

AMENDED BY

B/L # 837-08 PASSED: Apr. 7/08

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

Section 5c

BY-LAW 603-05

Being a by-law to provide for
licensing, regulating and governing
taxicab owners and drivers.

WHEREAS Section 150 of the Municipal Act, 2001, S.O. 2001, c.25, (herein, the "Act") authorizes a municipality to license, regulate and govern any business wholly or partly carried on within the municipality;

AND WHEREAS this authority extends to taxicab businesses operating within the Municipality;

AND WHEREAS Section 150 (2) of the Act provides that a municipality may only exercise its licensing powers for the purposes of health and safety, nuisance control and consumer protection;

AND WHEREAS the Council of the Corporation of the Municipality of Leamington wishes to ensure that taxicabs are properly equipped and certified as meeting motor vehicle safety standards and that taxicab businesses are operated with an emphasis on public safety and consumer protection;

AND WHEREAS Section 155 (1) of the Act provides authority for the Municipality to establish rates or fares to be charged for use of a taxicab;

AND WHEREAS the total amount of fees to be charged for licensing a class of business shall not exceed the costs directly related to the administration and enforcement of the by-law, in accordance with Section 150(9) of the Municipal Act, S.O. 2001, c.25;

AND WHEREAS the types of allowable costs for licence fees are set out in Section 150(10) of the said Municipal Act, S.O. 2001, c.25, and include costs related to preparation, inspections, enforcement prosecution of the by-law;

AND WHEREAS a public meeting for consideration of this by-law has been held and notice was given in accordance with Section 150 (4) of the Municipal Act, S.O. 2001, c.25.

NOW THEREFORE BY ITS COUNCIL THE MUNICIPALITY OF LEAMINGTON HEREBY ENACTS AS FOLLOWS:

PURPOSE

1. The purpose of this by-law is to provide consumer protection and to protect the health and safety of its residents by exercising the authority to licence, regulate and govern taxicab owners and taxicab drivers operating within the Municipality.

DEFINITIONS

2. In this by-law:
 - a) "Clerk" shall mean the Clerk for The Corporation of the Municipality of Leamington or designate;
 - b) "Council" shall mean the Council of The Corporation of the Municipality of Leamington;
 - c) "licence" shall mean a non transferable licence issued to a taxicab owner under the provisions of this by-law, to use or permit to use a motor vehicle as a taxicab and shall include any renewal thereof;
 - d) "licence fee" shall mean the total amount charged for licensing a which shall not exceed the costs directly related to the administration and enforcement of the by-law or portion of the by-law.
 - e) "limousine" shall mean a motor vehicle having an enclosed passenger area designed to separate the driver from the passengers, a wheel base of not more than 2900 millimetres and has been altered to have a passenger seating capacity of six to ten people.
 - f) "motor vehicle" shall mean an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine, as defined in the Highway Traffic Act, R.S.O. 1990, c.H.8;
 - g) "Municipality" shall mean The Corporation of the Municipality of Leamington or to its geographical area, as the context requires;
 - h) "owner" shall mean any person having an ownership interest in a taxicab;

- i) "permit fee" shall mean the total amount charged for a taxicab driver permit;
- h) "person" shall mean any person, firm or corporation, or any group or association of persons;
- i) "taxicab" shall mean a motor vehicle as defined in the Highway Traffic Act other than a car pool vehicle or limousine, having a seating capacity of not more than nine persons, exclusive of the driver, hired for one specific trip for the transportation of one person or group of persons, one fare or charge only being collected or made for the trip.
- j) "taxicab driver" shall mean an individual who has care and control of a taxicab.
- k) "taxicab driver permit" shall mean a non transferable permit to operate a taxicab issued under the provision of this by-law;

PROHIBITIONS

- 3. (1)
 - a) No person shall use a motor vehicle as a taxicab within the Municipality, unless that person has been issued a current licence for that vehicle pursuant to Section 8 of this by-law.
 - b) No owner of a taxicab shall permit the taxicab to be operated by any driver unless the driver has been issued a current taxicab driver permit.
 - c) No person shall operate a taxicab within the Municipality unless that person has been issued a current taxicab driver permit pursuant to Section 12 of this by-law.
 - d) No driver shall solicit any person to use a taxicab but the person wishing to use or engage such taxicab shall be left to choose freely without interruption or solicitation.
 - e) No driver shall, without reasonable excuse, refuse to serve the first person requiring the service of the taxicab at any place within the Municipality, at any time.
 - f) No driver shall knowingly mislead or deceive any passenger about the location or distance of any destination.
- (2) Every owner and every taxicab driver shall charge customers the rates established in Schedule B to this by-law.
- (3) Section 3 (1) does not apply to taxicabs transporting passengers to Leamington from outside the Municipality unless the taxicab driver picks up an unscheduled passenger or fare in Leamington for transportation to another destination either inside or outside the geographic limits of the Municipality.

