

**The Corporation of the Municipality of Leamington
By-law 63-16**

**By-law to provide for licensing, regulating and governing
of taxicab owners and taxicab drivers in the Municipality of Leamington**

WHEREAS the Corporation of The Municipality of Leamington is empowered under section 150(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the “Act”), to provide for a system of licences with respect to a business;

AND WHEREAS section 156(1) of the Act provides for the licensing, regulating and governing of owners and drivers of taxicabs;

AND WHEREAS Council has determined that it is appropriate and desirable to licence taxicab drivers and taxicab owners for the purposes of ensuring the health and safety of passengers and drivers alike, to ensure consumer protection, and to ensure that an efficient taxicab service is available to all persons within the regulated area of the Municipality of Leamington;

THEREFORE the Council of The Corporation of the Municipality of Leamington hereby enacts as follows:

DEFINITIONS

1. For the purposes of this by-law and annexed schedules:

“**Appeal Committee**” means the committee established by Council to hear appeals from decisions of administrative officials made pursuant to a delegated power or duty;

“**Applicant**” shall mean a Person applying for or renewing a Licence;

“**Application**” shall mean the form of application, as provided by the Issuer of Licences;

“**Building Code Act**” shall mean the Building Code Act, 1992, S.O. 1992, c. 23, as amended, and the Regulations made thereunder;

“**Business Premises**” shall mean the address from which a Taxicab Owner carries on the business of operating Taxicabs as identified in the Application submitted by the Taxicab Owner for a Taxicab Licence or the address as changed by the Taxicab Owner and approved by the Issuer of Licences;

“**Comprehensive Zoning By-law**” shall mean the comprehensive zoning by-law passed by Council pursuant to section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended from time to time;

“Council” shall mean the Council of The Corporation of the Municipality of Leamington;

“Dispatch” means the communication of an Order or information transmitted by radio, radiophone or other electronic means between an owner or dispatcher and a driver;

“Fare” shall mean the rate to be charged to a Passenger for a Trip;

“Fare Card” shall mean a schedule of current Fares provided by the Issuer of Licences for display in a Taxicab;

“Fee” shall mean the fee as set out in the by-law passed by Council setting the user fees for municipal services, as amended from time to time;

“FPPA” shall mean the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, and the Regulations made thereunder;

“Highway Traffic Act” shall mean the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended, and the Regulations made thereunder;

“Inspection Checklist” shall mean the form of inspection checklist, as provided by the Issuer of Licences, used to record the mechanical, safety and sanitary condition of the Taxicab;

“Issuer of Licences” shall mean the Director of Legal and Legislative Services, or his or her designate;

“Licence” shall mean the licence document issued pursuant to this by-law;

“Licensee” shall mean any Person to whom a current Licence is issued;

“Mobility Aids” shall mean an auxiliary aid such as a cane, crutches, or wheelchair used, intended or required to be used by a Passenger;

“Model Year” shall mean the age of the Vehicle calculated from January 1st of the Vehicle model year;

“Municipality” shall mean The Corporation of the Municipality of Leamington;

“Obstruct” shall mean to hinder, mislead, knowingly provide false information or make false claim or statement, or to prevent the execution of a duty;

“Offence” shall mean a conviction under the Criminal Code of Canada, R.S.C., 1985, c. C-46; the Controlled Drugs and Substance Act, S.C. 1996, c. 19; the Customs Act, R.S.C., 1985, c. 1 (2nd Supp.); the Food and Drugs Act, R.S.C., 1985, c. F-27; or the Highway Traffic Act;

“Officer” shall mean a police officer, a provincial offences officer, a municipal law enforcement officer or any other person as may be appointed by Council to enforce this by-law;

“Order” shall mean a request for the conveyance of a Passenger by a Taxicab received by a Taxicab Driver;

“Passenger” shall mean a person in a Taxicab other than the Taxicab Driver;

“Person” means an individual, a partnership, or a corporation and the heirs, executors, administrators or other legal representatives of the Person, as the case may be;

“Property Standards By-law” shall mean the by-law prescribing standards for the maintenance and occupancy of all property passed by Council pursuant to section 15.1 of the Building Code Act, as amended from time to time;

“Safety Standards Certificate” shall mean a Safety Standards Certificate issued under the Highway Traffic Act;

“Shift” shall mean the time within which a Taxicab Driver operates or is scheduled to operate a Taxicab;

“Taxicab” shall mean a motor vehicle with a seating capacity of six (6) or fewer individuals, not including the driver, that transports Passengers for compensation or reward;

“Taxicab Driver” shall mean a driver of a Taxicab who has been issued a Taxicab Driver’s Licence by the Issuer of Licences;

“Taxicab Driver’s Licence” shall mean the Licence issued to a Taxicab Driver;

“Taxicab Licence” shall mean a Licence issued to a Taxicab Owner designating a specific Vehicle for use as a Taxicab;

“Taxicab Owner” shall mean a Person who is the registered owner of a Taxicab and who has been issued a Taxicab Licence;

“Taxicab Plate” or **“Plate”** shall mean a metal or plastic plate issued to the Taxicab Owner by the Issuer of Licences, which identifies a specific Taxicab;

“Taxicab Stand” shall mean an area or zone designated by a property owner and approved by the Municipality to be used as an exclusive stopping place for Taxicabs to await a Passenger;

“**Trip**” shall mean the distance travelled with a Passenger or the distance to be travelled with a Passenger, measured from the point at which the Passenger first enters the Taxicab to the point at which the Passenger finally leaves the Taxicab;

“**Trip Record**” shall mean the form of record, as provided by the Issuer of Licences, which contains information about the Trip travelled, including, but not limited to the date, the name of the Taxicab Driver, the number of the Taxicab Plate, the location at which the Passenger first entered the Taxicab, the location at which the Passenger finally exited the Taxicab, and the amount of the Fare collected;

“**Validation Tag**” shall mean a tag or sticker issued to the Taxicab Owner by the Issuer of Licences to be affixed to the Taxicab Plate on a yearly basis which identifies a specific Taxicab;

“**Vehicle**” shall mean a motor vehicle.

INTERPRETATION

2. The following schedules are attached hereto and form part of this by-law:

Schedule A Map - Zone 1
Schedule B Map - Zone 2
Schedule C - Fares
Schedule D - Specifications for Roof Light

3. If any section, subsection, schedule or part of parts of this by-law are declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
4. Unless otherwise defined, the words and phrases used in this by-law have their normal and ordinary meaning.
5. This by-law is gender-neutral and, accordingly, any reference to one gender includes the other.
6. References to items in the plural include the singular, as applicable, unless used with a number modifying the term.
7. Headings are inserted for convenience of reference purposes only, form no part of this by-law and shall not affect in any way the meaning or interpretation of the provisions of this by-law.

EXEMPTIONS

8. This by-law shall not apply to:
 - (a) delivery Vehicles that transport only goods; and
 - (b) Vehicles which are operating under written contracts for specialized services including, but not limited to, the transportation of school children or workers.

