

The Corporation of the Township of Brock

By-Law Number 2381-2011-PP

As Amended by By-Law Number 2421-2012-FI (Consolidated Version)

Being a By-Law to Provide for the Licensing, Regulating and Governing of Taxicab Drivers and Owners

Whereas pursuant to the provisions of Part IV of the *Municipal Act*, S.O. 2001, as amended, the Council of the Township of the Brock may provide for a system of licences with respect to businesses;

And Whereas Section 391 of the *Municipal Act*, S.O. 2001, as amended, authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by them;

Now Therefore The Municipal Council of The Corporation of the Township of Brock Enacts as Follows:

Definitions

1. In this by-law:

- (a) “Chief of Police” means the Chief of Police of the Regional Municipality of Durham;
- (b) “Clerk” means the Clerk of the Corporation of the Township of Brock, or his designate;
- (c) “Council” shall mean the Council of the Corporation of the Township of Brock;
- (d) “Licence” means a licence issued by the Township under the provisions of this by-law and “licensed” has a corresponding meaning;
- (e) “Officer” means a Municipal By-Law Enforcement Officer appointed by the Council;
- (f) “Passenger” means any person in a taxicab other than the driver;
- (g) “Person” includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate and a natural person;
- (h) “Tariff Card” means a card issued by the Township displaying the rates or fares to be charged under this by-law for the conveyance of goods and passengers;
- (i) “Taxicab” or “Cab” means a member of that class of motor vehicle kept or used for hire or for conveyance of goods and passengers, which vehicle has seating for not more than seven persons, but does not include a bus, an ambulance or a hearse;
- (j) “Taxicab Driver” and “Driver” means a person who drives a taxicab licensed or required to be licensed under this by-law;
- (k) “Taxicab Owner” and “Owner” means a person who is the registered holder of permit of a vehicle as defined in section 6 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, for a taxicab licensed or required to be licensed under this by-law;
- (l) “Taximeter” means a meter, instrument or device attached to a taxicab which measures mechanically or electronically the distance driven and the waiting time upon which a fare may be charged and which computes the amount of the fare that may be charged for any trips for which such a fare is chargeable;

- (m) "Township" means the Corporation of the Township of Brock;
- (n) "Trip Record" means a record of the following information:
 - (i) the provincial motor vehicle permit number of the taxicab;
 - (ii) the name, address and licence number of the driver;
 - (iii) the taximeter readings, if equipped, at the start and finish of a driver's working period;
 - (iv) the date, time and location of the beginning and termination of each trip, including any stops requested by a passenger on route; and
 - (v) the amount of rates and fares collected for each trip.

Part I – General Prohibitions

- 2. No person shall operate a taxicab within the territorial jurisdiction of the Township unless that person is a licensed taxicab driver.
- 3. No person shall keep or use for hire, or permit to be kept or used for hire, within the territorial jurisdiction of the Township a taxicab for which he is the registered owner unless that person is a taxicab owner licensed in respect of that taxicab.
- 4. An owner shall ensure his taxicab is dispatched from a location within the territorial jurisdiction of the Township.

Part II – Taxicab Drivers

- 5. Every taxicab driver shall:
 - (a) at all times when operating a taxicab have the tariff card and his taxicab driver's licence affixed to the rear of the front seat or in a position and in such a manner to be plainly visible to and readable by passengers in the back seat;
 - (b) have and maintain in good standing at all times a Province of Ontario driver's licence that does not prohibit him from operating a motor vehicle for hire or reward;
 - (c) operate the taxicab in a professional and courteous manner.
- 6. When a taxicab driver:
 - (a) changes his address, he shall within eight days after the change attend at the Township offices and notify the Township of the change and produce his taxicab driver's licence for the change to be entered thereon;
 - (b) changes his employment from one taxicab company or owner to another, he shall within eight days after the change, attend at the Township offices and notify the Township of the change of employment.
- 7. No taxicab driver shall:
 - (a) carry in any taxicab a greater number of passengers than the manufacturer's rating of seating capacity of such taxicab, exclusive of the driver;
 - (b) operate a taxicab with luggage or other material piled or placed in or on the taxicab in a manner that obstructs his view;
 - (c) obstruct or allow to be obstructed, by any thing, the view of the taximeter flag, if equipped, or light from the outside of the taxicab;

