



**BEING A BY-LAW TO LICENCE, REGULATE, AND GOVERN VEHICLES FOR HIRE AND TO REPEAL BY-LAWS 014-2014, 088-2016, 013-2019, 015-2020, and 022-2022**

**WHEREAS** subsection 8 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (“Municipal Act”) authorizes a municipality to provide for a system of licences; and

**WHEREAS** section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act; and

**WHEREAS** subsection 11 (1) of the *Municipal Act, 2001*, authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons and respecting the protection of *persons* and property including consumer protection; and

**WHEREAS** sections 9, 11, and 391 of the *Municipal Act, 2001* authorize a municipality to impose fees and charges on persons; and

**WHEREAS** sections 23.1, 23.2 and 23.3 of the *Municipal Act, 2001* authorize a municipality to delegate its powers and duties under the Act to a person; and

**WHEREAS** section 151 of the *Municipal Act, 2001*, provides that a municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- (f) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and

**WHEREAS** subsection 156 (1) of the *Municipal Act, 2001*, provides that 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** section 425 of the Municipal Act, 2001, provides that the council of a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence; and

**WHEREAS** subsection 426 (4) of the Municipal Act, 2001, deems that any person that hinders or obstructs, or attempts to hinder or obstruct any person who is exercising or performing a duty under this By-law created under the Municipal Act, 2001 is guilty of an offence; and

**WHEREAS** section 429 of the Municipal Act, 2001, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act, 2001; and

**WHEREAS** section 431 of the Municipal Act, 2001, authorizes that where any by-law of a municipality under the Municipal Act, 2001 is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the 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 requiring the person convicted to correct the contravention; and

**WHEREAS** section 431.1 of the Municipal Act, 2001, authorizes a municipality to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Municipal Act, 2001; and

**WHEREAS** section 436 of the Municipal Act, 2001, authorizes a municipality to pass a by-law providing that the municipality may enter on land to conduct inspections; and

**WHEREAS** sections 444 and 445 of the Municipal Act, 2001, authorize a municipality to make orders to discontinue, or to correct, the contravention of a by-law; and

**WHEREAS** section 446 of the Municipal Act, 2001, authorizes a municipality to do a matter or thing in default of it being done by the *person* directed or required to do it; and

**WHEREAS** the Council for the Town of Cobourg deems it desirable and in the public interest to enact a Vehicle for Hire By-law.

**NOW THEREFORE BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF COBOURG ENACTS AS FOLLOWS:**

**1. SHORT TITLE**

1.1 This By-law may be cited as the “Vehicle for Hire By-law”.

**2. SCOPE AND INTERPRETATION**

2.1 Where the provisions of this By-law conflict with the provision of any other By-law in force in the Town, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

- 2.2 In the interpretation and application of the provisions of this By-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, general welfare, the control of nuisances, and consumer protection.
- 2.3 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.
- 2.4 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.
- 2.5 The Schedules appended to this By-law are incorporated into and form part of this By-law.

### **3. DEFINITIONS**

- 3.1 "Accessible Taxicab" means a Taxicab originally constructed or subsequently modified to permit the loading, transportation and offloading of persons with disabilities and is used for that purpose, whether or not the vehicle is also used to transport persons without disabilities, and that complies with all Federal and Provincial Statutes legislation, including but not limited to R.R.O. 1990., Reg 629 "Accessible Vehicles".
- 3.2 "App" means an application that can be downloaded onto or accessed on a mobile phone, tablet and/or other digital electronic device to connect Passengers with a T.N.C. Driver.
- 3.3 "Applicant" means any Person applying for a Licence, including a renewal of Licence, pursuant to this By-law.
- 3.4 "Application" means an application for a Licence pursuant to this By-law.
- 3.5 "Council" means the Council of the Town of Cobourg.
- 3.6 "Controlled Drugs and Substances Act" the Controlled Drugs and Substances Act, S.C. 1996, c. 19, as amended.
- 3.7 "Criminal Code" means the Criminal Code of Canada, R.S.C. 1985 c. C-46, as amended.
- 3.8 "Designated Driver" means a Person who operates a Motor Vehicle owned by another Person for the purposes of providing Designated Driving Services.
- 3.9 "Designated Driving Services" means the transportation of a Motor Vehicle owned by another Person and that Person's passengers, if any, by a Designated Driver from any place in the Town to any other place for payment of a salary, fee, or for any other consideration.
- 3.10 "Designated Driver Support Vehicle" means a Motor Vehicle operated by a Designated Driver for the purpose of assisting another Designated Driver in the provision of Designated Driving Services.
- 3.11 "Director" means the Director of Legislative Services of the Town, and includes their designate.

- 3.12 “Dispatch” or “Dispatching” means the communication given in any manner of an order or information to a Taxicab Driver.
- 3.13 “Driver” means any Person, including an Owner, who drives a Taxicab, including an Accessible Taxicab, a Limousine, or a Designated Driver Support Vehicle, who has been issued a Licence by the Town pursuant to this By-law, but does not include a T.N.C. Driver.
- 3.14 “Driver’s Abstract” means a Driver’s Abstract issued by the Province of Ontario, which contains driver identification details, and information related to a driver’s driving record including total demerit points and active fine suspensions, Highway Traffic Act and Criminal Code convictions and suspensions and reinstatements for the past 3 years.
- 3.15 “Fare” means the amount charged to a Person as a result of a Trip, which may be calculated using a Taxicab Meter, Application, or a T.N.C. App.
- 3.16 “Hearing Officer” means a Person who is from time to time appointed pursuant to the Town’s Hearing Officer By-law 080-2022, as amended.
- 3.17 “Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended.
- 3.18 “Human Rights Code” means the Ontario Human Rights Code, R.S.O. 1990, c. H.19.
- 3.19 “Licence” means an authorization under this By-law to carry on a business specified herein and the document, certificate, plate or card issued which provides evidence of such authority as the context may allow.
- 3.20 “Licensee” means any Person who holds a Licence under this By-law.
- 3.21 “Limousine” means a Motor Vehicle kept or used for hire for the conveyance of passengers by reservation only and solely on an hourly, daily, or weekly basis, which does not contain a Taxicab Meter or two-way radio or similar device, and does not include a Taxicab.
- 3.22 “Limousine Driver” means any Person who drives a Limousine.
- 3.23 “Limousine Owner” means any Person who is the Owner of a Limousine.
- 3.24 “Manager” means the Manager, By-law Enforcement and Licensing of the Town, and includes their designate.
- 3.25 “Model Year” means the age of a Motor Vehicle as indicated on the registration documents of said Motor Vehicle with the Province of Ontario.
- 3.26 “Motor Vehicle” includes an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by muscular power.
- 3.27 “Municipal Act, 2001” means the Municipal Act 2001, S.O. 2001, c.25, as amended;
- 3.28 “Municipal Law Enforcement Officer” means any person appointed by the Town to enforce its By-laws.

