

CITY OF ST. THOMAS

BY-LAW NO. 145 - 2013

A by-law to provide for licensing, regulating and governing owners/drivers of cabs and motor or other vehicles used for hire and for other purposes within the City of St. Thomas.

WHEREAS sections 9, 10, 11(3) and 150 through 159 of the Municipal Act, S.O. 2001, c. M.25, as amended, permit the Council of the Corporation of the City of St. Thomas to pass by-laws for licensing, regulating and governing owners and drivers of taxicabs used for hire within the City of St. Thomas and from any point within the City of St. Thomas to any point outside the City, and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of passengers, and providing for the collection of such rates or fares, for limiting the number of taxicabs or any class of them and for revoking any such licence;

AND WHEREAS the Council deems that requirements set out in this By-Law are necessary for purposes of public safety, consumer protection and nuisance control relative to taxicab transportation services, and for compliance with Sections 79 and 80 of Ontario Regulation 191/11 of the *Accessibility for Ontarians with Disabilities Act, 2005*;

AND WHEREAS section 23 of the Municipal Act, S.O. 2001, c. M.25, as amended, permits a Municipal Council to delegate the powers and duties to an individual who is an officer, employee or agent of the Municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS ENACTS THE FOLLOWING:

INTERPRETATION:

1 In this By-law:

- (a) any reference to a "person" shall include an individual, corporation, partnership, firm, association, other legal entity or agent thereof. A masculine or feminine pronoun shall include the other gender and the neutral pronoun, where applicable.
- (b) any words importing the singular include the plural and vice versa.
- (c) "Accessible Taxicab" shall mean a passenger vehicle that is or should be licensed under this By-Law as a Taxicab, and is designed or modified to be used for the purpose of transporting persons with disabilities and is used for that purpose, whether or not the vehicle is also used to transport persons without disabilities.
- (d) "Call" within the meaning of this By-law shall include a request or direction for the use of a taxicab transmitted by radio, or by personal request of a prospective passenger or received in any other manner.
- (e) "City" shall mean the Corporation of the City of St. Thomas.
- (f) "Clerk" shall mean the City Clerk for the Corporation of the City of St. Thomas or a person designated by the Clerk for the purposes of this By-law.
- (g) "Council" shall mean the Council of the City.

- (h) "Driver" shall mean a Driver of a Taxicab who holds a Taxicab Driver's Licence or is required to be licensed as such for compliance with this By-Law.
- (i) "Licence" shall mean any Licence granted by the City under the provisions of this By-law to own, dispatch or operate any Taxicab vehicle used for hire.
- (j) "Limousine" shall mean a vehicle usually described as a limousine by its manufacturer that can carry approximately ten passengers, and is usually hired on an hourly or daily basis by contract.
- (k) "Municipal Law Enforcement Officer" shall mean a person appointed by the Council of the City to enforce the bylaws of the municipality.
- (l) "Owner" shall mean the registered owner of a Taxicab who holds a Taxicab Owner's Licence, or is required to be Licensed as such for compliance with this by-law.
- (m) "Shuttle" shall mean a vehicle, (usually a van), that carries a number of passengers from one origin to one or more destinations or from one or more origins to one destination, usually for a fixed fee per passenger.
- (n) "Supervisor of Roads and Transportation" shall mean the person appointed as Supervisor of Roads and Transportation for the City.
- (o) "Taxicab" shall mean a motor vehicle, including an Accessible Taxicab, which is kept or used for hire for the conveyance of passengers with a seating capacity of not more than seven (7) persons and which is equipped with a taximeter.
- (p) "Taxicab Broker" shall mean any person who accepts Calls for Taxicabs which are not owned by the Taxicab Broker or the Taxicab Broker's employer or immediate family and shall also mean a Taxicab Owner who receives Calls and operates a dispatch service.
- (q) "Taxicab Broker's Licence" shall mean a Licence issued to a Taxicab Broker pursuant to the provisions of this By-law.
- (r) "Taxicab Driver's Licence" shall mean a Licence issued to a Driver pursuant to the provisions of this By-law.
- (s) "Taxicab Owner's Licence" shall mean a Licence issued to an Owner pursuant to the provisions of this By-law.

ROLE OF THE CLERK

- 2. The Clerk shall have supervision over all persons licensed under this by-law and the following shall be the duties of the Clerk in connection with the provisions of this by-law:
 - (a) To issue:
 - i) Taxicab Driver's Licences;
 - ii) transfers of Taxicab Owner's Licences where the transfer is for a Taxicab replacing a vehicle being retired from service and;
 - iii) annual renewals of all Licences issued under this By-law.
 - (b) To submit to Council:
 - i) applications for Taxicab Owner's Licences where the requested Licence would increase the total number of Taxicab Owner's Licences in the City or where the applicant does not currently hold any such Licence;
 - ii) applications for Taxicab Broker's Licences other than renewals;
 - iii) applications for transfers of Taxicab Broker's Licences, and;
 - iv) reports providing full background for any recommendation referred by the Clerk to Council regarding a refusal to issue, refusal to renew or a revocation of a Licence described in this By-law.

and to issue such new Licences and transfers as Council may approve.

