

Town of Fort Frances

BY-LAW No. 42/14

Being a by-law to provide for the licensing, regulating and governing of owners and drivers of automobiles and taxicabs used for hire within the Corporation of the Town of Fort Frances.

WHEREAS, Section 151 of the Municipal Act, R.S.O. 2001 as amended (“the Act”), allows a municipality to provide for a system of licenses with respect to a business and confers other authority upon municipalities with regard to licensing;

AND WHEREAS, Section 156 of the Act provides that a by-law pursuant to Section 150 for licensing, regulating and governing owners and drivers of taxicabs may: establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality; provide for the collection of the rates or fares charged for the conveyance; and limit the number of taxicabs or any class of them;

AND WHEREAS, Section 425 of the Act allows a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Municipal Act is guilty of an offence;

AND WHEREAS, Section 429 of the Act grants the authority to a municipality to establish a system of fines for offences under a by-law of the municipality passed under the Act;

AND WHEREAS, Section 435 of the Act sets out the conditions applying to the exercise of a power of entry of a municipality under the Act;

AND WHEREAS, Section 436 of the Act grants a municipality the power to pass by-law providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with 1) a by-law of the municipality passed under the Act; 2) a direction or order of the municipality made under the Act or made under a by-law of the municipality passed under the Act; 3) a condition of license issued under a by-law of the municipality passed under the Act; or 4) an order made under Section 431 of the Act;

AND WHEREAS, the Council of the Corporation of the Town of Fort Frances having deemed there to be a need to license taxicab and limousine businesses within the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF FORT FRANCES ENACTS AS FOLLOWS:

PART 1 – DEFINITIONS

1. In this by-law:

- (a) **“Council”** means the Municipal Council of the Town of Fort Frances.
- (b) **“Town”** means the Corporation of the Town of Fort Frances.
- (c) **“Corporation”** means the Corporation of the Town of Fort Frances.
- (d) **“Taxicab Driver”** means a person licensed according to this by-law and who is engaged in driving or operating a taxicab on behalf of himself/herself or another person who is the owner thereof.
- (e) **“Taxicab Owner”** means any person licensed according to this by-law who owns a taxicab company or taxicab or has possession or control thereof under a lease agreement, an installment purchase agreement, or by way of rental.

- (f) **“License”** means a license granted under the provision of this by-law for a taxicab driver, taxicab owner or vehicle license as may be applicable to the context where used.
- (g) **“Clerk”** means the Clerk of the Corporation of the Town of Fort Frances or a person delegated by them for the purposes of this by-law.
- (h) **“Prescribed Tariff”** means the metered rates of fare set out in Schedule “A” hereto.
- (i) **“By-Law Enforcement Officers”** means the official(s) designated by the Council of the Corporation of the Town of Fort Frances.
- (j) **“Police Officer”** means the Detachment Commander of the Fort Frances detachment of the Ontario Provincial Police or any police officer of that detachment so designated by him/her for the purposes of this by-law.
- (k) **“Taxicab”** means a motor vehicle as defined by the Highway Traffic Act of Ontario R.S.O. 1990, having a seating capacity of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, and in remuneration for the service provided, one fare or charge only being collected or made for the trip.
- (l) **“Taxi Stand”** means a convenient place of business in a commercial zone designated for such use, with sufficient on site parking space that serves as the place of reference for the taxicab owner, driver and where from all dispatching and communication with taxicab drivers are conducted and where a reception and rest area is open to drivers and the public.
- (m) **“Highway”** means the traveled portion of a roadway and the untraveled portion of the roadway under the jurisdiction of the Town and includes the boulevard, sidewalks, parking lots or any other property that is used by the general public for the passage of vehicles or persons.

PART 2 – RESPONSIBILITIES OF MUNICIPAL OFFICIALS

2. By-Law Enforcement Officers

2.1 The By-Law Enforcement Officers shall have supervision over all persons licensed under this by-law, and over all vehicles in respect of which licenses are issued and shall, in connection with this by-law:

- (a) report to the Clerk on the performance of his/her duties or to Council at any time upon request;
- (b) Make all necessary and proper inquiries concerning applications for licenses and the suspension, revocation and transfer thereof;
- (c) cause the examination and testing of every applicant for a driver’s license as to his/her ability to operate the vehicle to be driven by him/her, if deemed necessary;
- (d) cause the inspection and satisfy himself/herself as to the sufficiency, repair and condition of every vehicle and the equipment used in respect of which a license is applied for, according to this by-law;
- (e) satisfy himself/herself as to the good character and responsibility of all applicants and, if the Police records check is positive and the Ontario Provincial Police deem it necessary, the applicant shall make himself/herself available for fingerprinting and further questioning;
- (f) review applications for all licenses and prepare licensing documentation and prepare recommendations to Council, the Clerk, as the case may be;

