

**THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY**

**BY-LAW #2005- 27**

**BEING A BY-LAW TO LICENCE REGULATE  
AND GOVERN TAXICAB OWNERS, BROKERS  
AND DRIVERS.**

**WHEREAS** section 150 and 155 of the Municipal Act, .S.O., 2001 (as amended) enables a municipal Council to enact by-laws for licensing, regulating and governing cab owners, brokers and drivers;

**AND WHEREAS** Council deems it advisable, having regard among other matters to the health and safety of the public, the protection of consumers, and the potential for public nuisance, to enact a by-law to licence and regulate taxicabs;

**NOW THEREFORE** the Municipal Council of the Corporation of the Town of East Gwillimbury enacts as follows:

**PART I      DEFINITIONS**

For the purpose of this By-law:

1.      “Appeal Committee” means a Committee of Council duly appointed to conduct hearings under this by-law;
2.      “Accessible Taxicab” means a motor vehicle that is used or designed for use as a taxicab in relation to the transportation of physically, emotionally or mentally handicapped persons;
3.      “Applicant” means a person applying for a licence pursuant to this By-Law;
4.      “Broker” means a person who receives or dispatches calls in any manner for taxicabs that are licenced under this by-law;
5.      “Cab” means a taxicab;
6.      “Corporation” means the Corporation of the Town of East Gwillimbury;
7.      “Council” means the Council for the Corporation of the Town of East Gwillimbury;
8.      “Dispatch” means the communication in any manner to a driver of an offer to hire or engage a taxicab;
9.      “Driver” means a person who drives a taxicab;
10.     “Fare” means the amount displayed on the taxicab meter at the conclusion of a trip, or the flat rate allowed pursuant to this by-law for the trip, together with any additional charges allowed pursuant to this by-law;
11.     “Licence” means authorization under this by-law to carry on the trade, business or activity specified therein ;“licence” shall include the licence of an owner, a broker and a driver;
12.     “Licenced” means licenced under this By-Law and not in breach of the provisions hereof;
13.     “Licence Certificate” means the document issued by the Licensing Officer evidencing the authorization under this by-law to carry on the trade or business specified therein;
14.     “Licensing Officer” means the Licensing Officer of the Corporation together with such persons as may be designated by the Clerk to administer and enforce this By-law;

15. "Owner" means a person who is the registered owner of a taxicab; however, in circumstances where a person has entered into a "lease to own" agreement with a registered owner who is not in possession or control of a taxicab, "owner" shall mean the party to that agreement who is in possession or control of the taxicab;
16. "Passenger" means any person other than the Driver who is seated or otherwise situated within a taxicab or accessible taxicab;
17. "Person" includes a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership or other form of business association;
18. "Priority List" means a list of applicants for a taxicab owner's licence maintained by the Licensing Officer in accordance with the provisions of this by-law;
19. "Provincial Offences Officer" means a person appointed as such by Council pursuant to the authority of the Provincial Offences Act (as amended) and "Provincial Offences Officer" shall include a police officer.
20. "Tariff Card" means the notice of permitted fares as set forth in this By-law, issued by the Licensing Officer;
21. "Taxicab" means a motor vehicle that is designed or customarily used for the transportation of passengers, where such motor vehicle is offered or made available for hire together with a driver for the conveyance of passengers or goods, but "taxicab" does not include a livery cab, limousine cab or a bus as defined in the Highway Traffic Act (as amended);
22. "Taxicab Meter" means a measuring device used in a taxicab or accessible taxicab to calculate the fare payable for a trip;
23. "Taxicab Stand" means an area used by a taxicab while waiting for or picking up of goods or passengers;
24. "Town" means the geographic limits of the Town of East Gwillimbury;
25. "Town Clerk" shall mean the Clerk of the Town of East Gwillimbury or his/her designate;
26. "Trip" means the distance and time travelled or estimated to be travelled, measured from the time and location where the passenger or goods entered the taxicab or when the taxicab meter was first engaged, whichever comes first, to the time and location where the passenger or goods reached their destination and left the taxicab or the taxicab meter was disengaged, whichever comes last;
27. "Trip Sheet" means the written record of the details of each trip as recorded by the taxi driver.

## **PART II      LICENSING REQUIREMENTS**

### Nature of a Licence and General Regulations

1. Administration of this By-law shall be the responsibility of the Clerk, who is hereby authorized to issue licences to owners, brokers and drivers in accordance with the provisions of this by-law.
2. The provisions of this by-law may be enforced by the Licensing Officer, Provincial Offences Officer or the York Region Police.
3. An application for a licence, for a renewal or a new vehicle shall be completed and submitted to the Licensing Officer on the forms provided.
4. Acceptance of the application and fee by the Licensing Officer shall not represent approval of the application for the issuance of a licence, nor shall it obligate the Clerk to issue a licence.