- (c) To refuse to process any application for a Licence described in this By-law where the application is incomplete or otherwise fails to comply with Section 6 of this By-law.
- (d) To report to Council regarding any Licence revocations and cancellations effected by the Clerk in accordance with Section 5 of this By-law and report on statistics of Taxicab usage by passengers with mobility disabilities and on other matters for the attention of Council or as Council may request.
- (e) The Clerk may determine that the issuing of any Taxicab Owner's Licence or that the reinstatement of a Licence following a suspension of a Taxicab Owner's Licence or a Taxicab Broker's Licence shall be subject to such conditions as the Clerk may consider necessary or advisable in connection with the Licence being issued or reinstated.
- (f) To furnish the Taxicab Driver with a Taxicab Driver's Licence identification card.
- (g) To invoke Licence suspensions and automatic Licence cancellations in accordance with the provisions of this By-law.
- (h) To furnish each Owner issued a Licence with a copy of this By-law, a tariff card setting out current fares chargeable under this By-law and a Taxicab Licence Plate to be affixed to the Taxicab in accordance with Section 11(f) of this By-law.
- (i) To keep a register of all Licences and transfers of Licences that may be granted, which register shall contain the name or names of the holders of all Taxicab Broker, Owner and Driver Licences, (including active Licences and surrendered, suspended and inactive Licences), the issue date of the Licence, and the amount paid for same, the number of Taxicabs kept by each Owner and associated with each Taxicab Broker, and such further particulars and other books as Council may direct.
- (j) To maintain a record of information provided by Taxicab Owners regarding those Taxicabs which are Accessible Taxicabs and those Taxicab Drivers who have completed training for operating Accessible Taxicabs as required by this By-law
- (k) To receive notices and the reports required from Taxicab Owners, Drivers and Taxicab Brokers under this By-law and to make all necessary inquiries concerning applications for Licences and renewals and transfers thereof as may be deemed appropriate to secure due observance of the law, including but not limited to compliance with this By-law, and to report periodically to Council thereon these matters.
- (l) Where, in the Clerk's opinion, a contravention of this By-law should be prosecuted, or Council so directs, to prosecute or to cause such contravention to be prosecuted.

PROHIBITIONS:

- 3. (a) No person shall:
 - (i) keep, drive or offer a Taxicab for hire within the City without a current Taxicab Owner's Licence being in good standing for such Taxicab;
 - (ii) drive a Taxicab for hire within the City without having a current Taxicab Driver's Licence;
 - (iii) act as a Taxicab Broker within the City without having a current Taxicab Broker's Licence;
 - (iv) act as a Taxicab Broker within the City for the hiring or dispatching of any Taxicab that is not driven by a Driver licensed under this By-law or of an Taxicab that is not owned by an Owner licensed for the Taxi under this By-law;
 - (v) operate a Taxicab or Limousine without full insurance coverage required under this By-law;

- (vi) keep, drive or offer a Taxicab for hire within the City without a taximeter properly installed and sealed in accordance with Section 11 of this By-law;
 - (vii) publish or demand a tariff or demand or receive Taxicab or Limousine fares, rates or charges other than in accordance with Section 13 of this By-law;
 - (viii) charge a fee for the storage of mobility aids or mobility assistive devices, nor for transporting such aids or devices with the passenger who uses them due to disability;
 - (ix) charge a higher fare or an additional fare for persons with disabilities than for persons without disabilities for the same trip; (By-Law 60-2014)
 - (x) attempt the transfer of any Licence issued under this By-law except in accordance with the provisions of this By-law;
 - (xi) while holding a Taxicab Owner's Licence, fail to maintain in effect the insurance required by this By-law;
 - (xii) engage in any other actions prohibited by Section 8(c) of this By-law in connection with operation of a Taxicab.
- (b) No Taxicab Owner or Taxicab Broker licensed under the provisions of this By-law who intends to withdraw or terminate his/her Taxicab business shall do so without providing not less than forty eight (48) hours notice in writing to the Clerk of such intention. At the time specified in such notice, he/she shall surrender such Licence to the Clerk.
- (c) No holder of any Licence issued under this By-law shall transfer such Licence, except in accordance with the provisions of this By-law.

APPLICATION FOR LICENCES:

4. (a) All Applications for Licences, for transfers of a Licence(s) or for renewal of a Licence(s) shall be addressed to the Clerk, submitted upon such forms as may be prescribed by the Clerk, and accompanied by payment of the appropriate fee, proof of insurance and other certifications where required by this By-law.
- (b) All fees prescribed in this By-law shall be payable to the City.
- (c) Every applicant for a Taxicab Owner's Licence shall submit with his/her application a Certificate of Mechanical Fitness with respect to the vehicle to be licensed and shall submit the vehicle for inspection of equipment as required under this By-law and provide the requisite report and certificates in satisfactory form.
- (d) In addition to the Certificate referred to in 4(c) above every applicant for a Taxicab Owner's Licence pertaining to a vehicle that is an Accessible Taxicab shall submit with his/her application a Certificate by a qualified person confirming that the vehicle modifications and devices with which the vehicle is equipped have been properly installed, are in good working order and comply with the requirements of RRO 1990 Regulation 629 as amended and Canadian Standards Associations Standards D409-02.
- (e) Every applicant for a Taxicab Owner's Licence or for renewal or transfer of such a Licence shall submit with his/her application proof of compliance with insurance requirements by depositing with the Clerk a certified copy of a satisfactory valid policy of insurance, issued to such applicant and covering each Taxicab for which a Taxicab Owner's Licence is sought. This policy must be currently in effect and be issued by an insurance company authorized to do business in Ontario.
- (f) Every applicant for a Taxicab Driver's Licence shall attend in person at the office of the Clerk or the Clerk's designate and shall submit with his/her written application such information and records as the Clerk may require including, but not limited to, the items referred to in Section 6 of this By-law.

- (g) Every applicant for a Taxicab Broker's Licence shall upon request demonstrate knowledge of the topography of the City of St. Thomas, knowledge of the provisions of this By-law, and shall provide evidence of technical resources suitable to dispatching and communication in the Taxicab industry, and satisfactory proof that all Taxicabs associated with the Taxicab Broker are licensed with a current Taxicab Owner's Licence and continue to meet the requirements of this By-law for insurance coverage, mechanical fitness, and installed Taxicab vehicle equipment specified under this By-law.
- (h) Every Owner of more than one Taxicab required to be licensed under this By-law, shall obtain a separate Taxicab Owner's Licence for each Taxicab. If an Owner retires a Taxicab and replaces it with another Taxicab vehicle the Licence pertaining to the retired vehicle is cancelled and that portion of the Licence fee proportionate to the unexpired part of the terms for which it was granted may be applied toward the fee due on the Owner's application for a Taxicab Owner's Licence for the replacement vehicle.

