



A BY-LAW TO LICENCE, REGULATE AND GOVERN TAXICAB OWNERS AND DRIVERS

WHEREAS pursuant to Section 151 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, a municipality may provide for a system of licences with respect to a business;

AND WHEREAS pursuant to Section 156(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, a local municipality, in a by-law under Section 151 with respect to the owners and drivers of taxicabs, may,

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

AND WHEREAS pursuant to Section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS pursuant to Section 429 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Act;

AND WHEREAS Council deems it advisable, having regard, among other matters, to the health and safety of the public, the protection of consumers, and the potential for public nuisance, to enact a by-law to licence and regulate taxicabs in the Town of Cobourg;

NOW THEREFORE the Council of the Corporation of the Town of Cobourg enacts as follows:

This By-law may be cited as the "Taxi Licensing By-law".

1 DEFINITIONS

1.1 In this By-law:

"Accessible Driver" means a Driver whose Licence has been endorsed by the Municipal Clerk to permit the Driver to drive an Accessible Taxicab in the Town;

"Accessible Taxicab" means a Taxicab originally constructed or subsequently modified to permit the loading, transporting and offloading of persons confined to a wheelchair and that complies with all Provincial and Federal Statutes and Regulations including Ontario Regulation 629 as amended;

"Applicant" means a person applying for a Licence pursuant to this By-law;

“By-law Enforcement Officer” means any person appointed by the Corporation to enforce its by-laws;

“Compensation” means any rate, remuneration, reimbursement, fee, or reward for any kind paid, payable, promised, received or demanded, directly or indirectly;

“Corporation” means the Corporation of the Town of Cobourg;

“Council” means the Council for the Corporation of the Town of Cobourg;

“Driver” means any person, including an Owner, who drives a Taxicab, including an Accessible Taxicab, who is in possession of a Licence issued by the Corporation under this By-law and “drive” shall have a corresponding meaning;

“Fare” means the amount charged to a person as a result of a Trip and is displayed on the Taxicab Meter during and at the conclusion of a Trip, together with any additional charges allowed pursuant to this By-law. Fares will be charged at a metered rate in accordance with Schedule “B” of this By-law;

“Licence” means authorization under this By-law to carry on the trade, business or activity specified therein; and shall include the Licence of an Owner or a Driver;

“Licencee” means one who holds a Licence under this By-law and who is not in breach of the provisions hereof;

“Licensing Officer” means the Licensing Officer of the Corporation together with such persons as may be designated by the Municipal Clerk to administer and enforce this By-law;

“Limousine” means a motor vehicle kept or used for hire for the conveyance of passengers by reservation only and solely on an hourly basis and does not include a Taxicab;

“Municipal Clerk” means the person appointed by By-law of the Corporation as the Municipal Clerk, and his or her deputies and designates;

“Owner” means any person who owns a Licenced Taxicab or Taxicabs pursuant to this By-law and includes a person having the possession or control of a Taxicab under a conditional sale agreement, rental, leasing agreement or arrangement;

“Owner’s Plate” means a metal, plastic plate or laminated sticker issued to an Owner containing the assigned and registered Taxicab number;

“Passenger” means any person other than the Driver who is seated or otherwise situated within a Taxicab or Accessible Taxicab;

“Person” includes a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership or other form of business association;

“Provincial Offences Officer” means a person defined as such pursuant to Section 1 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended;

“Senior Citizen” means a person 65 years of age and older;

“Tariff Card” means the notice of permitted fares as set forth in this By-law as issued by the Licensing Officer;

“Taxicab” means a motor vehicle as defined in Section 1 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and having a seating capacity of not more than six persons, exclusive of the Driver, hired for a Trip for the exclusive transportation of one person or group of persons, with one Fare being collected or made for the Trip. Taxicab includes an Accessible Taxicab but does not include a Limousine;

“Taxicab Meter” means an approved measuring device used in a Taxicab to calculate the Fare payable for a Trip;

“Taxicab Stand” means an area designated and approved by the Corporation for use by a Taxicab while waiting for or picking up of goods or passengers;

“Town” means the geographic limits of the Town of Cobourg in accordance with the Town of Cobourg Boundary Map attached as Schedule “D” to this By-law;

“Trip” means the distance and time traveled or estimated to be traveled, measured from the time and location where the passenger or goods first entered the Taxicab or when the Taxicab Meter was engaged, to the time and location where the passenger or goods left the Taxicab or the Taxicab Meter was disengaged;

“Trip Sheet” means the written record of the details of each Trip as recorded by the Driver and in a form specified by the Corporation. The Trip Sheet should contain the information set out in the sample from the ‘Taxi Driver Package’ provided by the Corporation; all fields are to be filled out to the fullest extent possible, in ink (block lettering) or print (prepared by a word processor);

“Used for Hire” means the conveyance of passengers in a Taxicab in exchange for Compensation.

