

**THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON
BY-LAW NO. 2004-254**

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THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

BY-LAW NO. 2004-254

Being a by-law to licence, regulate and govern
taxi and limousine businesses
in the Municipality of Clarington
and to repeal by-law 74-72 and its amendments

WHEREAS section 150 of the Municipal Act, 2001 S.O. 2001 c. 25, permits municipalities to pass by-laws to licence, regulate and govern taxi and limousine businesses;

AND WHEREAS, except as otherwise provided, a municipality may only exercise its licencing powers under this section, including imposing conditions, for one or more of the following purposes – health and safety, nuisance control or consumer protection;

AND WHEREAS Council desires to ensure the safety and economic protection of consumers using a taxi or limousine,

NOW THEREFORE the Council of the Corporation of the Municipality of Clarington enacts as follows:

DEFINITIONS:

”Broker” shall mean a person who accepts bookings for any taxicab or limousine and such broker shall be licensed as a broker notwithstanding that such broker holds licenses for a vehicle or as a driver, but this definition shall not be construed to constitute any person requiring a license for accepting fares while operating a vehicle;

”Clerk” means Municipal Clerk of the Corporation of the Municipality of Clarington or the Deputy Clerk acting in place of the Clerk;

”Committee” means the General Purpose and Administration Committee of the Council of the Corporation of the Municipality of Clarington;

”Council” means the Council of the Corporation of the Municipality of Clarington;

”His” shall be read with such changes of number or gender as the context requires;

”Limousine” shall mean a motor vehicle which does not bear any identification other than the Provincial motor vehicle license, which

does not have a taximeter and which is kept or used for hire for the conveyance of passengers solely on an hourly basis but shall not include a taxicab in respect for which a license has been issued under the provisions of this by-law to the owner, a bus, an ambulance or a hearse;

“Manifest” shall mean a daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers and the amount of the fare for each trip;

”Municipality” shall mean the Corporation of the Municipality of Clarington;

”Owner” in reference to a Taxicab or Limousine shall mean the individual(s) or corporation who owns a Taxicab or Limousine and is licensed as such or is required to be licensed as such under this by-law;

“Passenger” means any person occupying a Taxicab or Limousine other than the driver;

“Person” includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, a natural person, and “Persons” has a corresponding meaning;

“Tariff Card” shall mean a card issued by the Municipality for display in each taxicab which contains the rates of fare then in force;

“Taxicab” shall mean a motor vehicle kept or used for hire for conveyance of passengers, which vehicle has seating for not more than seven people, but shall not include a limousine in respect of which a license has been issued to the owner thereof under the provisions of this by-law, a bus, an ambulance or a hearse;

“Taximeter” shall mean a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based;

“Taxi Owner” means a person who is the registered Owner of the motor vehicle according to Ministry of Transportation documents and who holds legal title to one or more Taxicabs.

“Trip Record” means a record of the following information:

- a) Provincial Motor Vehicle Permit Number of the Taxicab;
- b) Taxicab plate number
- c) name, address and Licence number of the driver
- d) taximeter readings at the start and finish of a Taxicab Driver’s shift;
- e) date, time and location of the beginning and termination of each trip, including any stops requested by a passenger en route; and
- f) amount of the rates and fares collected for each trip.

1.0 LICENCE REQUIRED

- 1.1 This by-law is enacted In order to ensure the safety of the public using taxis or limousines, to protect them from unscrupulous or illegal practices and create a fair and equitable business environment for all persons covered by this by-law.
- 1.2 For every licence class set out in Schedule “A” attached hereto and forming a part of this by-law, there shall be taken out by every person carrying on business within such class a license from the Municipality authorizing him to carry on his trade and no person shall, either directly or indirectly, carry on business within such class, either for profit or not, for which a license is required by this by-law without first having obtained a license therefore. Failure by such a person to comply with this section constitutes an offence.
- 1.3 A person who receives a license pursuant to this by-law must comply with the regulations set out in this by-law and all other schedules to this by-law, as applicable. Failure to comply with the regulations in the applicable Schedule(s) constitutes an offence.
- 1.4 An agent, trustee or representative of persons carrying on business within one of the classes as listed in Schedule A attached hereto and forming a part of this by-law, in the Municipality for which a license is required shall also be personally liable for the compliance of his principal, beneficiary or persons he represents in connection with this by-law. Failure by such a person to comply with this section constitutes an offence.
- 1.5 No licence as provided for in this by-law may be issued to any person under the age of 18 years.
- 1.6 Every applicant, other than a corporation, for a licence as provided for in this By-aw shall be able to read, speak and write the English language.

2.0 PROCEDURE

- 2.1 Any person required to obtain a license pursuant to this by-law shall apply in writing on the appropriate application form as provided by the Clerk and shall deposit with the Clerk, at the time of application, an application fee of \$10.00 for each business classification as well as any required approvals, inspections or documentation required by the provisions of this by-law or the Schedules or any other requirements as deemed necessary by the Clerk.
- 2.2 The Clerk may require affidavits in support of an application.
- 2.3 The Clerk shall not issue a license or renewal of a license until:
- a) all required approvals and inspections have been obtained by the applicant;
 - b) all required documentation has been provided; and
 - c) the business license fee have been paid in full.
- 2.4 The Clerk, upon receipt of the application for a license may make, cause to be made, or request, any additional documents, investigations or inspections in respect of such application for a license as the Clerk deems appropriate or in the interest of the general public, and any costs incurred for such inspections or documents shall be at the applicant's expense.
- 2.5 If the investigation discloses that:
- a) the applicant's premises or place of business are the subject of an Order To Comply made under the Property Standards By-law, or an order made under current building codes or discloses non-compliance with the Zoning By-law or any parking requirements of the Corporation;
 - b) the applicant's premises or place of business requires corrective action to an order of the Fire Chief to ensure the fire safety;
 - c) the applicant is incompetent in a manner that affects the safety, health or welfare of the public;
 - d) the applicant has been found to have discriminated against a member of the public contrary to The Human Rights Code;
 - e) the applicant is financially obligated to the Municipality in some manner other than for current taxes;
 - f) the applicant is in breach of this or some other Municipal by-law or law of Ontario or Canada;
 - g) the applicant has been convicted of an offence pursuant to a similar by-law in another municipality; or