EXPIRY, REVOCATION OR SUSPENSION OF LICENCES

- 5. (a) Every Licence issued under the provisions of this By-law shall, unless sooner revoked, expire on the 31st day of December next after the date the Licence was issued.
- (b) A Taxicab Owner's Licence shall be suspended by the Clerk if the Taxicab to which it relates is operated and in use as a Taxicab throughout less than a total of eight (8) weeks within any period of twelve (12) consecutive months.
- (c) A Taxicab Owner's Licence shall be deemed to be suspended for the Taxicab to which it relates if, at any time, the public liability insurance coverage for the Taxicab lapses, is terminated for any reason, or is not maintained on that vehicle by the Owner. Such Licence suspension shall continue until the required insurance coverage for the Taxicab is reactivated or brought into good standing, the onus being upon the Owner to furnish proof of same, satisfactory to the Clerk.
- (d) Any Licence issued under this By-law may be suspended or revoked by the Clerk if it comes to the Clerk's attention that the Licence holder is no longer qualified to hold such Licence, or that the vehicle to which the Licence relates is not mechanically fit or where a contravention of this By-law has continued after reasonable notice to the Licence holder regarding such contravention.
- (e) If the holder of a Licence issued pursuant to this By-law, or a principal of a corporate holder of a Licence, is convicted of any infraction of this By-law, or of any by-law of the City regulating traffic, or of any of the provisions of the Highway Traffic Act of Ontario with a resulting loss of six or more demerit points, or of any provision of the Liquor Licence Act of Ontario relative to driving or vehicles, or of a driving or vehicle offence under the Criminal Code of Canada, such Licence may be revoked by the Clerk.
- (f) Where reasonably deemed necessary or prudent in the interests of public safety, the Clerk may suspend a Licence issued pursuant to this By-law in the event of a charge being laid or notice of offence being issued, for an infraction referred to in 5(e) above, against the holder of a Licence, or against a principal of a corporate Licence holder.
- (g) Upon a Licence revocation, or a Licence suspension by the Clerk or upon a licence being subjected to conditions by the Clerk, the person to whom the Licence had been issued may file with the Clerk a written request for an appeal of such revocation, suspension or conditions, in response to which the Council shall decide:
 - i) whether Council will proceed to hear an appeal on the merits of the case; and,
 - ii) if such leave to appeal is granted by Council, upon hearing the appeal to uphold or change the revocation, suspension or condition(s), to make a new order either suspending or revoking the Licence, or to reinstate the Licence, and any reinstatement, or suspension of a Licence may be with stated conditions deemed appropriate by Council.

- (h) Where the suspension, revocation or conditional status of a Licence is to be considered at a meeting of Council, the person to whom that Licence was issued shall be notified of the date, time and place of the meeting and shall have the opportunity to speak and give evidence on his/her behalf.
- (i) Where a Licence is revoked, the licensee is entitled to a refund of that part of the Licence fee proportionate to the unexpired part of the term for which it was granted.

QUALIFICATIONS FOR LICENCES

- 6. (a) Every applicant for a Taxicab Driver's Licence may be examined by the Clerk, as to the applicant's knowledge of the provisions of this By-law and knowledge of the topography of the City of St. Thomas and regarding the applicant's personal and driving history deemed relevant to the responsibilities of the Driver position and the applicant's driving record and suitability to hold a Taxicab Driver's Licence. The applicant shall furnish a valid Ontario Driver Permit, and a satisfactory Police Criminal Record Check and Vulnerable Person Check report, in such form and extent as is then currently applicable.
- (b) Every Taxicab Owner's Licence issued under this By-law shall be conditional upon that Taxicab being fully insured in accordance with the provisions of this By-law, and such insurance coverage is a continuing qualification and requirement of a valid Licence at all times.
- (c) An applicant for a Taxicab Drivers Licence shall name a Taxicab Broker with which the Driver will be associated for Calls and dispatch purposes. No person shall be granted a Taxicab Driver's Licence unless he/she provides written evidence that he/she has been declared acceptable as a Taxicab Driver by the Taxicab Owner and or Broker carrying the insurance.
- (d) No person shall be Licensed as a Taxicab Driver's Licence unless he/she is the holder of a valid class "G" or higher category of driver's licence issued by the Province of Ontario and is of the age of majority.
- (e) No person shall be licensed as Taxicab Owner unless the Taxicab is registered with and licensed by the Ontario Ministry of Transportation, under a valid vehicle permit issued to that Taxicab Owner.
- (f) Every applicant for a Licence shall pay the fee prescribed by this By-law.
- (g) Any Taxicab Owner's Licence or Taxicab Broker's Licence issued under this By-law can only be transferred with the approval of the City and to persons approved by the City, and upon the proposed transferee applying to the City for such approval and complying with all provisions of this By-law relevant to such Licence, such approvals may be granted by:
 - i) the Clerk for transfer of Taxicab Owner's Licences between vehicles under same ownership or to any new applicant where the total number of Taxicab Owner's Licences in the City will not thereby increase.
 - ii) the Council for transfer of Taxicab Broker's Licences and for transfer of Taxicab Owner Licences where the issuance of a new Licence would increase the total number of Taxicab Owner Licences within the City.
- (h) Any Taxicab Driver's Licence issued under this By-law is personal to the person to whom it was issued and is not transferrable to any other person.

RESPONSIBILITIES OF AN OWNER

- 7. For each Taxicab owned, every person licensed as a Taxicab Owner shall, for each Taxicab licensed by that Owner:

