

**BY-LAW NUMBER 2012-114
OF THE CORPORATION OF THE
TOWN OF AMHERSTBURG**

**By-law to provide for the licensing, regulating and governing of
Taxicabs, Taxicab Drivers, Taxicab Owners and Taxicab Brokers
in the Town of Amherstburg**

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By-law to provide for the licensing, regulating and governing of
Taxicabs, Taxicab Drivers, Taxicab Owners and Taxicab Brokers
in the Town of Amherstburg

FINALLY PASSED the ____ day of _____, 2012

WHEREAS Section 151(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "Act"), provides that a municipality may provide for a system of licences with respect to a business;

AND WHEREAS s. 156(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a By-law under Section 156 with respect to the owners and drivers of taxicabs, may establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality and for the collection of the rates or fares charged for the conveyance, and for limiting the number of taxicabs or any class of them, in addition to any provisions the municipality may enact pursuant to its general powers enumerated in Sections 9, 10 and 11 of the Act;

AND WHEREAS Council of the Town of Amherstburg considers it desirable and necessary to license, regulate and govern Taxicab Drivers, Taxicab Owners and Taxicab Brokers;

BE IT THEREFORE ENACTED by the Corporation of the Town of Amherstburg as By-law thereof as follows:

SECTION 1: DEFINITIONS

In this By-law:

"Applicant" means a Person applying for a Licence in the first instance or for a renewal under this By-law. If the Applicant is a corporation, then the Applicant shall mean the individual holding more than 50% of the voting shares of such corporation and if not one holds more than 50% of the voting shares, the Applicant shall mean the shareholders of the corporation;

"CIR" means a Criminal Information Report containing the result of a search of the Canadian Police Information Centre;

"Conveyance Service" means conveying one or more persons in exchange for a fee or other consideration;

"Council" means the Council of the Corporation of the Town of Amherstburg;

"Dispatch" means the communication of an Order or other information in any manner between a Broker and a Taxicab Driver;

"Dispatch Order" means a request for the Conveyance of Passengers by a Taxicab;

"Fare" means the amount of money displayed on the Taxicab Meter at the termination of a Trip, or the flat rate allowed under this By-law;

"Highway Traffic Act" means the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended, and the regulations thereunder;

"Issuer of Licences" shall mean the Clerk or his or her designate;

"Licence" means a licence issued under this By-law designating a specific vehicle for use as a Taxicab within the Town of Amherstburg;

“Licensee” means any Person to whom a current Licence is issued under this By-law;

“Licence Sticker” means colored consecutively numbered sticker issued to the Taxicab Owner's indicating the expiry year of the Taxicab Owner's Licence;

“Licence Renewal Sticker” means the colored consecutively numbered sticker issued with the renewal of the Taxicab Owner's Licence, to be attached to the Taxicab Owner's Plate. The sticker indicates the expiry year of the Taxicab Owner's Licence.

“Mobility Aids” means an auxiliary aid such as canes, crutches, wheelchairs. May also be referred to as Mobility Assistive Devices.

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, and any regulations thereunder;

“Officer” means a police officer or any Person appointed by the Town to enforce this By-law;

“Operate” when used in reference to a Taxicab, includes to drive the said vehicle and to make it available to the public for use as a Taxicab;

“Owner's Plate” means a metal or plastic number plate issued to the Taxicab Owner under this By-law;

“Passenger” means any individual, not including the Driver, seated in a Taxicab, and includes a Person engaging or attempting to engage a Taxicab to provide a Conveyance Service;

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

“Safety Standards Certificate” means a Safety Standards Certificate issued by the Ministry of Transportation pursuant to the Highway Traffic Act;

“Tariff Card” means a card, showing the current tariff of rates, issued by the Clerk for display in a Taxicab;

“Taxicab” means a motor vehicle as defined under the Highway Traffic Act having a seating capacity of not more than six persons, exclusive of the driver, which vehicle is for hire, kept or used for the conveyance of Passengers wholly or partly within the Town of Amherstburg but does not include vehicles Operated by non-profit organizations for the purpose of transporting disabled persons, or public vehicles as defined under the *Public Vehicles Act*, or successor legislation.

“Taxicab Broker” means any Person who carries on the business of accepting Orders for, or dispatching in any manner to, vehicles licensed under this By-law, that are not owned by the Person.

“Taxicab Driver” means the driver of a Taxicab that is licensed or is required to be licensed under this By-law. Where a Taxicab Owner personally drives or operates the Taxicab, the term shall include the owner;

“Taxicab Meter” means a measuring device approved by the Clerk and used in a Taxicab to calculate, amongst other things, the rate payable for a Trip;

“Taxicab Owner” means the Person who holds a Taxicab Owner Licence issued under this By-law;

“Trip” means the distance and time traveled, measured from the place and time at which a Passenger first enters a Taxicab or when a Taxicab Meter is first engaged, whichever comes first, to the place and time at which the Passenger finally leaves the Taxicab or the Taxicab Meter is disengaged, whichever comes last;

“Trip Sheet” means the written or digital record of the details of each Trip;

SECTION 2: SHORT TITLE

2.1 This By-law may be referred to as the “Taxi By-law”.

SECTION 3: INTERPRETATION

3.1 The following Schedules attached hereto form part of this By-law:

Schedule A	Tariff of Rates
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SECTION 4: LICENCE REQUIRED

4.1 No Person shall:

- a) Own or operate a Taxicab
- b) Act as a Taxicab Broker,

unless the Person is licensed under this By-law.

SECTION 5: EXEMPTIONS

5.1 This By-law does not apply to the operation of:

- a) a motor vehicle with a seating capacity of 11 or more individuals, including the Driver;
- (b) an ambulance or funeral hearse;
- (c) a motor vehicle that is inspected as a bus under Regulation 611 of the Highway Traffic Act; or,
- (d) a school bus, as defined under subsection 175(1) of the Highway Traffic Act, that is licensed under the *Public Vehicles Act*, R.S.O. 1990, c. 54, as amended, while it conveys students to and from school, as defined under subsection 175(1) of the Highway Traffic Act.