2.0 ADMINISTRATION

2.1 Duties of the Clerk

2.1.1 Administration of this By-law shall be the responsibility of the Municipal Clerk who is authorized to issue, renew, revoke or suspend Licences in accordance with the provisions of this By-law.

2.1.2 The Municipal Clerk will keep records of all Licences issued pursuant to this By-law.

2.1.3 The Municipal Clerk is responsible for review and response to any complaints or non-compliance issues in respect to this by-law.

2.2 Licence Applications

2.2.1 An application for a Licence or for the renewal of a Licence shall be completed and submitted to the Licensing Officer on the prescribed forms together with the appropriate licence fee as per the Corporation’s Fees and Charges Schedule either on or before March 31st of each year or as required throughout the year for vehicles acquired or drivers hired after March 31st.

2.2.2 An Applicant must:

- (a) be a citizen of Canada, or be legally permitted to work in Canada;
- (b) be at least 18 years of age;
- (c) hold a valid current Class "G" Driver's Licence issued by the Province of Ontario;
- (d) provide a Police Vulnerable Sector Check when applying for the first time, indicating no criminal convictions in accordance with the Town of Cobourg Police Check Policy attached hereto as Schedule "A", and must provide a Police Information Check every year thereafter;
- (e) a Pardon if the Applicant has prior criminal convictions;
- (f) produce their Ontario Ministry of Transportation Driver's Licence abstract, dated within 90 days of application, indicating any convictions and demerit points in the previous three years;
- (g) pass a written test when applying for the first time, demonstrating that they have an acceptable understanding of this By-law and general knowledge of the Town; and
- (h) pay the prescribed application fee to the Corporation.

2.2.4 All Business Registrations or Articles of Incorporation are to be provided to the Municipal Clerk with all Taxicab Owner Licence Applications, as applicable.

2.2.5 Acceptance of the application and fee by the Municipal Clerk or Licensing Officer shall not represent approval of the application for the issuance of a Licence, nor shall it obligate the Municipal Clerk to issue a Licence.

2.2.6 Every application for a renewal of any Licence issued pursuant to this By-law shall be delivered to the Licensing Officer, in person, before the expiry date for such Licence.

2.3 Terms of Licence

2.3.1 The Licensing period shall be in effect on an annual basis from the first day of April to the 31st day of March of the following year.

2.3.2 Each Licence shall be valid for the licensing period, unless said Licence is revoked, amended, suspended or voluntarily relinquished to the Corporation sooner.

2.3.3 No Licence may be leased, subleased, transferred, assigned or used by any person other than the person to whom it was issued.

2.4 Number of Licences

2.4.1 The number Owner Licences issued by the Corporation will be limited to one Licence per 1000 population in the Town of Cobourg. Priority for Licences will be given to those persons that provide 24/7 dispatch taxi service in the Town.

2.5 General Licensing Provisions

- 2.5.1 In addition to any other provision of this By-law, the Corporation may refuse to issue or renew a Licence to an Applicant where:
- (a) the past conduct or information supplied by the Applicant or Licencee affords reasonable grounds for belief that the Applicant or Licencee will not carry on the activity for which the Applicant is to be licenced in accordance with this By-law, applicable law, integrity and honesty; or
 - (b) there are reasonable grounds for belief that the premises, Taxicab, Taxicab Meter, equipment, vehicles or facilities in respect of the activity for which the Applicant is to be licenced do not comply with the provisions of this By-law or other applicable law.
- 2.5.2 When a Driver has had his/her Province of Ontario Driver's Licence suspended, cancelled, revoked or expired, any Licence issued under this By-law shall be deemed to be suspended as of the date of suspension, cancellation, revocation or expiration of the Province of Ontario Driver's Licence. In such a case, the Driver shall immediately return to the Corporation any Licence issued under this By-law.
- 2.5.3 All Drivers are required to have an officially signed Town of Cobourg Photo Identification Licence processed and issued by the Corporation for each Licence application or renewal.
- 2.5.4 Every Taxicab or Accessible Taxicab powered by propane fuel shall have an inspection certificate filed with the Licensing Officer for each new or renewal Licence as well as at the time of normal inspection of the vehicle. A propane fitter, 1st class (PFI) or 2nd class (PF2), who is employed by a company designed under the provisions of the *Energy Act* R.S.O. 1990 and the Regulations thereto shall sign the inspection certificate only.