- (a) Keep a record of all Calls answered by the Taxicab showing date, time, origin, destination, vehicle licence number and Driver and for each Accessible Taxicab also keep a record of whether each such Call was for a passenger with a mobility disability or a person without such a disability. Such records shall be kept in an orderly manner for a period of twelve (12) months after the expiry or other termination of the Taxicab Owner's Licence and shall be available upon request for inspection by the Clerk or a Municipal Law Enforcement Officer designated by the Clerk.
- (b) Equip the Taxicab with a suitable display frame to hold the Taxicab Driver's identification card and tariff card and shall place such frame in the Taxicab so as to enable such cards be seen and conveniently read by any person engaging the Taxicab, including persons with disabilities, and provide in the Taxicab and make available for inspection at any time a notifications in Braille identifying the Taxicab Owner, the Taxicab Driver and the Taxicab Licence number and fleet vehicle unit number.
- (c) Equip each Taxicab with a taximeter and such other equipment and Taxicab apparatus as are required under the provisions of this By-law.
- (d) Maintain each Taxicab in good condition, complying with all applicable safety and mechanical fitness requirements in accordance with this By-law, and as required by provincial statutes and regulations, including for Accessible Taxicabs the requirements of RRO 1990 Regulation 990 as amended and Canadian Standards Association Standard D409-02, as amended.
- (e) Submit to the Clerk, prior to issuance of a new Licence, a Licence renewal or Licence transfer for a Taxicab, and again six (6) months after the date of each such issuance, written certification by a licensed mechanic or other qualified person satisfactory to the Clerk certifying:
 - i) that the Taxicab meets the Mechanical Fitness Certificate requirements as set by the Province of Ontario;
 - ii) that the installations required under Section 11 of this By-law have been completed and all Taxicab apparatus required under this By-Law are properly installed, well maintained and functioning properly, and;
 - iii) that no hazards for Taxicab passengers arise from the condition or disrepair of the vehicle or any of its components;

Provided that for Taxicabs having been driven less than two hundred thousand (200,000) kilometers such written certification is only required to include the said Mechanical Fitness Certificate once per year at the date of issuance of the Licence, Licence renewal, or Licence transfer.

- (f) In addition to any other requirements under this By-law, provide, upon request of the Clerk at any time, a Mechanical Fitness Certificate for the Taxicab or other proof, satisfactory to the Clerk, of mechanical fitness and compliance with the requirements of this By-law and provincial standards for vehicles including the requirements of RRO 1990 Regulation 990 as amended and Canadian Standards Association Standards D409-02 as amended.
- (g) Submit the owned Taxicab to periodic spot-checks by the St. Thomas Police Services.
- (h) Maintain in good standing for each operating Taxicab, adequate and appropriate insurance including not less than the insurance coverage required by this By-law, being coverage that shall indemnify and protect the Owner and the public, including passengers carried in such Taxicab, for a minimum of two million dollars (\$2,000,000.00) liability for bodily injury or death of any person, and for damage to any property.
- (i) Immediately notify the Clerk when insurance for a Taxicab is cancelled, suspended or terminated for any reason. Such notification is to be in writing delivered by either electronic mail, fax or personal delivery, and in no case shall such notification be made

later than the business day after any such cancellation, suspension or termination of insurance.

- (j) Provide notice to the Clerk, in the same manner, whenever lapsed insurance coverage is reinstated, in compliance with the Licence requirements of this By-law, on a Taxicab for which an otherwise valid Taxicab Owner's Licence has been held.
- (k) Within forty-eight (48) hours after disposing of, or replacing, any Taxicab licensed under this By-law attend at the office of the Clerk and surrender the Taxicab Owner's Licence and the accompanying metal Taxicab Owner's Licence plate held by the Owner, or in lieu of surrendering same, transfer such Taxicab Driver's Licence to a new vehicle subject to application and approval upon compliance with the requirements of this By-law.
- (l) Require that each person operating the Owner's Taxicab be a Driver properly licensed as such under this By-law.
- (m) Require that each Taxicab Driver operating an Accessible Taxicab owned by the Owner has:
 - i. been adequately trained in the use and functions of the devices and modifications with which the Accessible Taxicab is equipped for serving persons with mobility disabilities;
 - ii. satisfactorily completed a sensitivity course, satisfactory to the Clerk, pertaining to the transportation of physically disable persons.
- (n) Provide notice to the Clerk, and to the Licensed Taxicab Broker(s) who dispatches the Owner's Accessible Taxicab(s), regarding each Taxicab Driver who has completed the training referred to in 7(m) above in connection with the Taxicab Owner's Accessible Taxicabs, and, with such notice furnish proof satisfactory to the Clerk, confirming successful completion of such training.
- (o) In accordance with Section 11(f) of this By-law prominently display on the rear bumper of the Taxicab, the metal Taxicab Owner's Licence plate provided by the Clerk.

RESPONSIBILITIES OF A DRIVER

- 8. (a) Every person licensed as a Taxicab Driver under this By-law shall keep a daily record of all trips made by him/her and such record shall contain the following information:
 - (i) The Provincial motor vehicle licence number of the Taxicab and the number of the Taxicab Owner's Licence.
 - (ii) The name and address of the driver and the identification number pertaining to the Taxicab Driver's Licence.
 - (iii) The taximeter reading at the start and finish of each period worked by the Driver in each Taxicab operated by the Driver.
 - (iv) The amount of the fare collected for each trip.
 - (v) The date, time, origin and destination of each trip and the number of passengers carried.
 - (vi) When operating an Accessible Taxicab, the number of trips made for passengers with mobility disabilities and the number of trips made for passengers not having mobility disabilities.

Every Driver who drives a Taxicab of which he/she is not the Owner shall, at the end of the Driver's work day, deliver to the Owner, a copy of the daily record of all trips by the Driver for the day.

Every Driver who drives an Accessible Taxicab shall at the end of the Taxicab Driver's workday, deliver to the Broker who dispatches the Driver, a copy of the record described in 8 (a)(vi) above.