- 3.29 “Ontario Driver’s Licence” means a licence issued by the Province of Ontario in accordance with the Highway Traffic Act.
- 3.30 “Owner” means the Person shown to be the registered owner of a Motor Vehicle according to the records maintained by the Registrar of Motor Vehicles for the Province of Ontario and includes a lessee of a Motor Vehicle pursuant to a written lease contract, and includes the Person having the possession or control of a Motor Vehicle under a conditional sale agreement, rental, leasing agreement or other arrangement.
- 3.31 “Ownership” means the Person endorsed under the vehicle portion of a provincial permit according to the records maintained by the Registrar of Motor Vehicles for the Province of Ontario.
- 3.32 “Passenger” means any Person other than a Driver or a TNC Driver who is seated or otherwise situated in a Vehicle for Hire.
- 3.33 “Person” includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity.
- 3.34 “Plate” means a metal plate, plastic plate, or laminated sticker issued to the Owner of a Taxicab under this By-law containing the assigned and registered Taxicab Number.
- 3.35 “Premises” means lands and structures, or either of them, and includes a Motor Vehicle.
- 3.36 “Provincial Licence Plate” means a number plate issued in accordance with the Highway Traffic Act.
- 3.37 “Provincial Offences Act” means the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- 3.38 “Public Authority” includes the Town, the County of Northumberland, a local board of either of them, the Crown in Right of Ontario, the Crown in Right of Canada or any of their ministries, agencies, boards or other Crown corporations.
- 3.39 “Safety Standards Certificate” means a certificate that confirms a Motor Vehicle complies with the equipment and performance standards prescribed by the Highway Traffic Act.
- 3.40 “Street Hail” means any appeal, request or solicitation to pick up a potential Passenger by any Person using sounds, words, signs, or gestures, or any combination thereof.
- 3.41 “Tariff Card” means the notice of permitted Fares as established pursuant to this By-law.
- 3.42 “Taxicab” means a Motor Vehicle used for hire in the conveyance of Persons from place to place within the Town to any point inside or outside that geographic area and includes an Accessible Taxicab, but does not include a bus operated under a licence under The Public Vehicles Act, R.S.O. 1990, c. P.54, an ambulance, a funeral hearse, a Limousine, a Motor Vehicle operated by a Licensed Driver providing Designated Driving Services, or a T.N.C. Vehicle.
- 3.43 “Taxicab Meter” means a measuring device used to calculate the Fare payable for a transportation service but does not include a T.N.C. App.

- 3.44 “Taxicab Stand” means an area designated and approved by the Town for use by a Taxicab while waiting for or picking up of Passengers or goods.
- 3.45 “Town” means The Corporation of the Town of Cobourg.
- 3.46 “Transportation Network Company” or “T.N.C.” means a Person who carries on the business of offering, accepting, and/or facilitating prearranged transportation services exclusively through an App that matches Passengers requesting transportation to T.N.C. Drivers who accept and provide transportation to the requesting Passengers for a fee using a T.N.C. Vehicle.
- 3.47 “Transportation Network Company Driver” or “T.N.C. Driver” means a Person who drives a TNC Vehicle.
- 3.48 “Transportation Network Company Vehicle” or “T.N.C. Vehicle” means a Motor Vehicle that is operated by a T.N.C. Driver, which is used to provide transportation services to passengers for a fee, but does not include Taxicabs or Limousines.
- 3.49 “Trip” means the distance and time traveled or estimated to be travelled, measured from the time and location where the Passenger or goods first enter a Vehicle for Hire or when a Taxicab Meter is engaged, to the time and location where the Passenger or goods left the Vehicle for Hire or when a Taxicab Meter is disengaged.
- 3.50 “Trip Log” means the written record of the details of each Trip as recorded by the Driver and in a form specified by the Town.
- 3.51 “Vehicle for Hire” means a Taxicab, Accessible Taxicab, Limousine, Designated Driver Support Vehicle, or a T.N.C. Vehicle, but does not include a Motor Vehicle conveying Passengers as part of a Designated Driving Services.
- 3.52 “Zoning By-law” means the applicable in force Zoning By-law of the Town, as amended from time to time.

**PART I – ADMINISTRATION**

**4. GENERAL ADMINISTRATION AND EXEMPTIONS**

- 4.1 The administration of this By-law shall be the responsibility of the Director.
- 4.2 The Manager is hereby authorized to issue, renew, revoke or suspend a Licence in accordance with this provision of this By-law, and shall keep records of all Licences issued pursuant to this By-law.
- 4.3 The Manager is responsible for directing the enforcement of this By-law, including reviewing and responding to any complaints or non-compliance issues in respect of this By-law.
- 4.4 This By-law does not apply to and excludes the necessity for Licences for Trips by Taxicabs and T.N.C. Vehicles originating outside of the Town when delivering passengers to areas in the Town.

**5. PROHIBITIONS**

- 5.1 No Person shall fail to comply with any provision of this By-law.
- 5.2 No Person shall fail to comply with an order issued under this By-law.

- 5.3 No Person without a valid Licence shall own, operate or permit the operation of a:
- a) A T.N.C.;
  - b) A Taxicab;
  - c) A Limousine; or
  - d) A Designated Driver Support Vehicle.
- 5.4 No Person shall carry on business other than in the name that appears on a Licence.
- 5.5 No Person shall make a false or intentionally misleading recitals of fact, statement, or representation, orally or in any agreement, statutory declaration or application form required by this By-law, to the Town, Manager, a Municipal Law Enforcement Officer, or a Public Authority. The making of such a false or intentionally misleading recital of fact, statement, or representation constitutes an offence.
- 5.6 No Person shall represent to the public that the Person is Licenced under this By-law if the Person is not so Licenced.
- 5.7 No Taxicab Owner, Limousine Owner or T.N.C. shall employ or engage the services of a Driver or a T.N.C. Driver that does not meet the requirements of this By-law.
- 5.8 No Person shall own, operate or permit the operation of a Vehicle for Hire that does not meet the requirements of this By-law.
- 5.9 No Person shall own, operate or permit the operation of a T.N.C. or a Vehicle for Hire, other than in accordance with the terms and conditions of a Licence and this By-law.
- 5.10 No Person shall drive a Vehicle for Hire without evidence of the following in their possession:
- a) proof of Ownership of the Motor Vehicle;
  - b) a valid insurance card or slip;
  - c) a valid Ontario Driver's Licence;
  - d) any other document as required by this By-law.
- 5.11 No Person shall operate or permit the operation of a Vehicle for Hire that requires mechanical or exterior repair.
- 5.12 No Person shall own or operate a T.N.C. Vehicle without a valid T.N.C. identifier displayed on the T.N.C. Vehicle.
- 5.13 No Person shall operate a Vehicle for Hire with a Model Year older than ten (10) years.
- a) Notwithstanding section 5.13, the Manager may, in his or her discretion, waive the requirements of those sections if the vehicle is a Taxicab and was already being utilized prior to the effective date this By-law came into force and effect:
- 5.14 No Person shall:

- a) have any device in any Vehicle for Hire that is capable of scanning two-way radio calls;
- b) carry in any Vehicle for Hire a greater number of Passengers than available seats in the Vehicle for Hire;
- c) take on any additional Passengers after the Vehicle for Hire has commenced a Trip except under the following circumstances:
  - i. when done at the request of the Passenger(s) already in the Vehicle for Hire;
  - ii. in an emergency situation;
  - iii. when the Vehicle for Hire is being used for the transportation of children to and from school or for the transportation of persons with disabilities.
- 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;
- e) except for a Driver operating a Licensed Taxicab, accept a Street Hail or solicit business in a Taxicab stand.

5.15 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 a 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; or
  - 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 free from any mechanical defect;
  - ii. the interior is clean, dry, sanitary, free from debris and in good repair; or
  - iii. 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; or
- e) induce or permit any person to engage the Taxicab when the Driver is aware that another Vehicle for Hire 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 Vehicle for Hire who has been dispatched.

5.16 No Driver shall:

- a) subject to the provisions of this By-law and except for a tip, gratuity or credit card charge, recover or receive any Fare from any Passenger which is greater than the Fare authorized;
- b) recover or receive any Fare or compensation from any Passenger to whom the Driver has refused to show the Tariff Card; or
- c) recover or receive any Fare or Compensation from any Passenger for time lost through defects or inefficiencies of the Taxicab or inefficiency or incompetence of the Driver.