2.6 Surrender of Licence

- 2.6.1 Where a Licence has expired or has been revoked, cancelled or suspended pursuant to the provisions of this By-law, the Licencee shall return the Licence and if applicable, the Owner's Plate to the Licensing Officer within twenty-four (24) hours of service of such expiry, revocation, cancellation or suspension.

2.7 Notice of Change of Information

- 2.7.1 Where a Licencee changes their name, address or any information relating to the Licence, the Licencee shall notify the Licensing Officer within forty-eight (48) hours after the change of information relating to the Licence and shall return the Licence to the Licensing Officer for amendment.

3.0 GENERAL PROHIBITION

- 3.1 No person shall operate or permit the operation of a motor vehicle as a Taxicab in the Town without an authorized Town of Cobourg Taxicab Licence.

4.0 EXEMPTION

- 4.1 This By-law does not apply to and excludes the necessity for Licences for Taxicabs originating outside the Town when delivering passengers to areas in the Town.

5.0 OWNER REGULATIONS

5.1 Owner Licence Applications

- 5.1.1 In addition to any other provision of this By-law, an application for an Owner Licence must include the following information and documentation for the vehicle(s) for which the Licence is sought:
- (a) the licence plate number;
 - (b) a safety standards certificate;
 - (c) proof of insurance in accordance with Section 8.0 of this By-law;
 - (d) make, model, year and seating capacity;
 - (e) manufacturer's vehicle identification number (VIN #);
 - (f) vehicle inspection report completed by a By-law Enforcement Officer which indicates compliance with the requirements of this By-law including proper calibration of the Taxicab Meter; and
 - (g) proof of insurance as required by the Workplace Safety and Insurance Act.

5.2 Owner Prohibitions

- 5.2.1 No Owner shall:
- (a) permit the operation of a Taxicab by a person who is not a licenced Driver;
 - (b) permit a Taxicab to be operated that has mechanical defects;
 - (c) affix or permit any person to affix any Licence or Owner's Plate issued pursuant to this By-law to any vehicle other than the Taxicab for which it was issued;
 - (d) permit a Taxicab to be operated when its interior is not clean, sanitary, dry and in good repair;
 - (e) permit a Taxicab to be operated when its exterior is not clean or it has exterior body damage or rust;
 - (f) permit a Taxicab to be operated without a Taxicab Meter or with a Taxicab Meter that has not been properly calibrated to reflect the Tariffs as set out in Schedule "B" to this By-law; and
 - (g) operate or permit the operation of a Taxicab under any name other than the name endorsed at the time the Taxicab Licence was issued,

5.2.2 Every Owner shall:

- (a) have in or on the Taxicab:
 - i. the Owner's Plate affixed at a location and in a manner approved by the Licensing Officer;
 - ii. the current Tariff Card, as per Schedule "B", affixed at a location and in a manner approved by the Licensing Officer;
 - iii. the Owner's Licence issued under this By-law, affixed at a location and in a manner approved by the Licensing Officer; and
 - iv. an electronically illuminated roof sign and status light securely attached to the top of the Taxicab in a manner approved by the Licensing Officer. The roof sign and/or status light must be wired to the Taxicab Meter and work in conjunction with the Taxicab Meter so that it is not illuminated when the Taxicab Meter is engaged and it is illuminated when the Taxicab Meter is disengaged.
- (b) display the name of the Taxicab or Taxicab business or company clearly on the exterior of the Taxicab.

6.0 DRIVER REGULATIONS

6.1 Licensing and Proof Thereof

6.1.1 Every Driver shall:

- (a) at all times while driving a Taxicab display their Town of Cobourg Photo Identification Licence so that it is affixed in a holder or attached to their outer clothing, so as to be readily visible to Passengers using the Taxicab; and
- (b) upon the request of any Passenger, or when there is any complaint or any dispute about the fare, the Driver shall give in writing, on the form prescribed by the Licensing Officer and attached hereto as Schedule "D", the Driver's name, Taxicab Driver's Licence number, Taxicab Owner's Plate number, the amount of the Fare and the Owner of the Taxicab.

