

**BY-LAW NUMBER 49 OF 2012**

**CORPORATION OF THE TOWN OF ST. MARYS**

A by-law to license, regulate and govern Taxis in the Town of St. Marys;

**WHEREAS** section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act*") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** subsection 10(1) of the *Municipal Act* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** subsection 10(2) of the *Municipal Act* provides that a municipality may pass by-laws respecting: in paragraph 6, health, safety and well-being of the persons; in paragraph 7, services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, protection of persons and property; in paragraph 9, business licensing;

**AND WHEREAS** without limiting sections 9 and 10 of the *Municipal Act*, Part IV of the *Municipal Act* sets out rules in relation to business licensing, and section 156 of the *Municipal Act* sets out specific rules in relation to the licensing taxis;

**AND WHEREAS** the Council for the Town of St. Marys considers it necessary and desirable for the public to regulate Taxis for the purposes of health and safety, consumer protection and service quality to ensure an efficient Taxi service is available to all persons including the travelling public in the Town of St. Marys and that such taxi service is provided in a manner that provides a safe environment for both passengers and drivers;

**AND WHEREAS** Part XII of the *Municipal Act* enables municipalities to impose fees and charges for permits and services provided or done by them;

**AND WHEREAS** section 444 of the *Municipal Act* provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

**AND WHEREAS** it is deemed expedient to pass this by-law;

**NOW THEREFORE** the Council of the Corporation of the Town of St. Marys enacts as follows:

**DEFINITIONS**

1. In this By-law:
  - (a) "**Accessible Taxicab**" means a Taxicab that is an Accessible Vehicle and that is licensed as a taxicab by the Town;
  - (b) "**Accessible Taxicab Driver**" means a Taxicab Driver who is Licensed under this By-law to operate an Accessible Vehicle for the conveyance of a Person with a Disability.
  - (c) "**Accessible Vehicle**" means a passenger vehicle or a bus,
    - (i) That is designed or modified to be used for the purpose of transporting persons with disabilities and is used for that purpose, whether or not the vehicle is also used to transport persons without disabilities; and
    - (ii) That is operated,
      - (a) For compensation by, for, or on behalf of any person, club, agency or organization, or

- (b) Not for compensation by, for or on behalf of any person, club, agency or organization that holds itself out as providing a transportation service to persons with disabilities.
- (d) **“Applicant”** means a person applying for a License.
- (e) **“Cab”** shall include taxicabs.
- (f) **“Call”** within the meaning of this By-law shall include a request or direction for the uses of a taxicab transmitted by radio, or by personal request of a prospective passenger, or in any other manner.
- (g) **“CIR”** means a Criminal Information Report containing the result of a search of the Canadian Police Information Centre.
- (h) **“Clerk”** shall mean the Clerk of the Town of St. Marys or designate.
- (i) **“Conveyance Service”** means conveying one or more persons in exchange for a fee or other consideration.
- (j) **“Council”** shall mean the Council of the Town of St. Marys.
- (k) **“Disability”** or **“Disabilities”** means,
- (i) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
  - (ii) a condition of mental impairment or a developmental disability,
  - (iii) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
  - (iv) a mental disorder, or
  - (v) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*; (“handicap”)
- (l) **“Driver”** shall mean the individual who has care and control of a Taxicab or Accessible Taxicab.
- (m) **“Fare”** means the amount of money charged to a Person for a Trip.
- (n) **“Identification Card”** means identification issued by the Municipality to an Owner or Taxicab Driver pursuant to this By-law.
- (o) **“License”** or **“Licensed”** means a license issued under this By-law.
- (p) **“Licensee”** means a Person who is Licensed.
- (q) **“Licensing Officer”** shall mean the Licensing Officer or their assistant for the Town of St. Marys.
- (r) **“Motor Vehicle”** shall mean any vehicle as defined under this by-law.