- h) the applicant has a prior Criminal record for which he has not received a Pardon, the Clerk shall deny the application.
- 2.6 Notwithstanding section 2.5(i), if more than seven years have elapsed since the final disposition date of the Criminal Record, and it is, in the opinion of the Clerk, of a minor nature, the Clerk may approve the application.
- 2.7 An applicant who has been denied a license by the Clerk pursuant to Section 2.5 may request that his application be heard by Committee or Council, which may, in its discretion, issue the license in question. Upon request, the Clerk shall refer the matter to the Council or to Committee.
- 2.8 Council or Committee shall consider the matter, and the rules in Section 10 apply with necessary modifications.
- 2.9 In considering an application under Section 2.6, Council or Committee may impose any conditions it sees fit as a requirement of obtaining, continuing to hold or renewing a license, including any condition which would otherwise contravene any other provisions of the By-law.
- 2.10 Except as otherwise herein provided, licenses shall be issued for a period of one year and shall come into effect on January 1 of each calendar year and expire on December 31 of the year issued and the license fee as set forth in Schedule "B" shall not be reduced in the event that the first period for which the license is issued is less than one calendar year.
- 2.11 Any licence referred to in section 2.10 above not renewed by February 28 shall, upon renewal, be subject to a late renewal surcharge of 15% of the cost of the licence.

3.0 RENEWALS

- 3.1 Applications for renewal of a license issued pursuant to this by-law shall be submitted in the same form and manner as a new application and the application process shall be as set out in Section 2 of this by-law.
- 3.2 Notwithstanding Section 3.1, where a license has been issued as a result of a decision of Council or Committee, if all the relevant facts and conditions have remained the same, the Clerk may issue the license.

4.0 LICENSE FEE

- 4.1 The fee for obtaining a license or renewal of a license shall be as set out in Schedule "B" of this by-law. In the event that a license is revoked or suspended, no license fee is refundable.

5.0 DUPLICATE LICENSE

- 5.1 A duplicate license may be issued by the Clerk to replace any license previously issued which has been lost, stolen or destroyed, upon written application by the licensee and upon payment of a fee as set out in Schedule "B".

6.0 PARTNERSHIPS AND CORPORATIONS AND UNINCORPORATED ASSOCIATIONS

- 6.1 A partnership, corporation, association or combination thereof shall be considered as a single applicant.
- 6.2 On any application by a partnership, the license shall be issued in the name under which business is carried on by the applicant.
- 6.3 An application by a partnership shall include a statutory declaration in writing, signed by all the members of the partnership which shall include the mailing address of the partnership, the full names and addresses of the ordinary residences of all partners and a declaration that the persons therein listed are the only members of the partnership.
- 6.4 Any application by a corporation shall state the full name or names under which it carries on or intends to carry on ownership of the business and shall contain copies of the articles of incorporation or other incorporating documents.
- 6.5 An application by a corporation shall include a statutory declaration in writing, signed by an officer of the corporation which shall state the full names and addresses of the officers and directors of the corporation.
- 6.6 A change in composition of the members of a partnership or in the officers and/or directors of a corporation shall be reported to the Clerk within 15 days. Failure to comply with this section constitutes an offence.

7.0 INSPECTIONS DURING REASONABLE TIMES

- 7.1 The Clerk, the Chief of Police, the Medical Officer of Health, the Fire Chief, a Municipal Law Enforcement Officer or any person acting under these persons or any person authorized by Council may at reasonable times during business hours inspect;
- a) any premises or place where a trade which is subject to this by-law is carried on or any such person has reasonable or probable grounds to believe such a trade is being carried on,
 - b) any goods, equipment, books, records or documents used or to be used by the applicant or licensee under this by-law.
- 7.2 All records of inspections by any enforcement agency shall be forwarded to the Municipal Clerk within 7 days of the inspections.
- 7.3 It constitutes an offence for any person to obstruct or permit the obstruction of such inspection as described in section 7.1.

8.0 NO TRANSFER

- 8.1 It constitutes an offence for any person to transfer or assign to any other person, a license issued under this by-law.

9.0 NO VESTED RIGHT

- 9.1 No person shall enjoy a vested right in the continuance of a license and upon issuance, renewal, cancellation or suspension, the license shall remain the property of the Municipality.

10.0. REVOCATION AND SUSPENSION

- 10.1 Council or Committee may revoke, suspend, impose any conditions upon, or refuse to issue or renew any license to any person under this by-law.
- 10.2 The Clerk is authorized to suspend any license issued to any person under this by-law pending a review by Council or Committee.
- 10.3 Council or Committee may, in exercising the discretion mentioned in Section 10.1, consider any matter raised under paragraph 2.5 or any other matter that relates to the general welfare, health or safety of the public.

10.4 Hearing by Council or Committee:

- a) The applicant will be advised of the date, place and time fixed for such hearing at least five days prior to the hearing.
- b) At such hearing, Council or Committee shall receive a written report from the Clerk and from such other persons, officers or agencies who may be involved in the matter being considered by Council or Committee.
- c) Council or Committee shall not make a decision under Section 13.1 without first affording the person or applicant the opportunity to be heard before the Council or Committee.
- d) After such opportunity to be heard is afforded the person or applicant, Council or Committee may make any decision in respect of which the hearing was held or the opportunity for hearing afforded without holding a further hearing or affording further opportunity for a hearing in such matter.
- e) Where the Council or Committee conducts a hearing in respect of any matter in this subsection, the rules set out in The Statutory Powers Procedure Act shall apply to Council or Committee in the exercise of its power of decision in respect to such matter.