- (d) operate any taxicab unless the registered owner of that taxicab is a taxicab owner licensed in respect of that taxicab.
8. Every taxicab driver shall:
- (a) keep a daily trip record of all trips made by him in any taxicab; and
 - (b) completely record each trip on the trip record prior to the commencement of the next following trip.
9. When a taxicab driver uses a taxicab for transportation of passengers for no gain or reward, he must either:
- (a) remove the roof light from the taxicab; or
 - (b) place the taximeter, if equipped, in a non-recording position.
10. (a) Every taxicab driver shall, before operating the taxicab on any day, examine it for mechanical defects and interior or exterior damage and report forthwith any defects or damage found to the taxicab owner.
- (b) Every taxicab driver shall, upon completion of discharging his last passenger:
- (i) return the taxicab to his employer and report all accidents and any apparent mechanical defects or damage to the employer; and
 - (ii) deliver to his employer the trip record pertaining to his period of work and all rates and fares collected less the amount of commission agreed upon between the driver and the employer.
11. Every driver, where a taxicab is equipped with a two-way radio pursuant to an arrangement with the owner for the obtaining of fares, shall activate the said radio when he first enters the taxicab and maintain it in full operation so as to permit him to receive calls from the owner throughout the period in which he is operating the taxicab.
12. Subject to Section 11 of this by-law, every driver shall turn off any radio, tape player or any other sound producing device in his taxicab upon being requested to do so by any passenger, and having done so pursuant to such request shall leave such device or devices in the off position until that passenger's trip has been completed.
13. When a passenger first enters a taxicab, the taxicab driver shall immediately place the taximeter, if equipped, in a recording position and keep it in a recording position throughout the trip.
14. (a) Every taxicab driver shall take the shortest possible route to the destination desired by the passenger unless the passenger designates another route.
- (b) If a passenger designates a route other than the shortest possible route, the driver shall, prior to moving the taxicab, advise the passenger of the shortest route and obtain the passenger's approval before taking any route other than the shortest route.
15. No taxicab driver shall take on any additional passengers after the taxicab has departed with one or more passengers from any one starting point except at the specific request of:
- (a) the passenger or passengers in the taxicab; or
 - (b) the person who hired the taxicab if he is not a passenger in the taxicab.
16. If the destination of a trip is beyond the territorial jurisdiction of the Township, the taxicab driver and the passenger may agree before the start of the trip to a flat rate, but the

meter, if equipped, must be in a recording position at all times within the territorial jurisdiction of the Township.

17. At the conclusion of a trip, the taxicab driver shall call the passenger's attention to the amount of the fare (registered on the taximeter, if equipped, and then place the taximeter, if equipped, in a non-recording position).
18. When requested by a passenger to do so, a taxicab driver shall give the passenger a receipt for the rate or fare, showing the amount of the rate or fare and the taxicab driver's and owner's names and licence numbers.
19. (a) Every taxicab driver shall take due care of all property delivered or entrusted to him for conveyance or safekeeping, and immediately upon his termination of any hiring engagement, shall carefully search the taxicab for any property lost or left therein, and all property or money left in the taxicab shall be forthwith delivered over to the person owning the property or money.

(b) If the owner of the property or money cannot at once be found, then the taxicab driver shall deliver the property or money to the nearest police station with all information in his possession regarding the property or money and the owner thereof.
20. (a) Except as otherwise provided in Section 16 hereof, every taxicab driver shall charge for each trip no more than the fare shown on the taximeter, if equipped, together with any applicable additional rates authorized by Schedule "A" hereof.