## **PART II – LICENCES AND LICENCE APPLICATION PROCESS**

### **6. LICENCE APPLICATIONS FOR ALL LICENCES**

6.1 The following Licences are authorized and may be issued by the Town under this By-law:

- a) Accessible Taxicab Owner;
- b) Taxicab Owner;
- c) Limousine Owner;
- d) Vehicle for Hire Driver; and
- e) Transportation Network Company.

6.2 An application for a Licence or for the renewal of a Licence shall be completed and submitted to the Manager on the prescribed forms together with the appropriate licence fee as per the Town's Fees and Charges By-law either on or before March 31st of each year or as required throughout the year for Motor Vehicles acquired or Drivers hired after March 31st.

6.3 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" Ontario Driver's Licence, if the applicant is a natural person; and
- d) not otherwise be disentitled to hold a Licence under this By-law.

6.4 The Manager may require an Applicant to provide any information which he or she believes is necessary for the purpose of processing the Application, including but not limited to the Applicant's name, address, telephone number, and e-mail address.

6.5 Proof of insurance required under this By-law shall be provided by the Applicant at the time of filing their Application, to the satisfaction of the Manager, who may require additional types of insurance coverage or higher limits of insurance coverage.

6.6 On an Application by a partnership, the names and addresses of each partner shall be supplied with the Application, and any Licence issued shall be in the name under which business is carried on by the partnership.

- 6.7 A complete Application for a Licence or Plate, or renewal of a Licence or Plate, shall be filed with the Manager, and shall, in addition to any other applicable requirement of this By-law, include the following:
- a) the accompanying fee or fees as set out in the Town's Fees and Charges By-law;
  - b) an original copy of a Criminal Record and Judicial Matters Check ("C.R.J.M.C.");
  - c) a Pardon if the Applicant has prior criminal convictions;
  - d) if the Applicant is a natural person, the Applicant's Driver's Abstract, dated within 90 days of the Application, indicating any convictions and demerit points in the previous three years;
  - e) if the Applicant is a corporation:
    - i. a copy of the corporation's articles of incorporation or other incorporating documents, and any Ontario Master Business License, if applicable;
    - ii. a certificate of status showing that the corporation is validly in existence at the time of the application;
    - iii. the name of every director and officer and their residential address;
    - iv. the name or names under which the corporation carries on or intends to carry on their business; and
    - v. the mailing address of the corporation.
  - f) if the Application is for a Taxicab Owner Licence or Limousine Owner Licence, proof of insurance as required by the Workplace Safety and Insurance Act.
- 6.8 All Applications made by an Applicant who is a natural person shall be accompanied by valid proof of identification, to the satisfaction of the Manager.
- 6.9 All Applications made by an Applicant who is a corporation shall be filed by an officer or director of the corporation, and shall be accompanied by valid proof of identification of the officer or director, to the satisfaction of the Manager.
- 6.10 The Manager may, at his or her sole discretion, initiate an investigation or make such further inquiries in respect of the Application which the Manager deems appropriate.
- 6.11 Acceptance of an Application and fee by the Manager shall not be construed as an approval of the Application for the issuance of a Licence, nor shall it obligate the Manager to issue a Licence.
- 6.12 Every Application for a renewal of any Licence issued pursuant to this By-law shall be delivered to the Manager before the expiry date for such Licence.

## **7. APPROVAL AND REFUSAL OF APPLICATIONS**

- 7.1 The Manager shall receive, process and review all applications for all new Licences and renewals of Licences under this By-law, provided

all the required information has been provided and all application fees have been paid.

7.2 The Manager shall have the power and authority to:

- a) issue a new Licence;
- b) renew a Licence;
- c) deny the issuance or renewal of a Licence;
- d) revoke a Licence;
- e) suspend a Licence; and
- f) impose terms or conditions on a Licence, including a new Licence or a previously issued Licence.

7.3 The Manager may refuse to issue a Licence to an Applicant, or may grant a Licence and impose any conditions on the Applicant that the Manager sees fit as a condition of obtaining, continuing to hold, or renewing a Licence, if an investigation of the Applicant discloses the any of the following:

- a) the Applicant's premises or place of business is the subject of an order to comply made under any of the Town's by-laws, and/or are the subject of an order made under Building Code Act, S.O. 1992, c. 23, including the regulations made thereunder, or does not comply with the Town's Zoning By-law, as amended, including but not limited to any parking requirements;
- b) the Applicant's premises or place of business requires corrective action pursuant to an order of the Medical Officer of Health to ensure the safety or health of the public;
- c) the Applicant's premises or place of business requires corrective action pursuant to an order of the Fire Chief to ensure fire safety;
- d) the Applicant is incompetent in a manner that affects the safety, health and/or welfare of the public;
- e) the Applicant has been found to have discriminated against a member of the public contrary to the Human Rights Code, or any human rights legislation;
- f) the Applicant is indebted to the Town in respect of any fines, administrative penalties, judgments and/or any other amounts owing, including awards of legal costs and disbursements, outstanding property taxes owing to the Town, late payment charges owing to the Town against all properties owned by the Applicant in any capacity (legally, beneficially or otherwise), and, where the Applicant is a corporation, against all properties owned by an officer of the Applicant,
- g) the Applicant is in breach of any municipal by-law and/or any applicable provincial or federal laws; or
- h) the Applicant has been convicted of a criminal offence other than those set out in Parts V (Sexual Offences, Public Morals and Disorderly Conduct), VIII (Offences Against the Person and Reputation), or IX (Offences Against Rights of Property) of the

Criminal Code, and/or have been convicted of an offence under the Controlled Drugs and Substances Act.

- 7.4 The Manager shall refuse to issue or renew a Licence to an Applicant if:
- a) the Applicant has been convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences, Public Morals and Disorderly Conduct), VIII (Offences Against the Person and Reputation), or IX (Offences Against Rights of Property) of the Criminal Code;
  - b) the Applicant has submitted false information in support of a Licence or Licence renewal application;
  - c) the issuance of the Licence or renewal of the Licence would contravene any of the provisions of this By-law;
  - d) the Applicant is carrying on activities that are, or will be, if the Applicant becomes licensed, in contravention of this By-law;
  - e) the Applicant fails to successfully complete any testing, training, educational or awareness program required by the Manager; or
  - f) the Applicant's current driver's record shows six (6) or more demerit points.
- 7.5 When an Application for a new Licence or renewal of a Licence is made in accordance with this By-law and the Applicant meets all the requirements of this By-law, the Manager shall issue a Licence.
- 7.6 Where an Applicant or Licensee changes their name, address or there is a change in any information required to be submitted to the Town in connection with an Application, the Applicant or Licensee shall notify the Town within forty-eight (48) hours of the change and shall return any Licence to the Town.
- 7.7 The Manager may issue a replacement Licence or Plate if satisfied that the original has been lost or stolen, subject to the applicable fee as set out in the Town's Fees and Charges By-law.

## **8. GENERAL LICENCE TERMS AND RENEWAL**

- 8.1 Every Taxicab Owner Licence, Limousine Owner Licence and Transportation Network Company License issued under this By-law shall be valid for a period of one (1) year, effective up to and including March 31 of the year next occurring after issuance or renewal.
- 8.2 All Licences issued pursuant to this By-law, except for Taxicab Owner Licenses, Limousine Owner Licences and Transportation Network Company Licenses, shall be valid for a period of one (1) year effective from the date of issuance.
- 8.3 All Licences and Plates issued pursuant to this By-law shall be held by the Licensee at the pleasure of the Town.
- 8.4 Every Licence shall remain at all times the property of the Town and no person shall enjoy a vested right in a Licence or the continuance of a Licence.

