner licence has been issued;

“**registered owner**” means the owner of a vehicle according to the records maintained by the Registrar of Motor Vehicles for the Province of Ontario;

“**roof light**” means an electronically illuminated roof sign that is securely attached to the top of the taxicab in a manner approved by the City that works in conjunction with the taxicab meter so that it is not illuminated when the meter is engaged and is illuminated when the head lights are on and the meter is in a vacant status;

“**tariff card**” means a card issued by the City that shows the current fares as set out in Schedule 2;

“**taxicab**” means any vehicle used for hire in the conveyance of persons from a place within the City to any point inside or outside of the City, but does not include a bus operated by Durham Region Transit or under license under the *Public Vehicles Act*, an ambulance, a funeral hearse, a limousine or a vehicle described in subsection 155(2) of the *Municipal Act, 2001*;

“**Taxicab Advisory Committee**” means the committee of Council appointed to hear appeals under this by-law and make recommendations to Council regarding the regulation of the taxicab industry;

“**taxicab driver’s licence**” means a licence issued by the City to permit an individual to operate a taxicab;

“taxicab examination log” means a log containing a record of all mechanical defects and all interior or exterior damage observed and recorded at the beginning and end of each driver’s shift;

“taxicab meter” means a measuring device approved by the City and used in a taxicab to calculate a fare;

“taxicab plate” means a metal plate bearing the taxicab plate number assigned by the City;

“taxicab plate licence” means a plate owner licence, City plate licence, accessible taxicab plate licence and/or a clean air cab plate licence as the context requires;

“taxicab plate licensee” means a person to whom a taxicab plate licence has been issued;

“trip” means the distance and time traveled or the distance and time to be traveled, measured from the time and point at which the passenger first enters the taxicab or when the taxicab meter is first engaged, to the time and point at which the passenger finally leaves the taxicab or the taxicab meter is disengaged;

“trip sheet” means a record of the details of all trips made by a taxicab during each period of continuous operation (each shift) containing,

- (a) the name of the driver, the date and the taxicab plate number;
- (b) the time, location and destination of every trip made; and
- (c) the amount of the fare collected for each trip; and

“vehicle” includes an automobile or any other device for the transportation of persons or goods propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*.

2 The following Schedules are attached to and form part of this by-law:

Schedule 1 - Fees

Schedule 2 - Tariffs/Rates

Schedule 3 - Taxicab Passenger Rights and Responsibilities

3 Unless otherwise specified, references in this by-law to Parts, sections, subsections, clauses and Schedules are references to Parts, sections, subsections, clauses and Schedules in this by-law.

- 4 If a court of competent jurisdiction declares any section, or any part of any section, of this by-law to be invalid, or to be of no force or effect, it is the intention of the City that every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.
- 5 References in this by-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.
- 6 This by-law shall be read with all changes in gender or number as the context requires.

Part II - Purposes

- 7 Council considers it necessary to license, regulate and govern industry participants for the following health and safety purposes:
 - (a) to enhance and encourage safe maintenance and operational practices;
 - (b) to ensure that only experienced, qualified and trustworthy industry participants are providing taxicab services; and
 - (c) to promote accountability of industry participants for health and safety issues.
- 8 Council considers it necessary to license, regulate and govern industry participants for the following consumer protection purposes:
 - (a) to enhance and encourage equal, fair and courteous treatment amongst industry participants and users of taxicab services;
 - (b) to protect the property of passengers;
 - (c) to ensure consistency in the application of fares; and
 - (d) to promote accountability of industry participants for consumer protection.
- 9 Council considers it necessary to license, regulate and govern industry participants for the following nuisance control purposes:
 - (a) to limit or mitigate unsightliness, unnecessary noise, nuisance or disruption for industry participants, users of taxicab services and the general public; and
 - (b) to promote accountability of industry participants for nuisance control.

Part III – Applications

Submission of Applications

- 10 Applications shall be completed and submitted on forms provided by the City.
- 11 When submitting an application, every applicant shall appear in person and shall provide all information requested by the City including current valid photo identification satisfactory to the City.
- 12 Every application shall be submitted with the applicable licence fee specified in Schedule 1.
- 13 Receipt of an application and a licence fee by the City shall not represent approval of the application nor shall it obligate the City to issue a licence.
- 14 If an applicant is a partnership, the applicant shall file with the application a statutory declaration signed by all members of the partnership stating,
 - (a) the full name of every partner and their address of ordinary residence;
 - (b) the name or names under which the partnership carries on or intends to carry on business;
 - (c) that the persons named are the only partners of the partnership; and
 - (d) the mailing address for the partnership.
- 15 Every corporation applying for a licence shall file with the application a copy of the corporation's articles of incorporation or other incorporating documents and a statutory declaration stating,
 - (a) the full name of every shareholder and their address of ordinary residence;
 - (b) the name or names under which the corporation carries on or intends to carry on business;
 - (c) that the persons named are the only shareholders of the corporation; and
 - (d) the mailing address for the corporation.

Issuance of Licenses

- 16 The City Clerk may issue a licence to an applicant only where all of the information and documents that the applicant is required to provide under this by-law have been provided and verified, and the licence fee has been paid.

Disqualifications

- 17 The City Clerk shall refuse to issue a licence if,
- (a) the applicant has been convicted of an offence, for which a pardon has not been granted, under Part V (Sexual Offences, Public Morals and Disorderly Conduct), Part VIII (Offences Against the Person and Reputation) or Part IX (Offences Against Rights of Property) of the *Criminal Code of Canada* or for the offence of careless driving under the *Highway Traffic Act*;
 - (b) the applicant has submitted false information in support of the application;
 - (c) the issuance of the licence would contravene any of the provisions of this by-law;
 - (d) the application is for a City plate licence which, if issued, would exceed the maximum number of City plate licenses permitted under this by-law;
 - (e) the applicant fails to successfully complete any testing, training, educational or awareness program required by the City;
 - (f) the City Clerk has reasonable grounds to believe that the applicant will not operate in accordance with the law or with honesty and integrity; or
 - (g) the applicant has failed to pay fines imposed for previous convictions relating to contraventions of any municipal taxicab regulatory by-laws.
- 18 The City Clerk may refuse to issue a licence where the applicant has been convicted of a criminal offence other than those set out in clause 17(a) or an offence under the *Controlled Drugs and Substances Act* (Canada).