10.5 Where Council or Committee has exercised its authority under section 10.1, the decision of Council or Committee shall be binding only on the licence as issued for the Municipality and shall not be deemed to affect a licence as issued by another municipality pursuant to section 16.5.

11.0 APPLICATIONS FOR TAXICAB/LIMOUSINE OWNER'S LICENSE

11.1 All applicants for a taxi or limousine Owner's licence shall include;

- a) a valid Motor Vehicle Safety Standards Certificate issued by an authorized agent under Ministry of Transportation regulations for the vehicle to be licenced.
- b) current valid Ministry of Transportation Drive Clean Emissions certificate of compliance.
- c) proof of ownership of the vehicle to be licensed.
- d) a Certificate of Insurance showing that said Owner has a current Ontario Standard Automobile policy of insurance providing for third party liability of at least one million dollars (\$1,000,000.00) insurance coverage for the use designated in the licence; and shall be endorsed by the issuer that the Municipality will receive at least 10 days written notice prior to any cancellation, expiration or variation in the amount of the policy. The certificate shall set forth in detail the coverage of the current valid policy of insurance, the name and address of the person insured, the policy number, the

effective date, the expiry date, the limits of liability and the details of the motor vehicle covered.

- e) a properly completed application form.
- f) in respect of vehicles using propane or natural gas fuel, a certificate from a person duly qualified to provide such a certificate dated not more than 30 days prior to the approved licence application date.
- g) in respect of an accessible vehicle, a certificate from a qualified person to the effect that the equipment which renders the licensed vehicle an accessible vehicle is safe and in proper working order, such a certificate dated not more than 30 days prior to the licence application date.

11.2 In order to be licenced as a taxicab a vehicle must have more than two passenger seating capacity and maximum seating is six exclusive of the driver.

12.0 APPLICATION FOR TAXICAB/LIMOUSINE BROKER LICENCE

12.1 All applications for a Brokers' Licence shall include:

- a) proof of bonafide business location within the Municipality of Clarington, such location to comply with all relevant municipal by-laws,
- b) Criminal Information Record check dated not more than thirty days prior to the application date,
- c) list of all Owners with which the applicant has any arrangement or agreement for accepting calls for service,
- d) proof that the applicant is at least 18 years of age to be licensed under the provisions of this section,
- e) a properly completed application form.

12.2 The applicant shall satisfy the Clerk that the brokerage is able to provide 24-hour taxicab service to the public for each day of the year.

12.3 The applicant shall satisfy the Clerk that he can provide an adequate legal parking space for every vehicle he operates or has operating in respect of his business. Such location shall comply with all relevant municipal by-laws and other applicable legislation.

13.0 APPLICATION FOR TAXICAB/LIMOUSINE DRIVER'S LICENSE

13.1 All applications for a driver's licence shall include;

- a) a valid Ontario Driver's Licence issued to the applicant.

- b) a Certificate dated 30 days or less before the date of application, from a duly qualified medical practitioner, stating that the applicant is physically and mentally capable of operating a taxicab/limousine and is free from communicable diseases.
- c) an original Driver's Record Search issued by the Ministry of Transportation which is dated not more than 30 days prior to the date of application.
- d) an original Criminal Information Records check, dated not more than 30 days prior to the application date.

13.2 The applicant shall have a minimum of two years Class 'G' driving experience prior to applying for a Taxicab driver licence.

13.3 Every driver shall be able to speak, read and write the English language.

14.0 DUTIES OF TAXICAB DRIVERS

14.1 Every driver shall;

- a) at all times when driving a taxicab, display his Municipal Driver's Licence in the holder provided in the vehicle;
- 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, and to carry said licence with him at all times while operating a cab;
- c) notify the Clerk within seven days of any criminal or Highway Traffic Act related charges or convictions;
- d) maintain the interior and exterior in good repair and keep the taxicab in a clean and sanitary condition at all times;
- e) keep the interior of the vehicle (including the trunk) free from dust, dirt, grease, oil, coffee stains, tea stains and other similar conditions;
- f) keep the interior of the vehicle free from any item which can be transferred onto the person, clothing or possessions of a passenger by incidental contact;
- g) keep the exterior of the vehicle free from dust, dirt, grease, oil, or any other substance besides water or snow which can be transferred onto the person, clothing or possessions of a passenger by incidental contact;
- h) keep the interior of the vehicle free of any material a reasonable person would find noxious or unpleasant;
- i) 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 Owner;

- j) ensure the taxicab is equipped with a functional extra tire wheel and jack for use on that vehicle;
- k) keep a daily Trip Record of all trips made by him in any taxicab, said record to be kept in English and completed in ink and in legible handwriting, printing, or typing;
- l) completely record information showing time and place of origin, destination, number of passengers and the amount of fare sequentially for each trip; trip record shall be completed immediately upon the conclusion of a trip and prior to the commencement of the next trip;
- m) upon completion of discharging his last passenger
 - i) return the taxicab to the Owner and report all accidents and any apparent mechanical defects or damage to the Owner; and
 - ii) deliver to the Owner the Trip Record.;
- n) unless his taxicab has been previously engaged at any place within the Municipality and at any specified time, whether day or night, serve the first person who may require the service of his taxicab, and if he pleads a previous engagement he shall upon demand give the address of the person to whom he is so engaged together with the time and place of such engagement, provided that in the event a licensed taxicab driver has a disability or impairment and is unable to service the fare due to the disability or impairment; in which event the driver shall make proper arrangements for the servicing of the fare before proceeding to his next fare;
- o) upon the request of the passenger provide a receipt showing the amount of the fare paid, the municipal vehicle plate number and the date;
- p) be at liberty to refuse service to any person who:
 - i) is intoxicated or disorderly;
 - ii) refuses to give his destination;
 - iii) is in possession of an animal, other than a working dog;
 - iv) is eating or drinking any food or beverage;
 - v) 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;
 - vi) refuses to extinguish a cigarette, cigar, or pipe;
 - vii) or he has reasonable concerns for his safety provided that such driver immediately records his reason for such refusal on his daily trip record.
- q) render such assistance as may be necessary so that the passenger may enter or leave the taxicab, in the event the assistance of more

than one person is required, the driver shall not be required to carry such person;