GENERAL PROVISIONS

9. No Person shall own a Taxicab without a Taxicab Licence.
10. No Person shall:
 - (a) operate a Taxicab; or
 - (b) permit another Person to operate a Taxicabwithout a Taxicab Plate being affixed to the Taxicab in a manner approved by the Issuer of Licences.
11. No Person shall:
 - (a) operate a Taxicab; or
 - (b) permit another Person to operate a Taxicabwithout a current Validation Tag being affixed to the Taxicab Plate in a manner approved by the Issuer of Licences.
12. No Person shall:
 - (a) affix a Taxicab Plate; or
 - (b) permit a Taxicab Plate to be affixedto any Taxicab except the Taxicab for which the Taxicab Plate was issued.
13. No Person shall:
 - (a) affix a Validation Tag; or
 - (b) permit a Validation Tag to be affixedto any Taxicab except the Taxicab for which the Validation Tag was issued.

14. No Person shall operate a Taxicab without a Taxicab Driver's Licence.
15. No Person shall permit the operation of a Taxicab by a person without a Taxicab Driver's Licence.
16. No Person shall:
 - (a) operate a Taxicab with a suspended Taxicab Licence; or
 - (b) operate a Taxicab with a suspended Taxicab Driver's Licence.
17. No Person shall:
 - (a) alter, erase or modify a Licence, Taxicab Plate or Validation Tag or any part thereof; or
 - (b) permit the alteration, erasure or modification of a Licence, Taxicab Plate or Validation Tag or any part thereof.
18. If a Taxicab Plate has been issued for a Taxicab, no Person shall use or operate that Taxicab under a written contract for specialized services including, but not limited to, the transportation of school children or workers.
19. No Person shall:
 - (a) operate a Taxicab; or
 - (b) cause or permit a Taxicab to be operated

unless the Taxicab is insured under a policy of insurance as described in section 42 of this by-law.
20. No Person shall affix a Taxicab Plate to a Taxicab if the Taxicab Plate was cancelled pursuant to section 61 of this by-law.
21. Sections 9, 10, 11, 14, 15, 19 do not apply to Persons who own, operate or permit the operation of a Taxicab transporting Passengers from a location outside the geographic boundaries of the Municipality to a destination within the geographic boundaries of the Municipality only.
22. No Licensee shall:
 - (a) use a Taxicab in the commission of or in aid of the commission of any Offence;
 - (b) knowingly permit a Taxicab to be used in the commission of or in aid of the commission of any Offence.

23. No Person shall Obstruct or attempt to Obstruct any Officer or the Issuer of Licences or any other person having authority for the enforcement or administration of this by-law.

ISSUER OF LICENCES

24. The Issuer of Licences shall be responsible:
- (a) To perform or cause to be performed all of the administrative functions required by this by-law.
 - (b) To make or cause to be made all investigations required to give effect to this by-law.
 - (c) To receive, process and make a decision in respect of all Applications.
25. Notwithstanding any other provisions of this by-law, the Issuer of Licences may, in his or her sole discretion, issue or renew a Licence on a temporary basis, or may issue or renew a Licence subject to terms and conditions including special conditions as he or she deems necessary to give effect to this by-law and, such terms and conditions may include, but are not limited to, conditions to ensure public safety, convenience and comfort of Passengers.

APPLICATION AND RENEWAL FEE

26. The Fee payable with an Application for a Taxicab Licence or renewal thereof shall not be refunded in whole or part for any reason.
27. The Fee payable with an Application for a Taxicab Driver's Licence received after October 31st shall be prorated accordingly.

APPLICATION FOR A LICENCE - TAXICAB OWNER

28. Every Applicant for a Taxicab Licence or for a renewal thereof, shall complete and submit the Application to the Issuer of Licences which Application shall be signed by:
- (a) if the Applicant is an individual, the individual;
 - (b) if the Applicant is a partnership, at least one partner; and
 - (c) if the Applicant is a corporation, the officer or director having the authority to bind the corporation.
29. Every Application for a Taxicab Licence or for a renewal thereof, shall be accompanied by:

- (a) if the Applicant is an individual or a partnership, proof satisfactory to the Issuer of Licences that the individual or all partners in the partnership, as the case may be, is/are at least eighteen (18) years of age;
- (b) if the Applicant is a corporation, a copy of the incorporating document together with a list of the names and addresses of all current officers and directors;
- (c) the applicable Fee;
- (d) a copy of the current passenger motor vehicle permit (ownership) issued in the Applicant's name;
- (e) an original current Safety Standards Certificate dated no more than thirty (30) days prior to the submission of the Application;
- (f) a copy of any work order or other documentation issued in the processing or granting of the Safety Standards Certificate;
- (g) a current Ontario Standard Automobile Insurance Certificate and a Certificate of Insurance issued and signed by a licenced insurance broker for the Province of Ontario or an agent or employee of the insurer, which Certificate of Insurance shall include:
 - (i) a description of the coverage;
 - (ii) the policy number;
 - (iii) the effective date;
 - (iv) the expiry date;
 - (v) the details of the Vehicle covered;
 - (vi) a provision that the insured has no right to cancel the insurance policy without fifteen (15) days' notice to the insurance company;
 - (vii) a provision that the insurance company will provide fifteen (15) days' notice to the Municipality of any cancellation request, modification and/or involuntary cancellation; and
 - (viii) confirmation of the insurance as set out in section 42 of this by-law; and
- (h) any other document that may be specifically requested by the Issuer of Licences, including, but not limited to, an inspection certificate dated no

more than thirty (30) days prior to the submission of the Application in relation to propane and natural gas Taxicabs.

DUTIES OF A TAXICAB OWNER

30. Every Taxicab Owner shall:

Business Premises and Business Name

- (a) establish and maintain a Business Premises within the geographical boundaries of the Municipality that is open and accessible to the public and that is in compliance with the Comprehensive Zoning By-law; the Building Code Act, the FPPA and the Property Standards By-law;
- (b) establish and maintain parking spaces, the size of which shall be in accordance with the Comprehensive Zoning By-law; the location of which shall be in accordance with a site plan approved by the Municipality; and the number of which shall be sufficient to accommodate every Taxicab owned by the Taxicab Owner which parking spaces shall be located:

- (i) at the Business Premises, and/or

- (ii) at one (1) location that is not the Business Premises,

and in no case shall such parking spaces be located on municipally owned lands or highways, nor shall the number of parking spaces be less than as required by the Comprehensive Zoning By-law;

- (c) not promote or carry on business under any names other than the name endorsed upon the Licence;

Minimum Number of Taxicab Licences

- (d) be issued and maintain a minimum of five (5) Taxicab Licences;

Insurance

- (e) keep and maintain insurance in accordance with section 42;