CLERK'S DUTIES

4. The Clerk shall:
 - a) be responsible for the issuance of licenses and permits pursuant to this by-law;
 - b) accept applications for licenses and permits required by this by-law;
 - c) maintain a record of all licenses and permits issued including the name and address of each licensee and driver and the number of taxicabs owned by each licensee;
 - d) maintain a record of each motor vehicle licensed hereunder including the make, model, year, serial number, the Provincial licence plate number, the ownership and the date of the issuance of each licence;
 - e) upon receipt of an application for the grant of a licence and permit pursuant to this by-law, make or cause to be made all necessary investigations;
 - f) recommend to Council whether to refuse to grant, suspend or revoke a licence or permit;
 - g) be responsible for inspection of taxicabs;
 - h) be responsible for enforcement of this by-law.

TAXICAB OWNERS

5. Every owner shall:
 - a) maintain within the Municipality a place of business, open and accessible to the public, and located on a property designated commercial in the Municipality's Zoning By-law enacted pursuant to the Planning Act.
 - b) annually apply for and obtain a separate licence for each vehicle used as a taxicab;
 - c) obtain and maintain at all times a minimum of five (5) current licences.
 - d) submit each licensed taxicab for safety inspection by a qualified and licensed automobile mechanic annually, and at such other time or times when requested by the Clerk, and submit to the Clerk a valid Safety Standards Certificate issued in accordance with the Highway Traffic Act of Ontario at the time of the taxicab licence renewal or transfer;
 - e) submit each licensed taxicab for general inspection by the Clerk annually, and at such other time or times when requested to do so;

- f) provide and maintain the colours to be used on each taxicab as approved by the Clerk and ensure that the name of the taxicab business is painted on the taxicab in a location approved by the Clerk;
 - g) ensure that each licensed vehicle is, in its interior, neat, clean, dry and in good repair; and on its exterior, clean and in good repair, free from exterior body damage and has a well-maintained paint finish;
 - h) install and maintain a plate supplied by the Clerk bearing an identifying number which plate shall be securely affixed to the back of the taxicab by at least two bolts in a location approved by the Clerk;
 - i) notify the Clerk in writing within six days of a change of address;
 - j) in the case of a corporation, firm or agent thereof, notify the Clerk immediately upon a change in ownership of the individual holding shares of the company;
 - k) permit only a person who holds a current taxicab driver permit to operate a taxicab;
 - l) provide a two-way radio communication system in each taxicab and ensure that all calls for the hiring of any taxicab shall be received through the dispatch office and then transmitted to a taxicab to provide service, and
 - m) ensure that no type of scanning device is used in a taxicab or in the owner's place of business.
6. 1) An owner shall at all times maintain in effect a valid policy of insurance for each taxicab.
- 2) Proof of insurance in compliance with this section must be provided to the Clerk upon application for a licence and upon application for any renewal of a licence, or upon reasonable request. Proof of insurance must include:
- a) a description of the coverage, the policy number, the effective date, the expiry date, the limits of liability and the details of the vehicle covered;
 - b) a limit of liability not less than \$2,000,000.00 exclusive of interest and costs for each vehicle, which includes loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;
 - c) a provision that the insured has no right to cancel the insurance policy without fifteen days notice to the insurance company, and
 - d) a provision that the insurance company will provide fifteen days notice to the Clerk of any cancellation request and/or involuntary cancellation.

- 2) Upon receipt of a notice of insurance cancellation as described in Section 6(2)(d), provided no proof of adequate substitute policy has been filed, the Clerk will provide notice to the insured and the insurer of the cancellation of the licence for the vehicle in question, effective immediately upon insurance cancellation.