- r) be civil and behave courteously;
- s) be properly dressed and well groomed, neat and clean in appearance;
- t) follow the shortest route to the destination requested by a passenger unless otherwise directed by the passenger;
- u) keep a current street guide or map of the Municipality and surrounding area in his taxicab;
- v) turn off any radio, tape player or any other sound producing device in his taxicab, save and except a 2-way radio or cellular phone used for dispatch purposes, upon being requested to do so by any passenger, and having done so, shall leave such device in the off or turned down position until termination of the trip with the passenger;
- w) deliver all property or money found in his cab immediately to the Owner thereof; if the Owner cannot be located immediately, to the nearest police station;
- x) upon the request of a passenger, activate the air-conditioning or heating system;
- y) while having care and control of a licenced vehicle, shall not permit any other person, other than another driver licenced under this by-law, to operate the motor vehicle;
- z) produce to a Municipal Law Enforcement Officer or Police Officer, upon demand, his driver's licence issued pursuant to this by-law;
- aa) produce to a Municipal Law Enforcement Officer or Police Officer, upon demand, his driver's licence issued by the Province of Ontario;
- bb) transport one person or group of persons in the same party for a specific trip and charge only one fare for said trip;
- cc) ensure vehicle is used only as a taxicab and not as a limousine unless otherwise licenced under the provisions of this by-law.

14.2 No driver shall;

- a) carry in any taxicab a greater number of passengers than the manufacturer's rating of seating capacity of such taxicab;
- b) drive a taxicab with luggage or other material piled or placed in or on the taxicab in a manner that obstructs his/her view;
- c) obstruct or allow to be obstructed, by anything, the view of the taximeter flag or light from the outside of the Taxicab;
- d) drive any taxicab unless the Owner has been issued a licence pursuant to this by-law;

- e) take on additional passengers after the Taxicab has departed from any one starting point except at the request of the passenger(s) in the cab or the person who hired the taxi;
- f) smoke in a taxi at any time;
- g) permit anyone to smoke in a taxi;
- h) take, consume, or have in his possession any alcohol, drugs or intoxicants while he is in charge of a taxicab for which he is the driver;
- i) drive a taxicab which does not have an Owner's plate/permit affixed to it;
- j) recommend hotels, restaurants or other similar facilities unless requested to do so by the passenger;
- k) operate a taxicab when the taxicab meter does not operate properly;
- l) induce any person to engage his vehicle by any misleading or deceiving statement or representation to that person about the location or distance of any destination named by the person;
- m) recover/receive any fare or charge from any person to whom he has refused to show the tariff card;
- n) make any charge for time lost through defects or inefficiency of the vehicle or incompetence of the driver;
- o) 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;
- p) engage the taxicab meter prior to passenger(s) entering vehicle
- q) charge a tariff that is not in accordance with Schedule C of this by-law;
- r) use or permit to be used a two-way radio or monitoring device in his taxicab which allows him to transmit/receive any frequency of a taxicab broker licensed under this by-law, with whom he is not affiliated;
- s) operate an accessible taxicab without first having obtained training in the proper operation of the equipment or in the special needs of disabled passengers;
- t) operate a taxicab which is not equipped with operational seatbelts;
- u) operate a taxicab unless seatbelts are clearly visible to or may be conveniently used by a passenger;
- v) operate a taxicab unless it is equipped with fully functional air-conditioning and heating systems;
- w) while waiting for hire or engagement, park on any highway;
- x) operate a licenced taxicab that is not insured as required by this by-law;

- y) prevent or hinder a Municipal Law Enforcement Officer or any other person authorized by this by-law from entering the licenced vehicle for the purpose of inspecting the vehicle or its equipment;
- z) operate a taxicab equipped with a scanner;
- aa) obstruct the use of any sidewalk;
- bb) use any abusive or offensive language;
- cc) park, stop or otherwise stand the taxicab in a prohibited area.

14.3 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 photograph, the Clerk may require the driver to attend the Municipal Administrative Centre and to be rephotographed for the purpose of issuing a replacement licence.

14.4 The Clerk may, at any time, require a licensed driver to provide him with an updated certificate, prepared by a duly qualified medical practitioner, attesting as to whether or not the licensee is physically fit and able to operate a taxicab.

14.5 The driver of an accessible taxicab which has been duly licenced to operate in more than one municipality shall ensure that no tariff other than that permitted under the authority of this by-law is charged for any trip originating within the Municipality of Clarington.

15.0 DUTIES OF TAXICAB BROKERS

15.1 Every taxicab broker shall:

- a) maintain an office within the municipality, from which the taxicab brokerage can be operated legally pursuant to the provisions of the Municipality's Zoning by-law of the time;
- b) require all taxicab Owners who have entered into agreements with him for the provisions of taxicab brokerage services, to use the same design, shape and color scheme of roof sign and to attach to each front door of the taxicab the same identifying decal;
- c) submit a copy of the roof sign design and identifying decal to the Clerk for approval on all taxicabs employed by the brokerage;
- d) carry on the taxicab brokerage business 24 hours a day during the term of his licence, unless otherwise directed by council;
- e) 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 at least 12 months; said records to be kept in English and completed in ink and in legible handwriting, printing, or typing;

- f) produce the records described in Section 15.1(d) upon the request of a peace officer;
- g) when volume of business is such that service will be delayed to a prospective customer, the broker shall inform the customer of the anticipated length of the delay, before accepting the offer;
- h) dispatch a taxicab to any person requesting service within the Municipality, unless the person has not paid for a previous trip and these facts are verified by the broker;
- i) carry on business only in the name in which he is licensed;
- j) at the request of the Clerk, 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 that day and also including the number of dispatched calls serviced by each such taxicab;
- k) keep engagements, and shall not accept any engagement which would prevent him from fulfilling a previous engagement;
- l) accept calls for, and dispatches calls to licensed taxicabs and drivers only;
- m) ensure that any taxicab operated by him is driven for the transportation exclusively of one person or group of persons in the same party and that only one fare is collected;
- n) comply with all requirements of the Employment Standards Act.