Orders

- (f) keep a record filed by date of all Orders including the date, time, address of origin and name of the Taxicab Driver who received the Order,
- (g) retain the record required by subsection 30(g) for at least twenty four (24) months;

Trip Record

- (h) ensure the completion of a Trip Record by every Taxicab Driver;
- (i) keep a Trip Record for each Trip filed by the date of the Trip;
- (j) retain the Trip Record required by subsection 30(i) for at least twenty-four (24) months;

Inspection Checklist

- (k) ensure the completion of the Inspection Checklist by every Taxicab Driver;
- (l) immediately repair all defective items that are required for the safe operation of the Taxicab;
- (m) within thirty (30) days, repair all defective items that are not required for the safe operation of the Taxicab;
- (n) keep a record filed by date of all Inspection Checklists;
- (o) retain the record required by subsection 30(n) for at least twenty four (24) months from the date of inspection;

Fare Card

- (p) place and maintain a current Fare Card in every Taxicab in a location designated by the Issuer of Licences;

Taxicab

- (q) maintain a Taxicab to the standards as set out in section 44 of this by-law;
- (r) paint and keep painted a Taxicab with colours distinctive and different from those colours used to paint a Taxicab owned by any other Taxicab Owner;
- (s) provide and maintain a place in the Taxicab for the Taxicab Driver to place his Taxicab Driver's Licence in the Taxicab in a location designated by the Issuer of Licences;

Produce Taxicab for Inspection

- (t) upon notice of an Officer or the Issuer of Licences, produce a Taxicab for an inspection at an appointed time and place, together with the following documentation:
 - (i) a copy of the current passenger motor vehicle permit (ownership) issued in Applicant's name;
 - (ii) a current Ontario Standard Automobile Insurance Certificate and a Certificate of Insurance issued and signed by a Licenced insurance broker for the Province of Ontario or an agent or employee of the insurer, which Certificate of Insurance shall include:
 - 1) a description of the coverage;
 - 2) the policy number;
 - 3) the effective date;
 - 4) the expiry date;
 - 5) the details of the vehicle covered;
 - 6) a provision that the insured has no right to cancel the insurance policy without fifteen (15) days' notice to the insurance company;
 - 7) a provision that the insurance company will provide fifteen (15) days' notice to the Municipality of any cancellation request and/or involuntary cancellation; and
 - 8) confirmation of the insurance as set out in section 42 of this by-law.
 - (iii) Any other document that may be specifically requested by the Issuer of Licences, including, but not limited to, an inspection certificate dated no more than thirty (30) days prior to the submission of the Application in relation to propane and natural gas Taxicabs.
- (u) not operate or permit to be operated a Taxicab in respect of which an Officer or the Issuer of Licences has required an examination or inspection, prior to the completion of such examination and inspection to the satisfaction of the Officer or the Issuer of Licences;

Produce all Documents for Inspection

- (v) upon request of an Officer or the Issuer of Licences, produce any and all records that are relevant for the purposes of the administration and / or the enforcement of this by-law, including but not limited to, Licences, Orders, Trip Records, Inspection Checklists, maintenance records, insurance certificates, and books of account;

Taxicab Driver

- (w) notify the Issuer of Licences within three (3) days of a Taxicab Driver no longer being an employee of the Taxicab Owner;
- (x) notify the Issuer of Licences within three (3) days of a Taxicab Driver becoming an employee of the Taxicab Owner; and

Change of Information

- (y) notify the Issuer of Licences within three (3) days of any change of the information contained within the last Application submitted.

APPLICATION FOR A LICENCE - TAXICAB DRIVER

- 31. Every Applicant for a Taxicab Driver's Licence or for a renewal thereof, shall complete and submit the Application to the Issuer of Licences, which shall be signed by the Applicant.
- 32. An Applicant shall not be a partnership nor a corporation.
- 33. Every Application for a Taxicab Driver's Licence or for a renewal thereof, shall be accompanied by:
 - (a) proof satisfactory to the Issuer of Licences that the Applicant is at least eighteen (18) years of age;
 - (b) proof satisfactory to the Issuer of Licences that the Applicant holds a valid Class "G" Driver's Licence issued by the Province of Ontario according to the records of the Ministry of Transportation;
 - (c) a copy of the Applicant's Ontario Driver Abstract record issued by the Ministry of Transportation and the Driver Abstract record issued by each jurisdiction in which the Applicant has been resident during the prior three hundred and sixty-five (365) days, dated no more than thirty (30) days prior to the submission of the Application;
 - (d) proof satisfactory to the Issuer of Licences that the Applicant is a Canadian citizen, landed immigrant, a permanent resident or has a work permit which would permit the Applicant to work as a Taxicab Driver;

- (e) the original search results of a Police Vulnerable Sector Check, enhanced screening for those employed in positions working with vulnerable persons, from each police service's jurisdiction in Canada in which the Applicant has been resident during the prior three hundred and sixty-five (365) days, dated no more than thirty (30) days prior to the submission of the Application;
- (f) two (2) original passport sized photographs of the Applicant, which shall be acceptable for one renewal;
- (g) written confirmation from a Taxicab Owner in a form approved by the Issuer of Licences that the Applicant shall be employed by the Taxicab Owner if the Taxicab Driver's Licence is issued; and
- (h) the applicable Fee.

DUTIES OF A TAXICAB DRIVER

34. Every Taxicab Driver shall:

Identification

- (a) place and maintain his Taxicab Driver's Licence in the Taxicab in a location designated by the Issuer of Licences;
- (b) upon request of any Passenger, provide the following:
 - (i) his name;
 - (ii) the name, address, and telephone number of the Taxicab Company; and
 - (iii) the Taxicab Plate number;
- (c) upon request of any Passenger, make available the information set out in subsection 34(b) available in an accessible format to persons with disabilities who are Passengers;

Appearance and Demeanour

- (d) present a neat and clean appearance and act in a professional and courteous manner towards Passengers and the public generally;
- (e) not be under the influence of any intoxicant or take, consume or have in his/her possession any intoxicant;

Passengers

- (f) operate a Taxicab with no more Passengers than a number equal to the maximum capacity of the Taxicab;
- (g) not have a Passenger under the age of twelve (12) years old in the front seat of the Taxicab without first disengaging the front seat Passenger air bag;
- (h) subject to subsection 34(m), provide service to the first Passenger requiring such;
- (i) not provide service to a second Passenger who is not travelling with the first Passenger, except with the consent of both Passengers;
- (j) not have a person in a Taxicab who is not a Fare-paying Passenger;
- (k) drive the Taxicab in the most direct route from the location at which the Passenger enters the Taxicab to the location of destination, unless otherwise directed by the Passenger;

Taxicab Stands

- (l) use a Taxicab Stand if a Taxicab Stand is present;
- (m) when entering a Taxicab Stand, position the Taxicab at the end of any line formed by other Taxicabs and await his turn to accept a Passenger;
- (n) when the first Taxicab in line, accept the next Passenger requiring service;
- (o) remain in the Taxicab while using a Taxicab Stand;
- (p) while using a Taxicab Stand, not obstruct nor interfere with:
 - (i) the use of the Taxicab Stand by any person;
 - (ii) the surrounding traffic patterns;