Part IV – Taxicab Driver’s Licenses**Obtaining a Licence**

- 19 In addition to the requirements of Part III, every applicant for a taxicab driver’s licence shall submit to the City,
- (a) a certificate prepared by a duly qualified medical practitioner stating that the applicant is physically and mentally capable of performing the duties of a driver and is free from communicable diseases;
 - (b) a current valid Class 'G' (minimum) driver’s licence issued by the Province of Ontario which is in good standing according to the records of the Ministry of Transportation;
 - (c) a driver’s abstract dated within 30 days of the date of application;

- (d) an original CIR dated within 30 days of the date of application; and
 - (e) a letter of potential employment from the taxicab plate licensee or lessee for whom the applicant will be working as a driver.
- 20 Every applicant for a taxicab driver's licence shall pose for an identification photograph to be attached to the taxicab driver's licence.

Testing and Training

- 21 Every applicant for a taxicab driver's licence shall successfully complete a taxicab driver training and testing program approved by the City, at the driver's expense, within a timeframe specified by the City.

Section 21 2 (a) and (b) are repealed.

- 22 Where the City has concerns regarding a driver's conduct or performance as a result of a complaint or otherwise, the City may require such driver to appear before the Taxicab Advisory Committee and/or attend a testing and training program at the driver's expense.

Term of Licence

- 23 Every taxicab driver's licence shall be valid for a period of two years from the date of issuance.

Driver Duties

- 24 Every driver shall,
- (a) prior to and immediately upon completion of each shift, examine the taxicab for mechanical defects and interior and exterior damage, record the observations in the taxicab examination log, and report any mechanical defects or damage found to the taxicab plate licensee;
 - (b) be civil, courteous, refrain from using profanity, and offer to assist any passenger when it is evident that the passenger is a disabled person or is in need of assistance;
 - (c) give a passenger a receipt in a form approved by the City showing the driver's name, the taxicab plate number, the date and time of the trip, place of pick up, place of discharge and the fare charged when requested or whenever there is a dispute over the fare;
 - (d) subject to section 25, and except when there is a previous order or engagement, serve the first person requiring the service of the taxicab at any place within the City, at any time of day or night, unless the person,
 - (i) refuses to give their destination;

- (ii) is in the possession of an animal other than a medical aid animal;
 - (iii) has not paid a previous fare;
 - (iv) 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 he has the funds to pay the fare;
 - (v) is an individual covered in an amount of dirt or other material so excessive that if such individual is transported the interior of the taxicab would be left in an unclean state;
 - (vi) is intoxicated or disorderly;
 - (vii) is eating or drinking any food or beverage;
 - (viii) is a person under the age of 12 years who is not accompanied by an adult, or has not had the trip arranged by an adult;
 - (ix) refuses to wear a seat belt; or
 - (x) is intending to smoke in the vehicle;
- (e) punctually keep all appointments and not make any appointments if a previous engagement would prevent the driver from fulfilling it;
 - (f) take due care of all property delivered or entrusted to them for conveyance or safekeeping;
 - (g) immediately upon the termination of any hiring engagement, examine the interior of the taxicab for any property left in the taxicab;
 - (h) immediately return all property or money left in a taxicab to the person owning the property or money, and, when the owner of the property or money cannot be found, deliver the property or money to the nearest police station;
 - (i) take the most direct available route to the passenger's desired destination unless the passenger requests otherwise;
 - (j) prepare trip sheets;
 - (k) retain all trip sheets for at least three (3) months and make them available for inspection at the request of the City;
 - (l) subject to paragraph (m), engage the taxicab meter only when the passenger enters the taxicab and keep it engaged throughout the trip;

- (m) be allowed to engage the taxicab meter before the passenger enters the taxicab only after the driver has notified the passenger of the arrival and has waited a reasonable time after the due time of the order;
 - (n) at the conclusion of each trip, place the taxicab meter in the time off status and after payment place it in the vacant status;
 - (o) keep in the taxicab a current street guide for the City and the surrounding vicinity;
 - (p) turn off any radio, tape 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 device in the off position or, if a two-way radio, turned down until termination of the trip with that passenger;
 - (q) securely fasten all physically disabled persons, wheelchairs and any other passenger aids, including batteries, so that they are prevented from moving while the taxicab is in motion; and
 - (r) carry on his person a valid Ontario Driver's License, a certificate of insurance and a copy of the vehicle ownership and provide to an officer upon request.
- 25 When operating an accessible taxicab, every driver shall provide priority service to physically disabled persons at all times, regardless of prior requests for service from persons who are not physically disabled persons.
- 26 Every driver who has been convicted of an offence described in clause 17(a) shall, within five (5) calendar days of being so convicted, report that fact to the City.
- 27 The City may, at any time, require a driver to provide a CIR, a driver's abstract, or a certificate prepared by a duly qualified medical practitioner attesting as to whether or not the driver is fit to operate a taxicab.

Restrictions

- 28 No person shall operate a taxicab unless he has been issued a taxicab driver's licence.
- 29 No person shall permit a vehicle to be operated as a taxicab by anyone other than a driver.
- 30 No driver shall operate a taxicab without a valid taxicab plate affixed to the rear of the vehicle and a taxicab plate licence for the vehicle.

- 31 No driver shall operate a taxicab unless it complies with all of the vehicle requirements set out in Part X.
- 32 No driver shall operate a taxicab with mechanical defects.
- 33 No driver shall display any sign, emblem, decal, ornament or advertisement on or in a taxicab except in accordance with this by-law.
- 34 No driver shall operate a taxicab unless the current tariff card and the Passenger Rights & Responsibilities set out in Schedule 3 are affixed to the rear of the front seat or are otherwise located so that they are plainly visible to passengers in the back seat.
- 35 No driver shall operate a taxicab with,
- (a) a greater number of passengers than seatbelts are available for; or
 - (b) luggage or any object placed in, hung on or attached to the taxicab in such a manner as will obstruct the driver's view of the highway.
- 36 No driver shall operate a taxicab for more than twelve (12) hours in any period of twenty-four (24) hours, or for any period which is more than five (5) consecutive hours at any time without a break of not less than twenty (20) consecutive minutes.
- 37 No driver shall operate a taxicab unless he is,
- (a) well-groomed;
 - (b) neat and clean in personal appearance; and
 - (c) dressed in pants (but not sweatpants or shorts) or skirt, shirt or blouse with a collar and shoes, all free from obvious wear or damage.
- 38 (1) In this section, "written contract" means written contract for taxicab services between a taxicab plate licensee and another person for a period of six months or more, at an agreed rate or charge.
- (2) No driver shall recover or receive any rate or charge from any passenger or persons who made use of his services which is greater than the fare set out in Schedule 2, other than a tip, gratuity or credit card service charge or pursuant to a written contract.
- 39 No driver shall,
- (a) take or consume any intoxicants or take, consume or have in their possession any alcohol, or drugs prohibited by the *Controlled Drugs and Substances Act* (Canada) while they are operating a taxicab;
 - (b) use any tariff card other than that obtained from the City;