SECTION 6: GENERAL PROVISIONS

6.1 Every Taxicab Driver, Taxicab Owner and Taxicab Broker shall have a Licence from the Town authorizing such Person to carry on or to engage in the business of Conveyance of Passengers within the Town of Amherstburg.

6.2 No Person shall use or permit the use of a Taxicab without obtaining a Licence for such vehicle and unless such vehicle has affixed to it in a manner approved by the Clerk, a current Taxicab Plate and current Licence Sticker.

6.3 Every Licence is at all times the property of the Town and is non-transferable unless stated otherwise in this By-law and shall be valid only in respect of the Person and specific vehicle named therein.

SECTION 7: GENERAL DUTIES - ISSUER OF LICENCES

7.1 The Issuer of Licences shall be responsible:

- a) To receive and process all applications for Licences and for the renewal of Licences to be issued under this By-law.
- b) To date-stamp upon receipt all applications and process applications in the order in which they are received, unless otherwise stated within this By-law.
- c) To perform all of the administrative functions required by this By-law.
- d) Upon receipt of an application referred to in Sections 8, 10 and 12 of this By-law, make or cause to be made all investigations required by the By-law relative to such application.
- e) To issue all Licences under this By-law.

SECTION 8: LICENSING REQUIREMENTS - DRIVER

- 8.1 Any Person, providing such Person fulfills the requirements of this By-law, may make an application to the Issuer of Licences for a Taxicab Driver's Licence.
- 8.2 Every application for a Taxicab Driver's Licence under this By-law or for a renewal thereof, shall be made in writing, upon the appropriate form provided by the Issuer of Licences, and shall be accompanied by:
- a) Proof satisfactory to the Issuer of Licences that the Applicant is at least eighteen (18) years of age, which shall include a copy of a valid birth certificate or passport;
 - b) Proof satisfactory to the Issuer of Licences that the Applicant holds in their name, a current valid Class "G" (minimum) driver's licence issued by the Province of Ontario, which is in good standing according to the records of the Ministry of Transportation;
 - c) An Ontario Driver's record from the Ministry of Transportation (Driver's Abstract) dated not more than thirty (30) days prior to the date of the Licence Application;
 - d) An original CIR (Criminal Information Report) from the appropriate police agency dated within thirty (30) days before the date of the application;
 - e) A colour photograph taken by the Issuer of Licences;
 - f) The applicable Licence fee, as set out in the Town's User Fee By-law, as may be amended from time to time.
- 8.3 If at any time the Applicant's photograph required under this By-law is not a reasonable likeness of the Taxicab Driver because of physical changes, the passage of time or poor quality photography, the Issuer of Licences may require the Taxicab Driver to have another photograph taken.
- 8.4 No Person shall be granted a Taxicab Driver's Licence where an investigation under Section 8 of this By-law reveals that the Person is not entitled to be licensed under this By-law.
- 8.5 A Person may be denied a Taxicab Driver's Licence where an investigation reveals that such Person has failed to meet the requirements of Section 9 of this By-law relating to Taxicab Driver's Duties;

SECTION 9: DRIVER DUTIES

9.1 Every Taxicab Driver licensed hereunder shall:

- a) Have displayed in the interior of the Taxicab his or her Taxicab Driver's Licence as issued by the Issuer of Licences and the Tariff Card. The Taxicab Driver's Licence and Tariff Card shall be displayed so that they are clearly visible to any Passenger in the Taxicab.
- b) Charge rates and fares for Taxicab service in accordance with the Tariff Card as may be amended by Council from time to time.
- c) Not charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip;
- d) Not charge a fee for the storage of Mobility Aids or Mobility Assistive Devices;
- e) Take the Taxicab the most direct traveled route from the point of pickup of the Passenger to the point of destination, unless otherwise directed by the Passenger.
- f) Properly dressed and neat and clean.
- g) Be civil and courteous, and refrain from using profanity.
- h) Upon request of any Passenger, give in writing his/her name, the name, and business address, and business telephone number of the Taxicab Owner and the Cab Dispatch Company, and the Taxicab Licence number for the Taxicab being operated.
- i) Upon request of any Passenger, make available vehicle registration and identification information in an accessible format to persons with disabilities who are Passengers and that the information met the requirements of subsection 58(3) of the Accessibility for Ontarians with Disabilities Act, 2005.
- j) Not transport a child under the age of twelve (12) years old in the front seat of the Taxicab without first disengaging the front seat Passenger air bag.
- k) Upon being required to do so by the Issuer of Licences or any Officer, provide information regarding the address of the house or place to or from which they have driven any Passenger with a description, name, and address of the Passenger, if known to the Taxicab Driver.
- l) Not be under the influence of any intoxicant or take, consume or have in his or her possession any intoxicant while in charge of a Taxicab.
- m) Not smoke in the Taxicab.
- n) Have the right to refuse a customer on the basis that the Taxicab Driver is concerned for his or her personal safety.
- o) Notify the Issuer of Licences immediately if the Taxicab Driver is charged or convicted of an Offence.
- p) Operate a Taxicab when he or she is aware it would not comply with requirements under the Safety Standards Certificate.
- q) Operate a Taxicab whose Taxicab Owner does not have Taxicab Owner Licence and Plate.

- r) Operate a Taxicab for which there is no current insurance under the *Compulsory Automobile Insurance Act*, R.S.O. 1990, c.C25 or other applicable legislation.
- s) Operate a Taxicab whose Plate is not displayed on the rear bumper of the Taxicab in accordance with Section 12.1 (q) of this By-law.
- t) Operate a Taxicab whose Meter:
 - i. Has not been adjusted in accordance with Schedule "A" of the By-law;
 - ii. Has not been approved by the Issuer of Licences;
 - iii. Does not operate properly;
 - iv. Is not affixed or is affixed improperly.