15.2 No Broker Shall:

- a) accept orders for, or in any way dispatch or direct orders to a taxicab
 - i) when the activity would be illegal under another municipal taxicab or similar licensing by-law; or
 - ii) when the fare is less than permitted under this by-law;
- b) accept orders for, or in any way dispatch or direct orders to a taxicab, the Owner of which is not licensed under this By-law, for a pick-up location within the Municipality;
- c) dispatch or direct orders for a parcel delivery to a taxicab driver unless the driver first agrees to make the parcel delivery;
- d) require any driver to accept any order necessitating the expenditure of money, by the driver, on behalf of the customer;
- e) make any charge or financial demand, directly or indirectly, of a taxicab Owner or lessee of a taxicab, other than dues;
- f) charge a tariff or enter into an agreement to charge a tariff, which is not in accordance with this by-law;
- g) use a scanner to obtain business;
- h) use or permit the use of a roof sign or decal for the taxicab other than that authorized for his brokerage.

- i) use or permit the use of a vehicle as a taxicab other than a vehicle licenced under the provisions of this by-law;
- j) employ or permit the employment of any person as a taxicab driver who is not authorized to do so under the provisions of this by-law.

16.0 DUTIES OF TAXICAB OWNERS

16.1 Every Owner of a licenced taxicab shall;

- a) affix securely to each licenced vehicle owned by him, in the position approved by the Municipality, the licence plate/permit supplied by the Municipality bearing the licence identification number;
- b) ensure that such licence plate/permit remains so affixed, or if such plate/permit is removed or lost, report the removal or loss to the Clerk and obtain and affix a replacement plate/permit issued by the Municipality;
- c) use the same approved design, shape and color scheme of roof sign and attach to each front door of the taxicab an approved identifying decal which shall include the name of the broker with whom the owner has entered an agreement for the provision of taxicab services;
- d) display at all times, in a conspicuous place in the vehicle, a current tariff card issued by the Municipality ;
- e) submit his licenced vehicles for examination or inspection any time when required by the Municipality;
- f) investigate immediately, any mechanical defect in his licenced vehicle reported to him by a driver or any other person;
- g) affix a taximeter, to register distances traveled and time elapsed and compute fares to be paid, in a conspicuous place in the taxicab, such place to be approved by the Clerk;
- h) submit any taximeter for testing, inspection and sealing by such person as the Municipality may designate at the times required by that person;
- i) ensure the taximeter is illuminated between sunset and sunrise;
- j) adjust the taximeter in accordance with rates prescribed from time to time by the Municipality;
- k) maintain the taximeter in proper working order with current set rates as set out in Schedule C;
- l) affix a sign on the roof of the taxicab indicating the vehicle is a taxicab of a color scheme, design and shape as set out in subsection c) above;
- m) install and maintain in proper working order a roof light that turns off when the meter is activated, or alternatively, a dashboard light that

turns on when the meter is activated, both of which lights must be installed so that they are clearly visible to persons outside the taxicab;

- n) ensure the taxicab is equipped with seatbelts in proper working condition;
- o) ensure seatbelts are plainly visible to and may be conveniently used by a passenger;
- p) advise the Municipality of any change in any licence plate issued by The Ministry of Transportation within 10 days ;
- q) ensure that such vehicle is used only as a taxicab and is not used as a limousine unless otherwise licenced under the provisions of this by-law;
- r) remove from his vehicle the roof light, radio, telephone number, all decals or other brokerage markings of the broker he is leaving and return to the broker he is leaving all business cards and other equipment belonging to the broker;
- s) once the licenced vehicle is no longer being used as a taxicab, return the Municipal licence plate/permit to the Municipality.

16.2 No Owner of a licenced taxicab shall:

- a) permit a vehicle to be operated if the vehicle or its equipment is unsafe;
- b) permit a vehicle to be operated unless it is insured as required by this by-law;
- c) permit any person, other than a licenced driver to operate his licenced vehicle;
- d) permit any person, other than a driver licenced pursuant to the provisions of this by-law, to operate his licenced vehicle;
- e) prevent or hinder the Clerk, the Chief of Police or any person acting under these persons or any person authorized by Council from entering the vehicle owned by him for the purpose of inspecting the vehicle;
- f) permit a vehicle in respect of which a mechanical defect has been reported to him to be operated until he has inspected and ensured that the mechanical defect, if any, has been corrected;
- g) permit the vehicle to be operated while there is scanning equipment in the vehicle;
- h) permit a vehicle to be operated unless it is equipped with an extra tire and wheel for that vehicle, ready for use;
- i) permit a vehicle to be operated unless the interior and exterior of the vehicle are clean and in good repair;
- j) permit a vehicle to be operated unless the vehicle and equipment are free from mechanical defects;
- k) permit any form of advertising on exterior of the taxicab;

- l) permit a taxicab plate/permit which has been issued for a specific vehicle to be affixed to another vehicle;
- m) permit a taxicab to be used unless seatbelts are plainly visible and may be conveniently used by passengers;
- n) permit a taxicab to be operated unless it is equipped with fully functional air-conditioning and heating systems;
- o) put any name, address or telephone number or identification other than that of himself or the taxicab broker, with whom he is affiliated, on his taxicab or roof sign;
- p) display or permit the display of any sign, emblem, decal, ornament or advertisement, on or in his taxicab other than one which identifies the taxicab company.

16.3 Notwithstanding any other provision of this by-law, owners of accessible taxicabs may apply to licence their accessible vehicles in more than one municipality.