- (c) take on any additional passengers after the taxicab has departed with one or more passengers from any one starting point except,
 - (i) at the request of a passenger already in the taxicab;
 - (ii) in an emergency situation;
 - (iii) when operating a taxicab which is being used exclusively for the transportation of children to and from school; or
 - (iv) when operating a taxicab which is being used pursuant to a prearranged contract for transportation of physically disabled persons;
- (d) permit a passenger to stand in the taxicab while the taxicab is in motion;
- (e) induce any person to engage his taxicab by any misleading or deceiving statement or representation to that person;
- (f) make any charge for time lost through mechanical defects or inefficiency of the taxicab or the errors of the driver;
- (g) make any charge for the time elapsed due to early arrival of the taxicab in response to a call for the taxicab to arrive at a fixed time;
- (h) use or permit to be used a two-way radio or monitoring device in the taxicab which enables the transmission and/or reception of any frequency of a broker with whom the driver is not affiliated;
- (i) use any radio system, cell phone or telephone system to speak to anyone other than a dispatcher while a passenger is in the taxicab;
- (j) speak in an obscene, foul, boisterous, racist, loud, threatening or abusive manner to any person, including a dispatcher, while operating a taxicab;
- (k) transport a child under the age of twelve years old in the front seat of the taxicab without first disengaging the front seat passenger air bag;
- (l) knowingly activate the emergency lights on a taxicab except where the driver believes that a threat exists of harm to any person or damage to, or loss of, any property; or
- (m) accept any order or request for service when the expenditure of money by the driver is required on behalf of the passenger.

40 When a driver uses a taxicab for transportation of passengers for no gain or reward, personal use, or the taxicab is being tested or inspected, the driver shall remove the roof light from the taxicab and place the taxicab meter in a non-recording position, and log off from the global positioning dispatch system.

- 41 If the destination of a trip extends beyond the City, the driver and the passenger may agree before the start of the trip to a flat rate, however, the taxicab meter must be in a recording position while the taxicab is within the limits of the City.

Part V - Taxicab Plate Licenses

Obtaining a Licence

- 42 In addition to the requirements of Part III, every applicant for a taxicab plate licence shall,
- (a) submit to the City a copy of the current Provincial permit for the vehicle to which the taxicab plate will be attached in good standing with the plate portion endorsed with a plate owner's or a lessee's name;
 - (b) submit to the City a copy of the current Ontario Standard Automobile Insurance policy for the vehicle to which the taxicab plate will be attached, which policy shall provide that the City shall be given at least fifteen (15) days notice in writing prior to cancellation, expiration or change in the amount of the policy and shall provide insurance in respect of any one accident a third party liability limit of at least two million dollars (\$2,000,000.00);
 - (c) submit to the City a current Safety Standard Certificate issued by an authorized vehicle inspection station for the vehicle to which the taxicab plate will be attached;
 - (d) pay all fines, penalties, judgments and any other amounts, including awards of legal costs and disbursements, owing to the City; and
 - (e) submit to the City the vehicle to which the taxicab plate is to be attached for inspection and registration by the City.

Term of Licence

- 43 Every taxicab plate licence shall be valid up to and including December 31st in the year for which it was issued.

Taxicab Plate Licensee Duties

- 44 Every taxicab plate licensee shall file with the City at least five (5) working days prior to the expiry date of any current insurance policy all insurance renewal policies or certificates of insurance evidencing continued compliance with the requirements of clause 42(b).
- 45 (1) Every taxicab plate licensee shall maintain each taxicab in operation not less than thirty-five (35) hours per week for a period of not less than 44 weeks per year.

- (2) After receiving a written request, the Taxicab Advisory Committee shall make a recommendation to Council and Council may permit a taxicab to be operated less than 44 weeks per year.
- 46 Every taxicab plate licensee shall,
- (a) keep at all times in the taxicab for which the licence has been issued, a copy of,
 - (i) the current Ontario Ministry of Transportation passenger motor vehicle permit issued for that taxicab;
 - (ii) the current taxicab plate licence;
 - (iii) the certificate of liability insurance for the taxicab; and
 - (iv) a taxicab examination log recorded by all drivers of that taxicab within the immediately preceding three (3) months;
 - (b) employ or use only the services of licensed drivers;
 - (c) provide the City and, where applicable, any broker with whom they are affiliated, with the names of all drivers who are permitted to operate the taxicab;
 - (d) repair any mechanical defects in the taxicab reported to them by a driver or the City within 3 business days, or remove the vehicle from service;
 - (e) when a taxicab is not expected to be operated for more than five (5) consecutive days, notify the City of the reason within 3 days of the temporary halt in operation and prior to resuming operation of the taxicab, upon request of the City, provide a Safety Standard Certificate issued by an authorized vehicle inspection station;
 - (f) upon receipt of a notice of inspection from the City, obtain a current Safety Standard Certificate issued by an authorized vehicle inspection station and make the taxicab available for inspection at the appointed time and place specified in the notice;
 - (g) ensure that a copy of the current tariff card and the Passenger Rights & Responsibilities set out in Schedule 3 are affixed to the rear of the front seat or are otherwise located so that they are plainly visible to passengers in the back seat; and
 - (h) maintain in the taxicab a maintenance log of all maintenance and repairs performed on the taxicab within the immediately preceding six (6) months.
- 47 (1) Every taxicab plate licensee shall maintain the taxicab in good condition at all times.

- (2) Without limiting the generality of subsection (1), every taxicab plate licensee shall maintain all drive train components (including the engine, transmission, suspension and braking system) in accordance with the standards of Ontario Regulation 611 and maintain all factory and after-market parts free of defects or damage.

Restrictions

- 48 No person shall permit a vehicle to be operated as a taxicab without a taxicab plate affixed to the rear of the vehicle and a taxicab plate licence for the vehicle.
- 49 No person shall publish or cause to be published any representation that he is licensed or hold himself out as being licensed if he is not licensed.
- 50 No taxicab plate licensee shall permit a taxicab to be operated unless it complies with all of the vehicle requirements set out in Part X.
- 51 No taxicab plate licensee shall permit a taxicab to be operated with mechanical defects.
- 52 No taxicab plate licensee shall permit a taxicab to be operated with any sign, emblem, decal, ornament or advertisement displayed on or in a taxicab except in accordance with this by-law.
- 53 No taxicab plate licensee shall permit a taxicab to be operated unless the current tariff card and the Passenger Rights & Responsibilities set out in Schedule 3 are affixed to the rear of the front seat or are otherwise located so that they are plainly visible to passengers in the back seat.
- 54 No taxicab plate licensee shall permit a taxicab to be operated in affiliation with a broker who is not licensed.