6.2 Appointments and Conduct

6.2.1 Every Driver shall:

- (a) punctually keep all appointments and engagements and shall not make any appointment if a previous engagement would prevent the driver from fulfilling it;
- (b) when picking up Passengers, immediately notify the person calling the Taxicab of his/her presence;

- (c) be at liberty to refuse to serve any person who:
 - i. is threatening or disorderly;
 - ii. refuses to give the destination;
 - iii. is in possession of an animal, other than a seeing eye dog;
 - iv. is eating or drinking any food or beverage;
 - v. has not paid a previous Fare or cancellation fee; or is, in the opinion of the driver, unable or unwilling to pay the Fare and has been unable to satisfy the Driver that he/she has the funds to pay the Fare;
 - vi. refuses to extinguish smoking materials;
 - vii. is in the possession of any banned or toxic substances;
 - viii. has in their possession any weapons or devices that may cause bodily harm in the opinion of the Driver; and/or
 - ix. requests to be driven to a remote or isolated destination;
- (d) render such assistance as may be necessary for the Passenger to enter or exit the Taxicab, however the Driver shall not be required to carry a Passenger;
- (e) be civil, speak in an appropriate manner and behave courteously to Passengers;
- (f) be properly dressed, well groomed, neat and clean in personal appearance; and
- (g) turn off any radio, cd player or any other sound producing device in the Taxicab, with the exception of the two way radio, upon being requested to do so by any Passenger, and having done so, leave such devices in the off or turned down position until termination of the Trip with the Passenger.

6.3 Routes

6.3.1 Every Driver shall:

- (a) drive the Taxicab in the most direct travelled route to destination unless otherwise directed by the Passenger; and
- (b) keep in the Taxicab a current street guide or map of the Town and surrounding area satisfactory to the Licensing Officer.

6.4 Inspection and Monitoring of Taxicab Condition & Contents

6.4.1 Every Driver shall:

- (a) before commencing their shift, inspect the Taxicab for interior and exterior cleanliness, mechanical defects and interior or exterior damage;
- (b) throughout their shift, ensure that the Taxicab is in good repair and is maintained in a clean and sanitary condition;
- (c) immediately report any unsanitary condition and/or all mechanical defects in the Taxicab to the Owner;
- (d) take due care of all personal property of Passengers or others entrusted to their care for pick up and or delivery; and
- (e) immediately upon termination of a Trip, search the Taxicab for any personal property of Passengers left therein and immediately deliver all personal property left in the Taxicab to the nearest police station.

6.5 Trip Sheets, Meter Requirements & Fares

6.5.1 Every Driver shall:

- (a) maintain in the Taxicab a daily trip sheet showing the following information:
 - i. Owner's Licence number for the Taxicab;
 - ii. the name of the Driver(s);
 - iii. a record of all Trips made by the Taxicab that day;
 - iv. the date, time, and location of the beginning and the termination of each Trip;
 - v. the amount of the Fare collected for each Trip as recorded on the Taxicab Meter;
 - vi. Meter rate used for the Trip (i.e. regular rate, senior rate); and
 - vii. odometer reading of the Taxicab at the beginning and end of each day;
- (b) retain all daily trip sheets for at least twelve (12) months and make them available for inspection at the request of the Corporation;
- (c) engage the Taxicab Meter at the commencement of each Trip when the destination of the Trip is within the Town of Cobourg limits, and keep it engaged for the duration of the Trip; and
- (d) charge Fares in accordance with the Tariffs as set out in Schedule "B" to this By-law.

7.0 DRIVER PROHIBITIONS

7.1 Activities in Taxicab

7.1.1 No Driver shall have any device in any Taxicab that is capable of scanning two-way radio calls.

7.2 Passengers

7.2.1 No Driver shall:

- (a) carry in a Taxicab a greater number of Passengers than available seatbelts in the Taxicab;
- (b) take on any additional Passengers after the Taxicab has commenced a Trip except under the following circumstances:
 - i. when done at the request of the Passenger(s) already in the Taxicab;
 - ii. in an emergency situation;
 - iii. when the Taxicab is being used for the transportation of children to and from school or for the transportation of disabled persons;
- (c) be required to expend their personal funds when picking up any parcel or product on behalf of a Passenger; and
- (d) engage in solicitation of Passengers for any purpose whatsoever including recommending hotels, restaurants or other like facilities unless requested to do so by the passenger.

7.3 Operation of Taxicab

7.3.1 No Driver shall:

- (a) while waiting at a Taxicab Stand or any other public place:
 - i. obstruct or interfere in any way with the normal use of the Taxicab Stand or public place or interfere with the surrounding traffic patterns in accordance with the Town of Cobourg Parking By-law;
 - ii. make any loud noise or disturbance;
 - iii. be unable to observe the Taxicab at all times;
 - iv. make repairs to the Taxicab unless the repairs are immediately necessary;
- (b) drive a Taxicab which does not have an Owner's Plate affixed thereto;

- (c) operate a Taxicab unless:
 - i. it is equipped with a spare tire and jack ready for use for that Taxicab;
 - ii. it is free from any mechanical defect;
 - iii. the interior is clean, dry, sanitary, free from debris and in good repair;
 - iv. the exterior is clean, in good repair and free from rust, exterior body damage and has a well maintained exterior paint finish;
- (d) induce any person to engage the Taxicab by any misleading or deceiving statement or representation to that person about the location or distance of any destination named by that person;
- (e) induce or permit any person to engage the Taxicab when the Driver is aware that another Taxicab has been dispatched to pick up the person provided that if the person exhibits a preference for that Taxicab the Driver shall immediately notify the other Taxicab Driver who has been dispatched.