16.4 An owner of an accessible taxicab as referred to in section 16.3 shall be required to comply with all the regulations as set out in this by-law prior to becoming licenced for operation in the Municipality.

16.5 The granting of a licence to an accessible taxicab by another municipality shall not be construed as authority to operate within the Municipality without having first obtained a licence from the Municipality.

17.0 DUTIES OF LIMOUSINE OWNERS

17.1 Every Owner of a licensed limousine shall:

- a) ensure that each licenced vehicle owned by him, has the limousine licence plate/permit supplied by the Municipality bearing the licence identification number present in or on the vehicle at all times;
- b) ensure that such licence plate/permit remains in or on the vehicle, or if such plate/permit is removed or lost, shall report the removal or loss to the Clerk and affix a duplicate or replacement plate/permit issued by the Municipality;
- c) submit his licenced vehicles for examination or inspection any time when required by the Municipality;
- d) investigate immediately, any mechanical defect in his licenced vehicle reported to him by a driver or any other person;
- e) report any change of his business or residence address to the Municipality within five days of the change;
- f) once the licenced vehicle is no longer being used as a limousine, return the Municipal licence plate/permit to the Municipality.

17.2 No Owner of a licensed limousine shall;

- a) permit a vehicle to be operated if the vehicle or its equipment is unsafe;
- b) permit a vehicle to be operated unless it is insured as required by this by-law;
- c) permit any person, other than a licenced driver employed by him, to operate his licenced vehicle;
- d) permit any person, other than a driver licenced pursuant to the provisions of this by-law to operate his licenced vehicle;
- e) prevent or hinder the Clerk, the Chief of Police or any person acting under these persons or any person authorized by Council from entering the vehicle owned by him for the purpose of inspecting the vehicle;
- f) permit a vehicle in respect of which a mechanical defect has been reported to him to be operated until he has inspected and ensured that the mechanical defect, if any, has been corrected;
- g) permit vehicle to be operated unless it is equipped with an extra tire and wheel ready for use on that vehicle;
- h) permit vehicle to be operated unless the interior and exterior of the vehicle are clean and in good repair;
- i) permit vehicle to be operated unless the vehicle and equipment are free from mechanical defects;
- j) permit any form of advertising on the limousine;
- k) cause or permit a limousine to be equipped with:
 - i) a two way radio or other device capable of receiving calls for service other than a cellular phone for safety,
 - ii) a meter for registering distance traveled or computing fares to be paid, or
 - iii) illuminated roof lights;
- l) solicit, at or in any public place, any person to take said limousine or hold out said limousine as being available for the conveyance of any person.

18.0 DUTIES OF LIMOUSINE BROKERS

18.1 Every limousine broker shall:

- a) maintain an office within the municipality, from which the limousine brokerage can legally be operated pursuant to the provisions of the Municipality's Zoning by-law of the time;
- b) keep a record of each limousine hire, the time and date of receipt of the order, and the pick-up location and retain these records for a period of at least 12 months; said records to be kept in English and completed in ink and in legible handwriting, printing, or typing;

- c) produce the records described in Section 8.1(b) upon the request of a peace officer;
- d) carry on business only in the name in which he is licensed;
- e) keep engagements, and shall not accept any engagement which would prevent him from fulfilling a previous engagement.

18.2 No limousine broker shall:

- a) accept orders for, or in anyway direct orders to a limousine when the activity would be illegal under another municipal Limousine or similar licensing by-law;
- b) accept orders for, or in any way direct orders to a limousine, the owner of which is not licensed under this By-law, for a pick-up location within the Municipality;
- c) require any driver to accept any order necessitating the expenditure of money, by the driver, on behalf of the customer;
- d) make any charge or financial demand, directly or indirectly, of a limousine owner or lessee of a limousine, other than dues;
- e) use or permit the use of a vehicle as a limousine other than a vehicle licenced under the provisions of this by-law;
- f) employ or permit the employment of any person as a limousine driver who is not authorized to do so under the provisions of this by-law.

19.0 DUTIES OF LIMOUSINE DRIVERS

19.1 Every limousine driver shall;

- a) at all times when driving a limousine, display his Municipal Driver's Licence in the holder provided in the vehicle;
- 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, and to carry said licence with him at all times while operating a cab;
- c) maintain the interior and exterior of the vehicle in good repair and keep the limousine in a clean and sanitary condition at all times;
- d) keep the interior of the vehicle (including the trunk) free from dust, dirt grease, oil, coffee stains, tea stains and other similar conditions;
- e) keep the interior of the vehicle free from any item which can be transferred onto the person, clothing or possessions of a passenger by incidental contact;
- f) keep the exterior of the vehicle free from dust, dirt, grease, oil, or any other substance besides water or snow which can be transferred onto the person, clothing or possessions of a passenger by incidental contact;

- g) keep the interior of the vehicle free of any material a reasonable person would find noxious or unpleasant;
 - h) before operating the limousine on any day, examine it for mechanical defects and interior or exterior damage and report forthwith any defects or damage found to the Owner;
 - i) ensure the limousine is equipped with an extra tire wheel and jack , ready for use on that vehicle;
 - j) keep a Trip Record of all trips made by him in any limousine;
 - k) completely record information showing time and place of origin, destination, number of passengers and the amount of fare for each trip; trip record shall be prepared immediately upon the conclusion of a trip;
 - l) return the limousine to the Owner and report all accidents and any apparent mechanical defects or damage to the Owner; and deliver to the Owner the Trip Record;
 - m) be at liberty to refuse service to any person who:
 - i) is intoxicated or disorderly;
 - ii) refused to give his destination;
 - iii) has in his possession an animal, other than a working dog;
 - iv) is eating or drinking any food or beverage;
 - v) 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;
 - vi) refuses to extinguish a cigarette, cigar, or pipe;
 - vii) or has reasonable concerns for his safety provided that such driver immediately records his reason for such refusal on his daily trip record.
 - n) render such assistance as may be necessary so that the passenger may enter or leave the limousine; in the event the assistance of more than one person is required, the driver shall not be required to carry such person;
 - o) be civil and behave courteously;
 - p) be properly dressed and well groomed, neat and clean in appearance;
 - q) notify The Clerk within seven days of any criminal or Highway Traffic Act charges or convictions.
- 19.2 No limousine driver shall;
- a) carry in any limousine a greater number of passengers than the manufacturer's rating of seating capacity of such vehicle;
 - b) drive a limousine with luggage or other material piled or placed in or on the vehicle in a manner that obstructs his/her view;