- 8.5 No person may assign, modify, sell, or transfer any Licence issued under this By-law.
- 8.6 Upon revocation, surrender, and/or expiry of the term of a Licence, the Licence and/or Plate shall revert to the Town without any compensation to the Licensee.
- 8.7 Each Licensee shall be required to renew the said Licence prior to the expiry of the original Licence issued under this By-law, and failing such renewal, the Licensee must discontinue the operation of his or her business upon the expiry of the Licence.
- 8.8 A Person who has been issued a Licence under this By-law shall immediately return the Licence or Plate issued by the Town if;
- a) the Plate is damaged or has been replaced; or
  - b) if the Motor Vehicle ceases to be used as a Taxicab.
- 8.9 Where a Licensee carries on business or trade from a fixed place of business, the Licensee shall post the Licence obtained under this By-law in a conspicuous place at such fixed place of business.
- 8.10 Where a Licensee travels from place to place to perform their trade in accordance with this By-law, they shall carry their Licence with them when engaged in the trade for which the Licence is issued.

## **9. REVOCATION, TERMINATION AND SUSPENSION**

- 9.1 The Manager may refuse to issue or renew, suspend, revoke, or terminate any Licence issued under this By-law, and/or may issue a Licence subject to conditions, in the Manager's sole discretion.
- 9.2 The Manager may exercise his or her discretion pursuant to subsection 9.1 on the basis of any of the following:
- i) the breach by an Applicant or Licensee of any by-law of the Town, including this By-law, or any statute or regulation of the Province of Ontario or any statute or regulation of Canada, including without limitation the Criminal Code and the Controlled Drugs and Substances Act, or outstanding charges existing under any of the foregoing;
  - j) the failure of an Applicant or Licensee to meet, at any time, any of the requirements of this By-law or any conditions imposed on a Licence;
  - k) the submission of false information filed in support of an Application for, or renewal of, a Licence or Plate, or the transfer of a Plate;
  - l) the Applicant or Licensee is incompetent in a manner that affects the safety, health or welfare of the public;
  - m) the Applicant or Licensee has been found to have discriminated against a member of the public contrary to the Human Rights Code in connection with the operation of a business for which a Licence is required under this By-law;
  - n) the protection of the health or safety of any Person;
  - o) the control or abatement of nuisance;

- p) the protection of consumers;
- q) the issuance of the Licence or renewal of the Licence would be contrary to the public interest or would contravene any of the provisions of this By-law;
- r) the Applicant or Licensee is carrying on activities that are, or will be, if the Applicant is Licensed, in contravention of this By-law;
- s) the Applicant or Licensee fails to successfully complete any testing, training, educational or awareness program required by the Director;
- t) the Applicant or Licensee fails to maintain the insurance as required by this By-law;
- u) the Applicant or Licensee's Ontario Driver's Licence expires, or is cancelled, suspended or revoked; or
- v) upon the grounds that the conduct of any Person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the Licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity.

9.3 Where the Manager is satisfied that the continuation of a business poses an immediate danger to the health or safety of any Person or to any property, the Manager may suspend a Licence without a hearing subject to the following:

- a) before suspending the Licence, the Manager shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and
- b) the suspension shall not exceed fourteen (14) days.

9.4 Except with respect to a decision under subsection 9.3, after a decision is made by the Manager to refuse, revoke, or suspend a Licence, written notice of that decision shall be given to the Applicant or Licensee advising the Applicant or Licensee of the Manager's decision with respect to the Application or Licence.

9.5 The written notice to be given under subsection 9.4 shall:

- a) set out the grounds for the decision;
- b) give reasonable particulars of the grounds;
- c) be signed by the Manager;
- d) state that the Applicant or Licensee is entitled to appeal the decision to the Hearing Officer if the Applicant or Licensee by sending a request for an appeal hearing to the Manager before 4:30 p.m. on the day that is ten (10) days of the date of the notice, and by paying the required fee pursuant to the Town's Fees and Charges By-law, as amended from time to time; and
- e) state the deadline for making an appeal.

9.6 Where a Licence has been suspended, the suspension shall remain in force until such time as the Licensee has satisfied the Licensing Officer as to the Licensee's compliance with this By-law and Licence

conditions, and that the public interest no longer requires the suspension of such Licence.

- 9.7 No Person shall re-apply to obtain or renew a Licence for a minimum of one (1) year from the later of,
- a) the date of the Manager's decision to refuse to issue or renew a Licence or to revoke a Licence; or
  - b) where the decision of the Manager is appealed, the date of the Hearing Officer's decision if the Hearing Officer upholds the decision to refuse to issue or renew a Licence or to revoke a Licence.
- 9.8 Where a Licence has been revoked, terminated or suspended, the Licensee shall return the Licence and/or Plate to the Town within twenty-four (24) hours of receiving service of written notice of the decision or other event causing the revocation, termination or suspension, or such other reasonable time as the Manager may provide for in writing, failing which the Town may enter upon the business premises of the Licensee for the purpose receiving, taking and/or removing the Licence and/or Plate.
- 9.9 Where a Driver has had his or her Driver's Licence suspended, cancelled, revoked or expired, any Licence issued under this By-law shall be deemed to be revoked on as of the date of suspension, cancellation, revocation or expiry.
- 9.10 The Manager is authorized to revoke a Licence and/or Plate if it was issued in error, or was issued based on false or incorrect information.

## **10. APPEAL TO THE HEARING OFFICER**

- 10.1 The decision of the Manager to refuse to issue or renew a Licence or to revoke a Licence may be appealed by the Applicant or Licensee to the Hearing Officer by sending a request for an appeal hearing to the Manager before 4:30 p.m. on the day that is ten (10) days of the date of the notice, as provided for in section 9.4. A request for a hearing shall contain the following information:
- a) the name of the appellant;
  - b) the decision that is the subject of the appeal;
  - c) the detailed grounds of the appeal; and
  - d) payment of the required appeal fee pursuant to the Town's Fees and Charges By-law.
- 10.2 Where the Manager does not receive a request for an appeal hearing in accordance with section 10.1, the decision of the Manager is final.
- 10.3 Where the Manager receives notice from the Applicant or Licensee in accordance with section 10.1, the Manager shall refer the matter to the Hearing Officer and give the Applicant or Licensee no fewer than seven (7) days' notice of the date, time and place when the Applicant or Licensee will have the opportunity to be heard on the matter by the Hearing Officer.

## **11. CONDUCT OF APPEALS**

- 11.1 An appeal to the Hearing Officer under section 10.1 is limited to the grounds articulated as part of the request for an appeal hearing.
- 11.2 The appellant bears the onus in an appeal.
- 11.3 For the purpose of an appeal pursuant to section 10.1, the Hearing Officer shall have all the powers and duties of the Manager under section 9 of this By-law.
- 11.4 At least seven (7) days in advance of the date set for the hearing of the appeal, the appellant and the Manager shall provide the Hearing Officer and each other:
- a) a list and copies of any documents to be relied on; and
  - b) a list of any witnesses to be called.
- 11.5 Where a matter has been appealed to the Hearing Officer, and the appellant fails to appear at the time and place scheduled for the hearing of the appeal, the appeal shall be deemed to be dismissed and the decision of the Manager shall be final, and the appellant shall pay to the Town an administrative fee pursuant to the Town's Fees and Charges By-law.
- 11.6 At any hearing conducted by the Hearing Officer, the Hearing Officer may consider evidence presented by the appellant, the Manager, other Town staff, or any other Public Authority.
- 11.7 Subject to section 11.5, the Hearing Officer shall not decide the appeal unless the Hearing Officer has given the appellant and the Manager an opportunity to be heard at the time and place scheduled for the hearing of the appeal.
- 11.8 Upon the conclusion of a hearing, the Hearing Officer shall as soon as reasonably practicable prepare a written decision that includes:
- a) a brief summary of the evidence and arguments presented by the parties;
  - b) the findings made by the Hearing Officer; and
  - c) the decision of the Hearing Officer.
- 11.9 The decision of the Hearing Officer shall be final and binding and not subject to further review.
- 11.10 The Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 and the Hearings Officer By-law 080-2022, as amended, apply to any hearing conducted pursuant to this section.
- 11.11 An appeal to the Hearing Officer pursuant to this By-law does not operate as a stay of the decision being appealed.