- (s) **“Municipality”** shall mean the Corporation of the Town of St. Marys.
- (t) **“Owner”** shall mean any person owning a Taxicab.
- (u) **“Owner Plate”** means a metal plate issued to the Owner under this By-law corresponding to his or her Owner Licence.
- (v) **“Passenger”** means any individual, not including the Driver, seated in a Taxicab and includes a person engaging or attempting to engage a Taxicab to provide a Conveyance Service.
- (w) **“Permit”** shall mean a permit granted by the Licensing Officer under the provisions of this By-law to drive or operate a Taxicab.
- (x) **“Person”** means any 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.
- (y) **“Seating Capacity”** means the number of passengers limited to the seating capacity of the vehicle as rated by the manufacturer.
- (z) **“Service Animal”** for the purposes of this by-law, an animal is a service animal for a person with a disability,
  - (i) if it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or
  - (ii) if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability.
- (aa) **“Taxicab”** means a motor vehicle that is available for or providing Conveyance Service.
- (bb) **“Taxicab Driver”** shall mean a driver of a Taxicab who is licensed as such under this By-law.
- (cc) **“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 to the time and point at which the Passenger finally leaves the Taxicab.

## PROHIBITIONS

- 2. No person shall:
  - (a) own or operate a Taxicab unless Licensed under this By-law;
  - (c) own or operate a Taxicab without a valid Owner Plate affixed to the Taxicab;
  - (d) operate a Taxicab while their License issued under this By-law is under suspension;
  - (f) advertise the use of a Taxicab without an Owner License issued under this By-law;
  - (g) publish or cause to be published any representation that they are Licensed under this By-law or hold themselves out as being Licensed under this By-law if they are not Licensed under this By-law; and
  - (h) obtain a License by providing mistaken, false or incorrect information.

### APPLICATION OF BY-LAW—EXEMPTIONS

3. This By-law shall not apply to:
  - (a) a motor vehicle with a seating capacity of 11 or more individuals, including the driver;
  - (b) an ambulance or funeral hearse;
  - (c) a school bus as defined under the *Highway Traffic Act* that is licensed under the *Public Vehicles Act* while it conveys students to and from school as defined under the *Highway Traffic Act*; and
  - (d) a motor vehicle used by not for profit organizations registered in the province of Ontario for the purposes of transporting senior citizens or Persons with Disabilities, including a motor vehicle used by St. Marys and Area Mobility Service.

### ADMINISTRATION

4. The administration of this By-law is assigned to the Licensing Officer who shall generally perform all of the administrative functions conferred upon him or her by this By-law and without limitation shall:
  - (a) receive and process all applications for all Licenses and renewals of Licenses under this By-law;
  - (b) issue Licenses in accordance with the provisions of this By-law;
  - (c) impose terms and conditions on Licenses in accordance with this By-law; and
  - (d) refuse to issue or renew a License or revoke or suspend a License in accordance with this By-law.

### APPLICATION FOR A NEW LICENSE

5. An application for a License and an application for the renewal of a License shall be completed in writing on the forms provided by the Licensing Officer.
6. Any Person required to obtain a License pursuant to this by-law shall apply in writing on the appropriate application form as provided by the Licensing Officer and shall deposit, at the time of application, with the Licensing Officer, the License Fee, as well as any approvals, inspections or documentation required by the provisions of this by-law or as deemed necessary by the Licensing Officer.
7. The Licensing Officer shall not issue a License until:
  - (a) all required approvals and inspections have been obtained by the Applicant;
  - (b) required documentation has been provided;
  - (c) License fees have been paid in full; and
  - (d) all taxes are paid up to the Municipality when required as a condition of licensing.
8. There shall be a separate application for each Taxicab Owner and each Taxicab Driver.
9. The Applicant shall comply with any and all requirements as set out in this By-law as well as any other provisions which may govern the Taxicab Owner and the Taxicab Driver, and to which the application pertains.
10. The Licensing Officer, upon receipt of the application for a License, may make, cause to be made, or request any additional documents, investigations or inspections to be made in respect of such application for a License as the Licensing Officer deems appropriate or in the interest of the general public, and any costs incurred for such inspection or documents shall be at the Applicant's expense.
11. The Applicant shall be responsible for obtaining all necessary inspections, documents and approvals as set out in this By-law, as set out on the application form, and as deemed necessary by the Licensing Officer.