- (b) Every person Licensed as a Taxicab Driver under this By-law shall:
- (i) Upon request of the Clerk, provide satisfactory proof of continued compliance with the application requirements for Taxicab Drivers as described in this By-law;
 - (ii) promptly inform the Clerk of any suspension or restriction of the Driver's driving privileges under his or her provincial drivers permit, and of all pertinent convictions, charges or notices referred to in Sections 5 (d) and (e) of this By-law;
 - (iii) Upon request of any police officer, provide full information as to the passengers carried;
 - (iv) When operating a Taxicab, place in the display frame provided, their Driver's identification card and the tariff card furnished by the Clerk, such frame to be positioned so that such cards may be conveniently seen and read by passengers including passengers with disabilities. The Driver shall permit any person to make note of the information on such identification and tariff cards and shall make available for inspection the Notifications in Braille provided by the Owner in accordance with Section 7(b) of this By-law.
 - (v) While on duty, be neat and clean in their appearance. For the purpose of this section "neat and clean" shall mean:
 - (1) No torn, dirty or frayed clothing shall be worn, and
 - (2) T-shirts, halter tops and muscle shirts, as articles of Driver's clothing, are to be discouraged;
 - (vi) Punctually keep all passenger appointments and engagements and while on duty serve any person who may lawfully require a Taxicab at any place within the City at any specified time, whether by day or night, unless the Driver's Taxicab has been previously engaged, and the Driver shall not neglect to fulfill the Driver's passenger appointments or engagements, except for reason(s) beyond the Driver's control;
 - (vii) When operating an Accessible Taxicab, give priority to the use of the Accessible Taxicab for passengers who have mobility disabilities, and thereafter permit its use for passengers who do not have such disabilities.
 - (viii) Take due care of all property delivered or entrusted to the Driver and accepted by the Driver for conveyance or safekeeping. Immediately upon termination/completion of any hiring or engagement, the Driver shall search the Taxicab for any property lost or left therein by a passenger and all property or money left in the Taxicab shall be forthwith delivered over to the person owning same, or if the owner of such property or money cannot be found at once, to the Officer in Charge of the St. Thomas Police Service with all information in the Driver's knowledge regarding same;
 - (ix) Travel by the most direct route to the point of destination unless otherwise directed by the person engaging the Taxicab;
 - (x) When called upon to do so, assist any police officer by conveying in his/her Taxicab any prisoner accompanied by a peace officer to a common jail or police station;
 - (xi) Convey to a hospital, or elsewhere as may be required, any person who has been wounded or has met with an accident or been taken suddenly ill (provided such illness is not of a virulently communicable nature) and the Driver shall be entitled to collect from such passenger, or from those responsible in law for obligations of such passenger, the fare or charge specified in the tariff provided under this By-law;

- (xii) Search each Taxicab operated by the Driver at the beginning and the termination of the Driver's daily work period in the Taxicab, for any alcoholic beverages, drugs and apparently illegal or unexplained goods all of which shall be turned over to St. Thomas Police Services Officers, or as they may direct, and the Driver shall report same to the Taxicab Owner;
 - (xiii) Apply to renew the Licence issued to him/her pursuant to this By-law prior to the expiry date in each year and either furnish the required application information for renewal, or surrender the Driver's identification card and tariff card to the Clerk;
 - (xiv) While carrying passengers for hire within the City, operate only Taxicabs properly licensed with a Taxicab Owner's Licence and only under dispatch from either the Taxicab Owner or a Taxicab Broker, whichever is applicable under this By-law.
- (c) No Driver shall:
- (i) Solicit any person to take or use his/her Taxicab by calling out or shouting or engaging in any interception or solicitation that could reasonably interfere with the choice of Taxicab by a person wishing to engage a Taxicab;
 - (ii) Employ or allow any runner, agent or other person to assist or act in concert with the Driver in obtaining any passenger in the City;
 - (iii) Induce any passenger to employ the Driver by either knowingly, wantonly, or willfully misinforming, misleading, or deceiving such passenger as to the arrival or departure of any public conveyance or the location or distance from any departure point in the City to any place of destination;
 - (iv) In any manner or form impose upon, deceive, cheat, insult, abuse or ill treat any passenger;
 - (v) Take, consume, or have in his/her possession, any intoxicant while in charge of a Taxicab, nor be in charge of a Taxicab while the prior use of an intoxicant by the Driver is apparent;
 - (vi) In connection with operation of a Taxicab obstruct the use of any sidewalk or street, make loud noises likely to disturb, otherwise cause disturbance, use abusive language, molest, insult or unduly annoy any person;
 - (vii) Carry in any Taxicab a greater number of persons than such Taxicab is intended to seat according to the manufacturer's rating or seven (7) persons, whichever is the lesser;
 - (viii) When operating an Accessible Taxicab, accept a Call for service to a passenger who does not have a mobility disability while the Taxicab Driver is aware of an outstanding Call for transportation of a person with a mobility disability;
 - (ix) Be in a disorderly house as defined in the Criminal Code of Canada or in any place where liquor is illegally sold or kept for sale, nor direct any person to a place where liquor is illegally sold or kept for sale, nor permit a Taxicab to be used for transporting persons to such places;
 - (x) Carry in a Taxicab while on duty or available for Call, any passengers other than those employing the Driver's service for which a fare is charged in accordance with the Tariff under this By-law;
 - (xi) Allow any patently indecent or disorderly conduct in the Taxicab of which he/she has charge;
 - (xii) Knowingly drive or permit to be driven in his/her Taxicab any person while such person is engaging in or abetting illegal activities;

- (xiii) Engage in the delivery of liquor as defined in the Liquor Licence Act of Ontario by Taxicab unless such delivery is carried out pursuant to the Liquor Licence Act of Ontario and/or Regulations thereunder;
- (xiv) Work as a Taxicab Driver for more than twelve (12) hours within any fifteen (15) consecutive hours or for more than sixteen (16) hours in any twenty-four (24) consecutive hours.
- (xv) Work as a Taxicab Driver of an Accessible Taxicab until the Taxicab Driver has:
 - i. been adequately trained in the use and functions of the devices and modifications with which the Accessible Taxicab is equipped for serving persons with mobility disabilities; and
 - ii. successfully completed a sensitivity course, satisfactory to the Clerk, pertaining to the transportation of physically disabled persons.