SECTION 10: LICENSING REQUIREMENTS - OWNER

- 10.1 Any Person, providing such Person fulfills the requirements of this By-law, may make an application to the Issuer of Licences for a Cab Owner's Licence.
- 10.2 Every application for a Taxicab Owner's Licence under this By-law or for a renewal thereof, shall be made in writing, upon the appropriate form provided by the Issuer of Licences. If the Applicant is a Partnership, the partner must complete the appropriate form provided by the Issuer of Licences for such Licence. If the Applicant is a corporation, the officer or director of the corporation having signing authority must complete the appropriate form provided by the Issuer of Licences.
- 10.3 If the Applicant is an individual, hold a valid Taxicab Driver's Licence under this By-law. If the Applicant is a corporation, one officer of the corporation must hold a valid Taxicab Driver's Licence issued under this By-law.
- 10.4 Every application for a Taxicab Owner's Licence under this By-law or for a renewal thereof, shall be accompanied by:
 - a) A copy of the current motor vehicle ownership issued in the Applicant's name or if the owner of the vehicle is a Corporation, a permit is issued in the Corporation's name by the Ministry of Transportation for the motor vehicle(s) of which the Applicant is the owner;
 - b) An original current Safety Standards Certificate issued by the Ministry of Transportation pursuant to the Highway Traffic Act with respect to each Taxicab to be licensed;
 - c) A copy of Insurance Certificate as required under Section 11 of this By-law;
 - d) The applicable Licence fee, as set out in the Town's User Fee By-law, as may be amended from time to time.
- 10.5 If the Applicant is a Corporation, provide a copy of the incorporating documentation to the Issuer of Licences together with list of directors and officers.
- 10.6 No Person shall be granted a Taxicab Owner's Licence:
 - a) Where an investigation reveals that such Person has failed to meet the requirements of Section 12 of this By-law relating to Taxicab Owner's Duties;

- b) Where an investigation under Section 10 reveals that the Applicant is not entitled to be licensed under this By-law.
- 10.7 Every Owner of more than one Taxicab required to be licensed under this By-law shall apply for and obtain separate Taxicab Owner's Licence for each Taxicab.

SECTION 11: INSURANCE

- 11.1 Every Taxicab Owner is required to provide the Issuer of Licences a copy of a current Ontario Standard Automobile Insurance Policy for the Applicant's vehicle, evidencing a policy of insurance to the limit of at least two million dollars (\$2,000,000.00), exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons and loss of damage to property. Said policy to be endorsed to the effect that the Municipality shall be given at least ten (10) days' notice in writing of any cancellation, expiration or change in the amount of the policy, for each vehicle being licensed;
- 11.2 The owner of the Taxicab shall be named as the insured in said policy.
- 11.3 Every licensed Taxicab Owner shall file with the Issuer of Licences at least five (5) days prior to the expiry date of the current insurance policy all insurance renewal policies or certificates of insurance.
- 11.4 When a licensed Taxicab Owner ceases to have a current and valid Ontario standard automobile insurance policy in good standing and properly endorsed, the Licence shall be deemed to be suspended as of the date on which the cessation of insurance came into effect, and the Licence shall only be reinstated on there being delivered to the Issuer of Licences, written proof of insurance in accordance with the provisions of this By-law and to the satisfaction of the Issuer of Licences.
- 11.5 When a Taxicab Owner cancels his current insurance before the expiry date of the policy, the Owner must produce a certificate of newly acquired insurance.

SECTION 12: OWNER DUTIES

- 12.1 Every Taxicab Owner licensed hereunder shall:
- a) Employ only Taxicab Drivers who have current Taxicab Driver Licences issued under this By-law.
 - b) Notify the Issuer of Licences immediately if any Person in the employ of the Taxicab Owner is charged or convicted of an Offence.
 - c) If the Taxicab Owner utilizes the services of a Taxicab Broker for Dispatch services, provide the Issuer of Licences with a written acknowledgement executed by the Affiliated Taxicab Broker that the Taxicab Broker will provide Dispatch services to the Taxicab Owner.
 - d) Not Affiliate with any Taxicab Broker for Dispatch services who is not licensed as a Taxicab Broker under this By-law.
 - e) Notify the Issuer of Licences immediately of any changes in the use of the Taxicab Broker used for Dispatch services.
 - f) Obtain from the Issuer of Licences at time of renewal for each year a Tariff Card to be used for the upcoming year, said Tariff Card shall be in accordance with the provisions of the Schedules attached hereto, as may be amended from time to time by Council.

- g) Ensure that the rates and fares charged for Taxicab service are as set out in the Tariff Schedule attached hereto, as amended by Council from time to time.
- h) Not charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip.
- i) Not charge a fee for the storage of Mobility Aids or Mobility Assistive Devices.
- j) Every Taxicab shall be equipped with a clear container to hold the Taxicab Driver's Licence and Tariff Card and such container shall be placed in a position that the Licence is visible and thereby readable by any passenger in the Taxicab at all times.
- k) Upon request of any Passenger make available vehicle registration and identification information in an accessible format to persons with disabilities who are passengers and that the information met the requirements of subsection 58(3) of the Accessibility for Ontarians with Disabilities Act, 2005.
- l) Keep a daily Trip Sheet showing:
 - i. the name of the Taxicab Driver, the date and the Vehicle Owner's Plate number;
 - ii. the location and time of the beginning and end of every Trip made;
 - iii. the amount of the Fare collected for each Trip;
- m) Retain all Trip Sheets for at least twelve (12) months and make them available for inspection at the request of an Officer or the Issuer of Licences.
- n) Ensure that the interior of all of the Taxicabs are in a clean condition and in good repair and that the exterior of such Taxicab is clean and in good repair.
- o) Ensure that propane and natural gas vehicles employed as Taxicabs have annual inspections by a qualified inspector and have affixed to the windshield a valid inspection sticker issued by a qualified inspector. Provide proof satisfactory to the Issuer of Licences, when requested.
- p) Ensure that a current Plate and current Licence Sticker are affixed to the rear bumper of the Taxicab in a manner approved by the Issuer of Licences to all Taxicabs owned by the Taxicab Owner and licensed under this By-law.
- q) Every Taxicab shall have a Taxicab Meter of a type approved by the Issuer of Licences and so located in the Taxicab as to be clearly visible to the Passenger at all times.
- r) Not operate a Taxicab when the Taxicab Meter is out of order or defective in any way.
- s) Ensure that all Taxicab Meters are:
 - i. Attached to the Taxicab in a location approved by the Issuer of Licences;
 - ii. Adjusted in accordance with the Tariff provided in this By-law;