## **PART III –STANDARDS APPLICABLE TO LICENSEES**

### **12. VEHICLE REGISTRATION AND STANDARDS**

- 12.1 In addition to any other applicable provisions of this By-law, in order to obtain a Taxicab Owner's Licence or a Limousine Owner's Licence, the 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; and
- b) submit a Safety Standards Certificate issued under the Highway Traffic Act, attesting to the mechanical fitness of the vehicle at time of application or renewal of the Licence and at any subsequent interval as determined necessary by the Manager thereafter.

12.2 Where the Taxicab Owner or Limousine Owner meets all the requirements of this By-law, the Manager shall register the Motor Vehicle as a Taxicab or Limousine and issue a Plate that will be affixed to the Motor Vehicle.

12.3 Where a Taxicab Owner or Limousine Owner wishes to change the Motor Vehicle which is registered as a Taxicab or Limousine for a Plate, the Owner shall provide the Manager the information provided for in subsection 12.1 and, upon registration of the new Motor Vehicle, shall pay the applicable fees provided for under the Town's Fees and Charges By-law.

12.4 No Motor Vehicle more than ten (10) years old shall be used as a Taxicab or Limousine in the Town. For the purpose of this By-law, the age of a Motor Vehicle shall be determined from December 31st of the model year of said Motor Vehicle.

- a) Notwithstanding section 12.4, the Manager may, in his or her discretion, waive the requirements of those sections if the vehicle is a Taxicab and was already being utilized prior to the effective date this By-law came into force and effect.
- b) Notwithstanding section 12.4, the Manager may, in his or her discretion, waive the requirements of those sections if the vehicle is a Limousine and categorized as a "classic" vehicle and was already being utilized prior to the effective date this By-law came into force and effect.

### **13. TAXICAB METERS**

13.1 A Taxicab may be equipped with a Taxicab Meter mounted in a position that it is clearly visible to the Passengers in the front and rear seat of the Taxicab.

13.2 Notwithstanding Section 13.1, a Taxicab Driver may utilize an application that can be downloaded or accessed on a mobile phone, tablet, or other digital electronic device for the purpose of calculating a fare.

### **14. FARES AND TARIFFS**

14.1 Passenger fares for Taxicabs shall be established by a Taxicab Owner.

14.2 A Taxicab Owner shall publish passenger fares by prominently displaying a fare rate card in every Taxicab, or by directly advising a Passenger of the estimated total fare and any surcharges prior to arranging a Trip and confirmation of the amount to be paid by the Passenger once the Trip is completed.

## 15. TAXICAB DRIVER OPERATING STANDARDS

- 15.1. In addition to all other applicable operating standards in this By-law, every Taxicab Driver shall comply with the standards contained within this section.
- 15.2. Every Taxicab Driver shall:
- a) before commencing operation of their Motor Vehicle, examine the Motor Vehicle for mechanical defects or interior or exterior damage, and shall report forthwith any defects or damage found to the Registered Owner of the Motor Vehicle, and keep a record of the date and to whom it was reported;
  - b) upon completion of the operation of their Motor Vehicle, examine the Motor Vehicle for mechanical defects or interior or exterior damage, and shall report all defects in the Motor Vehicle and all accidents to the Registered Owner of the Motor Vehicle, and keep a record of the date and to whom it was reported;
  - c) carry any Licence issued under this By-law and their Ontario Drivers' Licence with them at all times when operating a Motor Vehicle;
  - d) at all times while operating the Motor Vehicle, display their Licence, where applicable, in a location and manner as the Manager may from time to time direct;
  - e) give each Passenger a receipt, either physical or electronic, in a format approved by the Manager, which includes the driver's name, the Plate number for the Taxicab, the date and time of the Trip, place of pick up, place of discharge and the fare charged, unless the Passenger instructs the driver that they do not wish to receive a receipt;
  - f) display the Tariff Card in a location and manner as the Manager may from time to time direct, and provide to a Passenger forthwith upon the Passenger's request the original Tariff Card for the Passenger's inspection including, in the case of an Accessible Taxicab, inspection by means of touch the Tariff's Card's Braille print;
  - g) maintain a paper or electronic Trip Log made by the driver during each period of continuous operation (i.e., shift). The Trip Log shall be updated after each Trip and shall contain the following minimum information:
    - i. the name of the driver;
    - ii. the date;
    - iii. the Owner Plate number (if applicable);
    - iv. the time, origin, and destination of every Trip made; and
    - v. the amount of Fare and any charges collected for each Trip;
  - h) retain all Trip Logs for at least three (3) months and make them available and produce them for inspection at the request of the Manager or a Municipal Law Enforcement Officer;

- i) immediately produce for inspection their Licence and/or any such other documentation if requested by the Manager or a Municipal Law Enforcement Officer; and
  - j) every Taxicab powered by propane fuel shall file with the Manager an annual inspection certificate signed by a Person who is a certified propane fitter, 1<sup>st</sup> class (PF1) or 2<sup>nd</sup> class (PF2), who is employed by a company designated under the provisions of the *Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16, and the regulations made thereunder.
- 15.3. In addition to the requirements for a Taxicab set out in this By-law, a Motor Vehicle operated as an Accessible Taxicab shall comply with the following requirements:
- a) Accessible Taxicabs shall be designed to permit the loading, transportation, and off-loading of persons using a wheelchair in compliance with all Federal and Provincial legislation governing the transportation of persons with disabilities;
  - b) when a Person requests an Accessible Taxicab, the Accessible Taxicab Owner shall:
    - i. ensure that the request receives priority over any other request for service to which the Accessible Taxicab has been dispatched; and
    - ii. ensure that another Taxicab is dispatched to respond to the person requesting services other than the Accessible Taxicab;
  - c) an Accessible Taxicab Owner shall enter into an agreement with the Town governing the terms and conditions upon which the Accessible Taxicab shall provide services;
  - d) a Taxicab Driver operating an Accessible Taxicab shall securely fasten all Passenger's wheelchairs and/or any other Passenger aids, including batteries, if applicable, so that they are prevented from moving while the Motor Vehicle is in motion.

## **16. TAXICAB OWNER OPERATING STANDARDS**

- 16.1. In addition to all other applicable operating standards in this By-law, every Taxicab Owner shall comply with the standards contained within this section.
- 16.2. Every Taxicab Owner shall have in or on their Taxicab:
  - a) the Owner Plate firmly affixed to the rear bumper of the Taxicab or at a location and manner approved by the Manager;
  - b) the number of the Owner Plate registered for use with that Taxicab in numbers of at least ten (10) centimetres in height of a distinct contrasting colour to that of the Taxicab, affixed on both front fenders on the top rear of the fender not more than eight (8) centimetres below the top of the fender or otherwise in a location or manner approved by the Manager. Where the Taxicab is a spare Taxicab, the number displayed on that Taxicab shall be one approved by the Manager and preceded by the letter "S";

- c) affixed the current Tariff Card in a form and in a location approved by the Manager;
- d) an electrically illuminated roof light which is securely attached to the top of the Taxicab in a manner approved by the Manager; and
- e) the name of the Taxicab Owner for that Taxicab on the front door of each side of the vehicle, in contrasting lettering at least ten (10) centimetres high and five (5) centimetres wide.