RESPONSIBILITIES OF TAXICAB BROKER / DISPATCH COMPANY

9. Every person licensed as a Taxicab Broker shall:
- (a) Require that all Drivers dispatched by the Taxicab Broker are medically fit to drive Taxicabs and have been approved by the company providing the insurance coverage for the Taxicab(s) in use;
 - (b) Upon completion of the daily work period of each Driver dispatched by the Taxicab Broker, record the meter readings for the Taxicab(s) used by the Driver and the date and time the Taxicab was returned by the Driver;
 - (c) Check the daily record of trips as kept by each Driver dispatched and require an entry for each trip recorded on the Taximeter of the Taxicab operated by such Driver;
 - (d) Where one or more Accessible Taxicabs are dispatched by the Taxicab Broker, retain for not less than 2 years, the records referred to in Section 8(a)(vi) of this By-law as submitted by Taxicab Drivers of Accessible Taxicabs;
 - (e) Prepare and deliver to the Clerk within 30 days prior to June 15th and prior to December 15th of each year a list of:
 - (i) the names of the Owner or Owners operating Taxicabs dispatched by such Taxicab Broker and the number of Taxicabs operated by each such Owner;
 - (ii) the number of those Taxicabs which are Accessible Taxicabs dispatched by such Taxicab Broker;
 - (iii) the names of all Drivers currently being dispatched by such Taxicab Broker, and;
 - (iv) a summary in a form satisfactory to the Clerk, compiled from the records referred to in 9(d) above.
 - (f) Keep a record of all Calls received or dispatched, stating date, time, origin, Ontario vehicle licence number and Driver. Records shall be retained in an orderly manner for twelve (12) months, and be open for inspection by the Clerk and/or a person designated by the Clerk;
 - (g) Exercise due diligence to ensure that all Taxicabs and Drivers dispatched by the Taxicab Broker are at all times properly licensed and fully insured in compliance with this By-law;
 - (h) Not permit any Driver, dispatched by the Taxicab Broker, to work more than twelve (12) hours within any fifteen (15) consecutive hours or more than sixteen (16) hours in any twenty-four (24) consecutive hours;

- (i) Not knowingly dispatch an Accessible Taxicab to provide transportation for a person who does not have a mobility disability while there is an outstanding Call for transportation of a person who does have a mobility disability;
- (j) Provide proof, satisfactory to the Clerk, verifying compliance with any of the above responsibilities, when requested by the Clerk.
- (k) Apply to renew the Taxicab Broker's Licence issued to the Taxicab Broker pursuant to this By-law prior to the expiry date in each year, or surrender such Licence at or before expiry after giving the notice required under this By-law;

GENERAL PROVISIONS

10. (a) Every person licensed under this By-law shall, upon changing their address, notify the Clerk not less than forty eight (48) hours in advance of the change, giving their new address and other new contact information, in writing;
- (b) Every Taxicab Driver and Taxicab Owner shall, upon changing the Broker by whom they are dispatched, notify the Clerk not less than 48 hours after making the change of Broker;
- (c) Every Owner and Driver of a Taxicab licensed under this By-law shall keep the interior and exterior of such Taxicab clean and in good repair. For the purpose of this section "clean and in good repair" shall mean:
- (i) Carpets, ceiling and seat fabric for passenger use or in passenger view shall not be torn, dirty or frayed;
 - (ii) The interior of the Taxicab shall be thoroughly cleaned no less than every second day;
 - (iii) All means of entrance and exit from the Taxicab shall be in good working condition and operate as designed at all times;
 - (iv) On Accessible Taxicabs all accessibility modifications and designs shall be in good working condition and operate as designed at all times;
 - (v) The exterior of the Taxicab shall be cleaned at least once every seven days and exterior damage or deterioration shall be repaired expeditiously whenever damage or deterioration becomes visible;
 - (vi) Comfort options such as air conditioning shall be kept in good repair and operational at all times.
- (d) Each specific trip performed for a fare by a Taxicab or a Limousine shall be exclusively for the transportation of one person or one group of persons in the same party, and one fare shall be collected for the trip arising from the Call. No Driver, Owner, or Taxicab Broker nor any Owner, operator or Driver of a Limousine shall cause or permit a Taxicab or Limousine to be used otherwise, nor collect or permit to be collected more than a single fare for each such Call by a Taxicab or Limousine.
- (e) Any act authorized or directed to be done under the provisions of this By-law by the Clerk may be done by any designated employee or agent of the City except that the Clerk's power to suspend or revoke licences shall not be exercised by anyone other than the Clerk, or in his absence, by Council.
- (f) Where, by the provisions of this By-law, any person is required to provide any information to the Clerk, the Clerk may require that such person provide such information in a statutory declaration sworn by the person.
- (g) Any act done by, or by authority of, the Clerk in relation to the issuance, refusal, transfer or status of a Licence under any provision of this By-law shall be subject to an appeal to Council by any person who believes he/she is aggrieved by such act, and the procedure for such appeal shall be the same as set out in Sections 5 (g) and 5(h) of this By-law.

EQUIPMENT AND SIGNAGE

11. (a) Every Owner shall have affixed to each of that Owner's Taxicab, a taximeter for registering distance traveled and computing fares to be paid.
- (b) Every taximeter shall be:
- (i) submitted when required for testing, inspection and sealing by a qualified person, who shall provide certification of satisfactory operating condition;
 - (ii) numbered and not used until approved for such use by the Clerk, pursuant to the certification provided;
 - (iii) illuminated between dusk and dawn;
 - (iv) placed so as to be conveniently seen at all times by the passenger(s) in the Taxicab;
 - (v) used only when the seal thereon is intact;\
 - (vi) kept in good working order at all times and not be used if defective in any way, and;
 - (vii) programmed in accordance with the tariff prescribed in Schedule "A" of this By-law, and with duly approved amendments thereto.
- (c) The Owner and Driver of a Taxicab equipped with a taximeter shall not operate or permit the operation of such Taxicab unless and until the taximeter has been tested and sealed by a qualified person; nor shall an Owner or Driver operate or permit operation of a Taxicab when the taximeter has been changed, repaired, altered, tampered with or adjusted, unless and until such taximeter has been subsequently tested and sealed by a qualified person.
- (d) The Owner and Driver of each Taxicab shall ensure that there is securely attached upon the exterior of the roof of the Taxicab an illuminated electric sign indicating the vehicle is a Taxicab and the name of the fleet or Taxicab Broker under which it operates, such sign to be connected to the taximeter so as to be illuminated between dusk and dawn whenever the Taxicab is not engaged.
- (e) The Owner and Driver of each Taxicab shall ensure that there is securely attached to the front, rear and the left and right sides of the vehicle, a vehicle unit number having a minimum height of 100 mm and in a contrasting colour contrasting with the vehicle's exterior paint color. The vehicle unit number shall be easily read from a distance of 60 meters from the vehicle.
- (f) The Owner and Driver of each Taxicab shall ensure that a valid Taxicab Licence plate, issued by the Clerk for that Taxicab, shall be:
- (i) securely attached to the rear bumper near the right end of the bumper when viewed from behind, at a position consistent with plate placement on other Taxicabs of similar manufacture and model; and
 - (ii) clearly visible and not obscured by dirt or rust, nor otherwise altered or discoloured.
- (g) In addition to complying with all other Taxicab Owner and Driver requirements of this By-law, Taxicab Owners and Taxicab Drivers operating Accessible Taxicabs shall:
- (i) ensure that all wheelchairs being transported within the Taxicab are securely fastened so as to prevent them from moving when the Taxicab is in motion;
 - (ii) ensure that the Accessible Taxicab:
 - is equipped with an extra tire, wheel and jack ready for use for that vehicle;