- iii. Submitted to the Issuer of Licences whenever deemed necessary for testing, inspection and further sealing;
- iv. Kept in good working condition at all times.
- t) Every year upon renewal of the Owner's Licence, have all Taxicabs owned by the Taxicab Owner inspected for mechanical safety by a licensed, third party mechanic registered with the Ministry of Transportation and provide an original copy of the Safety Standards Certificate Inspection to the Issuer of Licences.
- u) When requested by the Issuer of Licences, or any Officer, produce the Taxicab for inspection.
- v) Ensure that all Taxicabs owned by the Taxicab Owner which are licensed under this By-law are insured for the entire period of such Taxicab Licence in accordance with the provisions of Section 11.

SECTION 13: LICENSING REQUIREMENTS – BROKER LICENCE

- 13.1 Any Person, provided such Person fulfills the requirements of this By-law, may make an application to the Issuer of Licences for a Taxicab Broker Licence.
- 13.2 Every application for a Taxicab Broker Licence or for a renewal thereof, shall be made in writing, using the appropriate form as provided by the Issuer of Licences, and shall be accompanied by:
- (a) Proof satisfactory to the Issuer of Licences that the Applicant is at least eighteen (18) years of age, which shall include a copy of a valid birth certificate or passport;
 - (b) Proof that he or she has a system for receiving Orders and Dispatching Taxicabs;
 - (c) The applicable Licence fee, as set out in the User Fee By-law, as may be amended from time to time.
- 13.3 No Person shall be granted a Taxicab Broker Licence where:
- (a) Where an investigation reveals that such Person has failed to meet the requirements of Section 14 of this By-law relating to Broker Duties;
 - (b) Where an investigation under Section 13 determines that the Applicant is not entitled to be licensed under this By-law.

SECTION 14: BROKER DUTIES

- 14.1 Every Taxicab Broker licensed hereunder shall:
- (a) Keep a record of all Taxicab Owners in association with him or her, such record to show the Plate number of the Taxicab, and Taxicab Owner's name and address.
 - (b) Notify the Issuer of Licences within 72 hours of any addition to or deletion of a Taxicab Owner from association with him or her.
 - (c) Before providing Dispatch service for any Taxicab Owner, make certain that every Taxicab Owner or Taxicab Driver associated with such Taxicab Broker is duly licensed under this By-law.
 - (d) Maintain a record of all calls received or dispatched giving date, time, origin and Taxicab Driver's name. Records shall be retained in an

orderly manner, filed by date, for at least twelve (12) months, and shall be made available for inspection at the request of the Issuer of Licences.

SECTION 15: TERMS AND CONDITIONS

15.1 Notwithstanding any other provisions of this By-law, Council may issue a Licence or may renew a Licence subject to terms and conditions including special conditions as are necessary to give effect to this By-law and the attached Schedules and, such terms and conditions may include, but are not limited to, conditions restricting the hours of business or conditions under which the Taxicab may operate to ensure public safety, convenience and comfort.

SECTION 16: TIME FOR RENEWAL

16.1 Any Licence issued pursuant to the provisions of this By-law to any Person shall expire annually on December 31st or when surrendered to the Issuer of Licences.

16.2 A Licensee shall apply for a renewal of a Taxicab Driver's Licence by November 30th of each year allowing for renewals to be in place by January 1st of each year.

16.3 A Licensee shall apply for a renewal of a Taxicab Owner's or Taxicab Broker Licence by November 30th of each year allowing for renewals to be in place by January 1st of each year.

16.4 The licensing fees shall be set out in the User Fee By-law, as may be amended from time to time.

16.5 Licensing fees for Taxicab Owners and Taxicab Brokers are not refundable in whole or part for any reason.

16.6 Licensing fees for any new Taxicab Driver Licence received after July 1st of each year may be granted a 25% percent discount from the licensing fee.

16.7 Where an application for a Licence or for a Licence renewal is made in accordance with the provisions of this By-law and where the Applicant meets all requirements as provided for in Sections of this By-law, the Issuer of Licences may issue or renew the Licence.

16.8 Taxicab Licences issued pursuant to the provisions of this By-law and not renewed in accordance with this By-law shall revert to the Town of Amherstburg.

SECTION 17: GROUNDS FOR REFUSAL TO ISSUE, RENEW OR TRANSFER LICENCE

17.1 The Issuer of Licences shall issue, renew or transfer a Licence to an Applicant whose application meets all the requirements of this By-law and its Schedules, except where:

- (a) There are reasonable grounds to believe that any application or other document provided to the Issuer of Licences by or on behalf of the Applicant contains a false statement or provides false information;
- (b) The past or present conduct of the Applicant, or of any partner, in the case of an Applicant which is a partnership, or any director, officer or shareholder of the corporation, if the Applicant is a corporation, provides the Issuer of Licences reasonable grounds to believe that the business in respect of which the application for Licence is made

will not be carried on in compliance with any federal or provincial law or municipal By-law or with integrity and honesty;

- (c) There are reasonable grounds to believe that the Applicant does not meet all the requirements of this By-law;
- (d) The Applicant is in default in payment of any fine arising from a conviction for an offence under this By-law;
- (e) There are reasonable grounds to believe that the premises in which the business is carried on or is intended to be carried on does not comply with the provisions of a municipal By-law, or with any other law, including any applicable zoning and building requirements, or the premises are dangerous or unsafe;
- (f) There are reasonable grounds to believe that the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of or engaging in the business licensed hereunder are dangerous or unsafe; or
- (g) The fee payable in respect of the Licence applied for has not been paid.