16.3. Every Taxicab Owner shall:

- a) maintain and keep in full force during the term of their Licence a valid Ontario standard automobile liability insurance policy in the amount of not less than \$2,000,000.00 per occurrence for each Taxicab against loss or damage as a result of bodily injury to or the death of one or more Person, or from loss or damage to property, and the said policy shall:
  - i. make provision for Passenger hazard in an amount of not less than \$2,000,000.00 per occurrence;
  - ii. shall clearly state that the Motor Vehicle is being used for the purposes of a Taxicab;
  - iii. shall include all necessary coverages as are reasonable for the conveyance of persons and/or property;
  - iv. shall be endorsed to provide that the policy shall not be altered, cancelled, or allowed to lapse without thirty (30) days written notice to the Town.
- b) provide a valid certificate of insurance evidencing the insurance required under this By-law to the Manager upon an Application for a new Licence or the renewal of a Licence, or forthwith upon demand of the Manager or a Municipal Law Enforcement Officer;
- c) provide all insurance renewal policies or new certificates of insurance to the Manager at least five (5) days prior to the expiry date of the current insurance policy;
- d) employ or only use the services of drivers who are licensed by the Ontario Ministry of Transportation for the particular class of the Motor Vehicle being operated as a Taxicab and who are Licensed under this By-law;
- e) repair any mechanical defect(s) in the Taxicab reported to them by a driver, the Manager, or a Municipal Law Enforcement Officer;
- f) Upon receipt of a notice of inspection by the Manager, shall attend, personally or by agent, with the Taxicab referred to in the said notice at the appointed time and place and shall bring a Safety Standard Certificate issued under the *Highway Traffic Act* and dated not more than thirty-six (36) days prior to the date of inspection;
- g) maintain a current log of all maintenance records and repairs performed on the Taxicab within the immediately preceding six (6) months and provide such records within 48 hrs., of being requested by the Manager;

- h) maintain the Taxicab in good condition at all times, and without limiting the generality of the foregoing, shall:
  - i. maintain all drive train components (including the engine, transmission, suspension, braking system, etc.) in accordance with the standards of Ontario Regulation 611 (R.R.O. 1990), as may be amended from time to time, made under the *Highway Traffic Act*; and
  - ii. maintain all factory and after-market parts (such as lamps, latches, seats, body parts, windows, heater/defroster systems, etc.) free of defects or damage and in complete operational order.
- i) make or cause to be made a daily inspection of all Taxicabs operated in affiliation with them on that day, prior to such operation, properly equipped and identified, as required by this By-law
- j) keep a record of each Taxicab dispatched on a Trip, the time and date of receipt and dispatch of the Trip, and the pickup location, and shall retain the records for a period of at least twelve (12) months;
- k) promptly investigate any complaint brought to their attention by the Town against any Taxicab Driver and shall report their findings to the Manager along with any action which they have taken;
- l) maintain a paper or electronic Trip Log of every service request received and filled for a period of not less than twelve (12) months following the conclusion of the service provided and which shall include:
  - i. the Taxicab Driver and Taxicab information;
  - ii. commencement and destination point of each Trip;
  - iii. the date and time of pick up and drop off;
  - iv. the fare charged; and
  - v. in addition to the requirements above, the total number of Trips requested and fulfilled for accessible services.

## **17. TRANSPORTATION NETWORK COMPANY OPERATING STANDARDS**

- 17.1. In addition to all other applicable operating standards in this By-law, every T.N.C shall comply with the standards contained within this section.
- 17.2. Every T.N.C. shall obtain and carry, and keep in full force at all times, a fleet auto insurance product approved by the Finance Services Commission of Ontario, which the Manager in their sole discretion deems adequate.
- 17.3. Every T.N.C. shall ensure that all of its drivers are screened annually.
- 17.4. Every T.N.C. shall ensure that its drivers submit a Criminal Record and Judicial Matters Check (“C.R.J.M.C.”) and Driver’s Abstract prior to providing services under that T.N.C.
- 17.5. Every T.N.C. shall ensure its drivers have not been convicted of a criminal offence as set out in Parts V (Sexual Offences, Public Morals

and Disorderly Conduct), VIII (Offences Against the Person and Reputation), or IX (Offences Against Rights of Property) of the *Criminal Code*, as amended and/or have been convicted of an offence under the *Controlled Drugs and Substances Act of Canada*, or have six (6) or more demerit points on their current driver's record.

- 17.6. Every T.N.C. must ensure that all Motor Vehicles operated under its company have submitted a passing Safety Standard Certificate on an annual basis and no Motor Vehicle may exceed ten (10) years of age from December 31st of the model year of said Motor Vehicle.
- 17.7. Every T.N.C. shall be responsible for the intake and review of documentation by Persons driving or wishing to drive under its company to ensure compliance of each T.N.C. Driver and T.N.C. Vehicle. Documentation received by the T.N.C. for each T.N.C. Driver and T.N.C. Vehicle shall be retained for a period of two (2) years following the last day that a T.N.C. Driver or T.N.C. Vehicle is no longer providing transportation services for that T.N.C.
- 17.8. Every T.N.C. shall provide to the Manager a list containing all T.N.C. Drivers who have picked up Passengers within the Town at a frequency as determined by the Manager.
- 17.9. A T.N.C. shall, upon request of the Manager, create Passenger accounts for use by a Municipal Law Enforcement Officer and/or the Manager in order to facilitate investigation of compliance with this By-law, and the T.N.C. shall not obstruct, in any manner, the use of such accounts or the purposes for which they have been established.
- 17.10. Every T.N.C. shall provide the following information through their App and on their website:
  - a) the screening process applied to T.N.C. Drivers and T.N.C. Vehicles;
  - b) information on the types of services available to Passengers through the App and the distinctions between these types of service, if any; and
  - c) a plain language explanation of their insurance coverage, including detailed information on how a Person may initiate an insurance claim against them.
- 17.11. Every T.N.C. shall ensure that the App used by it:
  - a) prior to arranging a Trip, discloses to the Passenger requesting transportation:
    - i. the T.N.C. Driver's name and a recent photograph that clearly shows the T.N.C. Driver's full face and facial features;
    - ii. the T.N.C. Vehicle's make, model, and licence plate number; and
    - iii. the estimated total fare and any surcharges, and confirmation of the amount to be paid by the Passenger once the trip is confirmed;
  - b) shows the location and route to be taken by the T.N.C. Driver and T.N.C. Vehicle that will be providing the requested service;