LICENCE APPLICATION

7. A separate application for a licence must be filed for each vehicle on a form provided by the Municipality, and shall include, to the satisfaction of the Clerk, the following:
 - a) all applicants must be at least 18 years of age and provide proof of either Canadian citizenship, permanent residence or Landed Immigrant status in Canada;
 - b) the applicant shall provide proof that the applicant is an owner of the vehicle;
 - c) the applicant shall provide proof of the motor vehicle safety standards certificate issued by the Ministry of Transportation under the provisions of the Ontario Highway Traffic Act, R.S.O. 1990, c. H. 8 as part of the application and upon the renewal of each Licence;
 - d) every applicant for a licence and/or permit shall provide, at the time of application and maintain as long as the licence and/or permit is/are in effect, liability insurance in the amount of not less than \$2,000,000.00. The insurance policy may not be cancelled by the insurer until after fifteen (15) days written notice of such cancellation is given to the Clerk.
 - e) proof that the premises from which the owner intends to carry on the business is situated within the limits of the Municipality and will continue to be so situated throughout the term of the licence and renewals thereof and such place of business conforms with the current zoning regulations of the Municipality;
 - f) proof that the applicant can provide and maintain one (1) appropriately zoned parking space on privately owned land for each taxicab;
 - g) proof that the vehicles will be appropriately painted and equipped in accordance with the provisions of this by-law;
 - h) the licence fee as provided in Schedule A.

8. The Clerk shall issue the licence only where:
- a) all the information and documents which the applicant is required to provide under Section 7 has been provided and verified;
 - b) the applicant has complied with all requirements of this by-law;
 - c) the owner has applied for or has been issued a minimum of five (5) licences;
 - d) the licence fee as set out in Schedule A has been paid.
9. The license issued to an owner will be valid for one (1) year from the date of it's issue.

TAXICAB DRIVERS

10. Each taxicab driver, while operating a taxicab, shall:
- a) obey all traffic laws;
 - a) be neat and clean in appearance;
 - b) punctually keep all appointments and engagements;
 - c) maintain the interior and exterior of the taxicab within his control in a clean and tidy condition;
 - d) take the shortest and quickest possible route to the destination of the passenger, unless the passenger directs the taxicab driver to take another;
 - e) possess a current taxicab driver permit;
 - f) take, consume or possess no alcohol or illicit drug;
 - h) carry no more passengers than a number equal to the maximum insured capacity of the taxicab;
 - i) use no type of scanning device;
 - j) within six (6) days, provide the Clerk of any change of information provided on the permit application;
 - k) display for public view in the taxicab the operator's taxicab driver permit;
 - l) ensure that no person smokes in the taxicab.

TAXICAB DRIVER PERMIT

11. An application for a taxicab driver permit must be filed on a form provided by the Municipality and shall include, to the satisfaction of the Clerk, the following:
 - a) proof that the applicant is at least 18 years of age;
 - b) proof that the applicant is a Canadian Citizen, Permanent Resident or has Landed Immigrant status in Canada;
 - c) proof that the applicant has a valid driver's licence;
 - d) two (2) original passport sized photographs of the applicant, which shall be acceptable for one renewal;
 - e) a police clearance certificate;
 - f) a driver's abstract issued by the province of Ontario;
 - g) confirmation from an owner who is in possession of a valid licence confirming that the applicant will be employed by the owner if the taxicab driver permit is issued;
 - h) the taxicab driver permit fee as provided in Schedule A.

12. Subject to Section 13, the Clerk shall issue the taxicab driver permit only where:
 - a) all information and documents which the applicant is required to provide under Section 11 has been provided and verified;
 - b) the applicant has complied with all requirements of this by-law;
 - c) the licence fee as set out in Schedule A has been paid.

13. 1) The Clerk shall refuse to grant or to renew a taxicab driver permit if, within the last ten years, the applicant has been convicted of:
 - a) an offence for which a sentence was imposed of imprisonment for more than three months;
 - b) a sexual related offence;
 - c) trafficking of narcotics;
 - d) driving under the influence of alcohol or a drug;
 - e) an offence involving prostitution;
 - f) criminal negligence in the operation of a motor vehicle;

- g) assault causing bodily harm;
 - h) robbery, or
 - i) a weapon's offence.
- 2) The Clerk shall refuse to grant or to renew a taxicab driver permit if the Clerk has received written documentation from a recognized law enforcement agency stating that it would not be in the interest of public safety to issue such a permit to the applicant.
14. The taxicab driver's permit fee shall be in accordance with Schedule A to this by-law, payable to the Municipality and the taxicab driver's permit shall be valid for two years from the date of its issue.