- c) drive any limousine unless the Owner has been licenced by the Municipality;
- d) smoke in a limousine at any time;
- e) permit anyone to smoke in a limousine;
- f) take, consume, or have in his possession any alcohol, drugs or intoxicants while he is in charge of a limousine for which he is the driver;
- g) drive a limousine which does not have an Owner's plate/permit present on or in the vehicle;
- h) recommend hotels, restaurants or other similar facilities unless requested to do so by the passenger;
- i) make any charge for time lost through defects or inefficiency of the vehicle or incompetence of the driver;
- j) 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.

20.0 USE OF TAXICAB FOR SCHOOL TRANSPORTATION

- 20.1 Nothing in this by-law will prevent a licenced taxicab from another Municipality from transporting children to and from school within Clarington if they have been contracted by a local school board to do so.
- 20.2 The Owner and/or driver of a licenced taxicab shall, while the taxi is being used for the transportation of children to or from school, observe and comply with the following regulation:
- a) no child shall be permitted to stand while the taxi is in motion;
 - b) the cab shall carry on the front and at the rear thereof signs clearly and visibly displaying the words "School Vehicle" in black letters on a white or yellow background;
 - c) the signs referred to in paragraph (b) 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;
 - d) the rates contained in the tariff schedule shall not apply to taxicabs being used for the transportation of children to or from school.

21.0 PARCELS AND DOCUMENTS

- 21.1 A driver of a taxicab may carry parcels, letters or documents without carrying a passenger at the same time provided that:
- a) the driver maintains the taximeter in the taxicab driven by him, in operation throughout the trip;
 - b) the driver takes the shortest possible route to the destination;

- c) the driver charges the amount of the fare registered on the meter and;
- d) no passenger is accepted by the driver after he has been engaged to deliver such parcel, letter or document.

22.0 MODEL YEAR RESTRICTION

- 22.1 Effective January 2005, no motor vehicle shall be used as a taxicab unless the year date of such vehicle is eight years or less than the licencing year.
- 22.2 Notwithstanding Section 22.1 above, a motor vehicle which is licenced to operate as a taxicab or limousine on December 31, 2004 may continue to be operated and licenced until December 31, 2006, provided it meets all other licencing requirements as set forth in this by-law.

23.0 RATES AND FARES

- 23.1 The rates and fares to be charged by the Owners or drivers of taxicabs shall be as shown in the Tariff Table in Schedule C, which is attached hereto and forms part of this by-law.
- 23.2 No owner or driver shall publish or use a tariff, or demand or receive rates and charges greater than those authorized by this by-law.
- 23.3 Notwithstanding Section 23.2, the licensee and a customer may enter into a written contract for services to extend for a period of one year or more on runs between fixed points at an agreed tariff, but a duplicate original of such contract must first be filed with the Municipality prior to the contract taking effect.
- 23.4 Notwithstanding Section 23.2, the licensee may offer a maximum 10% discount of the approved taximeter fares to senior citizens or the physically/mentally handicapped.
- 23.5 When a passenger first enters a taxicab which is equipped with a taximeter, the driver shall immediately place the said taximeter in an operating position and maintain it in operation throughout the trip.
- 23.6 If a call extends beyond the limits of the Municipality of Clarington, the driver and passenger may agree before the start of the trip to a flat rate, but the driver shall maintain the taximeter in operation at all times within the Municipality of Clarington.

- 23.7 If a call for service originates from or terminates at a location which is more than fifteen kilometers away from the broker's dispatch office as identified on their licence, then the driver may add an additional \$15.00 to the total owing as shown on the taximeter at the termination of the trip.
- 23.8 Prior to accepting a call for service where the additional charge mentioned in Section 23.7 may apply, the dispatcher shall advise the customer of the potential for the additional fee.
- 23.9 In circumstances where an additional fee as specified in Section 23.7 may apply, the driver shall advise the customer whether or not he intends to include the additional charge prior to the commencement of the trip.
- 23.10 in the event the driver has not advised the passenger of the surcharge prior to the commencement of the trip then the driver may not apply the surcharge to the trip.
- 23.11 At the conclusion of the trip the driver shall call the passenger's attention to the amount of the fare registered on the taximeter and place the taximeter in a non-operating position.
- 23.12 The tariff and rates herein authorized shall be computed from the time when or place at which the passenger(s) first enter the cab to the time when or place at which the passenger(s) finally discharge the cab.
- 23.13 Every driver shall keep and maintain at all times at least \$20.00 in a combination of bills and coins of denominations less than \$20.00, such that change may be provided to passengers of the cab.

24.0 NOTICE OF CHANGE OF INFORMATION

- 24.1 A licensee shall carry on business in the Municipality in the name which is set out in the licence and shall not carry on business in the Municipality in any other name unless he has first notified the Clerk and complied with Section 24.2.
- 24.2 When a licensee changes the name or address or any information relating to the licence, he shall notify the Clerk within five days of the change of information relating to the licence and shall return the licence immediately to the Clerk for amendment.

24.3 When the 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 officers or directors, the location of the corporate head office, the licensee shall report the change to the Clerk within 10 days thereof and, if required by the Clerk, the licence shall be immediately returned to the Clerk for amendment.