Vehicle Registration

- 55 Prior to using any vehicle as a taxicab, every taxicab plate licensee shall submit the vehicle to the City for inspection and registration.
- 56 No vehicle shall be registered as a taxicab unless it meets all of the requirements of Part X.
- 57 Where a taxicab plate licensee wishes to change the vehicle to which the taxicab plate is affixed, he shall submit the new vehicle for inspection and, upon registration of the new vehicle, shall pay the fee set out in Schedule 1.

Temporary Vehicle Change

- 58 Where a taxicab cannot be operated because of a mechanical defect or damage, a taxicab plate licensee may, for a temporary period not exceeding 28 consecutive days, affix a taxicab plate to an unregistered vehicle provided,

- (a) the vehicle meets all of the requirements of Part X;
 - (b) a valid Safety Standard Certificate not more than six months old for that vehicle is on file with the officer; and
 - (c) the vehicle has passed the most recent inspection by the City.
- 59 (1) The taxicab plate licensee shall notify the City immediately upon commencement of its use of a replacement taxicab and shall notify the City which taxicab it is replacing and confirm that the taxicab plate of the replaced taxicab has been affixed to the replacement taxicab.
- (2) Notice under subsection (1) may be provided by depositing written notification in the City Hall after hours mail deposit box or by facsimile transmission to the City if the replacement taxicab is to be used when the City is not open for business.
- 60 The taxicab plate licensee shall notify the City immediately upon the return to service of the replaced taxicab and shall confirm that the taxicab plate has been reaffixed to the formerly replaced taxicab.
- 61 (1) Where the taxicab plate to be affixed to a replacement taxicab is an accessible taxicab plate, the replacement taxicab shall be an accessible taxicab.
- (2) Where the taxicab plate to be affixed to a replacement taxicab is a clean air cab plate, the replacement taxicab shall be a clean air cab.

Limitation on Number of Licenses

- 62 The City recognizes a total of seventy-eight (78) taxicab plates as having been issued under By-law No. 2206/86, three (3) of which are accessible taxicab plates.
- 63 (1) The total number of taxicab plate licenses issued at any given time shall not exceed 78 or the number established by the ratio of one licence for each 1,500 residents of the City, whichever is greater.
- (2) For the purposes of subsection (1), the number of residents of the City shall be as determined by the latest revised population figures available from Statistics Canada (annual estimates and the five-year actuals).
- (3) The City may issue new City plate licenses within three months of receipt of the population statistics from Statistics Canada if warranted under subsection (1).
- (4) Council may issue up to three (3) clean air cab plate licenses in addition to the licenses permitted by subsection (1).

Part VI – Plate Owners

Transfer of Plate Ownership

- 64 No plate owner shall transfer, sell or otherwise dispose of a taxicab plate without the approval of the City.
- 65 The City shall not approve the transfer or sale of a taxicab plate unless the plate owner,
- (a) attends in person accompanied by the purchaser to complete and file with the City a plate ownership transfer form and declaration;
 - (b) provides a fully executed contract of sale for the taxicab plate;
 - (c) returns to the City the taxicab plate that is being transferred; and
 - (d) pays the fee set out in Schedule 1.
- 66 When the plate owner is a corporation and at least 51 percent of the voting rights attached to all shares of that corporation are sold or otherwise disposed of, the plate shall be deemed to have been transferred.

Operation/Transfer of a Plate by an Estate

- 67 Within ninety (90) days following the death of a natural person who is a plate owner, the executor or administrator of the estate shall file with the City proof of death of the natural person and proof of the executor's or administrator's capacity.
- 68 The executor or administrator may continue to hold the deceased's plates for a period of up to one (1) year following the date of death and may operate a taxicab or permit a taxicab to be operated with the deceased's plates attached provided all of the requirements of this by-law are complied with during such time.
- 69 (1) Where the executor or administrator cannot transfer the deceased's plates within one (1) year following the date of death, the executor or administrator may apply to the City Clerk and the City Clerk may, having regard to the matters set out in section 150, permit the executor or administrator to continue to operate the taxicab or permit the taxicab to be operated with the deceased's plates attached for such further period of time as the City Clerk deems appropriate.
- (2) If the executor or administrator does not or cannot transfer the deceased's plates within one (1) year following the date of death, or within such further period of time as prescribed by the City Clerk pursuant to subsection (1), whichever is later, the deceased's plates shall be deemed to be cancelled and shall be returned to the City.

- (3) Plate owner transfer fees will be waived to amend the City's taxicab plate owner records to reflect the name of the person legally entitled to inherit ownership of the plate.

Leases

- 70 (1) No taxicab plate owner shall permit his/her/its taxicab plate to be affixed to a vehicle that he/she/it does not own except under the authority of a lease that meets the requirements of this section.
- (2) Copies of all leases shall be filed with the City.
- (3) The name of the lessee shall be endorsed on the plate portion of the Provincial Motor Vehicle Permit for the vehicle, a copy of which shall be submitted to the City.
- (4) Leases shall be for a period of not less than one (1) year and not more than three (3) years.
- 71 No lessee shall operate a taxicab except under the authority of a lease that meets the requirements of section 70.
- 72 No lessee may sublease a lease.

Part VII – City Plates

Obtaining a Licence

- 73 In addition to the requirements of Part III and Part V, every applicant for a City plate licence shall meet the requirements of this Part.
- 74 All taxicab plates issued to City plate licensees shall remain the property of the City.