Trip Record

- (q) complete a Trip Record for each Trip;
- (r) deliver the completed Trip Record to the Taxicab Owner at the end of the Taxicab Driver's Shift;

Inspection Checklist

- (s) immediately prior to each Shift, inspect the Taxicab for all defective items listed on the Inspection Checklist;
- (t) record on the Inspection Checklist all defective items noted or identified during the inspection;
- (u) immediately report to the Taxicab Owner all defective items noted on the Inspection Checklist;
- (v) retain the Inspection Checklist with him during his Shift;
- (w) deliver the Inspection Checklist to the Taxicab Owner at the end of his Shift;

Fare Card

- (x) maintain a current Fare Card in the Taxicab in a location designated by the Issuer of Licences;

Taxicab

- (y) while operating the Taxicab, keep and maintain the both the interior and the exterior of the Taxicab in a clean condition;
- (z) not smoke, or permit any person to smoke, any pipe, cigar, cigarette or any tobacco products in any Taxicab;

Produce Taxicab for Inspection

- (aa) upon notice of an Officer or the Issuer of Licences, produce a Taxicab for an inspection at an appointed time and place;

Produce all Documents for Inspection

- (bb) upon request of an Officer of the Issuer of Licences, produce any and all records that are relevant to the purposes of the administration and / or the enforcement of this by-law, including but not limited to, Licences, Orders,

Trip Records, Inspection Checklists, maintenance records, insurance certificates, and books of account;

Change of Information, Convicted of an Offence

- (cc) notify the Issuer of Licences immediately upon any change of information from the information provided within the last Application submitted; and
- (dd) notify the Issuer of Licences immediately upon being charged or convicted of an Offence.

FARE

- 35. For the purpose of the charging of a Fare, the Municipality shall be organized into two (2) zones as identified in Schedules A and B.
- 36. A Licensee shall charge a Passenger the Fare as set out in Schedule C.
- 37. No Licensee shall charge a higher Fare or a fee of any nature or kind to persons with disabilities.
- 38. No Licensee shall charge a higher Fare or a fee of any nature or kind for the carrying or transporting a Passenger with Mobility Aids.
- 39. Notwithstanding section 36, when a Trip will extend five (5) kilometers beyond the geographic boundaries of the Municipality, prior to the commencement of the Trip, a Licensee and the Passenger may agree on a flat Fare for the Trip, but in no case shall such Fare be less than that Fare as set out in Schedule C.
- 40. No Licensee shall accept any form of payment of the Fare other than cash, debit or credit card. For greater clarity, no Licensee shall accept any other form of currency, including, but not limited to coupons or other document purporting to take the place of currency.
- 41. A Taxicab Driver may refuse a Passenger if the Taxicab Driver reasonably believes that his personal safety is in jeopardy or that Passenger will not pay the Fare.

INSURANCE

- 42. A Taxicab Owner shall keep and maintain Standard OAP 1 Automobile policies of insurance for each Taxicab which include a limit of liability not less than \$2,000,000.00 per accident exclusive of interest and costs for each Taxicab, 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 and any standard OPCF endorsements required by a Taxicab Owner including but not limited to OPCF 6A and OPCF 44.

43. Notwithstanding any other provision of this by-law, when a Taxicab Owner, for any reason, ceases to have the insurance required pursuant to section 42, the Taxicab Licence shall, as of the date on which the cessation of insurance came into effect, be automatically suspended.

TAXICAB STANDARDS

44. The following standards shall apply to Taxicabs:
- (a) The Taxicab shall have air conditioning.
 - (b) All safety equipment and comfort systems shall be functioning including air conditioning, windows, door handles, locks and seatbelts.
 - (c) The interior of a Taxicabs shall be clean and in good repair.
 - (d) The exterior of a Taxicab shall be clean and free from visible signs of rust or dents and paint shall be finished without scratches, chips or flakes.
 - (e) The Taxicab shall be equipped with an electrically illuminated roof sign. The sign shall be:
 - (i) Designed and attached to the Taxicab in accordance with the specifications set out in Schedule D;
 - (ii) illuminated from one half hour before sunset to one half hour after sunrise; and
 - (iii) extinguished when a Taxicab is engaged for hire, en-route to a Dispatched Fare, or otherwise unavailable for service.
 - (f) No sign, emblem, decal, ornament or advertisement shall be displayed on the interior or exterior of the Taxicab which has not been first approved, in writing, by the Issuer of Licences.
 - (g) A Taxicab shall not be more than eight (8) Model Years old.
 - (h) For the purposes of an application for a Taxicab Licence or renewal thereof in the years 2016 and 2017 only, subsection 44(g) shall not apply to a Taxicab which, at the time of the passing of this by-law, was the subject of a valid licence issued pursuant to By-law 603-05, as amended. For the purposes of an application for a Taxicab Licence or renewal thereof in the year 2018 and all subsequent years, subsection 44(g) shall apply and a Taxicab shall not be more than eight (8) Model Years old, regardless of whether the Taxicab was the subject of a previous Licence or not.

GROUND S FOR REFUSAL TO ISSUE OR RENEW A LICENCE

45. The Issuer of Licences may refuse to issue or renew a Licence to an Applicant if:
- (a) The Applicant does not meet all of the requirements of this by-law.
 - (b) The Application or other document provided to the Issuer of Licences by or on behalf of the Applicant contains a false statement or provides false information.
 - (c) The past or present conduct of the Applicant, or of any partner, in the case of an Applicant which is a partnership, or any director, officer or shareholder of the corporation, if the Applicant is a corporation, provides the Issuer of Licences reasonable grounds to believe that the Applicant will not comply with any federal or provincial statute or regulation or this by-law.
 - (d) The Applicant has been convicted of an Offence.
 - (e) The Business Premises or intended Business Premises do not comply with the Comprehensive Zoning By-law; the Building Code Act, the FPPA and/or the Property Standards By-law or the Business Premises or the intended Business Premises are otherwise dangerous or unsafe.
 - (f) The Applicant is not entitled to a Licence for any other reason set out in this by-law.
 - (g) The Applicant is in default in payment of any fine arising from a conviction for an offence under a municipal by-law.

APPEAL OF DECISION NOT TO ISSUE OR RENEW A LICENCE

46. Where the Issuer of Licences refuses to issue or renew a Licence, upon payment of the applicable Fee, an Applicant may appeal the decision of the Issuer of Licences to the Appeal Committee.
47. The Issuer of Licences shall provide notice, in writing, to the Applicant of a decision to refuse to issue or renew a Licence. The notice shall:
- (a) set out the grounds upon which the issuance of the said Licence is refused; and
 - (b) state that the Applicant may appeal the decision to refuse to issue or renew a Licence by requesting a hearing before the Appeal Committee within fourteen (14) days of receipt of the decision; and set out the process

that the Applicant or Licensee must follow in order to request such hearing as set out in the Rules of Procedure of the Appeal Committee.