- is in compliance with R.R.O. 1990, Regulation 629, as amended and Canadian Standards Association's Standard D409-02, and all other applicable federal and provincial legislation and Regulations as established from time to time; and
- has wheelchair tie downs that comply with the regulations set out above.

VEHICLES USED AS SHUTTLES AND LIMOUSINES/TRANSIT VEHICLES

12. (a) Vehicles operated by or for the St. Thomas Transit Services and any persons with whom the St. Thomas Transit Services enters into a contract for parallel services, while actually engaged in performing such contract services, are exempt from this By-law.
- (b) Shuttles and Limousines supplied at no cost to the passenger and/or customer are exempt from this By-law where used by:
- (i) hotels/motels or private party hosts for their guests; or
 - (ii) car dealerships, automotive repair businesses and the like, who offer courtesy rides for their customers.
- (c) Shuttles and Limousines while being used for hire by any passenger or customer for trips originating within the City of St. Thomas to a destination within the City or within five (5) kilometers beyond the City Limits, whether at a fixed fee, hourly, or contractual rate, will be subject to the rates and tariff provisions of this By-law and the fixed rate charged by a Shuttle or Limousine, which may or may not be advertised on or in the Vehicle, shall be \$30.00 per hour and this shall be the minimum charge for any part of a hour.
- (d) Persons engaged in providing passenger transportation services under contract with a school, a board of education, a community service agency or long term care facility shall be exempt from the provisions of this By-law while engaged in performing such contract services.

TARIFFS AND TARIFF CARDS

13. (a) The rates or fares to be charged by the Owners or Drivers of Taxicabs, inclusive of Accessible Taxicabs, or other motor vehicles to which this By-law applies, for the conveyance of passengers either wholly within the City of St. Thomas limits, or to any point not more than five (5) kilometers beyond said limits shall be exactly as shown in Schedule "A" to this By-law. No higher or lower amount than those contained in Schedule "A" shall be charged or payable. Inducements, discounts, coupons or financial incentives of any kind shall not be permitted.
- (b) No Taxicab Broker, Owner or Driver shall publish or use a tariff or demand or receive fares, rates or charges other than those authorized for Taxicabs, inclusive of Accessible Taxicabs, under this By-law.
- (c) No Taxicab Owner or Driver licensed under this By-law shall be entitled to recover or receive any fare or charge whatsoever from any person or persons from whom the Owner or Driver had demanded any fare or charge greater or less than those authorized by this By-law or to whom the Owner/Driver had refused to show his/her tariff card as provided in this By-law.
- (d) Any person employing any Taxicab may require the Driver thereof to furnish them with a receipt for fares charged and paid, indicating thereon the mileage traveled, and the Driver shall promptly furnish such receipt upon request, together with the Driver's name, address and the Licence number of the Taxicab.
- (e) Any Driver of a Taxicab shall be permitted to operate on a time basis, if so requested by a passenger, at the hourly rate specified in Schedule "A" of this By-law.
- (f) The Driver of each Taxicab shall ensure that the tariff card furnished to the Taxicab Owner by the Clerk showing the tariffs as set out in Schedule "A" shall be placed and kept and displayed in the Taxicab and no person licensed under this By-law shall use or exhibit any tariff card other than the current card furnished by the Clerk and no Owner

or Driver shall lend, exchange or otherwise provide any tariff card to another person. The Driver shall ensure that such tariff card is displayed in such a manner that it is clearly readable by persons with mobility disabilities and that copies are available to be handed to such passengers in printed form.

- (g) Tariff cards defaced, lost or destroyed may be replaced by the Clerk upon the original tariff card being accounted for to the Clerk's satisfaction.

OFFENCES

14. Continuation – repetition of offence – prohibited

The court in which a conviction has been entered for contravention of this By-law and any other court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed by the court on the person convicted.

15. Contravention of By-Law

Any person contravening any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than five thousand dollars (\$5,000.00) as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, or any successor thereof.

MISCELLANEOUS

16. Short Title

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

17. Validity

Notwithstanding that any Part or Parts of this By-law, or sections thereof, may be found by any court of law to be unenforceable or illegal or beyond the power of the Council to enact, such ineffective Part, Parts or sections of this By-law shall be deemed to be severable and all other Parts or sections of this By-law, being separate therefrom and independently enacted as such, and shall continue in full force and effect.

REPEAL

18. Repeal

By-law No. 44-2004 and all amendments thereto, are hereby repealed.

EFFECTIVE DATE

- 19. This By-law shall come into force and take effect on the 4th day of November, 2013.

READ a First and Second time this 4th day of November, 2013.

READ a Third and Finally passed this 4th day of November, 2013.

original signed by Wendell Graves

Wendell Graves, CAO/Clerk

original signed by Heather Jackson

Heather Jackson, Mayor

SCHEDULE "A" TO BY-LAW NO. 145 - 2013
FARE TARIFF and FEES

Schedule "A" applies to Taxicabs licensed under this By-law and operated as Taxicabs.