(b) No person employing a taxicab shall refuse to pay the rate or fare chargeable under the authority of this by-law for his employment of that taxicab.

Part III – Taxicab Owners

21. Every taxicab owner shall obtain and maintain an Ontario Standard Automobile Insurance Policy insuring himself in respect of the taxicab owned by him covering public liability and property damage in the minimum amount of \$2,000,000.00 and shall produce annually to the Township a Certificate of Insurance issued by the insurer, or its agent, certifying that an insurance policy providing coverage in accordance herewith is in effect.
22. Where a taxicab owner disposes of his taxicab and acquires a replacement taxicab, he shall, before operating the replacement taxicab or allowing it to be operated as a taxicab:
 - (a) submit the replacement taxicab to the Township for inspection;
 - (b) produce a motor vehicle safety standards certificate issued by a Ministry of Transportation of Ontario authorized vehicle inspection station respecting the replacement taxicab; and
 - (c) attend at the Township offices to have his taxicab owner's licence amended by deleting reference to the taxicab disposed of and adding reference to the replacement taxicab.
23. Every taxicab owner shall:
 - (a) submit his taxicab for inspection at any time required by an officer;
 - (b) ensure that the following documents, or mechanically reproduced copies thereof, are kept at all times in his taxicab:
 - (i) current provincial motor vehicle permit for the taxicab;
 - (ii) current Township taxicab owner's licence for the taxicab;
 - (iii) current Certificate of Liability Insurance for the taxicab; and

- (iv) current Township taxicab tariff card;
 - (c) when he employs a taxicab driver, notify the Township in writing that he has employed that driver within eight days of employing him;
 - (d) take all reasonable measures to ensure that drivers employed by him comply with the provisions of the by-law;
 - (e) before allowing his taxicab to be operated on any day, examine it for mechanical defects and interior or exterior damage;
 - (f) keep a daily taxicab record setting out the following information:
 - (i) the provincial motor vehicle permit number of the taxicab;
 - (ii) the names and licence numbers of the taxicab drivers authorized to operate the taxicab that day;
 - (iii) the date and time of the authorization; and
 - (iv) the readings of the taximeter, if equipped, and odometer in the taxicab;
 - (g) record the taximeter readings, if equipped, odometer readings and the date and time the taxicab is returned by any taxicab driver;
 - (h) require an entry on the trip record for each trip recorded on the taximeter, if equipped, at the time when any taxicab driver turns in his daily trip record;
 - (i) give to his taxicab driver at the expiry of the driver's period of work a receipt showing the amount turned over to him by the driver;
 - (j) keep for a period of at least six months all trip records of the taxicab owned by him and shall make these records available for inspection by any person authorized by the Township, and such person shall be permitted to remove the records and retain them for a reasonable time; and
 - (k) check immediately any mechanical defect in his taxicab reported to him by his taxicab driver.
24. An owner may affix to his taxicab a taximeter which shall register distances travelled, record trips and units, and compute fares to be paid, and such taximeter shall be:
- (a) illuminated between dusk and dawn;
 - (b) supported in a raised position approved by an officer clear of the dashboard in plain view of all passengers;
 - (c) adjusted in accordance with the fares prescribed in Schedule "A";
 - (d) tested for distance travelled measurement accuracy and time waiting accuracy before being sealed;
 - (e) used only when the seals thereon are intact;
 - (f) used for not longer than one year without retesting and resealing;
 - (g) kept in good working condition at all times and not used when defective in any way;
 - (h) equipped with a metal plate or flag, or a light when an electronic meter is used, attached to the top thereof and approved by an officer; the plate or flag shall be in a

lowered position or the light shall be extinguished when the taximeter is in operation, and in a raised position or lighted when the meter is not in operation; and

(i) numbered and not used until approved by an officer.

