BY-LAW NO. XX-2020

A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE, TO LICENCE, REGULATE AND GOVERN OPERATORS AND DRIVERS OF TAXICABS, AND TO REPEAL BY-LAW 83-2005.

WHEREAS pursuant to paragraphs 6, 8, and 11 of Subsection 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality may pass by-laws for the health, safety and well-being of persons, and for the protection of persons and property, including consumer protection, in addition to business licensing;

WHEREAS Part IV, the "Licensing and Registration" Section 150(1) of the Ontario Municipal Act S.O. 2001, c. 25 deems that a local municipality may licence, regulate and govern any business wholly or partly carried on within the municipality;

AND WHEREAS Part IV, Section 150(2) of the *Ontario Municipal Act*, S.O. 2001, c. 25 deems that a municipality may only exercise its licensing powers under this Section, including imposing conditions, for one or more of the following purposes:

1. Health and Safety
2. Nuisance Control
3. Consumer Protection

AND WHEREAS Sections 155 and 156 of the *Ontario Municipal Act*, S.O. 2001 c. 25 details regulations regarding the licensing of taxicabs;

NOW THEREFORE, the Council for the Town of Carleton Place enacts as follows:

1 DEFINITIONS

1.1 **Accessible Cab** means a taxicab licenced by the Municipality which, as a design criterion, accommodates one or more persons in wheelchairs without transfer, pursuant to all federal and provincial legislation applicable to vehicles used in the transportation of physically disabled persons.

1.2 **Applicant** means a person applying for a licence under this By-law and includes the person renewing a licence.

1.3 **Car pool vehicle** means a personal motor vehicle not used for personal gain, where the occupants share a common interest and the destination and the occupants, the majority of the time are the same, and where a contribution may be made towards the cost of operating the said vehicle to and from the common destination, but which a fare or charge is not collected for each trip.

1.4 **Chief By-law Enforcement Officer** means the appointed Chief By-law Enforcement Officer for the Town of Carleton Place or their designate.

1.5 **Clerk** means the Clerk for the Corporation of the Town of Carleton Place.

1.6 **Committee** means the Committee of the Whole for the Corporation of the Town of Carleton Place.

1.7 **Dispatch** means the act, through electronic or other means, of sending a taxicab to a person or persons requesting the service of a taxicab for the purpose of conveying such person or persons in the Town of Carleton Place.

1.8 ***Highway Traffic Act*** means *Highway Traffic Act*, R.S.O. 1990, c. H.8 and amendments thereto.

1.9 **Individual** means a person other than a corporation or partnership.

1.10 **Licence** means a licence issued under this By-law.

1.11 **Licencee or Licence Holder** means a person licenced under the provisions of this By-law.

1.12 **Municipality** means the Corporation of the Town of Carleton Place.

1.13 **Passenger** means a person in a taxicab other than the taxicab driver.

1.14 **Physically Disabled Person** means:

1.14.1 a person who suffers from a physical disability in such a way that his/her mobility is restricted, including, among others, a person, who uses a wheelchair, crutches, braces or other assisting devices;

1.14.2 a person who, because of a physical disability, requires assistance in boarding or leaving a taxicab.

1.15 **Police Officer** means an Officer with the Ontario Provincial Police (OPP) having jurisdiction in the Municipality.

1.16 **Senior Citizen** means a person sixty-five (65) years of age or older;

1.17 **Taxicab or Taxi** means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, other than a car pool vehicle, having a seating capacity not exceeding the legal limit for that model, including the driver, hired for a person or group of persons, with only one fare or charge collected for the trip.

1.18 **Taxicab Driver** means a person engaged in driving or operating a taxicab for, or on behalf of, another person who is the owner thereof, and where a taxicab owner personally drives or operates a taxicab, shall include such owner.

1.19 **Taxicab Driver's Licence** means the licence issued by the Town Clerk to the driver of a taxicab.

1.20 **Taxicab Operator's Licence** means the licence issued by the Town Clerk, to the owner of the taxicabs for hire.

1.21 **Taxicab Owner** means a person owning a taxicab or having possession or control thereof pursuant to an installment purchase agreement or by way of rental.