12. Upon receipt of a completed application for a License and payment of the License Fee, the Licensing Officer may, prior to the issuance of any such License:
  - (a) make any inquiries to any Municipal official or employee who has carried out inspections relative to the business under application;
  - (b) receive reports from such Municipal officials and employees as may be deemed necessary;
  - (c) receive reports or advice from such Provincial or Federal Ministries or agencies or consultants as may be deemed necessary; and
  - (d) inquire into all relevant matters in order to ascertain if the Applicant is entitled to a License under the provisions of this By-law.
13. Upon being satisfied that the Applicant is entitled to obtain a License under the provisions of this By-law, the Licensing Officer shall prepare and issue a License to the Applicant.
14. The License issued under this By-law shall expire one year from the date from the day it was issued.

#### **Application for Renewal of License**

15. Any Person required to renew a License previously granted under this By-law shall submit to the Licensing Officer an application form for renewal of the License as provided by the Licensing Officer. Every applicant shall obtain any and all inspections, approvals and documentation as required by this By-law or as deemed necessary by the Licensing Officer.
16. The Licensing Officer shall not issue a License until:
  - (a) all required approvals and inspections have been obtained by the Applicant;
  - (b) required documentation has been provided;
  - (c) License fees have been paid in full; and
  - (d) all taxes are paid up to the Municipality when required as a condition of licensing.
17. Where the Licensing Officer receives an application for renewal of a License previously granted under this by-law and the appropriate fees have been paid, he shall, prior to the issuance of any such license:
  - (a) ensure that all inspections, approvals and documents as may be required have been obtained;
  - (b) make inquiries into all relevant matters in order to ascertain if the Applicant is entitled to obtain a renewed License under the provisions of this by-law;
  - (c) inquire into any and all relevant changes in circumstances since the previous License was issued to the applicant;
  - (d) make any inquiries to any Municipal official or employee who has carried out inspections or investigations relative to the application;
  - (e) receive reports from such Municipal officials and employees as may be deemed necessary; and,
  - (f) ensure all taxes are paid up to the Municipality when required as a condition of licensing.
18. There shall be a separate application for renewal for each Taxicab Owner and each Taxicab Driver.

19. Where the Licensing Officer is satisfied that the Applicant is entitled to obtain a renewal of a License under the provisions of this By-law, the Licensing Officer shall prepare and issue a License to the Applicant.

**Form of License**

20. Every Taxicab Owner License shall show therein:
- (a) the operating name of the Taxicab Owner to whom the License is issued;
  - (b) the operating address of the Taxicab Owner for which the License is issued;
  - (c) any conditions imposed pursuant to this By-law, in addition to those conditions specified in this By-law;
  - (d) the date of issue;
  - (e) the effective date of the License;
  - (f) the date of expiration;
  - (g) a photograph of the Licensee;
  - (h) the License number; and
  - (i) the signature of the Licensing Officer or his designate.
21. The Municipality will provide every Licensed Taxicab Owner with an Identification Card showing therein:
- (a) the operating name of the Taxicab Owner to whom the License is issued;
  - (b) the operating address of the Taxicab Owner for which the License is issued;
  - (c) the date of issue;
  - (d) the effective date of the License;
  - (e) the date of expiration;
  - (f) a photograph of the Licensee; and
  - (g) the License number.
22. Every Taxicab Driver License shall show therein:
- (a) the name of the Taxicab Driver to whom the License is issued;
  - (b) the residential address of the Taxicab Driver for which the License is issued;
  - (c) any conditions imposed pursuant to this By-law, in addition to those conditions specified in this By-law;
  - (d) the date of issue;
  - (e) the effective date of the License;
  - (f) the date of expiration;
  - (g) a photograph of the Licensee;

- (h) the License number; and
- (i) the signature of the Licensing Officer or his designate.

23. The Municipality will provide every Licensed Taxicab Driver with an Identification Card showing therein:
- (a) the name of the Taxicab Driver to whom the License is issued;
  - (b) the date of issue;
  - (c) the effective date of the License;
  - (d) the date of expiration;
  - (e) a photograph of the Licensee;
  - (f) the License number; and
  - (g) the name of the Owner for whom the Licensee is a Driver.