GROUND S FOR SuspendIng OR RevOKIng A LICENCE

48. In addition to any automatic suspension of a Licence pursuant to section 43, the Issuer of Licences may suspend or revoke a Licence where:
- (a) The Licence was issued in error or was based on incorrect or incomplete information provided by the Applicant or based on a false statement or false information.
 - (b) The conduct of any Licensee, or of any partner, in the case of any Licensee which is a partnership, or any director, officer or shareholder of the corporation, if the Licensee is a corporation, provides the Issuer of Licences reasonable grounds to believe that the Licensee will not comply with any federal or provincial statute or regulation or this by-law.
 - (c) The Licensee has been convicted of an Offence.
 - (d) The Licensee has breached his duties as a Taxicab Owner or a Taxicab Driver as set out in section 30 or section 34 as the case may be.
 - (e) A Taxicab Owner has taken a Taxicab out of service contrary to the provisions of sections 59 and 60.
 - (f) The Licensee would not be entitled to a Licence for any other reason set out in this by-law.
 - (g) The Licensee is carrying on an activity that is in contravention of this by-law, or any other by-law, federal or provincial statute or regulation.
 - (h) The Applicant is in default in payment of any fine arising from a conviction for an offence under a municipal by-law.

HEARING REGARDING SuspendIng OR RevOCATION OF A LICENCE

49. Where the Issuer of Licences believes that grounds exist to suspend or revoke a Licence, the Issuer of Licences shall provide notice, in writing, to the Licensee that a hearing of the matter will be held before the Appeal Committee. The notice shall:
- (a) in the case of a suspension of a Licence:
 - (i) set out the grounds for suspending the Licence;

- (ii) set out the steps that the Licensee must take in order for the Issuer of Licences to cancel the suspension of the Licence;
 - (iii) set out the time within which those steps described in subsection 49(b)(ii) must be taken;
 - (iv) state that failure to complete the steps required to be taken within the time set out shall result in a revocation of the Licence;
 - (v) set out the process that the Licensee must follow in order to be heard as a party before the Appeal Committee as set out in the Rules of Procedure of the Appeal Committee; and
 - (vi) provide the date, the time and the place of the hearing.
- (b) in the case of a revocation of a Licence:
- (i) set out the grounds for revoking the Licence;
 - (ii) set out the process that the Licensee must follow in order to be heard as a party before the Appeal Committee as set out in the Rules of Procedure of the Appeal Committee; and
 - (iii) provide the date, the time and the place of the hearing.

SUSPENSION OF LICENCE WITHOUT A HEARING

50. Notwithstanding subsection 49(a), if the Issuer of Licences is satisfied that the continuation of the Licence poses an immediate danger to the health or safety of any person or to any property, the Issuer of Licences may, for the time and on such conditions as he or she considers appropriate, without a hearing, suspend a Licence subject to the following:
- (a) before suspending the Licence, the Issuer of Licences shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and
 - (b) the suspension shall not exceed 14 days.

RETURN OF LICENCE AND TAXICAB PLATE

51. Every Licence and every Taxicab Plate is, at all times, the property of the Municipality; is non-transferable unless stated otherwise in this by-law; and shall be valid only in respect of the Person or the specific Taxicab identified therein, as the case may be.

52. When a Licence has been suspended or revoked, the Licensee shall return the Licence and the Taxicab Plate and Validation Tag, as the case may be, to the Issuer of Licences forthwith upon the suspension or the revocation, as the case may be, failing which, a Licensee shall, upon demand, produce the same to an Officer or the Issuer of Licences.

EXPIRY, RENEWAL AND SURRENDER OF A LICENCE

53. A Licence shall expire annually on October 31st.
54. Applications for renewal of a Licence shall be submitted to the Issuer of Licences by September 30th of each year allowing for renewals to be in place by November 1st of each year.
55. A Licensee may surrender a Licence:
- (a) in the case of a Taxicab Driver, by delivering notice, in writing, together with the Licence to the Issuer of Licences; or
 - (b) in the case of a Taxicab Licence, by delivering notice, in writing, together with the Licence and the Taxicab Plate and Validation Tag to the Issuer of Licences.

REMOVAL FROM VEHICLE

56. When a Taxicab Licence has been revoked or when Taxicab Owner has surrendered a Taxicab Licence, the Taxicab Owner shall remove from the Vehicle that was used as a Taxicab:
- (a) the roof sign;
 - (b) all identifying decals or markings; and
 - (c) all other items or markings that make the Vehicle appear to the public as a Taxicab.

TRANSFER OF TAXICAB PLATE AND VALIDATION TAG

57. In the event that a Taxicab Owner wishes to transfer a Taxicab Plate and Validation Tag to a Vehicle, the Taxicab Owner shall, before using the Vehicle as a Taxicab, complete and submit the Application to the Issuer of Licences, which Application shall be signed by:
- (a) if the Applicant is an individual, the individual;
 - (b) if the Applicant is a partnership, at least one partner; and

- (c) if the Applicant is a corporation, the officer or director having authority to bind the corporation.
58. Every Application for a transfer of a Taxicab Plate and Validation Tag shall be accompanied by:
- (a) the applicable Fee;
 - (b) a copy of the current passenger motor vehicle permit (ownership) issued in Applicant's name;
 - (c) an original current Safety Standards Certificate dated no more than thirty (30) days prior to the submission of the Application; and
 - (d) a copy of any work order or other documentation issued in the processing or granting of the Safety Standards Certificate;
 - (e) a current Ontario Standard Automobile Insurance Certificate and a Certificate of Insurance issued and signed by a Licenced insurance broker for the Province of Ontario or an agent or employee of the insurer, which Certificate of Insurance shall include:
 - (i) a description of the coverage;
 - (ii) the policy number;
 - (iii) the effective date;
 - (iv) the expiry date;
 - (v) the details of the vehicle covered;
 - (vi) a provision that the insured has no right to cancel the insurance policy without fifteen (15) days' notice to the insurance company;
 - (vii) a provision that the insurance company will provide fifteen (15) days' notice to the Municipality of any cancellation request and/or involuntary cancellation; and
 - (viii) confirmation of the insurance as set out in section 42 of this by-law,
 - (f) any other document that may be specifically requested by the Issuer of Licences, including, but not limited to, an inspection certificate dated no

more than thirty (30) days prior to the submission of the Application in relation to propane and natural gas Taxicabs.