1.22 **Taxicab Service** means the transportation of passengers by taxicab from one point of pick up to another point of drop off.

1.23 **To Operate** includes to drive a taxicab and to make a vehicle available to the public for use as a taxicab.

1.24 **Trip** means the distance and time traveled and the distance and time to be traveled, measured from the time and point at which the passenger first enters the taxicab to the time at which the passenger finally leaves the taxicab, which includes but is not limited to the journey between any two points in the Town limits for one or more passengers**.**

2 GENERAL REQUIREMENTS

2.1 No person being the owner of a taxicab shall carry on the business of conveyance of goods or passengers for hire, gain or reward without first obtaining a Taxicab Operator's Licence under this By-law entitling them to do so.

2.2 An operator may licence as many taxicabs and hire as many taxi drivers, as the operator deems necessary to provide adequate service to the public.

2.3 No person shall employ a person as a driver of a taxicab unless said person has been issued a Taxicab Driver's Licence by the Town Clerk.

2.4 No person shall operate a taxicab for the transportation of passengers from any point in the Town except under the authority of a Taxicab Driver's Licence issued by the Town Clerk.

2.5 No person shall accept calls in any manner for taxicabs to be used for the transportation of passengers or goods from any point within the Town except

under the authority of a Taxicab Operator's Licence issued by the Town to the owner or operator of the taxi business.

2.6 No taxicab operator may have full or partial ownership in any more than one taxi business operating under a Taxicab Operator's Licence within the Town of Carleton Place.

2.7 No licence is required for the operation of a taxicab within the Municipality provided:

2.7.1 such taxi is operating for the sole purpose of discharging a passenger who was picked up outside the Town limits, or

2.7.2 where a taxicab is picking up passenger(s) who have pre-arranged pick-up provided they are dropping off the passenger(s) in the Municipal area in which the taxicab is originally from.

2.8 Notwithstanding Section 2.7, no person shall dispatch a taxicab to commence the transportation of passengers within the Town limits where the owner of the taxicab does not hold a licence for his or her taxicab in the Municipality.

2.9 Every taxicab operator shall ensure that the taxicab maximum fares as listed in Schedule "A" are displayed in the cab in a conspicuous place.

2.10 Every taxicab operator shall ensure that the fares charged by the taxicab drivers under their employment are in accordance with the maximum fares listed in Schedule "A" of this by-law.

3 TAXICABS FOR PHYSICALLY DISABLED PERSONS

3.1 Accessible taxicabs available to physically disabled persons, which operate as a non-profit organization and are supplying a service to or for physically disabled persons may be exempt from the Licence fees as prescribed by the Town's Annual Fees and Charges By-law.

3.2 All taxicab operators and taxicab drivers for accessible taxis must apply for all appropriate licences and successfully fulfill the requirements for said licences as prescribed in this by-law.

3.3 All taxi operators and taxicab drivers supplying a taxi service to physically disabled persons who are a for-profit organization must pay the licence fees as prescribed by the Town's Annual Fees and Charges By-law.

4 CONDITIONS FOR ISSUANCE OF A TAXICAB OPERATOR'S LICENCE

4.1 All new applicants for a taxicab operator's licence shall submit an application form provided by the Town and pay all appropriate fees as prescribed by the Town's Annual Fees and Charges By-law.

4.2 All applications referred to in Section 4.1 shall be presented to the OPP and the Council of the Town of Carleton Place to demonstrate that another taxi operator is necessary before a licence shall be issued.

4.3 Previously approved operators must annually pay the appropriate fees as prescribed by the Town's Annual Fees and Charges By-law and submit an application form prescribed by the Town to the Clerk for renewal of their licences.