- c) provides a secure payment mechanism that Passengers can use;  
and
  - d) creates a log containing the Trip information that a Passenger can access or generate an electronic receipt of at the end of their Trip, or shortly thereafter, that includes the following information:
    - i. the total amount paid;
    - ii. the date and time of the Trip;
    - iii. the pick up and drop off locations for the Trip; and
    - iv. information confirming the identity of the T.N.C. Driver and T.N.C. Vehicle.
- 17.12. Every T.N.C. shall ensure that a T.N.C. Driver and their T.N.C. Vehicle have appropriate vehicle markings and decals which clearly indicate that they are providing transportation services under that T.N.C., and which must be displayed in an area on the T.N.C. Vehicle approved by the Manager.
- 17.13. A T.N.C. shall, upon request by the Manager, provide to the Town electronic Trip Logs containing Trip information and/or other such information as may be required by a Municipal Law Enforcement Officer or the Manager to audit and confirm the number of Trips originating within the Town, to ensure the proper payment of fees by the T.N.C. to the Town in accordance with the Town's Fees and Charges By-law.
- 17.14. A T.N.C. shall, upon request by the Manager, remit any and all information and/or data that may be requested by the Manager pertaining to the T.N.C.'s operations in the Town, including T.N.C. Drivers and T.N.C. Vehicles, within forty-eight (48) hours of the Manager's request, or such other reasonable period of time as the Manager may specify.
- 17.15. Where the Manager believes it is in the public interest, the Manager may, in their sole discretion, require that a T.N.C. produce to the Town a Safety Standard Certificate for any Motor Vehicle operated by a T.N.C. Driver, dated not prior to the date of demand, and may demand that the T.N.C. suspend the T.N.C. Driver from providing services until the Safety Standard Certificate has been filed. If such a demand is made, the T.N.C. shall comply with the Town's demand and shall produce such documentation and suspend the T.N.C. Driver's ability to pick up Passengers within the Town until such time that the Manager may specify.
- 17.16. Where the Manager believe it is in the public interest, the Manager may, in their sole discretion, require that a T.N.C. prohibit a T.N.C. Driver from providing Trips to Passengers within the Town. If such a demand is made, the T.N.C. shall comply with the Town's demand and shall restrict the T.N.C. Driver's ability to pick up Passengers within the Town until such time that the Manager may specify.

## **18. LIMOUSINE OWNER OPERATING STANDARDS**

- 18.1. In addition to all other applicable operating standards in this By-law, every Limousine Owner shall comply with the standards contained within this section.
- 18.2. Every Limousine Owner shall:
  - a) ensure that the Limousine Plate issued by the Manager is securely affixed to the rear bumper of the Limousine at a location and manner approved by the Manager;
  - b) display a current and valid Driver ID card on the interior of the Limousine in a manner that is visible to all Passengers;
  - c) only operate under a business trade name that is registered; and
  - d) provide a receipt to Passengers after every Trip.
- 18.3. Every Limousine Owner shall maintain a paper or electronic Trip Log for a period of not less than twelve (12) months following the conclusion of the service provided, which shall include:
  - a) the information of the driver and Limousine;
  - b) the pick-up and drop-off locations for each Trip;
  - c) the date and time of pick-up and drop-off for each Trip;
  - d) the fare charges; and
  - e) in addition to the requirements above, in the case of request for accessible service, the total number of Trips requested and fulfilled.
- 18.4. All records of a Limousine Owner that are required to be maintained in accordance with this By-law shall be provided to the Town upon a request by the Manager or a Municipal Law Enforcement Officer within forty-eight (48) hours following the request.
- 18.5. Every Limousine Owner shall:
  - a) maintain and keep in full force during the term of their Licence a valid Ontario standard automobile liability insurance policy in the amount of not less than \$2,000,000.00 per occurrence for each Limousine against loss or damage as a result of bodily injury to or the death of one or more Person, or from loss or damage to property, and the said policy shall:
    - i. make provision for Passenger hazard in an amount of not less than \$2,000,000.00 per occurrence;
    - ii. shall clearly state that the Motor Vehicle is being used for the purposes of a Limousine;
    - iii. shall include all necessary coverages as are reasonable for the conveyance of persons and/or property;

- iv. shall be endorsed to provide that the policy shall not be altered, cancelled, or allowed to lapse without thirty (30) days written notice to the Town.
- b) provide a valid certificate of insurance evidencing the insurance required under this By-law to the Manager upon an Application for a new Licence or the renewal or a Licence, or forthwith upon demand of the Manager or a Municipal Law Enforcement Officer;
- c) provide all insurance renewal policies or new certificates of insurance to the Manager at least five (5) days prior to the expiry date of the current insurance policy;
- d) employ or only use the services of drivers who are licensed by the Ontario Ministry of Transportation for the particular class of the Motor Vehicle being operated as a Limousine and who are Licensed under this By-law;
- e) repair any mechanical defect(s) in the Limousine reported to them by a driver, the Manager, or a Municipal Law Enforcement Officer;
- f) Upon receipt of a notice of inspection by the Manager, shall attend, personally or by agent, with the Limousine referred to in the said notice at the appointed time and place and shall bring a Safety Standard Certificate issued under the *Highway Traffic Act* and dated not more than thirty-six (36) days prior to the date of inspection;
- g) maintain a current log of all maintenance records and repairs performed on the Limousine within the immediately preceding six (6) months ; and provide such records within 48 hrs., of being requested by the Manager;
- h) maintain the Limousine in good condition at all times, and without limiting the generality of the foregoing, shall;
  - i) maintain all drive train components (including the engine, transmission, suspension, braking system, etc.) in accordance with the standards of Ontario Regulation 611 (R.R.O. 1990), as may be amended from time to time, made under the *Highway Traffic Act*; and
  - ii) maintain all factory and after-market parts (such as lamps, latches, seats, body parts, windows, heater/defroster systems, etc.) free of defects or damage and in complete operational order.
- i) make or cause to be made a daily inspection of all Limousines operated in affiliation with them on that day, prior to such operation, properly equipped and identified, as required by this By-law

## **19. DESIGNATED DRIVER OPERATING STANDARDS**

- 19.1. Every Licensed Driver operating as a Designated Driver shall cause the Designated Driver Support Vehicle used in the provision of Designated Driving Services to, at all times:

- a) maintain insurance for the activities for which the Motor Vehicle will be used;
  - b) display markings, contact information, and licensing information respecting the Designated Driver and any company they are affiliated with, in the manner as the Manager may from time to time direct; and
  - c) be well maintained in a good state of repair, and meet the standards for the issuance of a Safety Standard Certificate of mechanical fitness.
- 19.2. Designated Drivers are prohibited from conveying passengers in a Designated Driver Support Vehicle, with the exception of other Designated Drivers.
- 19.3. In addition to the other requirements of this By-law, no Person shall operate as a Designated Driver without a Licence issued pursuant to this By-law, and except in accordance with the following conditions, each of which is a condition of continuing to hold such Licence:
- a) the Designated Driver's Ontario Driver's Licence shall, at all times, be maintained in good standing;
  - b) the Designated Driver is, at no time, convicted of an offence, for which a pardon has not be granted, pursuant to any one or more of Parts V (Sexual Offences, Public Morals and Disorderly Conduct), VIII (Offences Against the Person and Reputation), or IX (Offences Against Rights of Property) of the *Criminal Code*, and/or have been convicted of an offence under the *Controlled Drugs and Substances Act*;
  - c) the Designated Driver prominently displays their Licence at all times when providing Designated Driving Services, and produces it for inspection when requested to do so by a Passenger, the Manager, or a Municipal Law Enforcement Officer;
  - d) immediately prior to each occasion on which they propose to operate an Owner's Motor Vehicle, the Designated Driver shall:
    - i. review the necessary documents to satisfy themselves that the Motor Vehicle has a currently valid permit and is insured under a contract for automobile insurance;
    - ii. obtain the consent of the Owner of the Motor Vehicle to operate that Motor Vehicle;
    - iii. ensure that the number of individuals to be transported in the Owner's Motor Vehicle does not exceed the number of available seatbelts, and will otherwise be in compliance with all applicable safety and highway traffic laws;
    - iv. obtain instructions from the Owner of the Motor Vehicle respecting the operation of the Motor Vehicle, including, at a minimum, the residence or residences to which the Motor

Vehicle is to be moved and the residence or residences to which the Owner of the Motor Vehicle and any Passengers are to be conveyed; and

- v. enter into an agreement or other arrangement with the Owner of the Motor Vehicle respecting the Designated Driver's fee or other consideration for the provision of Designated Driving Services.
- e) the Designated Driver shall not operate a Motor Vehicle in the provision of Designated Driving Services unless:
- i. they act in accordance with all applicable laws, including this By-law;
  - ii. they act pursuant to the instructions provided by the Owner of the Motor Vehicle;
  - iii. they maintain a paper or electronic Trip Log respecting all Designated Driving Services for a minimum of three (3) months; and
  - iv. they do not charge any fee or other consideration for providing Designated Driving Services that exceeds that which has been agreed to with the Owner of the Motor Vehicle.