25. Every taxicab owner shall provide and maintain in or on his taxicab while it is operated as a taxicab the following equipment and markings:

- (a) the tariff card supplied by the Township and bearing the name of the taxicab owner and the taxicab licence number, securely affixed to the rear of the driver's seat and in such a manner that the card is plainly visible to passengers in the back seat;
- (b) a holder for the photograph and name of the taxicab driver affixed in a position to be plainly visible to and readable by passengers in the rear seat of the vehicle;
- (c) on the top of the taxicab, an electric sign securely attached in a manner approved by an officer indicating that the vehicle is a taxicab, but not showing a name or telephone number of any person other than the name and telephone number of the taxicab owner with whom the taxicab is associated;
- (d) taxi registration plates provided by the licensing authority affixed to the rear bumper.

26. No taxicab owner shall:

- (a) by any arrangements or agreements, permit any taxicab not owned by him to be driven under the authority of a taxicab owner's licence issued to him;
- (b) employ or allow any person to drive his taxicab other than a licensed taxicab driver or a person inspecting or testing it;
- (c) operate or permit to be operated any taxicab that is not in good mechanical condition;
- (d) display or permit the display of any advertisement on or in his taxicab except one exterior poster only, not exceeding forty centimetres by one hundred and twenty centimetres in size, placed at the rear of the taxicab in such a way as not to obscure the Ontario passenger motor vehicle plate, the taxicab's back-up, signal and tail lights, or the vision of the taxicab driver, and carried in a rust resistant frame;
- (e) use or permit to be used on any taxicab owned by him any emblem, decal or roof sign which simulates any colour or design of that of any other taxicab, unless his taxicab is operated in association with it.

Part IV – General Provisions

27. If a taximeter installed within the taxicab is repaired or altered when an officer is not available, the taxicab to which the taximeter is affixed may be operated without the taximeter having been tested or sealed for a period of seventy-two hours on weekends or forty-eight hours during the week but only if the owner or driver of the taxicab has in his possession a certificate from the person who made the repairs or alterations, stating the time, date and nature thereof and the place where the work was done.

28. No taxicab driver or owner shall operate or allow to be operated any taxicab:

- (a) not equipped with an extra tire and wheel ready for use; or
- (b) not clean, dry and in good repair, both inside and outside; or
- (c) not free of rust, body damage or paint and trim defects.

29. No taxicab owner or driver shall:

- (a) induce any person to engage his taxicab by misleading or deceiving that person about the location of or distance between any point in the Township and any other place, nor by any other false representation;
 - (b) publish or use a tariff, or demand or receive rates or fares other than those authorized by this by-law;
 - (c) be entitled to recover or receive any rate or fare from any person or persons to whom he has refused to show his tariff card as provided in this by-law; or
 - (d) use any tariff card, other than that obtained by the Township, or remove, exchange, lend or otherwise dispose of the tariff card;
 - (e) charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip;
 - (f) charge a fee for the storage of mobility aids or mobility assistive devices.
30. No taxicab owner or driver shall make any charge under this by-law for time lost through defects or inefficiency of the taxicab or the incompetence of the driver thereof.
31. No taxicab owner or driver shall make any charge for the time elapsed due to early arrival of the taxicab in response to a call for a taxicab to arrive at a fixed time.
32. Every taxicab owner and driver shall:
- (a) serve the first person requiring the service of his taxicab at any place within the territorial jurisdiction of the Township at any specified time by day or night, provided that the person is not disorderly or does not refuse to give his destination, and if he pleads some previous engagement, he shall, upon demand, give the name and address of the person to whom he is so engaged together with the time and place of such engagement;
 - (b) punctually keep all his engagements, and shall not accept any engagement that a previous engagement would prevent him from fulfilling, but he shall not be compelled to accept any order from a person who is indebted to him for the cost of a previous trip;
 - (c) make available vehicle registration and identification information in an accessible format to persons with disabilities who are passengers.
33. No taxicab owner or driver shall use any tariff card, other than that obtained from the Township, or remove, exchange, lend or otherwise dispose of the tariff card.
34. Tariff cards defaced, lost or destroyed may be replaced by the Township upon the original card being satisfactorily accounted for and upon the payment of the replacement fee pursuant to the "Fees By-law", as amended from time to time.
35. The rates and fares herein authorized shall be computed from the time and place when and where the passenger first enters the taxicab to the time and place when and where the passenger finally discharges the taxicab.
36. The rates and fares to be charged by taxicab owners and drivers within the Township are shown in Schedule "A"; no taxicab owner or driver shall charge or receive in payment any higher or lower amount except in accordance with Section 16 of this by-law.