#### **Change of Name**

24. Where ownership of a Taxicab Owner is not changed or affected but the operating name of the Taxicab Owner changes, the Licensee shall immediately notify the Licensing Officer and upon being satisfied that there have been no other changes in the circumstances of the Licensed Owner, the Licensing Officer may issue a replacement of the original License. The Licensee shall return and surrender his License in order to affect such a change.

#### **Change of Ownership**

25. Every Licensed Taxicab Owner shall, upon change of ownership of the Taxicab Owner Licensed business, return and surrender his current License to the Licensing Officer. The new owner shall make application for a new License as set out in this by-law.

#### **Licenses Personal**

26. No Person shall enjoy a vested or property right in any License or the continuance of any License and such License and such rights shall remain the property of the Municipality.
27. Licenses are not transferable.

#### **Inspection**

28. The Licensing Officer, his designate, or any duly appointed Peace Officer may:
- (a) at all reasonable times enter upon the Taxicab Owner business premises to make an inspection to ensure that all the provisions of this By-law have been complied with;
  - (b) at any reasonable times inspect any Taxicab licensed or to be licensed under this By-law;
  - (c) at any reasonable time inspect any vehicle, goods, articles, books, records and other documents of or relating to the Taxicab business;

- (d) circulate the application and supporting documents to all or any other departments within the Municipality or any other person or agency or consultant as may be deemed necessary, for their review and comment.
  - (e) require the Licensee, at the Licensee's own expense, to bring a Taxicab to any person designated for inspection, including but not limited to inspection by the Licensing Officer, and a Peace Officer.
29. No Person shall obstruct, hinder, or in any way interfere with the Licensing Officer, a Peace Officer or another Person authorized by the Licensing Officer, the Municipality or by law to inspect, investigate or enforce this By-law.
30. No Person shall refuse to submit a Taxicab for inspection or examination as required pursuant to this By-law.
31. No Person shall operate, or permit to be operated as a Taxicab, any vehicle in respect to which the Licensing Officer has required an examination or inspection be carried out, prior to such examination or inspection being conducted to the satisfaction of the Licensing Officer.

#### **License Terms and Conditions**

32. Notwithstanding any other provisions of this By-law, the Licensing Officer may impose terms and conditions on any License at issuance, at renewal or at any time during the License period, including special conditions, as are necessary to give effect to this By-law.
33. It shall be a term of every License that the Licensee shall comply with the provisions of this By-law, other by-laws and all provincial and federal legislation, as applicable.
34. No Applicant shall be issued a Taxicab Owner License unless:
- (a) the Applicant holds 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 they are the owner and for which the Applicant proposes to use as a Taxicab;
  - (b) the Applicant holds and produces a valid safety standards certificate from a licensed, qualified automobile mechanic and as prescribed by Regulation 611, R.R.O. 1990 (Safety Inspections), as amended, under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, obtained within thirty (30) days of the date the Applicant applies for a License or a License renewal, in respect of the vehicle used or proposed to be used as a Taxicab:
    - i. when the vehicle used or proposed to be used as a Taxicab is ten (10) years old or less, at the time of application or renewal;
    - ii. when the vehicle used or proposed to be used as a Taxicab is greater than ten (10) years old at the time of application or renewal, at the time of application or renewal and six months thereafter;
    - iii. when requested to do so by the Licensing Officer, at any time.
  - (c) the Applicant produces and files a copy of the current Ontario Standards Automobile Insurance Policy, endorsed to provide that the Municipality be given at least ten (10) days written notice of any cancellation, expiration or change in the amount of the policy. Such policy shall insure in respect of any one accident to a minimum of two million dollars (\$2,000,000.00), exclusive of interest and costs, against loss or damage resulting from bodily injury to, or death, of one or more persons and loss of or damage to property; and the said policy shall make provision for passenger hazard in an amount not less than the foregoing.
  - (d) the Applicant provides to the Licensing Officer, a letter signed by the insurer of the vehicle that the insurer irrevocably undertakes to immediately notify of the insurers intention to cancel or actual cancellation of the policy of insurance. The Licensing



Officer, on receipt of a notice of cancellation, shall immediately contact the holder of the licence and if liability insurance in the amount required is not produced immediately, he shall automatically suspend the licence.