5. No person shall promote or carry on such business under any name other than the name endorsed upon the licence, except in accordance with the provisions of this by-law.
6. The term of each licence shall, unless otherwise expressed in the licence, shall be valid for a period of one year from the first day of April in the year of issuance or renewal up to and including the 31<sup>st</sup> day of March of the following year, unless sooner revoked, amended, suspended or voluntarily relinquished to the Corporation.
7. No licence may be leased, subleased, transferred, assigned or used by any person other than the licensee and no person may be an owner of a taxicab by virtue of a licence plate lease.
8. Every application for a licence, or the renewal thereof, shall be delivered personally to the Licensing Officer.
9. No natural individual shall be licenced as an owner, broker, or driver unless they are a citizen of Canada, or have attained landed immigrant status or possess a valid work permit issued by the Government of Canada and a valid current Class "G" Driver's Licence issued by the Province of Ontario.
10. An applicant is entitled to be licenced and a licensee is entitled to have such licence renewed, except where:
  - (1) the past conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which the applicant is licenced or to continue to be licenced, in accordance with law, integrity and honesty; or
  - (2) the applicant or licensee is carrying on activities that are, or will be, if the applicant is licenced, in contravention of this by-law; or
  - (3) there are reasonable grounds for belief that the premises, accommodation, equipment, vehicles or facilities in respect of which the licence is required, do not comply with the provisions of this by-law or other applicable law; or if the applicant or licensee is a corporation.
11. Every application for a renewal of any licence issued pursuant to this by-law shall be delivered to the Licensing Officer, in person, before the expiry date for such licence. When an application for renewal of a licence is delivered to the Licensing Officer, after the expiry date of the licence, the applicant shall submit an application as a new applicant.
12. The licence issued to the taxicab driver and broker/owner under this by-law is not transferable.

#### Maximum Numbers of Owner's Licences

13. The Clerk may not issue more than one taxicab owner's licence for each two thousand (2000) persons residing in the Town.
14. No owner, acting alone or in concert with a subsidiary, affiliate or partnership, may dispatch, hold or control more than two-thirds (2/3) of the total owner's licences available.

#### Revocation, Suspension or Cancellation of Licence

15. The Council/Clerk may revoke, suspend or refuse to renew a licence:
  - (1) Where the licensee has been found by the Licensing Officer to have failed to comply with any of the provisions of this by-law;
  - (2) A licence issued to an owner under this by-law may be cancelled by the Council/Clerk at any time if the owner fails to cause a driver to provide taxicab service to the public a minimum of twelve hours daily for a least five days during any ten day period, unless the owner can show to the satisfaction of Appeal Committee just cause for such failure.

- (3) Notwithstanding the provisions of subsection (1), an owner may choose to vary the number of taxicabs in use and temporarily retire any of them for periods of time so long as the welfare of the taxicab travelling public does not suffer for lack of adequate service subject to the following conditions;
  - (a) that no taxicab be taken off the road for a period longer than sixty (60) consecutive days during any calendar year; provided a cab may be temporarily retired on more than one occasion within a calendar year so long as the total period of temporary retirement does not exceed ninety (90) days in that calendar year; and
  - (b) that at no time shall the total number of taxicabs owned by one owner and licenced under the by-law and which are temporarily retired under this subsection exceed twenty (20%) percent of such taxicabs owned by such owner, or one taxicab, whichever is greater.
- (4) A licence issued to a taxicab broker under this by-law may be cancelled by the Appeal Committee at any time if the taxicab broker fails to actively operate (for a continuous period of twenty-four (24) hours) the taxicab brokerage business for which the licence has been issued, unless the taxicab broker can show to the satisfaction of Appeal Committee, just cause for such failure.

#### Hearing

16. Where the Licensing Officer believes that the applicant or licensee would be disentitled to a licence or a renewal thereof for any of the reasons set out in this by-law, the Clerk shall not issue the licence and the Licensing Officer shall recommend to the Appeal Committee to refuse to issue or refuse to renew the licence, or that the Appeal Committee suspend or revoke the licence, or recommend that a licence be issued subject to terms and conditions.
17. Before the Appeal Committee refuses to issue or refuses to renew a licence, or revoke or suspend or cancel a licence, a written notice advising the applicant or licensee of the recommendation being made by the Licensing Officer to the Appeal Committee with respect to the licence shall be given to the applicant or licensee by the Clerk.
18. The written notice to be given hereunder shall,
  - (1) set out the grounds for the recommendation;
  - (2) give reasonable particulars of the grounds;
  - (3) be signed by the Clerk; and
  - (4) inform the applicant or licensee that they are entitled to a hearing before the Appeal Committee, if they deliver, within seven (7) days after the date of service of the written notice, or the date of personal service of the written notice, whichever is later, a written request, for a hearing before the Committee.
19. Upon receipt of a written request for a hearing from an applicant or licensee, the Clerk shall advise the Appeal Committee and request the Appeal Committee to convene a meeting and shall give the applicant or licensee reasonable written notice thereof.
20. The applicant or licensee shall have the right to make submissions in support of an application or renewal or retention of a licence at such hearing and when the applicant or licensee who has been given written notice of the hearing, does not attend at the proper time and place, the Appeal Committee may proceed with the hearing in the applicant or licensee's absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.
21. At the conclusion of the hearing the Licensing Officer shall, as soon as practicable, prepare a written report on the hearing, which shall summarize the evidence and the arguments presented by the parties to the hearing, set out the findings of fact and the decisions made by the Appeal Committee and set out the reason for the decision;

- (1) Council may uphold or vary the decision of the Appeal Committee or do any act or make any decision that it might have done, if it had conducted the hearing itself and the applicant or licensee shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.
22. If the applicant or licensee signifies that he is prepared to accept conditions upon the licence and to make no objection to such conditions, the Appeal Committee may grant a licence or the renewal of a licence upon such conditions as the Appeal Committee considers appropriate.