7.4 Metered Rates and Tariffs

7.4.1 No Driver shall:

- (a) use any Tariff Card other than that obtained from the Licensing Officer, or remove, exchange, lend or otherwise dispose of the Tariff Card;
- (b) be required to provide change for any note larger than fifty (\$50.00) dollars unless the Fare is at least one-half ($\frac{1}{2}$) of the value of the said note;
- (c) operate a Taxicab when the Taxicab Meter has not been properly calibrated to reflect the Tariffs as set out in Schedule "B" to this By-law;
- (d) operate a Taxicab when the Taxicab Meter does not operate properly;
- (e) operate a Taxicab when the Taxicab Meter seal is not or is improperly affixed;
- (f) subject to the provisions of this By-law and except for a tip, gratuity or credit card service charge, recover or receive any Fare from any Passenger which is greater than the Fare authorized by this By-law;
- (g) recover or receive any Fare or Compensation from any Passenger to whom the Driver has refused to show the Tariff Card;
- (h) recover or receive any Fare or Compensation from any Passenger for time lost through defects or inefficiency of the Taxicab or inefficiency or incompetence of the Driver;
- (i) recover or receive any Fare or Compensation from any Passenger for time elapsed due to early arrival of the Taxicab in response to a call for the Taxicab to arrive at a fixed time; and
- (j) be permitted to engage the Taxicab Meter before the Passenger enters the Taxicab.

8.0 INSURANCE

- 8.1 An Owner must provide proof of current and valid Ontario standard automobile liability insurance in the amount of not less than \$2,000,000.00 per occurrence (exclusive of interest and costs) for each Taxicab against loss or damage as a result of bodily injury to or the death of one or more persons, or from loss or damage to property and the said policy shall make provision for passenger hazard in an amount of not less than \$2,000,000.00.
- 8.2 The insurance policy shall clearly state that the vehicle is being used for purposes of a Taxicab and shall include all necessary coverages as are reasonable for the conveyance of persons and/or property.
- 8.3 The insurance policy shall be endorsed to provide that the policy or policies shall not be altered, cancelled or allowed to lapse without 30 days written notice to the Corporation.
- 8.4 No person will be issued an Owner's Licence without providing proof of insurance as set out in Sections 8.1 through 8.3 as well as a letter from an insurance company addressed to the Corporation and sent to the attention of the Licensing Officer in the form acceptable to and as advised by the Licensing Officer.
- 8.5 If an Owner ceases to have a current and valid Ontario standard automobile insurance in accordance with the provisions of this By-law, any affected Licences shall be deemed to be suspended as of the date on which the cessation of insurance occurred, and the Licences shall only be reinstated if the Licensing Officer is provided with written proof of insurance in accordance with the provisions of this By-law.
- 8.6 If an Owner's Licence is suspended pursuant to Section 8.5, the Owner shall forthwith remove the Owner's Plate and return the Owner's Plate and the Licence to the Licensing Officer.
- 8.7 All insurance renewal policies or new certificates of insurance shall be provided to the Licensing Officer at least five (5) days prior to the expiry date of the current insurance policy.

9.0 VEHICLE REQUIREMENTS

- 9.1.1 In addition to any other applicable provision of this By-law, in order to obtain an Owner's Licence, an Applicant must:
- (a) produce a copy of the current Ontario Ministry of Transportation Motor Vehicle Ownership for the vehicle to be Licensed. The Vehicle Ownership must indicate that the vehicle is in the Applicant's name and that the vehicle is fit for safe operation;

- (b) submit a Safety Standards Certificate issued under the *Highway Traffic Act*, attesting to the mechanical fitness of the vehicle twice per year, the first being at time of application or renewal of the Owner's Licence and the second being six (6) months thereafter;

9.2 General Taxicab Inspections

9.2.1 The Licensing Officer shall give notice to the Owner of two general inspections per year for each Taxicab owned. The first inspection shall be upon licensing the Taxicab and the second six (6) months later at a time and place determined by the Licensing Officer.

9.2.2 Upon notice of mandatory inspection under the foregoing section, the Owner or Driver shall attend with the vehicle at the appointed time and place.