- (e) in the case of a leased motor vehicle used or proposed to be used as a Taxicab, provide the Licensing Officer with a true copy of the lease agreement and advise the Licensing Officer of any change, extension or cancellation of the lease agreement prior to such change, extension or cancellation.

35. No Applicant shall be issued a Taxicab Driver License unless the Applicant:

- (a) has at least three (3) years driving experience;
- (b) is either a Canadian citizen, a permanent resident or has a valid employment authorization issued by the Government of Canada to work as a driver;
- (c) has a working knowledge of the English language;
- (d) holds a valid Ontario Class G driver's license issued under the *Highway Traffic Act*, R.S.O. 1990, Chap. H.8 and which is in good standing according to the records of the Ministry of Transportation;
- (e) provides the Licensing Officer with his or her Driving Abstract from the Ministry of Transportation and a CIR;
- (g) has the application signed by the Taxicab Owner, or the appropriate official of the Owner's company for whom the Applicant, if Licensed, will drive;
- (h) provides two passport-size personal photographs. One of such photographs shall be attached to the License and the other shall be filed with the Licensing Officer.

36. No Taxicab Driver Licensed under this By-law shall transfer from one Owner to another Owner without first notifying the Licensing Officer.

37. Where the holder of a Taxicab Owner License disposes of a Licensed Taxicab without acquiring another motor vehicle in its stead and complying with the requirements of this By-law in respect of the replacement motor vehicle, the holder shall, within two (2) working days of such disposal, notify the Licensing Officer and surrender the said Taxicab Owner License.

38. Every Person Licensed under this By-law shall notify the Licensing Officer within six (6) days of any change of address.

39. No Licensed Owner of any Taxicab shall employ or use as a driver of such Taxicab any person who is not Licensed under this By-law.

#### **VEHICLE REQUIREMENTS**

40. No Taxicab Owner or Taxicab Driver shall permit advertising for any purpose other than advertising pertaining to the Taxicab Owner to be displayed on the outside of the Taxicab.

41. Every Licensee shall ensure that at all times his or her Taxicab:

- (a) is clean, in good repair as to its interior and exterior;
- (b) is free from body damage;
- (c) has a well-maintained paint finish; and
- (d) meets the standards required for the issuance of a Province of Ontario Safety Standards Certificate;

42. Every Taxicab Owner or Taxicab Driver, while operating a Taxicab, shall:
- (a) display a tariff card showing the in-town rates, charges for stops made by the Taxicab, waiting time per hour, charge per kilometer on out-of-town fares and also indicate if HST is included in the charge; and
  - (b) display the tariff card in such a position that it is clearly visible to any passenger within the Taxicab.
43. Every Taxicab Owner and Taxicab Driver shall ensure that the Owners Plate is placed on the rear bumper of the Taxicab with text that is high colour-contrasted with its background, in order to assist with visual recognition, and has the appearance of solid characters.
44. Owners plates issued under this by-law which have been defaced, lost or destroyed may be replaced by the Licensing Officer upon the original plate being satisfactorily accounted for and upon payment of the prescribed fee.