#### Service of Notice or Order required under this By-law

23. Any notice or order required to be given by the Clerk to an applicant or a licensee is sufficiently served if delivered personally or sent by registered mail addressed to the person to whom service is required to be made, according to the Clerk's application or licence records.
24. When service is made through registered mail, the service shall be deemed to have been made on the seventh (7<sup>th</sup>) day after the day of mailing.

#### Surrender of Licence

25. When a Licence has been revoked or cancelled or suspended, the holder of the Licence shall return the licence and if applicable, the owner's plate to the Licensing Officer within twenty-four (24) hours of service of written notice of the decision.
26. When a licence has been temporarily revoked or suspended pursuant to the provisions of this by-law, the holder of the licence shall return the owner's licence and licence sticker to the Licensing Officer within twenty-four (24) hours of such temporary revocation or suspension and the Licensing Officer shall return the licence, owner's plate or licence sticker to the holder of the licence if the taxicab is returned to service within sixty (60) days of such temporary revocation or suspension, failing which such licence shall be deemed to be cancelled.
27. If an owner fails to renew a licence or, when a person has had the licence revoked or cancelled, suspended, or temporarily retired under this by-law, the person shall not refuse to deliver, in any way obstruct, or prevent the Licensing Officer from obtaining the licence, the owner's plate and licence sticker.

#### Inspections of Premises and Taxicabs

28. Every person licenced under this by-law, when requested by the Licensing Officer or a Provincial Offences Officer shall submit any taxicab owned, operated or controlled by him for inspection within two (2) days or, in circumstances where the taxicab is engaged in the carriage of goods or passengers, at such time and place as the Licensing Officer, Ministry of Transportation Personnel, York Region Police or a Provincial Offences Officer may require.
29. In the course of such inspection the Licensing Officer is entitled to request and have produced within a reasonable time all relevant licences and permits and to have access to all invoices, vouchers, appointment books and trip sheets or like documents of the person being inspected, provided such documents are relevant for the purpose of the inspection.
30. The Licensing Officer may, when the offices are open, enter upon the business premises of any licensee to insure that the provisions of this by-law have been complied with.

#### Notice of Change of Information

31. When a licensee who is a natural individual changes their name, address, or any information relating to the licence, the licensee shall notify the Licensing Officer within forty-eight (48) hours after the change of information relating to the licence and shall return the licence immediately to the Licensing Officer for amendment.
32. Where a licensee is a corporation and there is any change in the information as set

out in the application for licence, such as the names or addresses of the officer or directors, the location of the corporate head office or any change in the ownership of shares, the licensee shall report the change to the Licensing Officer within seven (7) days thereof and if required by the Licensing Officer, the licence shall be immediately returned to the Licensing Officer for amendment.

#### Stand for Taxicabs

33. Taxicab Stands are hereby authorized and assigned at such locations under the jurisdiction and ownership of the Corporation as may be set out in Schedule "C" of this by-Law for the numbers of taxicabs and hours of operation set out therein.
34. The owner of a commercial shopping centre may designate an area as a taxicab stand, provided signs are in a form and location acceptable to the Licensing Officer and have been erected to the provisions of this by-law relating to taxicab stands.
35. No person may own or operate a vehicle, other than a taxicab licenced under this by-law, in such manner as to occupy or block a taxicab stand.
36. No person licenced pursuant to this by-law may own or operate a vehicle that occupies a taxicab stand except in accordance with the provisions of this by-law.

#### Fares

37. The fares to be charged by the owners and drivers of taxicabs of the conveyance of passengers shall be such fares as are set out in Schedule "B" of this by-law and no owner or driver shall charge any fare in excess of those set out in the said schedule.
38. Notwithstanding the foregoing section, the fares referred to in this by-law shall not apply to:
  - (1) taxicabs being used for the transportation of children to and from school or to taxicabs operating under contract to any government agency for the transportation of disabled children;
  - (2) passengers with a destination outside the municipal boundaries of the Town who agree with the taxicab driver, prior to the commencement of the trip, to pay a flat rate provided that the taxicab driver shall engage the meter for the portion of the trip, which occurs within the Town boundaries.

### **PART III     TAXICAB REGULATIONS**

#### Broker Regulations

39. Every Taxicab Broker shall,
  - (1) maintain a business office, from which the taxicab brokerage is operated;
  - (2) require all taxicab owners who have entered into arrangements with the broker for the provisions of taxicab brokerage services, to use the same design, shape and colour scheme of roof sign, and to attach to each front door of the taxicab an identifying decal which shall include the name of the taxicab broker, in a form approved by the Licensing Officer, and shall produce and file a sample of the roof sign and identifying decal with the Licensing Officer;
  - (3) provide the Licensing Officer with a list, showing in numerical order by the owner's plate number, the name of every driver operating any taxicab with which the broker has entered into any arrangement of the provision of taxicab brokerage services;
  - (4) notify the Licensing Officer in writing, within ten (10) days of any additions or deletions from the list provided under subsection (3);
  - (5) carry on the taxicab brokerage business twenty-four (24) hours a day during the term of the broker's licence, unless otherwise directed by the Appeal Committee;