4.4 The operator of a taxicab business must submit to the Town of Carleton Place a written certificate of an insurer, duly licenced under the *Insurance Act,* R.S.O. 1990 c.I.8 to carry on in Ontario the business of automobile insurance, which includes:

4.4.1 a motor vehicle liability policy which is on the date of the certificate in full force and effect;

4.4.2 a liability policy amount not less than $2,000,000.00 against loss or damage resulting from bodily injury to or the death of one or more persons, including passengers as well as third parties, and loss of or damage to property in any one accident;

4.4.3 30 days' written notice to the Municipality of cancellation or non-renewal;

4.5 The previously stated insurance requirements in Section 4.4 shall apply to each vehicle that is used as a taxicab.

5 LEASING AGREEMENTS

5.1 A taxicab owner may, in lieu of purchasing a motor vehicle for use as a taxicab, obtain a motor vehicle by a leasing agreement provided that the leasing agreement for the motor vehicle to be used as a taxicab:

5.1.1 is the holder of the current motor vehicle permit issued pursuant to the *Highway Traffic Act* and;

5.1.2 specifies as a minimum requirement:

a) the date of execution of the leasing agreement;

b) the name and address of the lessee and lessor;

c) the make, model, serial number and year of the motor vehicle;

d) the motor vehicle permit number issued pursuant to the *Highway Traffic Act*;

e) the term and expiry date of the leasing agreement;

f) the terms and conditions under which the lessee had the right to possession and control of the vehicle, under specified terms and conditions;

g) all of the lessor's and lessee's rights to early termination of the leasing agreement;

h) the consideration, and the signatures of the lessee, the lessor and the witnesses thereto.

5.2 The taxicab owner licenced under this by-law, who has entered into a leasing agreement under Section 5.1 of this By-law shall file with the Clerk on the later date of issuance of the licence or the effective date of the leasing agreement a copy of the leasing agreement containing all the information referred to in subsections 5.1.1. and 5.1.2.

5.3 Every taxicab owner shall notify or cause to be notified the Clerk in writing ten (10) days before the termination of the leasing agreement for the motor vehicle registered in respect of his or her Taxicab Owner's Licence with the Municipality.

6 VEHICLE AND BUILDING STANDARDS

6.1 The operator of every licenced taxicab shall at all times keep the same in a clean and sanitary condition and in good repair.

6.2 The Chief By-law Enforcement Officer or Police Officer, upon finding a taxicab in disrepair, or in an unclean, or unsanitary condition, may notify the owner thereof to cease operation of the same as a licenced taxicab and vehicle until such time as the same has been put in a clean and sanitary condition and is in good repair.

6.3 In accordance with Section 6.2, no person shall operate a motor vehicle as a taxicab if the Chief By-law Enforcement Officer or Police Officer has found said vehicle in disrepair, unclean or unsanitary and has notified said operator as such.

6.4 The operator of every taxicab and vehicle licenced under this by-law or anyone acting on his behalf shall submit to the Town, a Certificate of Mechanical Fitness before a vehicle is licenced as a taxicab. A licenced mechanic shall sign said

Certificate of Mechanical Fitness, and said mechanic shall not be the owner or be employed by the owner of the taxicab business.

6.5 The operator of a taxicab must submit a new Certificate of Mechanical Fitness annually with their application for renewal of a Taxicab Operator's Licence.

6.6 Every owner of one or more licenced taxicabs shall file with the Town the names and addresses of all drivers employed by him or her and shall forthwith advise the Town Clerk of all changes in his or her staff of drivers.

6.7 Every operator of a taxicab shall submit his or her taxicab for the inspection of the Chief By-law Enforcement Officer or Police Officer when required and no operator or driver shall at any time, when his or her vehicle is not employed, hinder the said officer from entering such vehicle, garage or other building for the purpose of inspecting such vehicle, or the premises where such vehicle is or is kept.

6.8 Every taxicab owner shall ensure that his or her taxicab is equipped at all times with at least five (5) serviceable tires, one of which shall be available as a spare and each of which shall comply with the Tire Standards and Specifications, R.R.O 1990 Reg 625, as amended under *The Highway Traffic Act.*

6.9 All buildings used in connection with any taxicab shall:

6.9.1 be kept clean at all times;

6.9.2 be subject to all Development Permit requirements as established by the Development Permit By-law (15-2015) and amendments thereto for the Town of Carleton Place.

6.10 Owners and operators of taxicabs shall make available vehicle registration and identification information in an accessible format to persons with disabilities who are passengers.

