

**THE CORPORATION OF
THE MUNICIPALITY OF POWASSAN
BY-LAW NO. 2013-08**

BEING A BY-LAW for the licensing, regulating and governing of taxicab/limousine drivers and owners.

WHEREAS pursuant to section 151(1) of the Municipal Act, 2001, c.25, as amended, provides that a municipality may provide for a system of licenses with respect to a business; and

WHEREAS Council has previously licensed taxicabs under By-law 2001-22; and

WHEREAS the Council of the Municipality of Powassan deems it necessary and expedient to pass a by-law for licensing, regulating and governing owners and drivers of taxicabs, motor and other vehicles used for hire and for the conveyance of good or passengers; and

WHEREAS a public meeting was held to discuss the proposed by-law on October 4, 2011.
NOW THEREFORE THE MUNICIPALITY OF POWASSAN DOES HEREBY ENACT AS FOLLOWS:

- 1. DEFINITIONS:** In this by-law:
- a. "CLERK" means the Clerk of the Municipality, or his/her designate,
 - b. "COUNCIL" means the Council of the Municipality of Powassan.
 - c. "DRIVER" means a person licensed according to this by-law who is engaged in driving or operating a taxicab for on behalf of himself or another person who is the owner thereof.
 - d. "LICENSE" means a license issued by the Municipality of Powassan under the provisions of this by-law.
 - e. "LICENSEE" means any person licensed under this by-law
 - f. "MUNICIPALITY" means the Corporation of the Municipality of Powassan.

- g. "OWNER" means any person licensed according to this by-law who owns a taxicab or has possession of control thereof under an installment purchase agreement or by way of rental.
- h. "PASSENGER" means any person in a taxicab other than the driver.
- i. "TAXICAB" means a motor vehicle as defined in the Public Vehicles Act Chapter 425 Section 1(M)R.S.O. 1980 as amended, having a seating capacity of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip.
- j. "TAXICAB BROKER" means a person who accepts calls in any manner for taxicabs that are used for hire and that are owned by persons other than himself, his immediate family or his employer.
- k. "TAXICAB LICENSE NUMBER" means the license number issued by the Municipality bearing the number to identify a taxicab in respect of which a license has been issued.
- l. "TAXICAB PLATE NUMBER" means the number on a taxicab plate.
- m. "TRIP RECORD" means an electronic or handwritten daily record including information as required under this by-law.

2. GENERAL PROHIBITIONS

2.1 No person shall:

2.1.1 Keep a taxicab for hire within the Municipality without having a current valid license to do so issued under the provisions of this by-law.

2.1.2 Drive a taxicab within the Municipality for a person with a license without having a current valid license to do so, issued under the provisions of this by-law.

3. POWER OF COUNCIL - REVOCATION, SUSPENSION OR CANCELLATION OF LICENSE

- 3.1 Council may revoke, suspend, cancel or refuse to issue or renew a license where the licensee has been found by the Clerk to be
- a) in breach of any provision of this by-law;
 - b) conducting activities which may be adverse to the public interest; or
 - c) in breach of any other law

- 3.2 When a taxicab driver has had his/her Provincial Driver's License suspended, cancelled or revoked or where the Ontario Driver's License has expired, that driver is immediately stricken from the list of taxicab drivers in the Municipality.
- 3.3A License issued to an Owner under this by-law may be cancelled by Council at any time if the Owner fails to operate a taxicab for a period exceeding one month, unless the Owner can show to the satisfaction of Council just cause of such failure.
- 3.4 Notice of decision by Council to revoke, suspend, cancel or refuse to issue or renew a License shall be given to the applicant by personal delivery or registered mail.
- 3.5 An applicant has two (2) weeks from the date of the notification to appear at a council meeting and appeal a Council decision.
- 3.6 Where a license is revoked, the licensee is entitled to a refund of that part of the license fee proportionate to the unexpired part of the term for which it was granted.

4. REQUIREMENTS FOR LICENSE (Application or Renewal)

- 4.1 Approval of the Clerk.
- 4.2 The Council may, in its discretion through resolution, authorize the issuing of any license with such stipulations and conditions as may be deemed proper.
- 4.3 No person shall be granted a taxi driver's license unless the applicant is the holder of a valid applicable Province of Ontario Driver's License and is of the age of majority.
- 4.4 No person or company shall be licensed as an owner of a taxicab unless they or their vehicle is registered with and licensed by the Ontario Ministry of Transportation as the owner or licensee of said vehicle.
- 4.5 Every owner of more than one taxicab is required to be licensed under this by-law, shall obtain a separate license for each cab.
- 4.6 Every owner shall submit, with a license application, a certificate of mechanical fitness with respect to any vehicle to be licensed, certifying that the said vehicle is in satisfactory condition of mechanical repair and suitable for use as a taxicab.
- 4.7 Every owner shall submit, with a license application, a certificate of insurance for each vehicle to be licensed showing proof of insurance. Such insurance shall indemnify and protect the owner and the public, including the passengers carried in such vehicle(s) as follows: \$2,000,000 - Liability Coverage in any one claim; \$2,000 Legal Liability of Property of one person. The required policy of

insurance shall be endorsed with the condition that neither the insurer nor the insured shall cancel the policy unless thirty (30) days' prior notice in writing is delivered to the Municipality.