- (6) keep a record of each taxicab dispatched on a trip, the time and date of receipt of the order, and the pick-up location; and retain these records for a period of twelve (12) months;
- (7) supply the Licensing Officer with a copy of the Federal Radio Licence call sign and frequency number;
- (8) ensure that any person employed by the broker for the purposes of dispatching calls has a working knowledge of the geographic area of the Town of East Gwillimbury and surrounding area, including, but not limited, to the location of streets, public buildings and points of interest;
- (9) upon request, inform any customer of the anticipated length of time required for a taxicab to arrive at the pick-up location;
- (10) when volume of business is such that service will be delayed to a prospective customer, the broker shall inform the customer of the approximate length of the delay, before accepting the call;
- (11) dispatch a taxicab to any person requesting service within the municipality, unless the person requesting service has not paid for a previous trip and these facts are verified by the broker;
- (12) carry on business only in the name in which the broker is licenced;
- (13) on instruction of the Licensing Officer, not dispatch calls to any taxicab, if the licenced owner or licenced driver, in the opinion of the Licensing Officer, may have contravened any section of this by-law, which substantially affects the public;
- (14) at the request of the Licensing Officer, provide a list showing the number of taxicabs available for service to the public on any particular day, including the times when each such taxicab went on the road and the time when it was last available for service on the day and also including the number of dispatched call services by each such taxicab.

#### Broker Prohibitions

40. No taxicab broker shall:
- (1) accept order for, or in any way dispatch or direct orders to a taxicab, licenced under this by-law;
    - (a) when the activity would be illegal under another municipal taxicab, or similar licensing by-law, or provincial statute; or
    - (b) when the fare is less then that permitted under this by-law;
  - (2) accept orders for, or in any way dispatch or direct orders to a taxicab, the owner of which is not licenced under this by-law, for a pick-up location within the boundaries of the Town of East Gwillimbury;
  - (3) be permitted to operate a taxicab which is licenced in another municipality for the purpose of picking up a customer in the Town of East Gwillimbury;
  - (4) dispatch or direct orders for a parcel delivery to a taxicab driver unless the taxicab driver first consents to make the parcel delivery;
  - (5) be permitted to have exclusive rights to any taxicab stand in the municipality, or enter into or become a party to any exclusive concession agreement;
  - (6) require any driver to accept any order necessitating the expenditure of money, by the driver, on behalf of the customer;
  - (7) enter into an agreement for the provisions of brokerage services with a taxicab driver or taxicab owner who is already affiliated with another taxicab broker;

- (8) dispatch to any person within the Town of East Gwillimbury, a taxicab which is not on the list provided under this by-law to the Licensing Officer in relation to the name of owners and drivers with which the broker has entered into agreements relating to the dispatch of taxicabs;
- (9) charge a tariff or enter into an agreement to charge a tariff which is not in accordance with the provisions of this by-law;
- (10) have possession or use of a scanner for the purpose of monitoring other taxicab companies business.

#### Plate Owner Regulations

41. Every licenced taxicab owner shall:

- (1) keep at all times in the vehicle a Photostat copy of the original of each of the following documents:
  - (a) the current Ontario Ministry of Transportation and Communications Passenger Motor Vehicle Ownership issued for that licenced vehicle;
  - (b) the current taxicab owner's licence issued under this by-law;
  - (c) the certificate of liability insurance for the vehicle, in accordance with this by-law.
- (2) have in or on the vehicle:
  - (a) the owner's plate firmly affixed to the left rear trunk, or at a location and in a manner approved by the Licensing Officer;
  - (b) the owner's plate number for that taxicab in letters of a least 15cm high affixed on both front fenders, on the top rear of the fender, not more than 8cm below the top of the fender, or at a location and in a manner approved by the Licensing Officer.
  - (c) affixed, the current tariff card in a holder, or at a location and in a manner approved by the Licensing Officer.
  - (d) an electrically illuminated roof sign which is securely attached to the top of the taxicab in a manner approved by the Licensing Officer and wired to the taxicab meter and working in conjunction with the meter so that it is not illuminated when the meter is engaged and is illuminated when the headlights are on and the meter is in the vacant status.
- (3) provide the Licensing Officer and, where applicable, any licenced taxicab broker with whom the owner may be associated, with the name of the licenced driver operating the vehicle, within seventy-two (72) hours of the time when the licenced driver has commenced to operate the vehicle; and
- (4) repair any mechanical defect in the vehicle, reported to him/her by a licenced driver;

#### Plate Owner Prohibitions

42. No plate owner shall:

- (1) permit a taxicab to be operated with mechanical defects of which the owner is aware;
- (2) affix or permit any person to affix any licence, owner's plate or sticker issued pursuant to this by-law to any vehicles except the vehicle for which it was issued;
- (3) operate a taxicab or permit a taxicab to be operated which is not registered under this by-law;