#### **ACCESSIBLE TAXI-CAB REQUIREMENTS**

45. Every Accessible Taxicab Driver shall securely fasten all mobile devices so that they are prevented from moving when the Taxicab is in motion.
46. Every Applicant for an Accessible Taxicab Driver License shall:
- (a) where the Applicant is an individual, be Licensed under this By-law as a Taxicab Owner or Driver;
  - (b) submit to the Licensing Officer a certificate indicating successful completion of a training program by the Applicant or by designated employees of the Applicant;
  - (c) where the Applicant is a Driver, produce to the Licensing Officer his or her Taxicab Driver's License issued hereunder for endorsement as a Licensed Accessible Taxicab Driver.
47. Where an Owner offers accessible service for mobility assistive devices and such service is requested by a Person with a Disability, the Owner shall provide priority service for such request.
48. Accessible Vehicles shall comply with the requirements of Regulation 629, R.R.O. 1990, as amended (Accessible Vehicles), made pursuant to the *Highway Traffic Act*, R.S.O. 1990, Chap. H.8.
49. No Taxicab Owner or Taxicab Driver shall charge a higher fare or an additional Trip fee for Persons with Disabilities than for Persons without Disabilities for the same Trip.
50. No Taxicab Owner or Taxicab Driver shall charge a fee for the storage of mobility aids or mobility assistive devices.

#### **GENERAL**

51. No Person Licensed pursuant to this By-law shall discriminate against any member of the public on account of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, sex, age, marital status family status or Disability.
52. No Person Licensed pursuant to this By-law shall:
- (a) refuse to serve a Person with a visual impairment being guided by a Service Animal trained for that purpose;
  - (b) refuse to permit such Person together with such Service Animal to enter into or upon any place, premises, vehicle or thing to which the license relates; or

- (c) refuse to permit such Person and such Service Animal to remain in or upon such place, premises, vehicle or thing by reason only of the presence of the said service animal.
53. Every Licensee under this By-law shall make available vehicle registration and identification information in an accessible format to Persons with Disabilities who are Passengers.
54. No Person Licensed under this By-law shall carry or permit to be carried in any Taxicab a greater number of Persons than the manufacturer's rating or seating capacity for such Taxicab.
55. No Person Licensed under this By-law shall take, consume, have in his or her possession or be under the influence of any liquor or any other drug while operating a Taxicab.
56. No Person shall, without the approval of the Licensing Officer, remove a Licensee's photograph from an Identification Card or License or alter, deface, destroy or conceal the photograph or Identification Card or License or permit same to occur.
57. Every Taxicab Owner or Taxicab Driver shall immediately replace any Identification Card or photograph which has become obliterated, defaced or altered.
58. Every Licensee under this By-law shall, at all times while driving a Taxicab, conspicuously display their Identification Card and advise any person of the number of such card upon request.
59. No Taxicab Owner or Taxicab Driver Licensed under this By-law, or any Person employed by them, shall, in any manner whatsoever, directly solicit any Person to take or use any Taxicab.
60. No Taxicab Owner or Taxicab Driver Licensed under this By-law shall knowingly permit a Taxicab to be used by any Person in the commission of or in aid of the commission of any offence under the Criminal Code of Canada, any Provincial statute or Municipal by-law.
61. Every Taxicab Driver shall use the most direct traveled route to the specified point of destination, unless otherwise directed by the Passenger or unless permission had been granted by the Passenger to deviate from such route, or as otherwise directed by the Passenger.
62. No Licensee shall permit or allow any Person to be on any exterior portion of a Taxicab while the Taxicab is in motion.
63. Every Licensee while on duty, unless the taxicab has been previously engaged, shall serve at any specified time whether by day or night any Person who may require a Taxicab, and shall not purposely neglect or refuse to fulfill any lawful appointment or engagement.
64. No Taxicab Driver, when answering a call, shall blow the horn of the Taxicab more than once when arriving at any building or place in order to announce arrival. If the customer does not appear, the Taxicab Driver will go to the building and knock on the door.
65. Every Licensee shall take due care of all property delivered, or entrusted to and accepted by them for conveyance in the Taxicab or safekeeping, and for any property lost or left therein. All property left in the Taxicab shall be delivered over to the person owning same, or, if the person cannot be found at once, shall be taken and placed in the Owner's office for a period not exceeding five (5) days. The property shall then be delivered over to the police. Notwithstanding the above, should money, a purse or wallet containing personal identification or important papers be found, the same shall be forthwith taken to the nearest police station.
66. No Licensee shall permit the Taxicab to remain standing on any highway other than in designated parking areas, unless for the immediate purpose of:

- (a) taking on a Person who has already engaged the vehicle.
- (b) discharging a Passenger from the vehicle.
- (c) remaining under the direction of a Passenger by whom the vehicle is already engaged and in the continuance of such engagement.