Plate Eligibility List

- 75 The City shall maintain a plate eligibility list that contains the names of applicants for a City plate licence in the order of the receipt of their application.
- 76 No person, by virtue of the submission of an application for a City plate licence or by virtue of the placing of his name on the plate eligibility list, shall obtain a vested right to a City plate licence, or to remain on the plate eligibility list.
- 77 The City shall issue City plate licenses as they become available to persons in the order in which their names appear on the plate eligibility list.
- 78 (1) No applicant for a City plate licence shall have his name placed or maintained on the plate eligibility list unless, for an average of at least thirty-five (35) hours per week during at least forty-four (44) weeks per

year during the twenty-four (24) months immediately preceding the date of application, the applicant has,

- (a) held a taxicab driver's licence or a similar licence issued by another municipality;
 - (b) held a taxicab plate licence or a similar licence issued by another municipality;
 - (c) held a brokerage licence or a similar licence issued by another municipality; or
 - (d) been employed by a broker in the City or any other Ontario municipality.
- (2) Section 78 (2) is repealed.
- (3) The forty-four (44) week requirement in subsections (1) and (2) may be satisfied in isolation or through any combination of clauses (a), (b), (c) and (d).
- (4) When a person whose name appears on the plate eligibility list changes his name, address or contact information, he shall notify the City in writing within five (5) days of the change.
- (5) Where on account of disability a person has become unable to drive a taxicab or to continue employment with a broker, he shall be deemed to have complied with subsection (2) notwithstanding his continued inability to drive or be employed, throughout the period of disability if,
- (a) immediately prior to the occurrence or onset of the disability he complied with subsection (2); and
 - (b) as soon as reasonably possible after the occurrence or onset of the disability, he files with the City a certificate from a duly qualified medical practitioner confirming the disability, and, if applicable, the date on which the disability ended.
- (6) The City shall review the plate eligibility list annually to determine whether those persons listed on it continue to comply with the requirements of subsection (1).
- (7) (a) Every person whose name appears on the plate eligibility list shall be required to renew their application annually, within the timeframe and in the form specified by the City Clerk, and together with the applicable fee as set out in Schedule (1)
- (b) Persons who fail to comply with clause (a) shall have their names removed from the plate eligibility list.

- (8) Any person whose name is on the plate eligibility list and who no longer complies with subsection (1) shall have his name removed from the plate eligibility list.
- (9) The City shall give notice to any person whose name is removed from the plate eligibility list.
- 79 No person shall hold more than one position on the plate eligibility list at any one time.
- 80 Section 80 is repealed.

Registration

- 81 When a City plate licence is approved, the applicant shall, within 30 days of the date of notification of such approval, register a taxicab to that taxicab plate and affix the taxicab plate to that taxicab, failing which, the applicant shall not be issued the City plate licence, the applicant's name shall be removed from the plate eligibility list, and the City may proceed to issue the City plate licence to another eligible applicant.

Part VIII – Accessible Taxicabs

Obtaining a Licence

- 82 In addition to the requirements of Part III and Part V, prior to the issuance of an accessible taxicab plate licence, the applicant shall provide the City with a current Commercial Vehicle Operator's Report (CVOR) and a Safety Standard Certificate issued by an authorized vehicle inspection station showing that the vehicle to which the accessible taxicab plate will be attached meets the requirements for an accessible taxicab as set out in Ontario Regulation 629.

Accessible Taxicab Plate Licensee Duty

- 83 Every accessible taxicab plate licensee shall ensure that the taxicab is in compliance with Ontario Regulation 629 at all times during operation of that taxicab.

Restrictions

- 84 No person shall operate a vehicle as an accessible taxicab without a taxicab plate affixed to the rear of the vehicle and a taxicab plate licence for the vehicle.
- 85 No person shall permit a vehicle to be operated as an accessible taxicab without a taxicab plate affixed to the rear of the vehicle and a taxicab plate licence for the vehicle.

Part IX – Clean Air Cabs

Obtaining a Licence

- 86 In addition to the requirements of Part III and Part V, applicants for clean air cab plate licenses shall meet the requirements of this Part.
- 87 Council may issue clean air cab plate licenses without regard to the plate eligibility list.
- 88 Clean air cab plate licenses shall be issued to applicants selected through requests for proposals submitted to the City's Supply & Services Division in accordance with terms established by the City.
- 89 All plates issued to clean air cab plate licensees shall remain the property of the City.
- 90 Clean air cab plates are held by clean air cab plate licensees at the pleasure of Council and may be revoked by the City, without cause, following a period of three (3) years from the date of issuance, and upon revocation, shall revert to the City without compensation to the clean air cab plate licensee.

Restrictions

- 91 Notwithstanding any other provision of this by-law, clean air cab plate licenses shall not be transferred, leased or otherwise disposed of by the clean air cab plate licensee.
- 92 Clean air cab plate licenses may only be used by clean air cab plate licensees and one alternate driver whose name has been provided to the City in advance of any such use.
- 93 Notwithstanding section 96, any vehicle operated under a clean air cab plate licence shall be of a model year no older than three years.
- 94 No person shall operate a vehicle as a clean air cab without a clean air cab plate affixed to the rear of the vehicle and a clean air cab plate licence for the vehicle.
- 95 No person shall permit a vehicle to be operated as a clean air cab without a clean air cab plate affixed to the rear of the vehicle and a clean air cab plate licence for the vehicle.

Part X - Vehicle Requirements

Model Year Restrictions

- 96 (1) No vehicle more than seven (7) years old according to its model year may be registered for the first time as a taxicab under this by-law.
- (2) No vehicle more than ten (10) years old according to its model year shall be used as a taxicab in the City.
- (3) Section 96, subsections (3) and (4) are repealed.

Vehicle Standards

- 97 Every taxicab shall be equipped with,
- (a) two (2) emergency lights conforming to the following standards:
- (i) equipped with an intermittent flasher to continuously flash until reset or disengaged;
 - (ii) amber in colour;
 - (iii) minimum of 5 centimetres in diameter;
 - (iv) shock resistant;
 - (v) wired on a circuit independent from all other equipment in or on the taxicab;
 - (vi) visible, upon activation, from the front and rear of the taxicab from a distance no less than 15 metres during daylight and evening hours;
 - (vii) installed at opposite ends of the taxicab with one facing toward the front of the taxicab and one facing to the rear of the taxicab; and
 - (viii) situated such that the lights, when activated, are not visible to occupants of the taxicab;
- (b) a silent activation switch to activate the emergency lights;
- (c) an illuminated activation switch for the emergency lights located in the trunk of the taxicab located out of plain view, and protected from accidental activation;
- (d) a reset/disengage switch for the emergency lights located only in the trunk of the taxicab, located out of plain view, that remains illuminated so long as the emergency lights are activated;