TAXICAB OUT OF SERVICE

59. A Taxicab Owner shall notify the Issuer of Licences, in writing, when a Taxicab has been taken out of service for more than three (3) days. Such notice shall include the date upon which the Taxicab was taken out of service and shall be delivered to the Issuer of Licences by the fourth (4th) day following such date.
60. A Taxicab Owner shall not take a Taxicab out of service for more than fifteen (15) consecutive days, nor an aggregate total number of thirty (30) days in a calendar year, without the prior written consent of the Issuer of Licences.

LOST OR DESTROYED PLATES

61. Lost, destroyed or defaced Taxicab Plates may be cancelled and replaced by the Issuer of Licences upon the completing and submitting of an Application by the Taxicab Owner accounting for the original Taxicab Plate to the satisfaction of the Issuer of Licences and upon payment of the applicable Fee.

NOTICE

62. Any notice required by this by-law may be served personally or by registered mail sent:

if to the Licensee: To the address included on the Licensee's Application, or any change to that address which has been provided by the Licensee

if to the Issue of Licences: 111 Erie Street North
Leamington, Ontario
N8H 2Z9

63. If a notice is served by registered mail, the service shall be deemed to have been made on the fifth (5th) day after the day of mailing.

TRANSITION

64. Every Licence issued pursuant to By-law 603-05, as amended, shall be deemed to be a Licence issued under this by-law and every such Licence, unless revoked, shall continue to be valid until October 31st, 2016, or when surrendered to or revoked by the Issuer of Licences, whichever comes first.
65. If an act has been validly commenced pursuant to the predecessor to this by-law and whether or not the authority for such act exists pursuant to this by-law, such act may be continued to its conclusion and, if necessary, the portions of the

predecessor to this by-law necessary to permit such act to be concluded shall be deemed to remain in effect for the purposes of bringing such act to a conclusion.

ENFORCEMENT PROVISIONS

66. Any Officer or the Issuer of Licences may, at any time, enter upon or into a Business Premises for the purpose of inspecting the Business Premises and any and all records of a Licensee that are relevant to the purposes of the administration and / or the enforcement of this by-law, including but not limited to, Orders, Trip Records, Inspection Checklists, maintenance records and books of account.
67. Any Officer or the Issuer of Licences may, at any time, enter a Taxicab or examine or inspect a Taxicab or cause the examination or inspection of a Taxicab for the purposes of the administration and / or the enforcement of this by-law.
68. Every Person who contravenes any section of the by-law is guilty of an offence and, upon conviction, is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c.P. 33.
69. Notwithstanding section 68 of this by-law, every Person who contravenes any provision of this by-law and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00.
70. Notwithstanding section 68 of this by-law, a corporation that contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable for a fine not exceeding \$50,000.00.
71. The court in which a conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other remedy and to any penalty imposed on the person convicted.
72. If the fine remains unpaid the fine shall be deemed to be unpaid taxes for the purposes of section 351 of the Act.

REPEAL

73. By-law 603-05, 837-08, and 50-10 are hereby repealed.

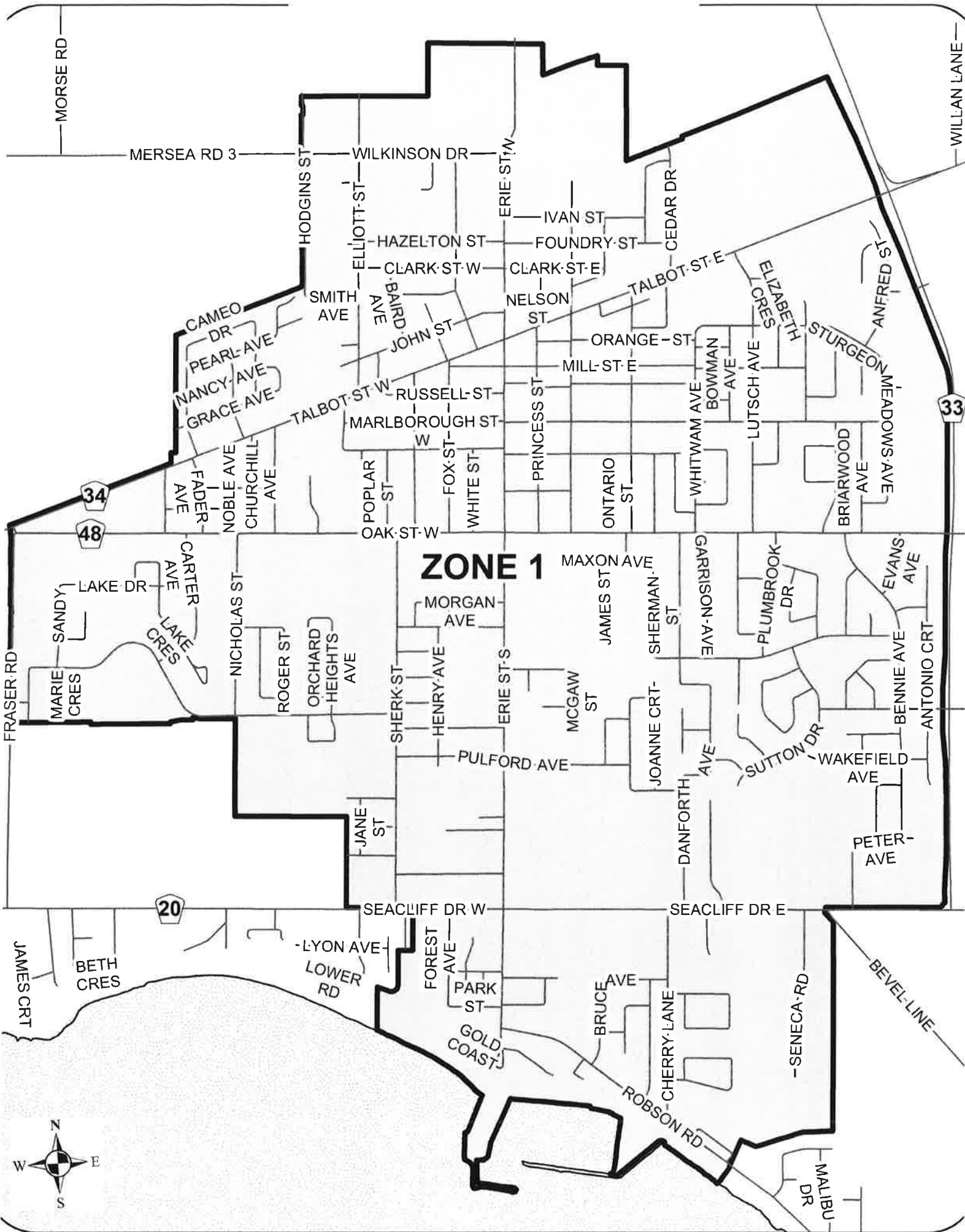
This by-law shall come into full force and effect upon the final passing thereof.

This by-law shall come into force on October 3, 2016.

Read a first, second and third time and finally enacted this 3rd day of October, 2016.