25.0 GENERAL PROVISIONS

25.1 Every person licenced under this by-law shall be familiar with the provisions of this by-law.

25.2 There shall not be more than one taxicab owner's licence issued for each 3500 persons residing in The Municipality of Clarington. The ratio is to be calculated based upon the last available census as published by Statistics Canada.

25.3 In order to be eligible for renewal of a Taxi Broker's licence the company must be able to show that they have operated on a full time basis, 24 hours per day, seven days per week for the full calendar year for which they were licenced.

25.4 If at any time an officer finds that a Taxi Broker has failed to comply with the requirements of Section 25.3 the officer may request that the Clerk revoke the Broker's licence. In the case of such revocation the appeal rules as set out in Section 10.4 shall apply.

25.5 In order to be eligible for renewal of a taxicab owner's licence, the owner must be able to show that the vehicle was operated as a taxicab for an average of at least 35 hours per week for a minimum of 25 weeks per year.

25.6 If at any time an officer finds that a taxicab has not been operated in compliance with Section 25.5, the officer may request that the Clerk revoke the licence for that taxicab.

25.7 All provisions of this by-law relating to limousines shall apply equally to both sedan limousines and stretch limousines.

25.8 The Clerk may delegate his duties and responsibilities as set out in this by-law to a designated person.

25.9 Should any provision of this by-law be declared by a court of competent jurisdiction to be invalid, the remaining provisions shall remain in effect until repealed.

25.10 By-law 74-72 and its amendments are hereby repealed.

25.11 This by-law shall come into full force and effect upon final passage by Council.

26.0 OFFENCE AND PENALTY

26.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as set forth in *The Municipal Act 2001, (S.O. 2001 c. 25)*.

26.2 In addition to any other penalty provided for in this by-law, Council may suspend or revoke any licence or impose special conditions not applicable to all other persons holding a licence, as a requirement of continuing to hold or renew the said licence.

By-law read a first and second time this 13th day of December, 2004.

By-law read a third time and finally passed this 13th day of December, 2004.

Mayor

Municipal Clerk

SCHEDULE A
LICENCING TABLE OF REQUIREMENTS.

<u>Licence Class</u>	<u>Fee</u>	<u>Requirements For Licence</u>
Owner Limousine/Taxi		<ul style="list-style-type: none"> • valid Motor Vehicle Safety Standards Certificate • Ministry of Transportation Drive Clean Emissions Certificate for the current year • propane/natural gas certificate (if applicable) • proof of Ownership of vehicle • Current Certificate of Insurance showing third party liability of at least \$1,000,000 for the use designated in the licence • Properly completed application form • Accessible vehicle- certificate certifying accessible equipment (where applicable)
Broker Limousine/Taxi		<ul style="list-style-type: none"> • Proof of bonafide business location within Municipality • Criminal Information Request check • List of all owners with whom there is an agreement/arrangement for calls for service • Must be at least 18 years of age • Satisfy issuer that he is able to provide 24 hour service • Satisfy issuer that he can provide adequate parking for every vehicle
Driver Limousine/Taxi		<ul style="list-style-type: none"> • Properly completed application • Valid Ontario Driver's Licence • Medical certificate • Class "G" Driver's Licence • Minimum 2 years driving experience as Class "G" driver • Driver's Record Search • Criminal Record Check • Properly completed application • 2 pieces of identification, one of which must be a valid driver license

SCHEDULE B**FEE SCHEDULE**
FOR TAXIS AND LIMOUSINES**ALL LICENCES ARE VALID FOR ONE YEAR ONLY****Effective January 1, 2005**

OWNER/BROKER	\$100.00
VEHICLE	\$30.00
REPLACEMENT PLATE	\$10.00
DRIVER	\$30.00
REPLACEMENT LICENCE	\$20.00

Effective January 1, 2006

OWNER/BROKER	\$200.00
VEHICLE	\$45.00
REPLACEMENT PLATE	\$10.00
DRIVER	\$45.00
REPLACEMENT LICENCE	\$20.00

Effective January 1, 2007

OWNER/BROKER	\$300.00
VEHICLE	\$60.00
REPLACEMENT PLATE	\$10.00
DRIVER	\$60.00
REPLACEMENT LICENCE	\$20.00

SCHEDULE C

TAXI TARIFF SCHEDULE

“DROP RATE”.....\$2.80
****for the first 1/10th kilometre or part thereof

FOR EACH ADDITIONAL 1/10th KILOMETER OR PART THEREOF.....\$0.17
Rate to increase by 1¢ per 1/10th kilometre as of January 1 each year.

WAITING TIME WHILE UNDER HIRE PER MINUTE.....\$0.45

EACH PERSON IN EXCESS OF FOUR.....\$0.40
****excludes children 8 years of age and under **flat rate**

REMOTE LOCATIONS

Any trip which starts or ends within the municipality at a point more than 15 kilometers from the broker’s dispatch office.....\$15.00
optional

NOTE: The driver and dispatcher MUST advise the client prior to the commencement of the trip if the surcharge is to be imposed.

BAGGAGE, DOCUMENTS, PARCELS

WHEEL CHAIRS AND SIMILAR DEVICES.....NO CHARGE

HAND BAGGAGE INSIDE CAB.....NO CHARGE

BAGS AND CARTONS CONTAINING GROCERIES
****IF LOADED AND UNLOADED BY DRIVER PER PIECE.....\$0.10
****TO A MAXIMUM OF.....\$0.30

Charges for trunks and other items not covered by this tariff shall be agreed upon at the commencement of the trip

For delivery of any parcel, document, or thing where no passenger is carried.....minimum charge per trip.....\$5.00
Otherwise regular tariffs apply

G.S.T. INCLUDED IN ALL RATES
IT IS AN OFFENCE TO CHARGE MORE THAN THE ABOVE
TARIFFS

CONCERNS REGARDING SERVICE CAN BE MADE BY
CALLING
THE MUNICIPALITY OF CLARINGTON AT
905-623-3379 EXTENSION 239