- a) For a trip originating within the City of St. Thomas or within five (5) kilometers thereof, for four (4) passengers or less:
- (i) For the first 1/7th kilometer or part thereof, \$4.50, Harmonized Sales Tax (HST) included;
 - (ii) For each additional 1/7th kilometer or part thereof, forty (40) cents, HST included;
 - (iii) For each one (1) minute of time while the Taxicab is in hire, traveling at a speed of 15 kilometers per hour or less, forty (40) cents, HST included;
 - (iv) When a Taxicab is stopped at a railroad crossing, no more than three (3) minutes of time will be charged;
 - (v) For each additional passenger in excess of four (4), thirty (30) cents, HST included.

b) Hourly Rates:

- (i) For the first hour or part thereof, \$36.00, HST included;
- (ii) For each additional fifteen (15) minutes or part thereof, \$6.50, HST included.

c) Parcels:

The Driver of the Taxicab may make a charge to be negotiated with the passenger(s) prior to the trip for parcel handling. Such charge shall not apply to luggage, baggage, mobility aids or mobility assistance devices accompanying a passenger(s) transported between any transportation terminal and the pickup or destination point of the passenger(s).

d) Surcharge:

A surcharge of \$1.00 will apply on fares from 12:01 a.m. to 6:00 a.m. daily and all fares on Sunday and statutory holidays.

e) Fees:

A Licence fee shall be payable to the City on the issue of a Licence. The fees payable shall be as follows:

- (i) The Broker's Licence fee shall be a onetime fee in the amount of \$1,500.00 payable by a Taxicab Broker and by a Taxicab Owner acting as a Taxicab Broker at the commencement of the initial year of operation;
- (ii) The Owner's Licence fee payable by an Owner for each Taxicab Owner's Licence issued to the Owner shall be a onetime fee of \$1,000.00 payable at the commencement of the initial year of the Licence;
- (iii) The Owner's Licence renewal fee payable annually on the renewal of each Taxicab Owner's Licence shall be \$100.00.
- (iv) The fee for transfer of a Taxicab Owner's Licence from one Taxicab vehicle to another Taxicab vehicle, owned by the same Owner, shall be \$10.00.
- (v) The annual Taxicab Driver's Licence fee payable on the issuing of a Taxicab Driver's Licence, and thereafter annually on the renewal of the Licence, shall be \$15.00.
- (vi) To replace a lost or stolen Taxicab Driver's Licence or upon transfer of a Taxicab Driver's Licence from one Taxicab Broker to another shall be \$5.00.

By-law No.145 - 2013

To provide for licensing, regulating and governing
Owners/Drivers of Taxicabs and motor or other vehicles used for
hire and for other purposes within the City of St. Thomas.

Part 1 Provincial Offences Act

Set Fine Schedule

Item	Short-form wording	Provision creating or defining offence	Set Fine
1.	Keep a Taxicab for hire without Taxicab Owner's Licence	3 (a) (i)	\$1,000.00
2.	Drive a Taxicab for hire without Taxicab Driver's Licence	3 (a) (ii)	\$300.00
3.	Act as a Taxicab Broker without Taxicab Broker's Licence	3 (a) (iii)	\$1,000.00
4.	Failure by Taxicab Owner to keep record of all Calls	7 (a)	\$105.00
5.	Failure by Taxicab Owner to submit Taxicab for inspection	7 (d)	\$105.00
6.	Failure by Taxicab Owner to maintain insurance	7 (e)	\$1,000.00
7.	Failure by Taxicab Owner to notify of insurance change	7 (f)	\$55.00
8.	Failure by Taxicab Owner to notify of Taxicab replacement	7 (g)	\$55.00
9.	Failure by Taxicab Owner to display plate	7 (i)	\$55.00
10.	Failure by Taxicab Owner to provide Mechanical Fitness Certificate	7 (k)	\$200.00
11.	Failure by Taxicab Driver to maintain daily record of trips	8 (a)	\$200.00
12.	Failure by Taxicab Driver to display Driver's identification card	8 (b) (iii)	\$55.00
13.	Failure by Taxicab Driver to be clean and neat in appearance	8 (b) (iv)	\$55.00
14.	Failure by Taxicab Driver to keep appointment	8 (b) (v)	\$55.00
15.	Failure by Taxicab Driver to return property lost or left therein	8 (b) (vi)	\$55.00
16.	Failure by Taxicab Driver to travel most direct route	8 (b) (vii)	\$55.00
17.	Taxicab Driver intercepting fares	8 (c) (i)	\$55.00
18.	Taxicab Driver take, possess or consume intoxicant while in charge of Taxicab	8 (c) (ii)	\$500.00
19.	Taxicab Driver obstruct use of sidewalk	8 (c) (iii)	\$55.00
20.	Taxicab Driver employ person to obtain fare	8 (c) (iv)	\$55.00
21.	Taxicab Driver allow greater number of persons	8 (c) (v)	\$105.00
22.	Taxicab Driver misinform passenger	8 (c) (vi)	\$55.00
23.	Failure by Taxicab Broker to ensure Drivers are medically fit	9 (a)	\$105.00
24.	Failure by Taxicab Broker to record daily meter reading	9 (b)	\$105.00
25.	Failure by Taxicab Broker to record daily trips	9 (c)	\$105.00
26.	Failure by Taxicab Broker to prevent Driver to work longer consecutive period than permitted	9 (d)	\$200.00
27.	Failure by Taxicab Broker to keep record of Calls dispatched and received	9 (g)	\$105.00
28.	Failure to provide change of address within 48 hours	10 (a)	\$55.00
29.	Charge more than one fare per trip	10 (c)	\$105.00
30.	Failure to affix taximeter	11 (a)	\$105.00
31.	Alter or tamper with taximeter	11 (c)	\$500.00
32.	Charge other than fixed rate for Limousines and Shuttles	12 (c) (i)	\$500.00
33.	Charge other than permitted rate	13 (a)	\$500.00
34.	Receive other than permitted rate	13 (b)	\$500.00
35.	Failure to provide receipt	13 (c)	\$55.00
36.	Publish other than permitted rate	13 (d)	\$500.00
37.	Lend, exchange or dispose of tariff card	13 (f)	\$55.00

NOTE: The general penalty provision for the offences listed above is found in Section 61 of the *Provincial Offences Act*, RSO 1990, c. P.33.