6.11 All taxicabs and accessible taxicabs shall adhere to the standards as set out in Schedule "C" of this by-law.

7 REPLACEMENT VEHICLES

7.1 Every licenced taxicab owner who replaces his or her taxicab shall apply to the Clerk to change the vehicle with respect to which the licence is designated prior to operating the taxicab, and shall comply with the provisions as prescribed by this by-law.

7.2 Upon the Clerk being furnished with satisfactory proof that the applicant has complied with subsection 7.1 and has paid the fee set out in the Town's Annual Fees and Charges By-law, the Clerk will change the vehicle with respect to which the taxicab licence is designated.

8 TAXICAB DRIVER'S LICENCE

8.1 Every application for a Taxicab Driver's Licence issued under this by-law shall be submitted to the Clerk on prescribed forms and payment of all appropriate fees as set out in the Town's Annual Fees and Charges By-law.

8.2 No person shall be issued a Taxicab Driver's Licence unless the applicant has given to the Clerk satisfactory proof that:

8.2.1 the applicant is at least eighteen (18) years of age.

8.2.2 the applicant is a citizen of Canada, or is legally permitted to work in Canada.

8.2.3 the applicant is a holder of a current driver's licence of the appropriate class issued pursuant to the *Highway Traffic Act*, and regulations passed thereunder.

8.2.4 the applicant has provided their Ontario Ministry of Transportation Driver's Licence abstract, dated within 90 days of initial application, indicating any convictions and demerit points in the previous three (3) years, to be resubmitted on a biannual basis.

8.2.5 the applicant has consented to a Police Vulnerable Sector Check when applying for the first time, made by or on the behalf of the local Police Force; and must provide a Police Vulnerable Sector Check every year thereafter.

8.2.6 the applicant has filed two (2) signed current photographs five (5) centimeters by five (5) centimetres in size and that bear a reasonable likeness to the applicant;

8.2.7 one of the photographs described in section 8.2.6. shall be attached by the Municipality to the Taxicab Driver's Licence, which said licence shall be displayed in the interior of the cab in such place and in such manner and form as directed by the Town.

8.2.8 No person shall transfer employment from one taxicab company to another without first reporting said transfer to the Clerk and obtaining the Taxicab Driver Transfer Licence and paying appropriate fees as

prescribed by the Town's Annual Fees and Charges By-law.

9 LICENCED TAXICAB DRIVER'S DUTIES

9.1 All taxicab drivers shall adhere to the conditions set out in Schedule "C" of this by-law.

9.2 No person shall use a vehicle as a taxi that is in an unsafe driving condition, unclean or untidy inside.

9.3 Every driver shall ensure that he or she is neat, clean and polite in manner.

9.4 No person, while driving a taxicab, shall fail to take reasonable care to prevent passengers from leaving any property in the vehicle.

9.5 No person shall while driving a taxicab fail to restore property left in a cab to the rightful owner, or deliver it to the Town Hall or local Police Station with all relevant information for the owner to claim.

9.6 No person shall drive a taxicab without displaying at all times in the prescribed location referred to in Section 8.2.7 the Taxicab Driver's Licence issued to them by the Town when engaged as a driver of said taxi.

9.7 No person while driving a taxi shall:

9.7.1 take, consume or have in the driver's possession any intoxicating liquor, or other substance, which would affect the driver's capabilities to drive a motor vehicle.

9.7.2 loiter or solicit business in any street, alley or other public place.

9.7.3 permit any immoral, indecent or disorderly conduct in the vehicle.

9.7.4 make any loud noise or disturbance, such as the unnecessary blowing of a horn, or use obscene, impertinent or abusive language, or molest, annoy or insult any passenger or other person.

9.7.5 carry in any vehicle a larger number of persons or goods than the manufacturer's rating or seating capacity allows for such vehicle.

9.7.6 after leaving a starting point with a passenger, take on any new additional passengers without the consent of those who have already engaged the driver.

9.7.7 smoke or vape while driving a taxi, in accordance with the *Smoke-Free*

Ontario Act, 2017 S.O. 2017.

9.7.8 refuse to serve the first person requesting the service of the taxicab unless such person requiring the service:

a) owes the driver for a previous fare or service.

b) upon being requested by such driver, the person refuses to disclose the final destination before or immediately after entering the taxicab.

c) asks the driver to be driven to a remote place in circumstances, which such driver reasonably believes to be unsafe.

d) has an excessive number of items that will not fit in the cab.

e) is unduly obnoxious, intoxicated or abusive.