Notwithstanding the foregoing, nothing in this By-law shall be construed as permitting any parking, standing or standing in contravention of any applicable area municipal By-law or *Highway Traffic Act* provision.

- 67. Every Licensed Owner shall cause to be kept a record of the date, time, origin and destination of each trip and the name of the Taxicab Driver. Such records shall be retained for at least six (6) months from the making thereof and shall be made available to the Licensing Officer upon request.
- 68. Every Taxicab Owner or Taxicab Driver shall, to the best of their knowledge and ability, give full information to any Peace Officer, Police Officer or By-law Enforcement Officer on being requested to do so with respect to the address of the house or place to or from which any passenger was driven, with the description, name and address of any such passenger.
- 69. Any Person employing a Taxicab may require the Taxicab Driver to furnish a receipt for charges made and paid, indicating thereon the distance traveled. The Taxicab Driver shall promptly furnish such receipt upon request.
- 70. While on duty, no Taxicab Owner or Taxicab Driver shall use any type of radio scanning device.
- 71. Taxicabs shall be smoke-free.
- 72. No Applicant shall fail to pay the required License fees as set out in Schedule "A" to this By-law.

**Refusal to Grant a License**

- 73. The Licensing Officer may refuse to grant or issue a License to any Applicant who:
  - (a) has past breaches of this by-law or License conditions, and the Licensing Officer determines that it is not in the public's interest to grant such a License to the Applicant;
  - (b) has failed to comply with the requirements of this by-law or other applicable by-laws of the Municipality, 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, facilities, equipment, vehicles and other property used or kept for hire in connection with the License activity;
  - (c) has outstanding taxes owing to the Municipality; or
  - (d) has any outstanding fines imposed under the Provincial Offences Act 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 Taxicab business.
- 74. The Licensing Officer may refuse to grant or issue a License to any Applicant where the Licensing Officer, on reasonable grounds, believes it is not in the public interest to do so.

### **Suspension/Revocation**

75. The Licensing Officer may suspend or revoke a License issued to any Licensee who:
- (a) has past breaches of this by-law or License conditions, and the Licensing Officer determines that it is not in the public's interest to grant such a License to the Applicant;
  - (b) has failed to comply with the requirements of this by-law or other applicable by-laws of the Municipality, 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, facilities, equipment, vehicles and other property used or kept for hire in connection with the License activity;
  - (c) has outstanding taxes owing to the Municipality; or
  - (d) has any outstanding fines imposed under the Provincial Offences Act 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 Taxicab business.
76. Any suspension of a License may be subject to such terms and conditions as the Licensing Officer may prescribe.
77. No person shall operate as a Taxicab Owner or Taxicab Driver contrary to any License suspension or terms and conditions thereto or where such License has been revoked.

### **Notice and Appeal**

78. Where the Licensing Officer refuses to issue, suspends, or revokes a License the Licensing Officer shall notify the Applicant or Licensee in writing of such decision and the said notice shall set out the grounds upon which the License is refused, suspended or revoked and shall state that the Applicant or Licensee may appeal such decision by filing an appeal with the Clerk of the Municipality in writing within fifteen (15) days as set out in this by-law.
79. Where the Licensing Officer refuses to issue, suspends or revokes a License under this by-law, the Applicant or Licensee may appeal the decision to Council by filing with the Clerk an appeal in writing of the said decision within fifteen (15) days of the date of mailing of the decision of the Licensing Officer.
80. Where an appeal is received, the Clerk shall fix a date and time for such matter to be considered by Council and shall mail a Notice of Hearing to the Applicant or Licensee (at his last address as shown in the records of the Licensing Officer) and to any Person who has applied to be heard with regard to the matter.
81. Such Notice of Hearing shall be mailed at least fifteen (15) days prior to the date and time fixed for such hearing.
82. At such hearing Council shall receive a report, either verbally, or in writing, from the Licensing Officer and from such other officers or employees of the Municipality who may be involved in the matter being considered by Council.
83. At the hearing before Council, the Applicant or Licensee, either personally or through his agent or solicitor shall be afforded the opportunity to present such material and evidence relevant to the issue before Council as he may deem appropriate and he may ask questions of any person presenting evidence or a report to Council relevant to the said issues.