TAXICAB RATES

15. Taxicab rates charged for transportation within the Municipality shall be in accordance with Schedule B to this by-law.

REFUSAL, SUSPENSION OR REVOCATION OF A LICENCE OR PERMIT

16. Council shall have the authority to refuse, to grant, suspend or revoke any licence or permit applied for or issued pursuant to the provisions of this by-law for any one or more of the following reasons:
- a) incomplete application;
 - b) reasonable grounds to believe that statements on the application are false;
 - c) the applicant, owner or taxicab driver does not meet one or more of the licence or permit requirements of this by-law;
 - d) the applicant, owner or taxicab driver has outstanding fines or is in contravention of this by-law or has not paid the required application fees or renewal fees;
 - e) the applicant or owner has failed to obtain and maintain adequate insurance;
 - f) past behaviour or conduct of the applicant creates reasonable grounds to believe that the applicant may not carry on the operation of a taxicab in a manner consistent with public safety;

- g) the conduct of the applicant, owner or taxicab driver affords reasonable cause to believe that the person will not operate in accordance with the law or with honesty and integrity.
- 17. Council shall not refuse to grant, suspend or revoke any licence or permit without affording the applicant, owner or taxicab driver an opportunity to make representations to Council. Such hearing shall be conducted pursuant to the Statutory Procedures Act, R.S.O. 1990, c. S.22.
- 18.
 - 1) Notwithstanding Section 17, Council may suspend or revoke any licence or taxicab driver permit without notice if Council deems that such action is necessary in the interests of public safety.
 - 2) If Council acts pursuant to Section 18(1), then Council shall provide the affected owner or taxicab driver with an opportunity to make representations to Council at the first reasonable opportunity.

RETURN OF THE LICENCE AND/OR PERMIT

- 19. Where a licence or permit has been revoked, the owner and driver shall return the licence or permit to the Clerk forthwith upon receipt of notice from the Municipality.

PENALTY CLAUSE

- 20. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction shall be liable to a fine pursuant to the provisions of the Municipal Act, 2001, S.O. 2001, c.25.

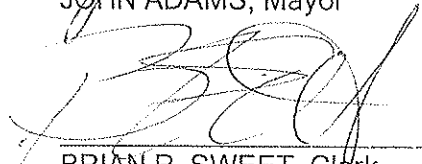
VALIDITY CLAUSE

21. If any court of competent jurisdiction finds that any provision of this by-law is ultra vires the jurisdiction of the Municipality or is invalid for any reason such provision shall be deemed to be severable and shall not invalidate any other provision of the by-law, which shall remain in full force and effect.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED THIS 6th DAY OF JUNE, 2005.