SECTION 18: SUSPENDING/REVOKING/CANCELLING A LICENCE

18.1 The Issuer of Licences may suspend, revoke or cancel a Licence where:

- (a) The conduct of any Person, including the conduct of any officer, director, employee or agent of a corporation gives reasonable grounds to believe that the Person has not carried on or engaged in the business in accordance with the law or with honesty and integrity;
- (b) The continuation of the Licence would be contrary to the health, safety or well-being of people in the Town of Amherstburg;
- (c) The Licensee is convicted of an Offence or has past convictions under any provision of this By-law, or any other By-law, statute or regulation;
- (d) The Licensee is carrying on an activity that is in contravention of this By-law, or any other By-law, statute or regulation;
- (e) It is determined that the business does not comply with applicable legislation including but not limited to land use control By-laws, requirements under the Planning Act, the Building Code, the Fire Protection and Prevention Act, and the Town's Property Standards By-law;
- (f) The Licence was issued in error based on incorrect or incomplete information provided by the Applicant;
- (g) The Licensee would be disentitled to a Licence for any other reason set out in this By-law;
- (h) There are reasonable grounds to believe that the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of or engaging in the business licensed hereunder are dangerous or unsafe; or
- (i) The fee payable in respect of the Licence applied for has not been paid.

18.2 The Issuer of Licences may, for the time and on such conditions as it considers appropriate, suspend a License, without a hearing, if the Issuer of Licences is satisfied that the continuation of a business poses an immediate

danger to the health or safety of any person or to any property and subject to the following:

- (a) Before suspending the licence, the Issuer of Licences shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.
- (b) The suspension shall not exceed fourteen (14) days.

18.3 Except for a suspension of a License as described in 18.2, the Issuer of Licences shall not suspend, revoke or cancel a Licence until a hearing has been held in accordance with Section 22.

SECTION 19: RETURN OF LICENCE

- 19.1 Every Taxicab Plate shall remain the property of the Town of Amherstburg and shall be returned to the Issuer of Licences upon demand. No Person shall enjoy a vested right to a Licence issued under this By-law.
- 19.2 Taxicab Plates are non-transferable unless otherwise stated in this By-law.
- 19.3 When a Licence has been suspended, revoked or cancelled, the holder of the Licence shall return the Licence and the Taxicab Plate (if applicable), to the Issuer of Licences within forty-eight (48) hours of receipt of written notice of the decision and the Issuer of Licences or any Officer may enter upon the business premises or vehicles of the Licensee during business hours for the purpose of receiving, taking or removing said Licence or Taxicab Plate.
- 19.4 If a Taxicab Driver's Ontario Driver's licence has been suspended, cancelled or revoked, or where the Ontario Driver's licence has expired and is no longer valid, the Taxicab Driver's Licence issued under this By-law shall be deemed to be suspended as of the date of suspension, expiration, cancellation or revocation of the Ontario Driver's licence and the Taxicab Driver shall immediately return to the Issuer of Licences the Taxicab Driver's Licence issued under this By-law.

SECTION 20: REQUEST FOR HEARING

- 20.1 Where the Issuer of Licences refuses to issue, renew or transfer a Licence, or intends to suspend, revoke or cancel a Licence, the Issuer of Licences shall notify the Applicant in writing of such decision. The notice shall set out the grounds upon which the issue of the said Licence is refused or the grounds that the Licence is or has been suspended, revoked or cancelled. In addition, the notice shall include:
 - (a) In the case of a refusal to issue, renew or transfer a Licence, the notice shall state that the Applicant or Licensee may request a hearing before Council to review the decision of the Issuer of Licences by filing a request for such hearing in writing with the Issuer of Licences within fourteen (14) business days of the date of the decision.
 - (b) In the case of a suspension, revocation or cancellation of a License, the notice shall state that a hearing will be held before Council to determine the issue and include the following:
 - i) the date and time and location of the hearing; and,
 - ii) a statement that, if the Applicant does not attend the hearing, Council may proceed in the absence of the Licensee and the Licensee will not be entitled to any further notice.
- 20.2 At any time before the Issuer of Licences makes a determination to issue, renew or transfer a Licence or to refuse to issue or renew a Licence, the

Issuer of Licences may, or on the request of the Applicant shall, refer the application for the issuance or renewal of a Licence, to Council for a hearing. The Issuer of Licences shall notify the Applicant in writing of the decision to refer the issue for a hearing and shall include the information set out in 20.1 (b)(i) and (ii) in the notice.

- 20.3 All requests for a hearing pursuant to aforementioned sections shall be in writing and shall include:
- (a) The reason(s) for the request for a hearing;
 - (b) Identification of the Applicant and any other party who will participate in the hearing;
 - (c) The name of the agent, representative or lawyer representing the Applicant; and
 - (d) The municipal address, telephone numbers, facsimile numbers and email addresses for each person identified in clause (b) and (c).

SECTION 21: NOTICE OF HEARING

- 21.1 Where there has been request for a hearing pursuant to the aforementioned sections, the Issuer of Licences shall provide a notice of hearing in writing to the Applicant which shall include:
- (a) The time, date, place and purpose of the hearing, and
 - (b) That, if the Applicant does not attend the hearing, Council may proceed in the absence of the Applicant and the Applicant will not be entitled to any further notice.
- 21.2 All notices required to be given to an Applicant or a Licensee shall be served personally or by registered mail to the Applicant or Licensee at the address last on file with the Issuer of Licences.

SECTION 22: HEARING

- 22.1 Council shall hold the hearing at the time, place and date as set out in the notice referred to in Sections 20 or 21.
- 22.2 The Issuer of Licenses shall present evidence first at the hearing and shall have the onus of proving on a balance of probabilities that the action he or she has taken or intends to take is justified.
- 22.3 All hearings shall be open to the public unless the matter meets one of the exceptions included in Section 239 of *the Municipal Act*, 2001, S.O. 2001, c. 25, as amended.

SECTION 23: COUNCIL DECISION

- 23.1 Where reasonably appropriate, Council, as an alternative or in addition to refusing to grant or renew or revoke or suspend a licence, may impose special conditions upon the Applicant or Licensee as a requirement of being issued or holding a License.
- 23.2 Council has the final decision on these matters.
- 23.3 The Issuer of Licences shall notify the Applicant or Licensee of the decision by serving a copy personally or by registered mail to the address shown on the application, or the last address on file with the Issuer of Licences.