9.7.9 refuse to allow a dog while serving as a guide or leader dog for a visually impaired person, to enter and remain in the taxicab.

9.8 The driver of a taxicab must record immediately all reasons why he or she refused service to an individual and retain the record of refusal for a period of thirty (30) days.

9.9 A taxicab driver, if requested, must give a passenger a receipt showing the driver's name, the date and time of the trip, the points of origin and destination, and the cost of the trip.

9.10 A driver of a taxicab may not charge for time lost through defects or inefficiency of the taxicab or incompetence in driving.

9.11 No person shall charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip.

9.12 No person shall charge a fee for the storage of mobility aids or mobility assistive devices.

10 EXPIRY, SUSPENSION OR REVOCATION OF LICENCES

10.1 All taxicab operators' licences and all taxicab driver licences issued by the Town shall expire on the 15th day of February each year.

10.2 The holder of the licence is responsible to apply for renewal on or before the date of the first day of February each year.

10.3 The Chief By-law Enforcement Officer may at any time, for any cause appearing to him or her to be sufficient, suspend the licence issued to any taxicab operator or any taxicab driver and shall, in such event report such suspension forthwith to Council, and Council may either continue such suspension for such period of time as it shall determine or may reinstate such licence, or if the circumstances shall appear to warrant such action, may revoke said licence.

10. 4 Anyone convicted under any section of the *Liquor Licence Act*, *the Food and Drug Act*, the *Criminal Code of Canada* or the *Highway Traffic Act* shall be liable to have the taxi operator's licence or taxi driver's licence suspended or canceled.

10.5 Council, after a hearing, may revoke any or each of the licences held by a licencee for cause and without limiting the generality of the foregoing for:

10.5.1 a breach of the law;

10.5.2 anything which may be in a way adverse to the public's interest;

10.5.3 any other matter which the Municipality is authorized by law to consider, or

10.5.4 any violation of the provisions of this By-law.

10.6 Council may suspend a licence for cause for any period that is less than the un-expired part of the period for which it was issued in lieu of revocation as provided in subsection 10.5 hereof.

10.7 The Clerk upon receipt of the report suspending or revoking a licence by the Supervising Officer of the OPP shall determine the time and date of the hearing which shall be the next available meeting of Council, while meeting required timeframes in the Procedural By-law, and shall forthwith give notice in writing to the licencee, said notice shall:

10.7.1 state the time, date, place and purpose of the hearing and a statement as to the reasons for the suspension, including reasonable information of any allegations as to the character, or propriety of conduct or competence of a licencee, if same are in issue; and

10.7.2 state if the licencee does not attend the hearing, Council may proceed in his or her absence and he or she will not be entitled to any further notice;

10.7.3 be served personally or by registered mail to the licencee at his or her address last known to the Town Clerk.

10.8 Council shall give its decision in writing to the Town Clerk.

10.9 The Clerk, in receipt of the decision referred to in 10.8 hereof, shall forthwith notify the Chief By-law Enforcement Officer and OPP and the licencee of the decision by serving the licencee a copy personally or by registered mail to the licencee's last known address or the counsel or agent of the licencee, at his or her address as stated to the Municipality.

10.10 The holder of a taxicab operator's licence shall provide a reasonable level of service to the public twenty-four (24) hours per day. Failure to do so shall be considered just cause for Council to suspend or revoke any licence.

10.11 Council's decision(s) shall be final and binding.

11 PASSENGER CONDUCT

11.1 No person while a passenger in a taxicab shall smoke or vape, in accordance with the *Smoke-Free Ontario Act*, 2017 S.O. 2017.

11.2 A passenger may refuse to take a taxicab made available to the person if that taxicab does not meet the vehicle standards or the licenced taxicab driver's duties as provided for in this By-law.