Part V – Licence Applications

37. (a) An application for any licence hereunder shall be in a form provided for the purpose by the Township, shall be addressed to the Township in care of the Township Clerk and shall contain the following:

- (i) where the applicant is an individual:
 - A) the applicant's full name;
 - B) the applicant's residence address;
 - C) if different than the applicant's full name, the name under which the applicant carries on business;
 - D) the applicant's business address;or
- (ii) where the applicant is a corporation:
 - A) the applicant's full name;
 - B) the address of the applicant's head office;
 - C) the addresses of all offices or places at which the applicant carries on business;
 - D) the jurisdiction in which the applicant was created;
 - E) a copy of the most recent Corporation Profile Report produced by the Province of Ontario, Ministry of Consumer and Commercial Relations, Companies Branch, or any successor thereof;
 - F) a list of all beneficial owners of the corporation;and
- (iii) where the application is for a taxicab driver's licence:
 - A) a valid Province of Ontario driver's licence issued to the applicant that does not prohibit him from operating a motor vehicle for hire or reward;
 - B) a certificate from a duly qualified medical practitioner stating that the applicant is, in the opinion of the practitioner, physically capable of operating a taxicab;
 - C) the original results of a criminal information request to the Chief of Police which is dated thirty days or less before the date of application for a taxicab driver's licence which shall determine whether or not the applicant, or any person comprising the applicant, has been convicted of:
 - 1) any offence under the *Criminal Code* (Canada), the *Narcotic Control Act*, R.S.C., c. 244, or
 - 2) careless driving under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, within three years immediately preceding the date of the application;
 - D) an original statement of driving record issued by the Ministry of Transportation which is dated thirty-six days or less before the date of application for a taxicab driver's licence; and
 - E) two colour photographs of himself taken within six months of the date of the application;and

(iv) where the application is for a taxicab owner's licence:

- A) a motor vehicle safety standards certificate, dated not more than thirty-six days prior to the date of the application, issued by a Ministry of Transportation of Ontario authorized vehicle inspection station for the taxicab in respect of which the applicant seeks to be licensed;
- B) proof of ownership of that taxicab;
- C) a Certificate of Insurance as required by Section 21 in respect of that taxicab; and
- D) a list of drivers he has employed to operate the taxicab(s) in respect of which the applicant seeks to be licensed.

- (b) An application for a licence shall be accompanied by the appropriate licence fee in accordance with "Fees By-law", as amended from time to time.
- (c) Where an application is made under a name by which more than one individual or corporation or combination thereof carry on business, each individual and each corporation shall submit a separate application for a licence, but only one application fee shall be required.
- (d) The Township Clerk may require that an applicant provide verification, by affidavit or otherwise, of any of the information which the applicant is required to provide before a licence is issued.

38. (a) The Township Clerk shall issue the licence only where:

- (i) all the information which the applicant is required to provide under Section 37 has been provided and verified;
- (ii) all the documents which the application is required to provide under Section 37 has been provided;
- (iii) the licence fee is paid;
- (iv) the investigations do not disclose that the issuance of such licence may be adverse to the public interest;
- (v) has no grounds to believe the applicant will not conduct himself in accordance with the law or with honesty and integrity.