JOHN ADAMS, Mayor



BRIAN R. SWEET, Clerk

SCHEDULE A TO BY-LAW 603-05

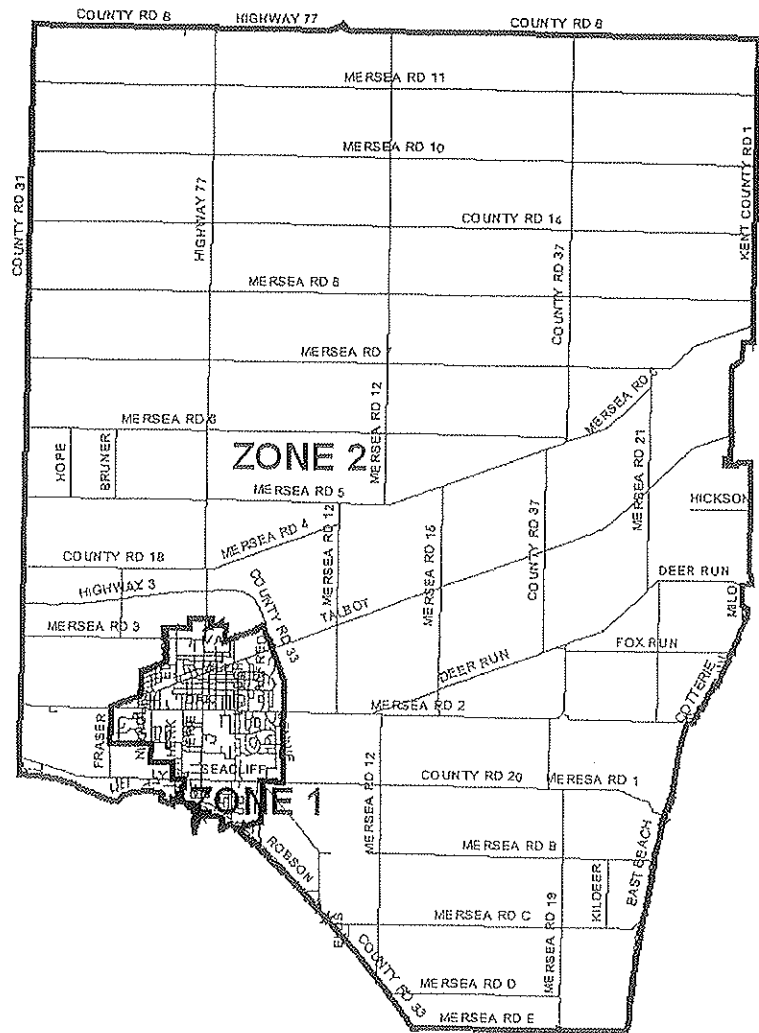
FEES

	2005	January 1, 2006
Licence (Section 8) (12 months)	\$36.00	\$60.00
Taxicab Driver Permit (Section 12) (24 months)	\$40.00	\$50.00

* See Municipality of Leamington's current Fees By-Law for Licence & Driver Permit Fees.

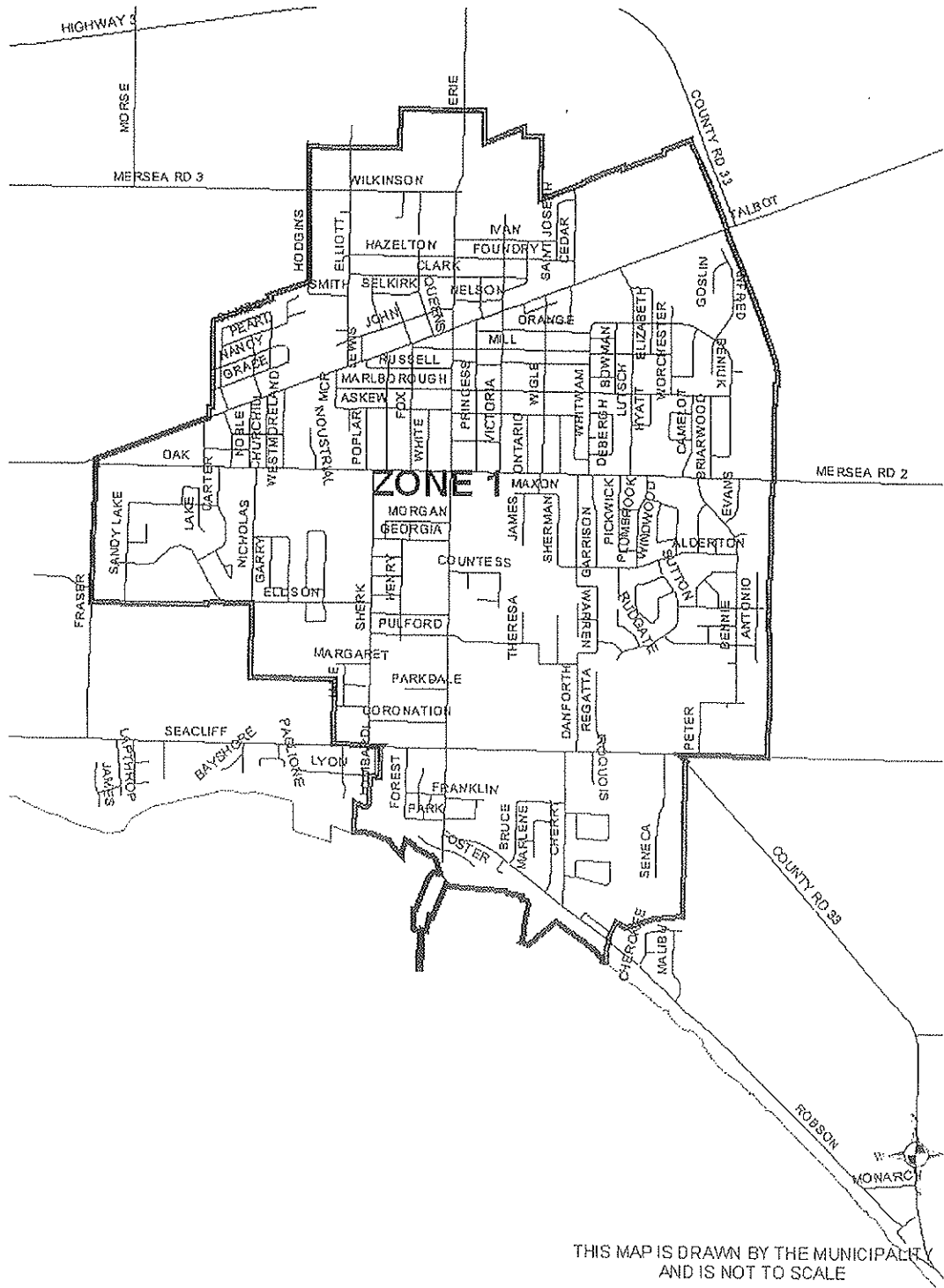
SCHEDULE B TO BY-LAW 603-05
TAXICAB RATES