- (4) allow or permit a taxicab to be operated when it is not clean, dry and in good repair as to its interior;
- (5) allow or permit a taxicab to be operated when the exterior is not clean or it has exterior body damage or rust;
- (6) use or permit to be used on a taxicab, any emblem, decal, roof-sign or other markings which are the same shape and/or similar to any distinctive emblem, decal, roof sign or other marking being used by any taxicab broker with whom the owner is not affiliated; and/or approved by the Licensing Officer;
- (7) operate or permit a taxicab to be operated unless a taxicab meter is installed which meter complies with the requirements of this by-law and which has been tested and sealed by the Licensing Officer;
- (8) operate or permit a taxicab to be operated for the purpose of transporting children to or from schools, except in compliance with the provisions of Schedule "D" of this by-law;
- (9) operate or permit a taxicab licenced as an accessible taxicab to be operated by a driver not trained in the proper operation of the equipment or in the special needs of disabled passengers, and who holds a certificate indicating successful completion of a recognized program as approved from time to time.

#### Driver Regulations

43. Every Driver of a taxicab shall:

- (1) at all times while driving a taxicab display a Town of East Gwillimbury identification card which shall include a photograph and that the card is visible to passengers using the taxicab;
- (2) at all times while driving a taxicab wear in a prominent place on the outside of clothing, so that it is visible when approaching the public, a Town of East Gwillimbury identification card which displays the driver's photograph, name, driver's licence number and year of licence issue;
- (3) upon the request of any passenger, or when there is any complaint or any dispute about the fare, give in writing, on the form prescribed by the Licensing Officer, taxicab driver name, taxicab licence number, plate number, the amount of the fare, the name and address of the owner of the taxicab and the telephone number of the Town of East Gwillimbury;
- (4) carry a valid Ontario driver's licence at all times when operating a taxicab;
- (5) punctually keep all appointments and engagements and shall not make any appointment if a previous engagement would prevent the driver from fulfilling it;
- (6) be at liberty to refuse to serve any person who:
  - (a) is intoxicated or disorderly; or
  - (b) refuses to give the destination; or
  - (c) is in possession of an animal, other than a seeing eye dog; or
  - (d) is eating or drinking any food or beverage; or has not paid a previous fare or cancellation fee; or is, in the opinion of the driver, unable or unwilling to pay the fare and has been unable to satisfy the driver that he has the funds to pay the fare; or
  - (e) refuses to extinguish a cigarette, cigar or pipe;
- (7) render such assistance as may be necessary so that the passenger may enter or leave the taxicab provided that in the event that the assistance of more than one person is required to effect the entry or discharge of the passenger, no driver shall be required to carry such person;

- (8) be civil and behave courteously;
- (9) be properly dressed, well groomed, neat and clean in personal appearance;
- (10) drive the taxicab operated by the driver in the most direct travelled route to the point of destination unless otherwise directed by the passenger;
- (11) keep in the taxicab a current street guide or map of the Town and surrounding area satisfactory to the Licensing Officer;
- (12) turn off any radio, tape player or any other sound producing mechanical device in the taxicab, turn down the volume of the two-way radio, upon being requested to do so by any passenger, and having done so, shall leave such devices in the off or turned down position until termination of the trip with the passenger;
- (13) each day, before commencing driving, inspect the taxicab for interior and exterior cleanliness and for any mechanical defects or interior or exterior damage and shall report forthwith any defects or damage found to the owner or registered lessee of the taxicab;
- (14) while operating the taxicab, maintain the interior of the taxicab in a clean condition and good repair;
- (15) report, each day, upon completion of the operation of the taxicab, all defects in the taxicab to the owner;
- (16) take due care of all property delivered or entrusted to the driver and accepted for the conveyance or safekeeping and immediately upon termination of any hiring engagement, shall search the taxicab for any property lost or left therein. All property or money left in the taxicab shall forthwith be delivered to the nearest Police Station.
- (17) keep a daily trip sheet showing, for each vehicle:
  - (a) the Provincial motor vehicle permit number of the taxicab;
  - (b) the name of the taxicab driver(s);
  - (c) a record of all trips made by the taxicab that day;
  - (d) the meter readings at the start and finish of each working period;
  - (e) the date, time, and location of the beginning and the termination of each trip; and
  - (f) the amount of the fare collected for each trip recorded on the taxi meter;
- (18) retain all trip sheets for a least twelve (12) months and make them available for inspection at the request of the Licensing Officer or Provincial Offences Officer;
- (19) engage the taxicab meter at the commencement of the trip and keep it engaged throughout the trip except where the trip's destination is outside the Town limits and a flat rate has been agreed upon by the driver and passenger;
- (20) at the conclusion of a trip, place the taxicab meter in the time-off status and after payment, place the meter in the vacant status;
- (21) enter a taxicab stand by taking a position at the end of any line formed by the taxicabs already on the stand.