- (b) Where the Clerk determines that a licence should not be issued as a result of any matter in Section 38 (a) of this by-law, he shall notify the applicant.
- (c) Where an applicant advises the Clerk in writing that he disputes the determination made by the Clerk under Section 38 (b) of this by-law or submits that the licence applied for should be issued despite that determination, the matter shall be referred forthwith by the Clerk to the Council which shall hear representations from the applicant.
- (d) The Council may issue the licence where:
 - (i) the information, documents and fee referred to in Section 38 (a) (i), (ii) and (iii) have been provided, verified and paid; and
 - (ii) it determines in its sole discretion that the determination made under Section 38 (b) of this by-law is not sufficient to justify refusing to issue the licence.
- (e) Where the Council determines that a licence should not be issued, the Clerk shall advise the applicant of such determination.

39. (a) The Township Clerk shall notify a licensee by registered mail at his last residence or business address on record when:
- (i) he has cause to believe, on reasonable grounds, that any of the information which the licensee, as an applicant or as a licensee, is required to provide, including any verification thereof, is inaccurate;
 - (ii) the licensee has been convicted of an offence referred to in Section 37 (a) (iii) (C) of this by-law;
 - (iii) where the licensee is a taxicab driver, the Ministry of Transportation has advised that the licensee's provincial driver's licence is under suspension or has been revoked;
 - (iv) where the licensee is a taxicab owner:
 - (A) his insurer has advised that the insurance required under Section 21 has been cancelled or will not be renewed; or
 - (B) the taxicab in respect of which he is licensed is no longer roadworthy or has been impounded;
 - (v) the licensee has been convicted of an offence which is a contravention of a provision of this by-law; or
 - (vi) the licensee has contravened an order issued under the authority of section 327 of the *Municipal Act*, R.S.O. 1990, c. M.45, as amended, or any successor thereto;
 - (vii) that, unless the inaccuracy, conviction, revocation, cancellation, roadworthiness, impounding or contravention is corrected, overturned or reinstated within thirty days, the licence shall be revoked.
- (b) Unless the matter giving rise to the notice issued under subsection (a) has been corrected, overturned or reinstated within the time allowed, the Township Clerk shall forthwith revoke the licence and notify the licensee by registered mail at his last residence or business address on record.
- (c) Despite subsection (b), where the inaccuracy, conviction, revocation, cancellation, roadworthiness, impounding or contravention is disputed, in writing, to the Township Clerk by the licensee, the matter shall be referred forthwith by the Township Clerk to the Council which shall hear representations from the licensee and either confirm the revocation of the licence or reinstate the licence, as it sees fit.
40. Subject to the provisions of Section 39:
- (a) a taxicab driver's licence is valid for one year from the date of issue and is not transferable;
 - (b) a taxicab owner's licence is valid for the calendar year in which it is issued and is not transferable.
41. All licences expire on the 31st day of December of the year in which the licence was issued.
42. A licensee may renew his licence upon its expiry by making an application under Section 37 as if he were making an original application, and the provisions respecting original applications shall apply except that the licence fee payable shall be a licence renewal fee.

43. When an application for a taxicab owner's licence has been approved for issuance, the Township Clerk shall notify the applicant by registered mail addressed to his last residence or business address, and the applicant shall have thirty days from the date of mailing to obtain the licence, failing which the approval shall be rescinded.
44. (a) Upon the expiry or revocation of a licence, the licensee shall return the licence to the Township.

(b) No person shall refuse to deliver an expired or revoked licence to an officer.

Part VI - Administration

45. Every person who contravenes any provision of this by-law, except Sections 38 and 39, is guilty of an offence and upon conviction thereof is liable to a fine, in accordance with the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, exclusive of costs.
46. Schedules "A" attached hereto form part of this by-law.
47. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of the section shall not be construed as having persuaded or having influenced Council to pass the remainder of the by-law, and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
48. By-law Number 2021-2006-PP of the Corporation of the Township of Brock is hereby repealed.
49. This by-law shall come into force and take effect on the date of its enactment.

Schedule “A”

Tariff of Rates and Fares

A. Fares (Excluding GST)

Nil

B. Rates

Nil

C. Notes

Nil