- (e) a Global Positioning System incorporated with an emergency alert system that is monitored at all times while the taxicab is in operation, or another acceptable device approved by the City;
 - (f) a heater and an air conditioning system in proper working condition;
 - (g) an extra tire, wheel and jack ready for use for that taxicab, fender numbers, and properly functioning roof light;
 - (h) clear untinted glass windows, except such tint as is approved by the City;
 - (i) a taxicab meter that,
 - (i) has been calibrated to reflect the current fares;
 - (ii) is in proper working order with the meter seal properly affixed; and
 - (iii) has been tested and sealed by an officer and mounted in a position so that it is clearly visible to passengers in the front and back seats of the taxicab; and
 - (j) a roof light in operable condition and properly maintained.
- 98 Section 98 is repealed.
- 99 All taxicab equipment shall be of a type approved by the City Clerk and shall be installed in locations approved by the City Clerk.
- 100 Every taxicab shall meet the standards for: (i) the issuance of a Safety Standard Certificate of mechanical fitness and, (ii) a “pass” rating under the Ontario Drive Clean Program.
- 101 The interior of every taxicab, including the trunk, shall be,
- (a) free of all dust, dirt, grease, oil, adhesive resin and any other item which can be transferred onto the person, clothing or possessions of a passenger;
 - (b) free of all waste paper, cans, garbage or any other item not intrinsic to the operation of the taxicab;
 - (c) free of noxious substances;
 - (d) free of tears and cigarette burns in the upholstery;
 - (e) dry;
 - (f) in good repair; and
 - (g) capable of accommodating a wheelchair, walker, or similar device used to aid physically disabled persons.

- 102 The exterior of every taxicab shall,
- (a) be free of all dust, dirt, grease, oil, adhesive resin and any other item which can be transferred onto the person, clothing or possessions of a passenger, except water or snow;
 - (b) be in good repair;
 - (c) be free from body damage;
 - (d) have a well maintained exterior paint finish; and
 - (e) have four matching hubcaps or wheels.
- 103 Every taxicab shall be a four (4) door sedan or wagon with two rear passenger doors and a rear seat width of at least 137 centimetres from inside door to inside door or be a van equipped with four side doors.

Part XI - Brokerage Licenses

Obtaining a Licence

- 104 In addition to the requirements of Part III, every applicant for a brokerage licence shall submit to the City evidence of an affiliation with at least two taxicab plate licensees and/or lessees.

Term of Licence

- 105 Every brokerage licence shall be valid up to and including December 31st in the year for which it was issued.

Broker Duties

- 106 Every broker shall,
- (a) provide the City with a list, showing in numerical order by taxicab plate number, the name of every driver operating any taxicab with which he has entered into an arrangement for the provision of taxicab brokerage services;
 - (b) notify the City within ten (10) days of any additions to or deletions from the list provided under subsection (a);
 - (c) prepare and retain for a period of at least six months a record of the time and date of each dispatch, the driver to whom the order was dispatched, the taxicab plate number, the pickup location and the destination;
 - (d) carry on the brokerage twenty-four (24) hours a day;

- (e) upon request, inform any person requesting taxicab service of the anticipated length of time required for a taxicab to arrive at the pickup location;
- (f) when volume of business is such that service will be delayed to any person requesting taxicab service, inform the person of the approximate time of the delay before accepting the order;
- (g) dispatch a taxicab to any person requesting service within the City unless the person requesting service has not paid for a previous trip;
- (h) carry on business only in the name in which the broker is licensed;
- (i) where the broker dispatches to accessible taxicabs, and service is requested by a disabled person, provide priority service for such person, but subject to prior requests for service by other disabled persons;
- (j) promptly investigate any complaint brought to the broker's attention by an officer against any driver or taxicab plate licensee and report the findings to the officer and any action taken;
- (k) prepare and file with the City a list of the brokerage's rules and procedures;
- (l) display the brokerage's rules and procedures prominently in the brokerage's offices;
- (m) abide by the brokerage's rules and procedures;
- (n) at the request of an officer, not dispatch calls to any taxicab until further notification;
- (o) within 48 hours of a request from an officer, provide a record showing the number of taxicabs available for service on any particular day, the time(s) when each taxicab was available for service, and the calls dispatched to each taxicab;
- (p) employ or use only the services of a taxicab plate licensee or a driver;
- (q) maintain an affiliation with at least two taxicab plate licensees and/or lessees; and
- (r) provide training regarding brokerage emergency notification practices to all drivers and retain records detailing the name of the driver, the date training occurred and the signature of the driver.

Broker Restrictions

- 107 No broker shall,
- (a) dispatch to an unlicensed taxicab or an unlicensed driver;
 - (b) permit any person to use obscene, boisterous, loud, threatening, abusive, foul or racist language while dispatching;
 - (c) implement any changes in the rules and procedures outlined in clause 106(l) until the proposed change is filed with the City and displayed prominently in the broker's office;
 - (d) accept orders for a parcel delivery unless the driver agrees to take the order;
 - (e) require any driver to accept any order requiring the expenditure of money by the driver on behalf of the customer;
 - (f) make any charge or financial demand, directly or indirectly, of a taxicab plate licensee or lessee, other than dues;
 - (g) dispatch to a taxicab which is not on the list provided under clause 106(a);
or
 - (h) dispatch to a taxicab that has been ordered removed from service, until authorized by the City.
- 108 No person shall carry on business as a broker in the City unless he has been issued a brokerage licence.

Part XII – Inspections and Orders**Rights of Inspection**

- 109 The City shall inspect all taxicabs annually.
- 110 An officer may, at any time when a taxicab is not engaged in the transportation of passengers, enter and inspect the taxicab.
- 111 Every taxicab plate licensee, lessee or driver shall submit or cause his taxicab to be submitted for inspection when required to do so by an officer.
- 112 An officer may require that a taxicab plate licensee, lessee or driver submit his taxicab for inspection at an appointed time and place provided notice of the required inspection is given.
- 113 Nothing in this section shall prevent the removal of any personal property from a taxicab prior to an inspection.

- 114 (1) An officer may require from any person the production of any licence, permit, log, invoice, voucher, appointment book, trip sheet or any other document in order to ensure compliance with this by-law.
- (2) An officer may remove any of the documents referred to in subsection (1) for the purpose of photocopying provided a receipt is given and the documents are returned within forty-eight (48) hours of removal.
- 115 (1) No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection of a taxicab by an officer or the collection of information by an officer.
- (2) Any person operating a taxicab shall provide identification in the form of an Ontario Driver's License to an officer upon request.

Orders

- 116 Where an officer finds that a taxicab does not comply with any of the vehicle requirements set out in Part X, he may order the taxicab plate licensee, driver and/or lessee of the taxicab to remedy the non-compliance.
- 117 All orders shall provide,
- (a) the taxicab plate number of the taxicab;
 - (b) reasonable particulars of the non-compliance; and
 - (c) the date by which the non-compliance must be remedied.
 - (d) Section 117 (d) is repealed.
- 118 All orders shall be served in the manner set out in section 163.
- 119 (1) If an order is not complied with by the date specified in the order, the taxicab plate licence in respect of that taxicab may be suspended as of 12:00 a.m. on that date, and shall only be reinstated if the City receives satisfactory evidence of compliance.
- (2) Where a taxicab plate licence has been suspended under subsection (1), and where no satisfactory evidence of compliance is filed with the City within sixty (60) days from the date of the suspension, the taxicab plate licence shall be revoked.
- 120 No person shall fail to comply with an order.