#### Driver Prohibitions

44. No taxicab driver shall:

- (1) carry liquor, wine or beer in any taxicab at any time provided that this paragraph shall not be intended to exclude the carrying of the liquor, wine or beer of any passenger who is a bona fide passenger in the taxicab;
- (2) smoke, or permit anyone to smoke, any pipe, cigar, cigarette or any tobacco products in any taxicab;
- (3) carry any passenger, other than paying passengers, while the vehicle is being used as a taxicab or while on duty, subject to call;
- (4) carry in taxicab a greater number of passengers that is set out in the vehicle manufacturer's rating of seating capacity for such vehicle;
- (5) while waiting at a taxicab stand or any other public place,
  - (a) obstruct or interfere in any way with the normal use of the taxicab stand or public place or interfere with the surrounding traffic patterns;
  - (b) shall make any loud noise or disturbance
  - (c) be unable to observe the taxicab at all times
  - (d) make repairs to the taxicab unless the repairs are immediately necessary;
- (6) pick up any passenger within sixty (60) meters of a taxicab stand when there are one or more taxicabs upon the stand unless,
  - (a) an arrangement has been previously made with the passenger to be picked up at that location, or;
  - (b) the passenger exhibits a preference for that taxicab, and the chosen taxicab driver notifies the driver of the first taxicab on the taxicab stand;
- (7) drive a taxicab with luggage or any object placed in, hung on, or attached to the vehicle in such a manner as will obstruct the drivers view of the highway;
- (8) take, consume or have in the driver's possession any alcohol, drugs or intoxicants while he is in charge of a passenger;
- (9) use any tariff card, other than that obtained from the Licensing Officer, or remove, exchange, lend or otherwise dispose of the tariff card;
- (10) take on any additional passengers after the taxicab has departed with one or more passengers from any one starting point except under the following circumstances:
  - (a) when done at the request of the passenger already in the vehicle;
  - (b) in an emergency situation;
  - (c) when operating a vehicle which is being used exclusively for the transportation of children to and from school or for the transportation of disabled persons as provided for in Part VI of this by-law;
- (11) drive a taxicab which does not have an owner's plate affixed thereto;
- (12) drive a taxicab whose owner is not a licenced taxicab owner;
- (13) permit a passenger to stand in a taxicab while the vehicle is in motion;
- (14) be required to accept any order when the expenditure of money by the licenced taxicab driver is required on behalf of the passenger;
- (15) recommend hotels, restaurants or other like facilities unless requested to do so by the passenger;

- (16) be required to provide change for any note larger than fifty (\$50.00) dollars unless the fare is at least one-half (  $\frac{1}{2}$  ) of the value of the said note;
- (17) operate a taxicab when the meter has not been adjusted in accordance with the then current rates set out in this by-law, or when the operation of the meter has not been approved by the Licensing Officer;
- (18) operate a taxicab when the taxicab meter does not operate properly;
- (19) operate a taxicab when the taxicab meter seal is improperly affixed;
- (20) operate a taxicab without an owner's plate, side and rear numbers and roof light as required by the provisions of this by-law;
- (21) operate a taxicab which is licenced in another municipality for the purpose of picking up a customer in the Town of East Gwillimbury;
- (22) operate at taxicab unless such vehicle,
  - (a) is equipped with an extra tire wheel and jack ready for use for that vehicle;
  - (b) meets the standards for the issue of a Safety Standard Certificate of mechanical fitness;
  - (c) is clean, dry, and free from debris and in good repair as to its interior;
  - (d) is clean and in good repair as to its exterior and free from rust and/or exterior body damage and with a well maintained exterior paint finish;
- (23) induce any person to engage the vehicle by any misleading or deceiving statement or representation to that person about the location or distance of any destination named by that person;
- (24) induce or permit any person to engage the vehicle when the driver is aware that another taxicab has been dispatched to pick up the person provided that when the passenger exhibits a preference for that taxicab, the chosen driver shall notify the other taxicab driver who has been dispatched;
- (25) have in a taxicab or on the driver while on duty, the use of any device capable of scanning two-way radio calls;
- (26) subject to the provisions of this by-law and except for a tip, gratuity or credit card service charge, recover or receive any fare from any passenger or persons who demanded the services, which is greater than the fare authorized by this by-law;
- (27) recover or receive any fare or charge from any person to whom the driver has refused to show the tariff card;
- (28) make any charge for time lost through defects or inefficiency of the vehicle or incompetence of the driver;
- (29) make any charge for the time elapsed due to early arrival of the vehicle in response to a call for the vehicle to arrive at a fixed time;
- (30) be permitted to engage the taxicab meter before the passenger enters the vehicle;
- (31) charge a fare which is not in accordance with the appropriate fare set out in schedule "B" of this by-law;
- (32) operate a taxicab for the purpose of transporting children to or from school, except in compliance with the provisions of Schedule "D" of this by-law;

- (33) operate an Accessible Taxicab without first having obtained training in the proper operation of the equipment or in the special needs of disabled passengers;
  - (34) operate a taxicab without a current valid Ontario Driver's Licence;
  - (35) accept any order for pick-up outside the boundaries of East Gwillimbury;
45. The Licensing Officer may, at any time, require an applicant for a taxicab driver's licence or a licenced taxicab driver, if the Licensing Officer feels it may be in the public interest, to provide an approved certificate, prepared by a duly qualified medical practitioner, attesting as to whether or not the applicant or licensee is physically fit and able to operate a taxicab.
46. When a licenced taxicab driver has had the Province of Ontario Driver's Licence suspended, cancelled or revoked, or where the licence has expired, the licence issued under this by-law shall be deemed to be suspended as of the date of suspension, cancellation or revocation of the Province of Ontario Driver's Licence and the driver shall immediately return to the Licensing Officer the licence issued under this by-law.
47. If at any time the taxicab driver's photograph is not a reasonable likeness of the driver because of physical changes, the passage of time or poor quality photography, the Licensing Officer may require that the driver attend at the licensing office to supply another photograph.
48. Every Licenced driver owner who ceases to deal through a taxicab broker shall;
- (1) remove from the vehicle the roof light, radio crystals and telephone number of the taxicab broker the owner is leaving;
  - (2) change and remove from the vehicle the colour scheme and all decals or other taxicab brokerage markings on the vehicle;
  - (3) return to the taxicab broker that the owner is leaving, all business cards, promotional material and other equipment belonging to that broker.