12 ENFORCEMENT

12.1 Any person who contravenes any of the provision of this by-law and the procedures with respect thereto is guilty of an offence and the enforcement and the penalty imposed thereunder shall be subject to the provisions of *The Provincial Offences Act*, R.S.O. 1990, Chapter P.53 and any amendments thereto, and the penalty for the commission of any such offence shall be as provided for in the said *Provincial Offences Act*.

12.2 This by-law shall be enforced by the Municipal By-law Enforcement Officer and/or by an Officer of the Ontario Provincial Police.

12.3 Any person or owner operating a Taxicab shall promptly submit proper identification to an officer upon request. Failure or refusal to do so is an offense.

12.4 No person shall give false information to an officer.

12.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, an officer exercising their power authorized by Section 12.2 or performing a duty under this By-law.

13 ADMINISTRATION AND PENALTIES

13.1 This By-law shall be enforced by By-law Enforcement Officers and/or a Police Officer.

13.2 Any notice or order required to be given or served under this By-law is sufficiently given or served if delivered personally or sent by registered mail, addressed to the person to whom delivery or service is required to be made at the last address for service appearing on the application record with the Town Clerk.

13.3 All notices served by mail pursuant to this By-law shall be deemed to be received five (5) days following mailing of the notice.

13.4 Any person who contravenes any of the provisions of this By-law, and the procedures with respect thereto is guilty of an offence and the penalty upon conviction therefore shall be as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33 and amendments hereto.

14 INDEMNIFICATION

14.1 No person shall be granted or hold a licence for a Taxicab Operator's Licence unless he or she has in writing on a form prescribed by the Town, found in Schedule "B" agreed to indemnify and hold harmless the Municipality, its agents, servants, employees and officials from any claims, actions or suits which might be brought against the said person and the Municipality arising out of the operation of the taxicab in any manner whatsoever, or any error, negligence, or omission of the person, his agents, servants or employees.

15 VALIDITY

15.1 If any section of this By-law is for any reason deemed invalid by a competent court of law, the remaining sections shall remain in effect until repealed.

15.2 Where provisions of this By-law conflict with any other By-laws in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.

15.3 This By-law shall come into force and take effect upon its final passing.

16 SHORT FORM

16.1 This By-law may be referred to as the Taxi By-law.

17 REPEAL OF BY-LAWS

17.1 That By-law No. 83-2005 and amendments thereto, being a By-law to licence, Regulate and govern operators and drivers of taxicabs shall be hereby repealed.

READ A FIRST, SECOND AND THIRD TIME THIS XX DAY OF XXXX, 2020.

Doug Black, Mayor

Stacey Blair, Clerk

SCHEDULE “A” TO BY-LAW NO. XX-2020

Maximum fare charge for a trip/journey within the limits of the Town of Carleton Place:

Regular fare per trip	$11.50
Senior Citizen’s rate per trip.	$11.00
Cleaning charge (Soiling the inside of a Taxicab)	$75.00

SCHEDULE “B” TO BY-LAW NO. XX-2020

INDEMNIFICATION

In accordance with Section 14 of By-law XX-2020, I hereby agree to indemnify and hold harmless the Town of Carleton Place, its agents, servants, employees and officials from any claim, actions or suits which might be brought against the Town of Carleton Place arising out of the operation of my Taxicab(s) in any matter whatsoever, or any error or omission.

Further, I hereby acknowledge that the Town of Carleton Place will receive in writing (at least 30 days’ prior notice) of any cancellation or expiration, or any changes to the terms and conditions of any insurance policy regarding a licenced vehicle.

_____
Owner/Agent Signature

_____
Date

SCHEDULE "C" TO BY-LAW NO. XX-2020

TAXICAB AND ACCESSIBLE TAXICAB PASSENGER BILL OF RIGHTS

Every passenger has the right to a driver who:

is licenced by the Town of Carleton Place,

is knowledgeable,

knows the major routes and destinations in the Town of Carleton Place,

is courteous and helpful,

offers a safe ride,

knows and obeys all traffic laws,

gives, upon request, a silent ride,

uses a cell phone only in emergencies,

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

takes the most expeditious route, and

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

A Taxicab or Accessible Taxicab must be kept:

in good mechanical condition,

with a clean passenger and trunk area,

that is heated or cooled upon request,

with easy access to seat belts, and is

smoke and vape free.