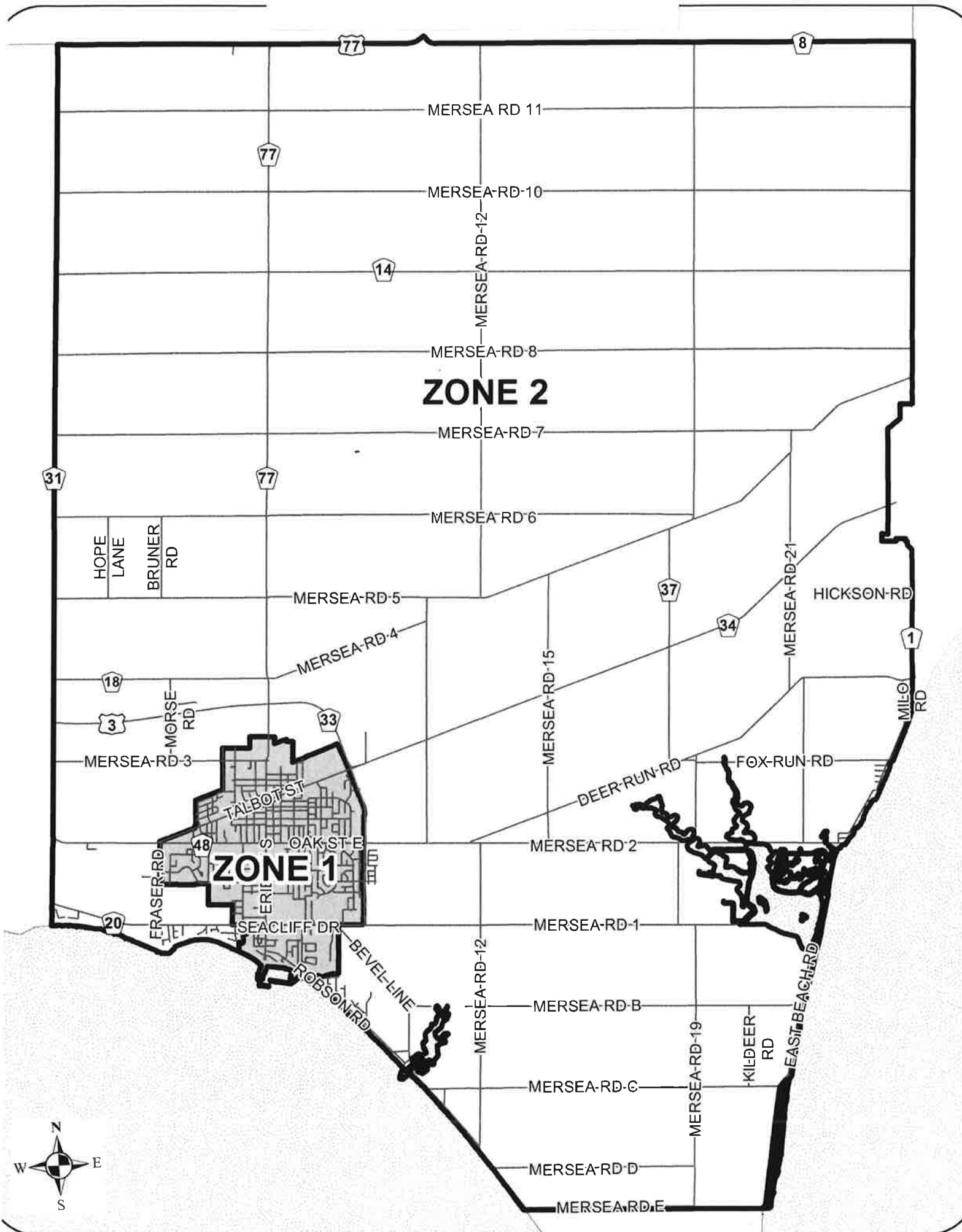
Signature on file
John Paterson, Mayor

Signature on file
Brenda M. Percy, Clerk



ZONE 1





ZONE 2

ZONE 1

Schedule "C"

TAXICAB FARES	
Flat Rate - Zone 1	\$7.50
Senior Rate - Zone 1	\$7.00
Flat Rate - Zone 2	Regular Rate plus \$1.00 per km.
Senior Rate - Zone 2	Senior Rate plus \$1.00 per km.
Stops between destination	\$2.00
Waiting per minute or fraction thereof	\$0.25
For trip destinations over 5 km outside of the Municipality	Driver and passenger may agree (before commencement of trip) to a flat rate.

SCHEDULE 'D'

Specifications for Roof Light



BOTTOM VIEW

LENGTH

MINIMUM - 10 INCHES

MAXIMUM - 20 INCHES

WIDTH

MINIMUM - 4 INCHES

MAXIMUM - 10 INCHES



FRONT VIEW

HEIGHT

MINIMUM - 4.5 INCHES

MAXIMUM - 12 INCHES

- MUST BE HARD-WIRED OR BE ABLE TO PLUG INTO 12V LIGHTER OUTLET
- MAGNET MOUNTED OR PERMANENTLY FASTENED TO ROOF OF THE VEHICLE
- MUST BE ABLE TO BE TURNED ON/OFF TO SHOW IN SERVICE/ OUT OF SERVICE
- WHITE OR AMBER LIGHT SOURCE
- MUST HAVE COMPANY NAME AND PHONE NUMBER

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

October 31, 2016

Brenda M. Percy
Municipality of Leamington
111 Erie Street North
Leamington, ON N8H 2Z9

Received

NOV 02 2016

**Municipality of Leamington
Legislative Services**

Dear Ms. Percy:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 63-16, of the Municipality of Leamington**

Enclosed herewith is an original Order, and an original schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedule of set fines to the Provincial Offences Court in Windsor together with a copy of the By-law.

Yours truly,

A handwritten signature in blue ink, appearing to read "Stephen J. Fuerth".

Stephen J. Fuerth
Regional Senior Justice
West Region

encl.
/cb

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 63-16, of the Municipality of Leamington, attached hereto are the set fines for those offences. This Order is to take effect October 31, 2016.

Dated at London this 31st day of October, 2016.