9.3 Taxicab Meter Requirements

9.3.1 Every Taxicab Meter required by this by-law shall:

- (a) be calibrated and sealed by the Licensing Officer or By-law Enforcement Officer,
 - i) any time the Taxicab Meter is removed from the Taxicab for any reason;
 - ii) each time a tire on the Taxicab is changed and/or replaced;
 - iii) twice per year, the first being at time of application or renewal of the Owner's Licence and the second being six (6) months thereafter; and
 - iv) at any time at the discretion of the Licensing Officer at such time and place as may be directed by the Licensing Officer
- (b) be kept in good working condition and immediately repaired, when necessary and be calibrated and resealed in accordance with the requirements of this By-law.

10.0 ACCESSIBLE TAXI SERVICE

10.1 The Corporation may, in its discretion, issue Owner's Licences for Accessible Taxicabs.

10.2 All of the provisions of this By-law in respect of an Owner, a Driver and Taxicabs shall apply to Accessible Taxicabs.

10.3 In addition to the requirements for Licencing of Taxicabs set out in this By-law, motor vehicles to be licenced as Accessible Taxicabs shall, as a minimum, permit the loading, transportation and off-loading of persons utilizing a wheelchair in compliance with all Federal and Provincial legislation governing the transportation of disabled persons.

10.4 Notwithstanding any other provisions of this By-law in respect of the dispatching of taxicabs the following provisions will apply:

- (a) When a person requests an Accessible Taxicab, the Owner shall:
 - i. ensure that the request receives priority over any other request for service to which the Taxicab has been dispatched; and
 - ii. ensure that another Taxicab is dispatched to respond to the customer requiring services other than the Accessible Taxicab.

10.5 All Accessible Taxicab operations must be authorized through an Agreement between the Corporation and the Licencee and the Licencee shall adhere to all of the terms and conditions as contained within said Agreement.

11.0 REVOCATION, SUSPENSION OR CANCELLATION OF LICENCE

11.1 The Municipal Clerk may revoke, suspend or refuse to renew a Licence in any of the following circumstances:

- (a) Where a Licencee has been found to have failed to comply with any provisions of this By-law;
- (b) Where an Owner fails to provide Taxicab service to the Town a minimum of twelve (12) hours a day for at least five (5) days during any ten (10) day period;
- (c) Where an Owner's Licence is not renewed by the annual renewal date of March 31st

11.2 Hearing

11.2.1 Where the Licensing Officer believes that the applicant or licensee would be disentitled to a licence or a renewal thereof for any of the reasons set out in this by-law, the Clerk shall not issue the licence and the Licensing Officer shall recommend to Council to refuse to issue or refuse to renew the licence, or that the Council suspend or revoke the licence, or recommend that a licence be issued subject to terms and conditions.

11.2.2 Before Council refuses to issue or renew a licence, or revokes, suspends or cancels a licence, a written notice advising the applicant or licensee of the recommendation being made by the Licensing Officer to the Council with respect to the licence shall be given to the applicant or licensee by the Clerk.

11.2.3 Where any person is affected by a decision of the Municipal Clerk or a By-law Enforcement Officer under this By-law such person may appeal the decision or cancellation to Council by way of a hearing before Council within fourteen (14) days of the date of the order, decision or cancellation (as the case may be) by providing a letter to the Municipal Clerk stating the fact of the appeal and the reasons for the appeal.

11.2.4 The written notice shall be given hereunder and shall:

- (a) set out the grounds for the recommendation;
- (b) give reasonable particulars of the grounds;
- (c) be signed by the Clerk; and
- (d) inform the applicant or licensee that they are entitled to a hearing before the Council, if they deliver, within seven (7) days after the date of service of the written notice, or the date of personal service of the written notice, whichever is later, a written request, for a hearing before Council.

12.0 PENALTY

12.1 Any person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended.

13.0 SEVERABILITY

13.1 If any section, clause or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

14.0 REPEAL

14.1 By-law No. 098-2009, By-law No.053-2010, By-law No. 095-2010 and By-law No. 016-2011 are hereby repealed.

15.0 EFFECTIVE DATE

15.1 This By-law shall come into full force and effect upon the date of its passing.

READ a first, second and third time and finally passed in Open Council this 10th day of February, 2014.


MAYOR


MUNICIPAL CLERK

SCHEDULE "A"

All Taxi Owner/Operators and Taxicab Drivers must comply and adhere to the following Town of Cobourg Police Check Policy:

Criminal Record Screening Policy

The Town of Cobourg accepts their responsibility to the citizens of Cobourg for many special events, programs, services, committees, licensing responsibilities, and community activities involved in its municipal government operations and duties, and is committed to the following policy to support the provision of safe, sound and positive experiences within our areas of responsibility and programs.