- 4.8 No license shall be granted until the fee in Schedule "A" has been paid in full.
- 4.9 No license issued under this by-law shall be transferred from one person/vehicle to another without the prior written approval of the Clerk. A transfer of a license may trigger all requirements of an application process.
- 4.10 Every license issued under the provisions of this by-law shall expire after one (1) year from the date of issue. It is the responsibility of the licensee to apply and/or renew the license under the provisions of this by-law.
- 4.11 Owners, and taxi companies must show proof of ownership or lease agreement for premises of business operation prior to issue of license.

5. GENERAL PROVISIONS

- 5.1 Every licensee, driver and owner, shall keep a record of calls received and dispatched giving date, time, origin, vehicle license number and driver. Records shall be retained in an orderly manner for a period of 12 months and be open for inspection by the Clerk.
- 5.2 Each taxicab shall be equipped with a suitable frame to hold a driver's photo identification card and taxi tariff and so place them in the vehicle as to be seen and read by any person engaging the taxicab.
- 5.3 Owners, upon disposing of or replacing any vehicle licensed under this by-law shall attend to the Clerk within 48 hours of doing so to transfer or cancel the license.
- 5.4 Owners are required to ensure drivers employed by the company are approved by their own insurance company.
- 5.5 Owners are required to check daily trip records kept by drivers and require drivers provide entries for each trip proving fair treatment of all passengers.
- 5.6 Each taxicab must display the taxicab plate, with the taxicab license number on the rear bumper.
- 5.7 Each taxicab must be maintained in a good state of repair.
- 5.8 Any person licensed under this by-law shall notify the Clerk within five (5) business days of any change of address or other contact information.

6. DUTIES OF THE CLERK

- 6.1 The Clerk shall have supervision over all persons licensed under this by-law and over all vehicles of which licenses are issued and shall in connection with this by-law:
- 6.2 Make all necessary and proper inquiries concerning applications for licenses and the suspension, revocation and transfer thereof;
- 6.3 Cause the examination and testing of every applicant for a driver's license as to his ability to operate the vehicle to be driven by him, if deemed necessary;
- 6.4 Cause the inspection and satisfy himself as to the sufficiency, repair and condition of every vehicle in respect of which a license is applied for according to the terms of this by-law;
- 6.5 Satisfy him/herself as to the good character and responsibility of all applicants;
- 6.6 Cause to be made out all licenses and transfers of licenses and submit to the Council the names of all applicants for licenses or for transfer of licenses,
- 6.7 A report of the action taken thereof and a report of all matters having to do with the revocation or suspension of any license on an annual basis;
- 6.8 Keep a register of all licenses and transfer of licenses;
- 6.9 Furnish forms of application for licenses and transfer of licenses;
- 6.10 Upon issuing a license furnish to the licensee one copy of this by-law;
- 6.11 Prosecute all persons who contravene any provision of this by-law.

7. INSPECTION

- 7.1 Whenever the owner or driver of a taxicab receives a notice signed by the Clerk or Council that such a taxi cab is not in a fit condition for use, stating briefly the items complained of, such owner or driver shall within the time mentioned in such notice, put the taxicab in a fit and proper condition.
- 7.2 No owner or driver shall, at any time, when his taxicab is not employed prevent or hinder any authorized officer from entering the same or at any time prevent or hinder him from entering a garage or other building for the purpose of inspecting the same.
- 7.3 The owner of every taxi cab which is more than two (2) years old, shall supply a mechanical fitness certificate in the form required by the

Highway Traffic Act at the time of application for each owners' vehicle license of renewal thereof except where such certificate has been provided within the terms of this by-law within the six month previous to such notice.

7.4 Upon notice by registered mail to the owner of a vehicle, such owner shall submit his vehicle to appear at a Ministry of Transportation "Safety Lane" at the time and place designated in such notice.

8. PENALTY

8.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to:

- a) such fines and other penalties as provided for under the Provincial Offences Act, R.S.O. 1990, c. P-33, as amended or;
- b) suspension or revocation of any License issued under this by-law; or
- c) both a) and b).

That By-law no. 2001-22 be repealed.

This by-law comes into force on the date of the final passing thereof.

Read a first and second time on February 5, 2013.

Read a third time and finally passed on _____, 2013

Mayor

Clerk-Treasurer