- 23.4 If the decision rendered is to grant the application of the Licence applied for, or grant the request for transfer, the Licence shall be issued.
- 23.5 If the decision is to suspend or revoke the Licence, the Licensee shall within twenty-four (24) hours of service of notice by registered mail, or immediately if the notice is personally served, return the Licence to the Issuer of Licences, and the Issuer of Licences shall have access to any premises or other property of the Licence for the purpose of receiving or taking same.
- 23.6 If the decision is to impose conditions on the Licence, the Licensee shall within twenty-four (24) hours of service of notice by registered mail, or immediately if the notice is served personally, advise the Issuer of Licences in writing as to his or her acceptance of conditions.
- 23.7 If Council's decision is to confirm the Issuer of Licence original decision or modify the Issuer of Licences original decision, as the case may be, the decision shall be carried out within the time and in the manner specified or by the time and manner specified in Council's decision.

SECTION 24: DISPOSAL OF TAXICAB

- 24.1 Upon disposing of a Taxicab licensed under this By-law, the Taxicab Owner shall, within forty-eight (48) hours of such disposal attend at the office of the Issuer of Licences and surrender the Taxicab Plate and the Licence Sticker with respect to such Taxicab.
- 24.2 The Taxicab Owner shall immediately remove from the said vehicle being disposed of:
- (a) All identifying decals or markings;
 - (b) Fender or side numbers and letters; and
 - (c) All other items that make the vehicle appear to the public as a Taxicab.

SECTION 25: REPLACEMENT VEHICLE APPROVAL

- 25.1 In the event that the Taxicab Owner acquires a replacement vehicle to be used as a Taxicab, the Taxicab Owner shall before using the vehicle as a Taxicab, attend the office of the Issuer of Licences to:
- (a) Complete a Transfer of Vehicle form as provided by the Issuer of Licences;
 - (b) Provide a copy of the current motor vehicle ownership issued in the Applicant's name, or if the owner of the vehicle is a Corporation, a permit is issued in the Corporation's name by the Ministry of Transportation for the motor vehicle(s) of which the Applicant is the owner;
 - (c) Provide an original current Safety Standards Certificate issued by the Ministry of Transportation pursuant to the Highway Traffic Act with respect to each Taxicab to be licensed;
 - (d) Provide a copy of Insurance Certificate as required under Section 11 of this By-law;
 - (e) Pay the applicable transfer fee, as set out in the Town User Fee By-law, as may be amended from time to time.
- 25.2 When the Taxicab Owner meets all the requirements of this Section, the vehicle shall be deemed to be approved for use as Taxicab.

- 25.3 Any Taxicab Licence issued for the substituted Taxicab pursuant to the provisions of this Section shall be in full force and effect for the balance of the current licensing year only and be renewed in accordance with Section 16 of this By-law.

SECTION 26: RIGHT OF INSPECTION OF PREMISES OR VEHICLES

- 26.1 Where the Issuer of Licences believes a Taxicab licensed hereunder may be mechanically defective or unsafe, the Issuer of Licences may require the Taxicab Owner or the Taxicab Driver to submit the Taxicab for inspection by a qualified, third party mechanic, or the Issuer of Licences may remove the Taxicab's Plate and Licence Sticker from the Taxicab and require the Taxicab Owner or Taxicab Driver to submit the Taxicab forthwith for examination by a qualified mechanic.
- 26.2 Where the Issuer of Licences has ordered an inspection of a Taxicab in accordance with Section 26.1 of this By-law and such Taxicab is not produced for inspection, the Issuer of Licences shall, notwithstanding any other provision of this By-law, suspend the Taxicab Licence in respect of such Taxicab pursuant to section 18.
- 26.3 No Person shall operate or permit to be operated a Taxicab in respect of which the Issuer of Licences has ordered an examination or inspection, prior to completion of passing of such examination and inspection to the satisfaction of the Issuer of Licences.
- 26.4 The Issuer of Licences is entitled to inspect all books of account, vouchers, correspondence and the records of the Person being inspected that are relevant to the purposes of the inspection.
- 26.5 No Person shall hinder or obstruct, or attempt to obstruct, the Issuer of Licences or any Officer, exercising a power or performing a duty under this By-law pursuant to section 426 of the *Municipal Act, 2001*.

SECTION 27: CHANGE OF LICENCE

- 27.1 No Person to whom a Licence has been issued under this By-law shall alter, erase or modify or permit the alteration, erasure or modification of that Licence, Taxicab Plate or Licence Sticker or any part thereof, unless approved by the Issuer of Licences.

SECTION 28: CHANGES

- 28.1 Every Licensee shall notify the Issuer of Licences in writing within fourteen (14) days before the event of:
- (a) Any change in the Licensee's business address or telephone number;
 - (b) Maintain the premises from which the Taxicab Owner intends to carry on business as a Taxicab Owner, within the geographical boundaries of the Town of Amherstburg, are appropriately zoned and will continue to be so located and zoned throughout the term of the Licence.
 - (c) Any change in the number or composition of officers, or directors, if a corporation, or in partners, if a partnership;
 - (d) Any change in the business name;
 - (e) Any change in Brokerage services;

- (f) Sale or termination of business;
 - (g) Retirement; or
 - (h) In the situation where the Licensee provided the name and address of his or her business affiliate or employer, any change in the named business affiliate or employer.
- 28.2 The Issuer of Licences shall review the aforesaid changes in accordance with the provisions of this By-law and determine whether to approve of such changes in which case the Issuer of Licences shall amend the Licensee's existing Licence. Where notice of such change is given, every Licensee shall attend within forty eight (48) hours of the date of notification to the Issuer of Licences and produce the Licence for amendment.
- 28.3 In the case of the death of the Licensee, the person administering the estate should notify or cause to be notified the Issuer of Licences in writing.