84. For the purpose of this By-law, a quorum of Council shall be a majority of the members of Council, and a decision by the majority of members present shall be the decision of Council.
85. Council may, after having heard all of the evidence and submissions made to it by the Applicant or Licensee, and the Licensing Officer, debate the matter and to reach its decision.
86. Council, in considering whether or not to grant a License, refuse a License, revoke a License, or suspend a License shall have regard for the following:
- (a) whether or not the Applicant or Licensee and facilities, equipment, vehicles or other personal property used or kept for hire in connection with the carrying of the Taxicab business Licensed pursuant to this by-law complies with all requirements of this by-law;
  - (b) whether or not the Applicant or Licensee has failed to promptly remedy any reasonable concern with regard to those matters set out in this by-law;
  - (c) whether or not the Applicant or Licensee has committed past breaches of this by-law; and
  - (d) whether or not the Applicant or Licensee has failed to comply with any requirements of any other applicable by-law of the Municipality or of any statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board or Commission thereof, in, upon or in connection with the Licensed activity.
87. Council may, after the appropriate hearing is conducted, grant a License, refuse a License, revoke a License, or suspend a License and such decision may be subject to such terms as Council may impose and the decision of Council shall be final and binding upon any Applicant or Licensee.
88. The decision made by Council to keep a License, refuse to issue a License, revoke a License or suspend a License may be subject to such terms as Council shall impose and the decision of Council shall be final and the decision binding on the Applicant or Licensee.
89. No Person shall engage in, or continue to conduct, or permit any Person to engage in or continue to conduct a Business for which a License is required under this by-law while such License is suspended or revoked under the provisions of this by-law.

#### **Enforcement**

90. The Licensing Officer, a By-law Enforcement Officer, a Peace Officer, or other duly appointed individual shall enforce the provisions of this by-law.

#### **Registry**

91. The Licensing Officer shall keep a License register of every License issued to a Taxicab Owner and Taxicab Driver.

#### **Scope and Authority**

92. Where a matter is subject to provincial or federal regulation, any provision of this by-law is without effect to the extent that it prohibits or regulates the matter in substantially the same way as or in a more restrictive way than the applicable provincial or federal regulation.

#### **Severability**

93. Should any section of this by-law be declared by a Court of competent jurisdiction to be *ultra vires* or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

**Additional Exemptions**

94. The Licensing Officer of the Municipality may grant an exemption to any Person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

**Penalties**


95. Any person who contravenes any provision of this by-law or is party to such contravention commits an offence under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
96. Notwithstanding Section 94 of this by-law, every Person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation who concurs in the contravention by the Corporation, is guilty of an offence and liable upon conviction to a fine not exceeding \$25,000.00.
97. Notwithstanding Section 94 of this by-law, 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 \$50,000.00.
98. The court in which a conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other remedy and to any penalty imposed on the person convicted.


**Enactment**

99. This by-law comes into force on the passing thereof and shall be known as the Taxicab Licensing By-law.
100. By-law No. 24 of 1995 and By-law No. 17 of 1998 of the Corporation of the Town of St. Marys are hereby repealed.
101. This By-law shall come into force and takes effect on September 1, 2012.

**Read a first and second time this 24<sup>th</sup> day of July 2012.**

**Read a third and final time and passed this 24<sup>th</sup> day of July 2012.**

  
\_\_\_\_\_  
Steve Grose, Mayor

  
\_\_\_\_\_  
Kevin McLlwain, CAO/Clerk

**Schedule "A"**

**FEES**

**Type of License**

Taxi – Owner’s Licence & First Vehicle	\$100.00 per year
Taxi – Each Additional Vehicle	\$ 50.00 per year
Taxi – Driver	\$50.00 per 2-year period
Replacement of lost or damaged plates	\$10.00