Unsafe Taxicabs

- 121 (1) Where a taxicab is in a condition that poses a danger to the health or safety of the public, an officer may take custody of the taxicab plate affixed

to the taxicab, cut the seal on the taxicab meter, and order that the taxicab be immediately removed from service.

- (2) An order issued under subsection (1) may require the taxicab plate licensee, driver or lessee or to have the taxicab towed to a place of repair or other private property at his expense.
- (3) If an order has been issued pursuant to subsection (1), no person shall operate or permit the operation of that taxicab until the danger has been removed, the taxicab has been inspected by an officer and the taxicab meter has been resealed.

Part XIII – Suspensions, Cancellations and Revocations

Taxicab Driver's Licenses

- 122 An officer may suspend or revoke a taxicab driver's licence if the driver fails to comply with any provision of this by-law and such non-compliance is not remedied within seven (7) days following notice from the City specifying the particulars of the non-compliance.
- 123 (1) When a driver has had his Ontario Driver's Licence suspended, cancelled or revoked, the driver shall immediately report that fact to the City and the taxicab driver's licence shall be deemed to be suspended as of the date of such suspension, cancellation or revocation.
- (3) A taxicab driver's licence that has been suspended under subsection (1) shall not be reinstated unless the City receives written confirmation that the Ontario Driver's Licence has been reinstated.
- (4) If the City does not receive written confirmation that the Ontario Driver's Licence has been reinstated within sixty (60) days from the date of the suspension, the taxicab driver's licence shall be revoked.

Taxicab Plate Licenses

- 124 An officer may suspend or revoke a taxicab plate licence if the taxicab plate licensee fails to comply with any provision of this by-law and such non-compliance is not remedied within seven (7) days following notice from the City specifying the particulars of the non-compliance.
- 125 (1) When a taxicab plate licensee ceases to have a current valid Ontario Standard Automobile Insurance Policy in good standing, his taxicab plate licence shall be suspended as of the date on which such policy ceased to be in effect.
- (2) A taxicab plate licence that has been suspended under subsection (1) shall not be reinstated unless the City receives written confirmation that the insurance required by clause 42(b) is in place.

- (3) If the City does not receive written confirmation that the necessary insurance is in place within sixty (60) days from the date of the suspension, the taxicab plate licence shall be revoked.
- 126 (1) An officer may demand that a taxicab plate licensee or lessee file a current Safety Standard Certificate issued by an authorized vehicle inspection station for any taxicab registered to him, dated not prior to the date of demand and may suspend a taxicab plate licence until the certificate has been filed.
- (2) Where the officer demands a Safety Standard Certificate pursuant to subsection (1), the taxicab plate licensee shall provide it within (3) three days.
- (3) Where a taxicab plate licence has been suspended under subsection (1), and where no certificate is filed with the City within sixty (60) days from the date of the suspension, the taxicab plate licence shall be revoked.
- 127 An officer shall revoke a clean air cab plate licence if the clean air cab plate licensee is deceased or is no longer a driver.

Brokers

- 128 An officer may suspended or revoke a brokerage licence if the broker fails to comply with any provision of this by-law and such non-compliance is not remedied within seven (7) days following notice from the City specifying the particulars of the non-compliance.

General

- 129 The City may cancel any taxicab driver's licence, taxicab plate licence or brokerage licence at any time upon the written request of the driver, taxicab plate licensee or broker, as the case may be.
- 130 (1) When a taxicab driver's licence, taxicab plate licence or brokerage licence has been suspended, cancelled or revoked, the holder of the licence shall return it and, if applicable, the taxicab plate to the City within forty-eight (48) hours of the suspension, cancellation or revocation.
- (2) An officer may enter upon any business premises or into the taxicab of any licensee whose licence has been suspended, cancelled or revoked for the purpose of removing the licence and, if applicable, the taxicab plate.
- 131 No person shall refuse to deliver or in any way obstruct or prevent an officer from obtaining a licence that has been suspended, cancelled or revoked.
- 132 No person shall operate a taxicab or permit the operation of a taxicab by a driver whose taxicab driver's licence has been suspended, cancelled or revoked.

- 133 No person shall operate a taxicab or permit the operation of a taxicab in respect of which the taxicab plate licence has been suspended, cancelled or revoked.
- 134 No person shall operate a brokerage in respect of which the brokerage licence has been suspended, cancelled or revoked.

Part XIV – Appeals

Appeal Rights

- 135 Applicants may appeal the City Clerk's refusal to issue a licence.
- 136 A person whose name has been removed from the plate eligibility list pursuant to subsection 78(8) may appeal the decision.
- 137 A driver whose taxicab driver's licence has been suspended or revoked pursuant to section 122 may appeal the decision.
- 138 A taxicab plate licensee whose taxicab plate licence has been suspended or revoked pursuant to section 124 may appeal the decision.
- 139 Section 139 is repealed.

Filing of Appeal

- 140 All appeals must be submitted to the City Clerk within fourteen (14) days of the date of the decision or order being appealed.
- 141 All appeals shall be in writing and shall include,
- (a) the reason(s) for the appeal;
 - (b) an identification of the appellant and any other party;
 - (c) the name of any agent, representative or lawyer representing the applicant;
 - (d) the municipal addresses, telephone numbers, facsimile numbers and email addresses for each person identified in clauses (b) and (c); and
 - (e) the appeal fee set out in Schedule 1.

Effect of Appeal

- 142 Until such time as Council has made a decision respecting the appeal, the decision or order being appealed shall be stayed.

Hearing

- 143 The Taxicab Advisory Committee shall hear all appeals under this by-law.

- 144 Upon receipt of an appeal, the City Clerk shall, as soon as is practicable, notify the appellant and all other parties of the date, time and location of the hearing.
- 145 All hearings before the Taxicab Advisory Committee shall be conducted in accordance with Rules of Procedure approved by Council.
- 146 Following a hearing, the Taxicab Advisory Committee shall, as soon as is practicable, make a written recommendation to Council with reasons, after which Council shall make its decision.
- 147 If an appellant fails to appear at a hearing, the decision or order appealed shall be deemed to be in full force and effect as if no appeal had been filed.