#### **PART IV – INSPECTION AND ENFORCEMENT**

##### **20. INSPECTIONS AND ORDERS**

- 20.1. The Manager or a Municipal Law Enforcement Officer may, at any reasonable time, enter upon and inspect the land of any Person to ensure that the provisions of this By-law are complied with, in accordance with section 436(1) of the *Municipal Act, 2001*.
- 20.2. The Manager or a Municipal Law Enforcement Officer may, at any time a Vehicle for Hire is not engaged in the actual transportation of Passengers, enter upon and inspect the Vehicle for Hire to ensure that the provisions of this By-law are being complied with.
- 20.3. For the purposes of conducting an inspection pursuant to this By-law, the Manager or a Municipal Law Enforcement Officer may,
- a) require the production for inspection of documents or things relevant to the inspection;
  - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - c) require information from any Person concerning a matter related to the inspection; and
  - d) alone, or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

Without limiting the generality of the foregoing, the Manager or a Municipal Law Enforcement Officer, in an inspection pursuant to this section, is entitled to request and have produced all relevant Licences and permits and to have access to any invoices, vouchers,

appointment books, Trip Logs, maintenance logs, or like documents of the Licensee, including any documents required to be maintained under this By-law.

- 20.4. Every Registered Owner of a Vehicle for Hire and/or a Vehicle for Hire Driver shall submit or cause their Vehicle for Hire to be submitted for inspection when required to do so by the Manager or a Municipal Law Enforcement Officer.
- 20.5. Where the Manager or a Municipal Law Enforcement Officer has reason to believe that any provision of this By-law or any condition of a Licence has been contravened, the Manager or a Municipal Law Enforcement Officer may make an order requiring the registered owner of the Motor Vehicle, the Licensee, or any other Person who contravened this By-law or causes or permitted the contravention to:
  - a) discontinue the contravention; or
  - b) do work or take action to correct the contravention.
- 20.6. An order made under section 20.5 shall set out:
  - a) the Owner Plate number of the Taxicab or Limousine, if applicable;
  - b) the location of the premises on which the contravention occurred, if applicable;
  - c) reasonable particulars of the contravention;
  - d) the remedial work, corrections or repairs which need to be made to correct the contravention; and
  - e) the time for complying with the terms and conditions of the order and giving notice that, if the remedial work, corrections or repairs are not carried out within that time, the Licence and any applicable Owner Plate which is registered to that Motor Vehicle shall be deemed to be suspended.
- 20.7. Every Person against whom an order is made pursuant to section 20.5 shall comply with the order.
- 20.8. An order made pursuant to section 20.5 shall be served in accordance with section 24.1 of this By-law.
- 20.9. If an order of the Manager or a Municipal Law Enforcement Officer made under this section is not complied with in the time provided for in that order, the Licence and any applicable Plate in respect of that Motor Vehicle shall be deemed to be suspended at 11:59 p.m. on the date on which compliance was required, and the said Licence and any applicable Plate shall only be reinstated on there being delivered to the Manager satisfactory evidence of compliance within sixty (60) days from the date of the deemed suspension.
- 20.10. Where a Licence and any applicable Plate have been deemed to be suspended under this section, and where no satisfactory evidence of compliance with the order is filed with the Manager within sixty (60) days from the date of the deemed suspension, that Licence and applicable Plate shall be deemed to have been cancelled.

## **21. OFFENCES**

- 21.1. Every Person who contravenes any provision of this By-law or fails to comply with an order issued pursuant to this By-law is guilty of an offence and liable to a fine of:
- a) on a first offence, no more than \$50,000.00; and
  - b) on a second offence and each subsequent offence, not more than \$100,000.00, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, and the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 21.2. Where a corporation contravenes any provision of this By-law or fails to comply with an order issued pursuant to this By-law, every director or officer of corporation who commits, concurs, assents to, or acquiesces to such contravention, is guilty of an offence, and on conviction, is liable to a fine of
- a) on a first offence, no more than \$50,000.00; and
  - b) on a second offence and each subsequent offence, not more than \$100,000.00, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, and the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 21.3. In addition to any penalty otherwise provided for in this By-law, every person convicted of an offence under this By-law is liable to a fine of not more than \$10,000 for each day during which the offence continues or is permitted to continue.
- 21.4. Upon conviction, any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.
- 21.5. If a Person is convicted of an offence for contravening a provision of this By-law or failing to comply with an order made under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction, thereafter, may order the Person, to correct the contravention in such manner and within such period as the court considers appropriate.

## **22. ADMINISTRATIVE PENALTIES**

- 22.1. The Town's AMP System By-law 079-2022, as amended, applies to each administrative penalty issued under this By-law.
- 22.2. Each Person who contravenes any provision of this By-law or fails to comply with an Order issued under this By-law shall, upon issuance of a Penalty Notice in accordance with the AMP System By-law 079-2022, be liable to pay to the Town an administrative penalty in the amount of,
- a) \$250 for the remainder of the first day on which the contravention occurs; and
  - b) \$500 for each subsequent day on which the contravention continues.

## **PART V – GENERAL**

### **23. DELEGATION**

23.1. For the purpose of subsection 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, it is Council's opinion that the delegations in this By-law to the Manager, Municipal Law Enforcement Officers, and the Hearing Officer are of a minor nature. In forming this opinion, Council has had regard to the number of people, the size of the geographic area and the time period affected by the exercise of the each delegated power.

### **24. NOTICE**

24.1. Any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:

- a) on the date a copy is personally delivered to the Person to whom it is addressed;
- b) on the third (3<sup>rd</sup>) day after a copy is sent by regular mail or by registered mail to the Person's last known address;
- c) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number;
- d) upon sending a copy by email transmission to the Person's last known email address;
- e) upon a copy being posted on the door of any building or structure on the Person's last known Premises or, where no building or structure exists, on a stake erected by a Municipal Law Enforcement Officer on the Person's last known Premises; or
- f) on the date a copy is place on or affixed in any manner to a Person's motor vehicle.

### **25. SEVERABILITY**

25.1. In the event that any provisions of this By-law are declared invalid, void, or inoperable, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

### **26. CONFLICT**

26.1. In the event that any provisions of this By-law are in conflict with the provisions of another Town by-law, this By-law shall take precedence and shall override the other by-laws.

### **27. REPEAL**

27.1. By-laws 014-2014, 088-2016, 013-2019, 015-2020, and 022-2022 are hereby repealed on the effective date provided for in section 28.1.

**28. EFFECTIVE DATE**

28.1 This By-law shall come into effect on the 24<sup>th</sup> day of April, 2024

READ and finally passed in Open Council this 24<sup>th</sup> day of April, 2024.

“Lucas Cleveland”

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Lucas Cleveland, Mayor

“Brent Larmer”

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Brent Larmer, Clerk