	REGULAR RATE	SENIOR RATE (65 years or older)
Zone 1	\$6.00	\$5.50
Zone 2 (All of Municipality except for Zone 1)	Regular Rate plus \$1.00/km	Senior Rate plus \$1.00/km



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SCHEDULE B TO BY-LAW 603-05 CONTINUED



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Set Fine Schedule

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

Part 1 Provincial Offences Act

By-law 603-05: To Being a by-law to provide for licensing, regulating and governing taxicab owners and drivers.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
1	Use a taxicab without a licence.	Section 3(1)(a)	\$100.00
2	Permit a taxicab to be operated by a driver with no permit.	Section 3(1)(b)	\$100.00
3	Operate a taxicab without a permit.	Section 3(1)(c)	\$100.00
4	Solicit a person to use a taxicab.	Section 3(1)(d)	\$100.00
5	Refuse to serve a person requiring the taxicab.	Section 3(1)(e)	\$100.00
6	Knowingly mislead a person as to the location or distance of a destination.	Section 3(1)(f)	\$100.00
7	Charge improper taxicab rates.	Section 3(2)	\$100.00

Penalty Provision for the offences indicated above is Section 20 of By-law No. 603-05 a certified copy of which has been filed.

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

BY-LAW 837-08

Being a by-law to amend By-law 603-05, being a by-law to provide for licensing, regulating and governing taxicab owners and drivers.

WHEREAS the Council of the Corporation of the Municipality of Leamington at its meeting held June 6, 2005 enacted By-law No. 603-05, being a by-law to provide for licensing, regulating and governing taxicab owners and drivers.

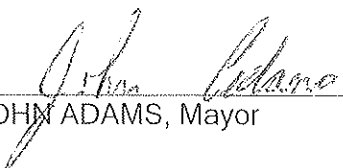
AND WHEREAS the Council of the Corporation of the Municipality of Leamington deems it necessary to amend Section 5 c) of By-law 603-05;

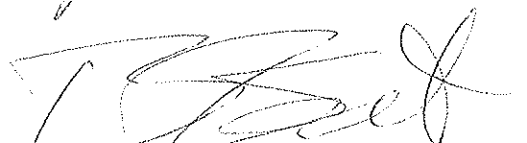
NOW THEREFORE THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON BY ITS COUNCIL ENACTS AS FOLLOWS:

1. That the Section 5 (c) of By-law 603-05 be amended to read as follows::

- 5 c) obtain and maintain at all times a minimum of five (5) current licenses or, in the alternative, four (4) current licenses if, to the satisfaction of the municipality, all four taxicabs are wheelchair accessible.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED THIS 7th DAY OF APRIL, 2008.


JOHN ADAMS, Mayor


BRIAN R. SWEET, Clerk