Council Powers

- 148 On an appeal, Council may make any decision that the officer could have made and may make its decision subject to such conditions as it considers advisable.
- 149 When making its decision on appeals, Council shall have regard to the following matters (where applicable):
- (a) the purposes of this by-law as set out in Part II;
 - (b) the matters set out in section 17;
 - (c) the appellant's record of complying or not complying with any of the provisions of this by-law or any condition imposed on a licence;
 - (d) any convictions of the appellant or any outstanding charges against the appellant under any provincial or federal statute or regulation including the *Criminal Code of Canada* and the *Controlled Drugs and Substances Act* (Canada);
 - (e) the results of any testing, training, educational or awareness program completed or not completed by the appellant; and
 - (f) any other thing or matter that may affect the appellant's ability to hold a licence.
- 150 The decision of Council on an appeal shall be final and binding.
- 151 Notice of the decision of Council shall be given to the appellant and any other person present at the hearing.
- 152 Council's decision shall take effect on the day that it is made.

Part XV - Offences / Penalties

- 153 (1) Every person who contravenes any provision of this by-law, and every director or officer of a corporation who concurs in such contravention by

the corporation, is guilty of an offence and, subject to subsection (2), upon conviction is liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both.

- (2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed on the corporation is \$50,000.

- 154 No person shall make a false or intentionally misleading recital of fact, statement or representation in any statutory declaration, application or other document required by this by-law.

Part XVI - General

Plate Replacement

- 155 When a taxicab plate is defaced, destroyed or lost, the taxicab plate licensee shall apply to the City for a replacement and shall pay the appropriate fee under Schedule 1 within 14 calendar days of the damage, loss or destruction.
- 156 Where the taxicab plate is lost or destroyed, the taxicab plate licensee shall file a police report detailing the circumstances of the loss or destruction and the City shall issue a replacement plate.

Compliance with Other Laws

- 157 In addition to every other requirement imposed by this by-law, every licence is issued subject to the condition that all federal, provincial and municipal laws, by-laws, rules, regulations, orders, approvals, permits, standards, and all other governmental requirements applicable to the operation of the business so licensed must be complied with.

Changes

- 158 When a licensee changes his name or address or any information relating to his licence, he shall notify the City within forty-eight (48) hours of the change and shall return the licence immediately to the City for amendment.
- 159 Where there is to be a change in the composition of a licensed partnership, the proposed change must be registered with the City.
- 160 Where there is to be a change in the composition or the controlling interest of a licensed corporation, the proposed change must be registered with the City.

Fees

161 Persons receiving a service listed in Schedule 1 shall pay the fee set out in Schedule 1 for that service.

Fare Adjustments

162 The fares set out in Schedule 2 shall be reviewed annually by the Taxicab Advisory Committee to determine whether to recommend a change to Council.

Notice

163 Any notice required to be given under this by-law or any order served under Part XII shall be in writing and shall be sufficiently given or served if delivered in person or sent by registered mail to the last address on file with the City.

164 Each notice given or order served shall be deemed to have been received on the day it was delivered or on the third business day after it was mailed, as the case may be, whether or not it is actually received.

Repeal

165 By-law No. 2206/86 is repealed.

166 The current fees by-law shall be amended to reflect the fees set out in Schedules 1 and 2.

Short Title

167 This by-law may be cited as the Taxicab Licensing By-law.

Effective Date

168 This by-law shall come into effect on January 1, 2007.

By-law read a first, second and third time and finally passed this 18th day of September, 2006.

David Ryan, Mayor

Debi A. Bentley, City Clerk

Schedule 1**Licence Fees**

| | | |
|-----|---|-----------|
| (a) | Plate owner licence (one year) | \$ 250.00 |
| (b) | Brokerage licence (one year) | 150.00 |
| (c) | Taxicab driver's licence (two years) | 100.00 |
| (d) | Clean air cab plate licence (one year) | 1,000.00 |
| (e) | Plate owner licence – vehicle that meets the requirements of a clean air cab (one year) | 125.00 |
| (f) | City plate licence (one year) | 2,000.00 |

Other Fees

| | | |
|-----|---|-----------|
| (g) | Transfer of plate owner's plate | \$ 500.00 |
| (h) | Filing an appeal | 75.00 |
| (i) | Replacement of taxicab driver's licence | 20.00 |
| (j) | Replacement of taxicab plates | 100.00 |
| (k) | Replacement of each tariff card/Passenger Rights & Responsibilities | 10.00 |
| (l) | Change of registered vehicle | 100.00 |
| (m) | Re-inspection without taxicab meter | 20.00 |
| (n) | Re-inspection with taxicab meter | 35.00 |
| (o) | Lease filing | 50.00 |
| (p) | Late Cancellation/No Show for Inspection | 50.00 |
| (q) | Plate eligibility list application (every year) | 75.00 |

BY-LAW NUMBER 6905/08

SCHEDULE "2"

TARIFFS / FARES

FARES

- | | | |
|----|---|--------------------|
| 1. | Flat Rate, initial fare | \$3.15 (incl. HST) |
| 2. | For each additional one-eighth of a kilometre or part thereof | \$0.25 (incl. HST) |
| 3. | For waiting time while under engagement, per minute | \$0.40 (incl. HST) |

Schedule 3

Taxicab Passenger Rights and Responsibilities

Taxicab passengers in Pickering are entitled to a professional driver who,

- is licensed by the City of Pickering and prominently displays his/her taxicab driver licence inside the taxicab;
- knows the major routes and destinations in the City;
- is well-groomed, neat and clean in personal appearance;
- is courteous and provides assistance;
- provides a safe ride;
- knows and obeys all City by-laws and all traffic laws;
- offers a silent ride if desired;
- takes the most direct route to the destination unless otherwise directed by the passenger;
- keeps the interior of the taxicab clean and free of debris; and
- issues a receipt upon request noting the date and time of the trip, place of pick up, place of discharge, taxicab plate number, driver name, Provincial plate number and the fare paid.

Taxicab passengers in Pickering are entitled to a quality taxicab,

- in good mechanical and physical condition;
- with a properly calibrated and sealed taxicab meter;
- with a clean exterior, passenger area and trunk;
- that is heated or air conditioned on demand; and
- that is smoke-free.

Taxicab passengers in Pickering,

- cannot eat, drink or smoke inside the taxicab;
- cannot interfere with the taxicab driver in the conduct of his/her duties;
- are responsible for any damage caused to the taxicab; and

- are required to pay the required fare.

Customer compliments and/or complaints may be directed to the City's Licensing Information Line at 905.420.4611 or by e-mail at bylaw@pickering.ca.