SECTION 29: LOST OR DESTROYED PLATES/LICENCE STICKER

- 29.1 Lost, destroyed or defaced Plates may be replaced by the Issuer of Licences upon the Taxi Owner accounting for the original Taxicab Plate to the satisfaction of the Issuer of Licences and, upon payment of the fee for a replacement Owner's Plate as included in the Town's User Fee By-law, as may be amended from time to time.
- 29.2 No Person shall use any Taxicab Plate for which a replacement has been issued by the Issuer of Licences hereunder.
- 29.3 Lost, destroyed or defaced Licence Sticker may be replaced by the Issuer of Licences upon the Taxi Owner accounting for the original Sticker to the satisfaction of the Issuer of Licences and, upon payment of the fee for a replacement Licence Sticker as included in the Town's User Fee By-law, as may be amended from time to time.

SECTION 30: COMPLIANCE WITH OTHER BY-LAWS

- 30.1 If there is a conflict between a provision of this By-law and a provision of any other Town of Amherstburg By-law, then the more restrictive provision shall apply.

SECTION 31: TRANSITION

- 31.1 Every Taxicab Owner, Taxicab Driver, and /or Taxicab Broker Licence issued pursuant to By-law 2009-44 shall be deemed to be a Licence issued under this By-law and every such Licence, unless revoked, shall continue to be valid until its normal date of expiry being December 31, 2012.
- 31.2 Every act taken pursuant to the predecessor to this By-law shall, as necessary, be deemed to have been taken pursuant to this By-law and every such act may be carried to its conclusion pursuant to the authority granted by this By-law.
- 31.3 If an act has been validly commenced pursuant to the predecessor to this By-law and authority for such act does not exist pursuant to this By-law then such act may be continued to its conclusion and the portions of the predecessor to this By-law necessary to permit such act to be concluded shall be deemed to remain in effect for the purposes of bringing such act to a conclusion.

SECTION 32: FALSE ADVERTISING

32.1 No Person shall:

- (a) Advertise the use of:
 - i. A Taxicab without first having obtained a Taxicab Owner Licence;
 - ii. An Accessible Taxicab without first having obtained a Taxicab Owner Licence; or
- (b) Publish or cause to be published any representation that he or she is licensed if he or she is not.

SECTION 33: TRANSFER OF LICENCE

33.1 No Taxicab Licence shall be transferred by the Taxicab Owner to any other Person without the approval of the Issuer of Licences.

33.2 No Person holding a Taxicab Licence may apply for permission to transfer such license to another person for a period of at least five (5) consecutive years from the date of the issuance of the first Taxicab Licence to the applicant.

33.3 Notwithstanding the provisions of subsection 33.2 herein, the Issuer of Licences may in his/her sole discretion accept an application for and allow the transfer of a Taxicab Owner Licence within the said five (5) year period in the event the Issuer of Licences is satisfied, by virtue of obtaining a medical certificate, that the applicant owner of the Taxicab Licence became ill after the receipt of the said Licence, and is unable to continue as the owner of a Taxicab. Production of a medical certificate must be provided to the Issuer of Licences.

33.4 In the event the Issuer of Licences has agreed to approve the transfer of a Taxicab Owner Licence to another Person or company pursuant to Section 33.1, the person or company to whom the said license is to be transferred, may apply to the Issuer of Licences to transfer the Taxicab Licence upon filing the following:

- (a) An application to transfer a Taxicab Owner Licence duly completed and executed by the current owner to the Taxicab Licence and the proposed transferee of the Taxicab Licence;
- (b) The proposed transferee of the Taxicab Licence has satisfied all of the requirements of this By-law regarding the issuance of a Licence to a Taxicab Owner;
- (c) Evidence of insurance coverage as required under this By-law;
- (d) A current Safety Standards Certificate;
- (e) The transfer fees as set out in the Town's User Fee By-law, as may be amended from time to time; and
- (f) A copy of an agreement executed by both applicants setting forth the conditions of the transfer of the Taxicab Owner Licence, the reasons for the transfer and the consideration for such transfer.

33.5 Pursuant to the provisions of Section 33.3 of this By-law, the owner of a Taxicab Licence may sell the Taxicab and equipment that are the subject of the said Licence to any person who qualifies for a Taxicab Owner Licence pursuant to the provisions of this By-law, and who has been approved by the Issuer of Licences as a transferee of the Taxicab Owner Licence pursuant to Section 33.4. Upon the completion of the sale of the said Taxicab to the

approved purchaser, the Taxicab Owner Licence issued to the former Taxicab Owner shall be deemed to be terminated and a new Taxicab Owner Licence shall be issued to the approved purchaser upon producing evidence to the Issuer of Licences that the purchase of the said Taxicab and equipment has been completed.

- 33.6 Where the owner of a Taxicab Licence wishes to substitute a new Taxicab for the Taxicab currently licensed under this By-law, the said Owner shall comply with Section 25 of this By-law.
- 33.7 The Issuer of Licences may, upon receiving satisfactory evidence of the death of a Taxicab Owner, transfer such Taxicab Owner Licence into the name of the Estate of the said deceased Taxicab Owner upon being satisfied that the personal representative of the said Estate is qualified to be the owner of a Taxicab Licence pursuant to the provisions of this By-law.
- 33.8 Where a Taxicab Owner Licence has been transferred to the Estate of a deceased Taxicab Owner, the personal representative of the deceased shall be deemed to be the owner of the Taxicab for the purposes of this By-law.
- 33.9 Upon the sale, transfer or other disposition of a Taxicab by the Estate or the personal representative of the deceased Taxicab Owner, the said Taxicab Owner Licence issued in respect of the said Taxicab shall be deemed to be revoked. The Issuer of Licences may, in his/her sole discretion, issue a new Taxicab Owner Licence to the person purchasing or otherwise obtaining title to the Taxicab, provided that the purchaser is qualified to be a Taxicab Owner pursuant to the provisions of this By-law.
- 33.10 Where a Taxicab Licence is issued in accordance with the provisions of this Section to the spouse of the deceased Taxicab Owner, which spouse is deemed to be the personal representative of the deceased Taxicab Owner, or to a corporation owned and controlled by the said deceased Taxicab Owner, no transfer fee shall be payable. For the purposes of this subsection, "spouse" shall mean a person as defined under the provisions of the Family Law Act, as amended.