Stephen J. Fuerth
Regional Senior Justice
West Region

**The Corporation of the Municipality of Leamington
Part 1 Provincial Offences Act**

**By-law 63-16 - By-law to provide for licensing, regulating and governing
of taxicab owners and taxicab drivers in the Municipality of Leamington**

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Own a taxicab - no licence	Section 9	\$500.00
2.	Operate a taxicab - no licence	Section 10 (a)	\$500.00
3.	Permit operation of a taxicab - no licence	Section 10 (b)	\$500.00
4.	Operate taxicab - no validation tag affixed	Section 11 (a)	\$500.00
5.	Permit operation taxicab - no validation tag affixed	Section 11. (b)	\$500.00
6.	Affix a taxicab plate to a taxicab other than plate issued to	Section 12 (a)	\$500.00
7.	Permit to be fixed a taxicab plate to a taxicab other than the plate issued to	Section 12 (b)	\$500.00
8.	Affix a validation tag to a taxicab other than taxicab issued to	Section 13 (a)	\$500.00
9.	Permit to be fixed a validation tag to a taxicab other than taxicab issued to	Section 13 (b)	\$500.00
10.	Operate a taxicab without taxicab drivers licence	Section 14	\$500.00
11.	Permit operation of taxicab without licence	Section 15	\$500.00
12.	Operate a taxicab with suspended licence	Section 16 (a)	\$500.00
13.	Operate a taxicab with suspended taxicab drivers licence	Section 16 (b)	\$500.00
14.	Alter, erase, modify licence, plate or validation tag	Section 17 (a)	\$500.00
15.	Permit the alteration of licence, plate or validation tag	Section 17 (b)	\$500.00
16.	Use or operate taxicab for specialized services	Section 18	\$500.00
17.	Operate a taxicab without insurance	Section 19 (a)	\$500.00
18.	Cause/permit the operation of taxicab without insurance	Section 19 (b)	\$500.00

19.	Affix a cancelled taxicab plate to a taxicab	Section 20	\$500.00
20.	Use taxicab in the commission of or in aid of the commission of any offence	Section 22 (a)	\$500.00
21.	Permit use of taxicab in the commission of or in aid of the commission of any offence	Section 22 (b)	\$500.00
22.	Obstruct the enforcement or administration of the by-law	Section 23	\$300.00
23.	Fail to maintain a business premises within the geographical boundaries of the Municipality of Leamington	Section 30 (a)	\$100.00
24.	Promote /Carry on business under another name	Section 30 (c)	\$100.00
25.	Fail to keep record of all orders	Section 30 (f)	\$300.00
26.	Fail to retain records for 24 months	Section 30 (g)	\$300.00
27.	Fail to ensure completion of trip record	Section 30 (h)	\$300.00
28.	Fail to keep trip record for each trip	Section 30 (i)	\$300.00
29.	Fail to retain the trip record for at least 24 months	Section 30 (j)	\$300.00
30.	Fail to ensure completion of inspection checklist	Section 30 (k)	\$300.00
31.	Fail to immediately repair all defective items	Section 30 (l)	\$300.00
32.	Fail to repair all defective items within 30 days	Section 30 (m)	\$300.00
33.	Fail to keep record of all inspection checklists	Section 30 (n)	\$300.00
34.	Fail to retain inspection checklists for 24 months	Section 30 (o)	\$300.00
35.	Fail to place/maintain current fare card in designated location	Section 30 (p)	\$300.00
36.	Fail to paint/keep painted taxicab with approved distinctive colours	Section 30 (r)	\$300.00
37.	Fail to provide and maintain place in taxicab for display of licence	Section (s)	\$300.00
38.	Fail to produce taxicab and /or required documentation for inspection	Section 30 (t)	\$300.00
39.	Operate/Permit operation of taxicab required for examination	Section 30 (u)	\$300.00
40.	Fail to produce records for inspection	Section 30 (v)	\$300.00

41.	Fail to notify Issuer of driver no longer employed by owner	Section 30 (w)	\$100.00
42.	Fail to notify Issuer of Driver becoming an employee	Section 30 (x)	\$100.00
43.	Fail to notify issuer of change of information	Section 30 (y)	\$100.00
44.	Fail to display taxicab driver licence in designated location	Section 34 (a)	\$100.00
45.	Fail to provide requested information to any passenger	Section 34 (b)	\$100.00
46.	Driver fail to provide information as requested by passenger in accessible format	Section 34 (c)	\$100.00
47.	Fail to present neat and clean appearance and act in professional and courteous manner	Section 34 (d)	\$100.00
48.	Operate a taxicab under the influence/possession of intoxicant	Section 34 (e)	\$500.00
49.	Operate a taxicab with more passengers than maximum capacity of taxicab	Section 34 (f)	\$100.00
50.	Transport passenger under age of 12 years in front seat without first disengaging air bag	Section 34 (g)	\$100.00
51.	Fail to serve first passenger requiring service	Section 34 (h)	\$100.00
52.	Permitting a person in a taxicab who is not a fare paying passenger	Section 34 (j)	\$300.00
53.	Fail to drive the most direct route	Section 34 (k)	\$100.00
54.	Fail to use a taxicab stand	Section 34 (l)	\$100.00
55.	Fail to position taxicab at end of line when entering taxicab stand	Section 34 (m)	\$100.00
56.	Fail to accept next passenger requiring service	Section 34(n)	\$100.00
57.	Fail to remain in taxicab when using a taxicab stand	Section 34 (o)	\$100.00
58.	Obstruct/interfere with the use of a taxicab stand	Section 34 (p) (i)	\$100.00
59.	Obstruct/interfere with surrounding traffic patterns	Section 34 (p) (ii)	\$100.00
60.	Fail to complete trip record	Section 34 (q)	\$300.00
61.	Fail to deliver completed trip record	Section 34 (r)	\$300.00

62.	Fail to inspect taxicab	Section 34 (s)	\$300.00
63.	Fail to record defective items	Section 34 (t)	\$300.00
64.	Fail to report defective items	Section 34 (u)	\$300.00
65.	Fail to retain inspection checklist	Section 34 (v)	\$300.00
66.	Fail to deliver inspection checklist to taxicab owner	Section 34(w)	\$300.00
67.	Fail to maintain current fare card in designated location	Section 34 (x)	\$300.00
68.	Fail to keep and maintain interior/exterior Taxicab in clean condition	Section 34 (y)	\$100.00
69.	Smoke/permit smoking in taxicab	Section 34 (z)	\$300.00
70.	Fail to produce taxicab for inspection	Section 34 (aa)	\$300.00
71.	Fail to produce records at the request of an officer or issuer	Section 34 (bb)	\$300.00
72.	Fail to notify issuer of an offence	Section 34 (dd)	\$300.00
73.	Fail to charge fares in accordance with the fare card	Section 36	\$500.00
74.	Charge a higher or additional fare for persons with disabilities	Section 37	\$100.00
75.	Charge a higher or additional fare for carrying or transporting passengers with mobility aids	Section 38	\$100.00
76.	Accept unauthorized form of payment of Fare	Section 40	\$300.00
77.	Display of sign/emblem/decal/ornament/ advertising not approved	Section 44 (f)	\$100.00
78.	Fail to return licence, taxicab plate and validation tag upon suspension or revocation	Section 52	\$300.00
79.	Fail to remove roof sign, all identifying decals or markings from the vehicle	Section 56	\$300.00
80.	Fail to submit an application for a transfer of taxicab plate and validation tag	Section 57	\$300.00
81.	Fail to provide documentation for transfer	Section 58	\$100.00
82.	Fail to notify issuer when taxicab taken out of service	Section 59	\$300.00

Penalty Provision for the offences indicated above is Section 68 of By-law 63-16 a certified copy of which has been filed.