Due to positions of trust that are inherent within the Town of Cobourg's mandate including various programs, services and licensing requirements all Council members, employees, volunteers, taxi drivers and bus operators shall be required to undergo a police background screening process.

Police Record Checks

For all employees, volunteers, taxi drivers and bus operators, a Police Records Check is completed. Every person as identified above, once accepted is obliged to immediately inform the Municipality if he or she is charged, tried, convicted or involved in any way in a police investigated matter related to any of the below-noted offences under the Criminal Code or under other provincial or federal statutes. Volunteers and Taxi Drivers/Operators will be asked to sign an agreement to this effect annually.

Once an individual has had a police check completed then a copy shall be supplied and will be accepted by the Municipality conducted and will be kept on record in accordance with the Freedom of Information and Personal Privacy Act regulations. Copies of police checks will be double-checked with the police department for validity by the Town of Cobourg.

In general, individuals with past Criminal Code convictions for certain offences will not be accepted for a direct service position within any and/or all areas of responsibility of the Town of Cobourg's mandate.

These offences include, but are not limited to, the following with exclusion time frames listed:

If imposed in the last five years:

- i. Any criminal offence involving the use of a motor vehicle, including but not limited to impaired driving (only if the prospective candidate is required to operate a motor vehicle during their service to the municipality and in accordance; or
- ii. Any violations for trafficking under the Controlled Drug and Substances Act.

If imposed in the last ten years:

- i. Any crime of violence including but not limited to, all forms of assault; or
- ii. Any criminal offence involving a minor or minors.

If imposed at any time:

- i. Any criminal offence involving the possession, distribution, or sale of any child-related pornography;
- ii. Any sexual offence involving a minor or minors; or
- iii. Any offence involving fraud.

After the exclusion timeframes have elapsed the applicant is not automatically reinstated in good standing. A review committee will review their application and decide if the applicant should be accepted. If the applicant is accepted they will be on a probationary term of two (2) years during which time their participation will be monitored. There will be no review or appeal on a lifetime ban.

Applicants may also be rejected as a result of other information gained during the police record check process or through the screening process as a whole, or as a consequence of other factors which are directly relevant to the requirements of the position, and to the ability of the applicant to carry out his/her duties in an effective, safe manner. The applicant has the right to know why he or she is being refused, and may appeal in writing to a review committee for a review of their application.

SCHEDULE "B"

TARIFFS

(prices include H.S.T.)

TOWN OF COBOURG

TAXI FARES

	TYPE OF TAXI FARE	RATE (AS OF June 14, 2010)
1.	Pick-up charge	\$4.75
2.	Pick-up (senior citizen)	\$4.25
3.	Meter charge	.35 cents 1/5 km
4.	Meter charge (senior citizens)	.25 cents 1/5 km
5.	Stops during trip	\$1.50 per stop
6.	Waiting time at stops	.75 cents per minute after 2 minutes
7.	Parcel unloading charge	.75 cents per minute after 2 minutes
8.	Destination waiting charge	.75 cents per minute for waiting at final trip destination

Except as otherwise provided in this By-law, no taxicab driver licenced under this by-law shall charge a rate or fare for the conveyance of goods or passengers within the limits of the Town of Cobourg (Schedule "E"), except in accordance with the following:

- (a) .35 cents per 1/5 km for Regular Meter Fares
- (b) .25 cents per 1/5 km for Senior Fares