#### **PART IV INSURANCE**

49. When a licenced owner ceases to have a current and valid Ontario standard automobile insurance policy in good standing and properly endorsed in accordance with the provisions of this by-law, the licence shall be deemed to be suspended as of the date on which the cessation of insurance came to the attention of the Licensing Officer, and the licence shall only be reinstated on there being delivered to the Licensing Officer written proof of insurance in accordance with the provisions of the by-law.
50. When the licenced owner has a licence suspended under the foregoing section, the owner shall forthwith remove the owner's plate and return the owner's plate and the licence to the Licensing Officer.
51. When a licenced owner cancels the current insurance before the expiry date of the policy, the owner must produce a certificate of newly acquired insurance, or return the taxicab owner's plate to the Licensing Officer on the date and time of the cancellation.
52. All insurance renewal policies or certificates of insurance shall be filed with the Licensing Officer five (5) days prior to the expiry date of the current insurance policy.

#### **PART V VEHICLE APPROVAL AND DISPOSAL OF VEHICLE**

53. In order to obtain an owner's licence or dispose of a vehicle the owner shall;
- (1) attend at the licensing office and produce a copy of the current passenger motor vehicle permit in good standing, issued by the Ministry of Transportation and Communications, in the applicant's name, a copy of the

current Ontario Standards Automobile Insurance Policy to show the vehicle being registered and the owner's licence;

- (2) submit the vehicle to be registered for inspection and approved by the Licensing Officer;
- (3) in addition to the provisions of this subsection the vehicle to be used shall be submitted for inspection by the Licensing Officer during normal business hours and shall not be used until;
  - (a) the inspection has taken place, approval given; and
  - (b) the applicable fee as provided for in Schedule "A" is paid;

#### Model Year Restriction

54. No person shall operate or permit to be operated under the owner's licence, a vehicle which is of a model year older than five (5) years calculated from the first day of January of the model year.
55. Notwithstanding the provisions of the foregoing section, an owner may make written request to the Licensing Officer, for an extension on the model year, provided the vehicle conforms in all other respects with the requirements of this by-law and as a condition of renewal for vehicles over (5) five model years old to a maximum of seven (7) years at the discretion of the Licensing Officer. The Licensing Officer may require a Safety Standard Certificate, issued under the Highway Traffic Act by a mechanic designated by the Licensing Officer within thirty (30) days of the date of application on the form provided by the Licensing Officer.

#### Taxicab Meter Requirements

56. Every taxicab meter required by this by-law shall:
  - (1) be submitted for testing, inspection and sealing by the Licensing Officer at such time and such place as may be directed by the Licensing Officer and in any event shall be submitted for testing each time the meter is removed from the vehicle for any reason;
  - (2) be kept in good working condition and immediately repaired, when necessary and be resealed in accordance with the requirements of this by-law.

#### Mandatory Taxicab Inspections

57. The Licensing Officer shall give notice to the licenced taxicab owner of two inspections a year for each taxicab owned.
58. Upon receipt of a notice of inspection under the foregoing section, each licenced owner or driver shall attend with the vehicle at the appointed time and place and shall bring a Safety Standard Certificate issued under the Highway Traffic Act within thirty (30) days of the inspection date.
59. Every taxicab or accessible taxicab powered by propane fuel shall have an inspection certificate filed with the Licensing Officer for each new or renewal licence as well as at the time of normal inspections of the vehicle. A propane fitter, 1st class (PF1) or 2nd class (PF2), who is employed by a company designed under the provisions of the Energy Act R.S.O. 1990 and the Regulations thereto shall sign the inspection certificate only.

### **PART VI      ACCESSIBLE TAXICABS**

60. There may be issued, in addition to the owners' licences, which may be issued pursuant to this by-law, one accessible taxicab licence per every ten thousand (10,000) persons or major part thereof within the Town limits. No owner or broker shall be entitled to hold more than one Accessible Taxicab licence
61. All of the provisions of this by-law in respect of taxicab owners, driver and vehicles shall apply to owners and drivers of Accessible Taxicabs.

62. In addition to the requirements for vehicles set out in this by-law, vehicles to be Licenced as Accessible Taxicabs shall, as a minimum, permit the loading, transportation and off-loading of persons utilizing a wheelchair in compliance with the requirements of Ontario Regulation 629, as amended, Ontario Regulation 611, as amended and Canadian Standards Association Standard CAN3 D409 M84 and all other relevant federal and provincial regulation.
- 63 Notwithstanding any other provisions of this by-law in respect of the dispatching of taxicabs, when a customer requests the service of an Accessible Taxicab, the owner shall ensure that such call shall receive priority over any other request for service to which the taxicab has been dispatched to a customer not requiring the services of an Accessible Taxicab, but the Accessible Taxicab has not been engaged, the Owner shall ensure that another taxicab is dispatched to respond to the customer requiring services other than the Accessible Taxicab.