SECTION 34: LIMITATION OF AN OWNER'S LICENCES/PLATE LIMIT

- 34.1 The number of Taxicab Plates to be issued by the Issuer of Licences shall be limited to one plate per for each 5,000 population.
- 34.2 At least every four (4) years, the Issuer of Licences shall review the number of Taxicab Plates in issuance and determine if the number of Licences shall be amended. The Issuer of Licences shall consider such factors as:
- (a) Changes in population - as provided by the latest revised population figures available from Statistics Canada;
 - (b) Wait times and demand for service;
 - (c) Number of trips dispatched;
 - (d) Changes in tourism-related activity; and
 - (e) Changes in public transit and/or accessible transit.
- 34.3 Notwithstanding Section 34.1, the Issuer of Licences reserves the right to increase the number of Taxicab Owner's Licences at any time.
- 34.4 The Issuer of Licences shall issue any new Taxicab Owner's Licences to only those who satisfy the requirements under this By-law.
- 34.5 Any additional plates will be handed out in accordance with Section 35 of this By-law, unless otherwise stated within this By-law.

SECTION 35: TAXICAB PLATE ISSUANCE WAITING LIST

- 35.1 Where a completed application for a Taxicab Owner's Licence is received by the Issuer of Licences but an Owner's Taxicab Licence cannot be issued due to limitations on the number of Taxicab Owner's Licences permitted, the Applicant's name shall be placed at the bottom of a Taxicab Plate Issuance Waiting List and the application form placed on file.
- 35.2 A yearly review of the Taxicab Plate Issuance Waiting List will be conducted by the Issuer of Licences.
- 35.3 A Taxicab Plate Issuance Waiting List shall be on going and not expire annually.
- 35.4 No Person shall hold more than one position on the Taxicab Plate Issuance Waiting List at any one time. Where it is considered that two (2) or more persons are related to each other, or not operating at arm's length, in the sole discretion of the Issuer of Licences, such Persons will be considered to be one and the same.
- 35.5 No Person, by virtue of the submission of an application for a Taxicab Owner's Licence and Taxicab Plate or by virtue of placing of their name on a Taxicab Plate Issuance Waiting List, shall obtain a vested right to a Taxicab Owner Licence and/or Taxicab Plate, or to remain on the Taxicab Plate Issuance Waiting List at any time and Council reserves the right to amend or repeal this By-law and any successor By-laws and to place further or additional requirements or restrictions on such Applicants or Persons at any time and from time to time, or to purge or eliminate the Taxicab Plate Issuance Waiting List at any time, from time to time.

SECTION 36: ISSUANCE OF PLATE

- 36.1 When, pursuant to the provisions of this by-law, a Taxicab Plate becomes available for issuance, the Issuer of Licences shall provide written notice to the Applicant whose name appears first on the Taxicab Plate Issuance Waiting List, in writing.
- 36.2 The Issuer of Licences shall include in the letter required under Section 36.1, a request that the Applicant:
 - (a) Attend the office of the Issuer of Licences forthwith to update the application form filed, pay the required licensing fee and submit all required information and documentation as required under this By-law for a Taxicab Owner; and
 - (b) Satisfy the Issuer of Licences that the Applicant meets all criteria as set out in this By-law.
- 36.3 Failure to update the application form and meet the criteria established for the issuance of a Taxicab Owner's Licence as noted in this By-law within fourteen (14) days of the date of the letter noted in 36.1 will result in such Applicant's name being struck from the Taxicab Plate Issuance Waiting Lists by the Issuer of Licences.
- 36.4 The Issuer of Licences shall then write the Applicant whose name next appears at the top of the Taxicab Plate Issuance Waiting List and shall continue to do so until an Applicant thereon does attend the office of the Issuer of Licences and meets the criteria established for the issuance of a Taxicab Owner's Licence as noted in this By-law.
- 36.5 When a Plate is issued to an Applicant whose name is on the Taxicab Plate Issuance Waiting List, the name of the Applicant shall be removed from the Waiting List by the Issuer of Licences and all other Applicant's names on the Taxicab Plate Issuance Waiting List shall be moved forward one position.

SECTION 37: ENFORCEMENT

- 37.1 The provisions of this By-law may be enforced by any Police Officer for the Town of Amherstburg or the Ontario Provincial Police and/or a By-law officer appointed by the Town of Amherstburg for the administration and enforcement of this By-law.
- 37.2 Any person who hinders or obstructs a person lawfully carrying out the enforcement of this By-law is guilty of an offence.

SECTION 38: OFFENCE AND PENALTIES

- 38.1 Any person who contravenes any provisions of this by-law is guilty of an offence under the *Provincial Offences Act* R.S.O. 1990 c.P.33, as amended.
- 38.2 Any Officer or Director of a Corporation who knowingly concurs in the contravention of any provision of this by-law is guilty of an offence.
- 38.3 Any person who is guilty of an offence under this by-law shall be liable to a fine not exceeding \$5,000.00.

SECTION 39: SEVERABILITY

- 39.1 If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

SECTION 40: EFFECTIVE DATE AND REPEAL

- 40.1 Schedules A-54, A-55 and A-56 of By-law 2009-44 of the Town of Amherstburg is hereby repealed.
- 40.2 This By-law shall come into force and take effect upon being passed.

READ A FIRST, SECOND AND THIRD TIME this ___ day of _____ 2012.

Wayne Hurst, Mayor

Brenda M. Percy, Clerk

SCHEDULE "A"

Taxicab Tariff of Rates

TAXICABS BY DISTANCE	
Meter Throw, for the first one fifteenth of a km or fraction thereof	\$3.50
For each additional one tenth of a km or fraction thereof	\$0.17
For waiting time under engagement, for each one minute	\$0.22
For each trunk (steamer size or smaller)	Not less than \$0.25 or more than \$0.50
TAXICABS BY THE HOUR/FLAT RATE	
For the first hour or any part thereof, and thereafter at the same rate per hour for the time actually under hire	\$25.00

All rates include HST.