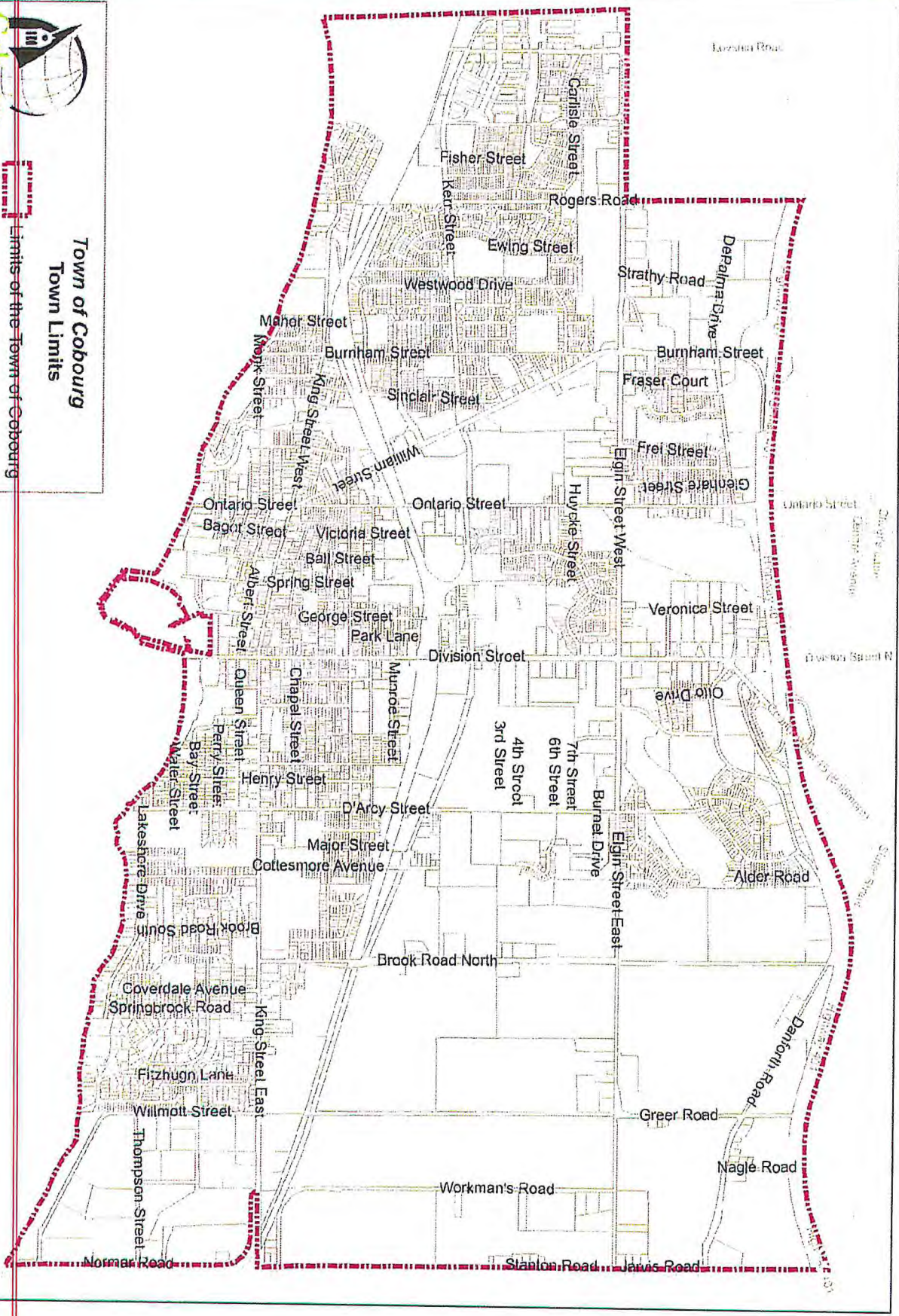
Every taxicab driver licenced under this by-law shall compute the rate or fare as set out in this Schedule from the time of the engagement of the vehicle to the time the goods or passengers are discharged from the vehicle.

**SCHEDULE "C"
BOUNDARY MAP**



**Town of Cobourg
Town Limits**

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SCHEDULE "D"

TAXI CAB COMPLAINT FORM

**Town of Cobourg
55 King Street West, Cobourg
K9A 2M2**

Taxi Cab Operations Complaint Form

Name of Person Making Complaint:

Address

_____ **Phone** _____ **Email**

Date:

_____ **Reference: Name of Taxi Company** _____ **Driver**

Nature of Complaint:

Signature of Person Completing Complaint Form

Office Use: Received by: Action: Follow Up: Response Provided: Date:

Personal Information contained on this form is collected pursuant to the Freedom of Information and Protection of Privacy Act/Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Questions about this collection should be directed to the Municipal Clerk at the Town of Cobourg.

SCHEDULE "E"

TAXICAB AND ACCESSIBLE TAXI CAB PASSENGER BILL OF RIGHTS

Every passenger has the right to a driver who is:

licenced by the Town of Cobourg,

knowledgeable,

knows the major routes and destinations in the Town of Cobourg,

is courteous and helpful,

offers a safe ride,

knows and obeys all traffic laws,

gives upon request, a silent ride,

uses a cell phone only in emergencies,

physically assists passengers into his or her vehicle and with their belongings;

takes the most expeditious, and

provides upon request a receipt with the date and time, the distance travelled, and the fare charged; and

A Taxicab or Accessible Taxicab must be kept:

in good mechanical condition,

with a clean passenger and trunk area,

that is heated upon request,

with easy access to seat belts, and is

smoke free.