## **PART VII THE PRIORITY LIST**

### New Priority List:

64. When a completed application for a taxicab owner's licence is received by the Licensing Officer and it meets all of the requirements of this By-law and the attached schedules, but a licence cannot be issued because of the limitation on the number of licences set out in this by-law upon payment of the fee set out in Schedule "A" of this by-law, the applicants name shall be placed on the priority list by the Licensing Officer.
65. The applicant's name shall remain on the priority list and the applicant will upon availability be entitled to a licence if he/she complies with the provisions of this by-law and the schedules thereto.
66. The applicant's name will appear only once on the priority list at any one time.
67. The priority list will be available for inspection at the Licensing Office during normal business hours.
68. When a taxicab owner, whose name appears on the priority list sells, transfers or otherwise disposes of the owner's licence, the name shall be removed from the priority list and no new application will be accepted for a period of two years from the date sold, transferred or otherwise disposed of the owner's licence.
69. When an applicant whose name is on the priority list is offered an owner's licence which he refuses, the name shall be removed from the list and such applicant shall be required to submit a new application accordingly.
70. When the number of available taxicab owner's licences is to be increased in accordance with the provisions of this by-law, such licences will be issued to persons on the priority list in accordance with their priority on the list.
71. All applicants for the Priority List must be licenced taxicab drivers in the Town and have been driving a cab for one (1) year.

## **PART VIII PENALTY**

### Offence/Penalty

72. Every person who contravenes a provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

**PART IX SCHEDULES**

73. All schedules referred to in this by-law and attached to this by-law are deemed to be part of this by-law

**PART X REPEAL**

74. The provisions of By-Law #2001-95, as amended, are hereby repealed.

**PART XI TRANSITIONAL PERIOD**

75. All fees will be subject to a fee amendment upon the passing of the by-law. Payment received between January 1, and March 31<sup>st</sup> will be credited to the new licence fee for 2005 only.

**READ A FIRST SECOND AND THIRD TIME AND PASSED THIS DAY OF 2005.**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**



**SCHEDULE "A"**

**LICENCE FEES**

<b>TYPE OF LICENCE</b>	<b>ORIGINAL LICENCE FEE</b>	<b>EFFECTIVE FEES APRIL 1ST, 2006</b>	<b>EFFECTIVE FEES APRIL 1<sup>ST</sup>, 2007</b>
New Taxi Cab Owner's Licence	\$695.77	\$695.77	\$695.77
Renewal Taxi Cab Owner's Licence	\$320.24	\$320.24	\$320.24
New Taxi Cab Broker's Licence	\$695.77	\$695.77	\$695.77
Renewal Taxi Cab Broker's Licence	\$320.24	\$320.24	\$320.24
New Taxi Cab Driver's Licence	\$200.00	\$275.00	\$314.38
Renewal Taxi Cab Driver's Licence	\$150.96	\$150.96	\$150.96

\*\*Where an applicant for taxicab broker's licence does not have a business office within the municipality an additional fee of \$100.00 per year will be charged.

**OTHER FEES**

Priority List Annual Fee	\$200.00
Replacement fee for Taxicab Driver's ID card	\$ 7.00
Replacement fee for Taxicab Driver's or Owner's Licence	\$ 7.00
Replacement fee for loss of Owner's Plate	\$ 30.00
Replacement fee for each Tariff Card	\$ 7.00
Replacement fee for loss of licence or Licence Certificate	\$ 7.00

**SCHEDULE "B"**

**TAXICAB FARES**

(G.S.T. is included in all prices)

For the first 200 meters or part thereof	\$ 2.75
For each additional 200 meters or part thereof	\$ .30
For waiting time while under engagement after one minute	\$20.00/hour

There shall be no charge for wheelchairs

Any charges for items not covered by these rates shall be agreed upon before the commencement of the trip.

Any charges listed in this by-law apply to any trip carrying four or less passengers. The Owner of the taxicab may accept a trip to carry more than four passengers and any additional charges for the additional passengers shall be agreed upon before the commencement of the trip.

**SCHEDULE "C"**

**DESIGNATION OF PUBLIC TAXI STANDS**

## **SCHEDULE "D"**

### **REGULATION FOR THE USE OF TAXICABS FOR THE TRANSPORTATION OF CHILDREN TO AND FROM SCHOOL**

1. No licenced taxicab owner and no licenced taxicab driver shall use any vehicle for the transportation of children to and from school unless such vehicle is licenced as a taxicab by the municipality.
2. No child shall be permitted to stand in the taxicab while it is in motion.
3. The taxicab shall carry, on the front and rear, signs not less than 275mm by 350mm in size, clearly and visibly displaying the words 'SCHOOL VEHICLE' in black letters on a white or yellow background.
4. The signs referred to in clause (3) shall be carried only when the taxicab is actually engaged in transporting children to and from school, and shall be removed when the taxicab is engaged in any other business.