- (g) investigate all matters relevant with the revocation or suspension of any licenses and prepare a report for Council and the Clerk;
- (h) upon issuing a license, furnish to the licensee one (1) copy of this by-law and one (1) tariff card containing the tariff herein provided and check all taxicabs from time to time to see that the tariff card is displayed in a conspicuous place in the interior of each taxicab;
- (i) prosecute persons who contravene any provisions of this by-law;
- (j) upon reasonable and probable grounds, order a mechanical inspection of a licensed taxicab at the cost of the cab owner.
- (k) furnish forms of application for licenses;
- (l) verify completed applications to ascertain compliance with this licensing by-law and distribute for review and comment from authorized officials, securing approval as required in this by-law;
- (m) ensure that the prescribed fees payable for licenses are duly paid before a license is issued;
- (n) issue and sign taxicab driver licenses and supply each driver with a Photo ID Card, wallet license card and one (1) copy of this by-law;
- (o) issue and sign taxicab owner and driver licenses and monitor ongoing compliance with all requirements within this by-law;
- (p) keep a registered copy of all licenses.

2.2 Any of the duties required to be done by the By-Law Enforcement Officer may be delegated to a Police Officer of the Ontario Provincial Police.

PART 3 – TAXICAB OWNER LICENSES

3.1 Licensing Requirements

- (a) No person shall operate a taxicab or permit a taxicab to be operated for hire within the Town without a Taxicab Owner License approved by the By-Law Enforcement Officers and Clerk. A license shall become in effect only upon payment to the Corporation of the annual license fee which is established under Schedule “A” of the Schedule Fees By-Law.
- (b) Request for a taxicab owner license shall be made with the By-Law Enforcement Officers on the application form in Schedule “B” of this by-law.
- (c) A separate taxicab license shall be required for each taxicab.
- (d) Every applicant for an owner’s license shall sign a waiver as set out in Schedule “C” hereto, authorizing the Town to verify, at any time, with the Insurer or his agent the current coverage for each licensed vehicle and taxi stand.
- (e) Every applicant for an owner’s license shall submit each taxicab for an inspection prior to issuance of the license thereof.
- (f) Any owner’s license issued in relation to a taxicab, which is out of service for more than 30 continuous days, shall be forfeited.
- (g) A taxicab owner license is personal to the holder thereof and shall not be transferable or leasable to any other party, unless authorized by the Council pursuant to Section 8.2 of this by-law.
- (h) Notwithstanding paragraph (f), where a vehicle for which a license has been issued is replaced by another vehicle during the period for which the license was

issued, a new license shall not be necessary. A transfer of the license may be granted by the By-Law Enforcement Officers or the Clerk provided the license holder submits a request for transfer on the form set out in Schedule “D” of this by-law and all applicable requirements for this by-law are complied with.

- (i) Where two (2) or more persons carry on or engage in partnership, the taxicab owner license will be issued in the name of one (1) partner only, but the name and address of each member of the partnership shall be registered on the application for the license.
- (j) No owner shall employ as a driver of a taxicab any person other than a licensed driver under this by-law.
- (k) A taxicab license shall be deemed to be in effect only if and when a vehicle is duly licensed as a taxicab and operated as such on a regular basis and the determination of regular operation shall be at the sole discretion of the By-Law Enforcement Officers or Clerk who may suspend or revoke a taxicab license for non-compliance with this condition.
- (l) Council may, at its sole discretion, enter into agreement with any company to approve additional owner’s licenses for wheelchair accessible taxis and limousines.

3.2 OWNER RESPONSIBILITIES

- (a) While on duty, unless his/her taxicab has been previously engaged, a taxicab owner shall serve at any specified time whether day or night, any person who may require his/her taxicab unless prohibited by this by-law.
- (b) Every owner shall give full information to a By-Law Enforcement Officer or Police Officer upon being requested to do so, with reference to the address of the house or place to or from which he/she has driven any passenger that relates to his/her description, name or address, if known to him/her.
- (c) A taxicab owner shall require and verify that all taxicab drivers he/she employs comply with all of the provisions of this by-law.

3.3 CONDITION OF VEHICLE

- (a) The owner or driver of every taxicab shall keep the interior clean and dry and the exterior of the taxicab clean of dirt and free from visible damage.
- (b) Whenever the owner or driver of a taxicab receives a notice signed by a By-Law Enforcement Officer or their designate that their taxicab is not in acceptable condition for use, the owner or driver shall, within the time mentioned in such notice, perform all repairs and improvements necessary for the taxicab to be in a fit and proper condition, to the satisfactory of the Officer and failure to do so will result in the suspension of the owner’s license.
- (c) Seat belts shall be in operable condition at all times according to the vehicle manufacturer’s specifications.
- (d) Every cab shall be equipped with an extra tire in good condition.
- (e) No owner or driver or anyone else with his/her consent shall wash or make repairs to his/her vehicle while upon a public taxicab stand or on public property unless such repairs are immediately required and are of a minor nature.
- (f) Any vehicle considered for license or re-licensing must be mechanically fit in the opinion of the By-Law Enforcement Officers or their designates. The mechanical fitness certificate of a mechanic licensed by the Ministry of Transportation or other applicable governmental authority shall be required as a minimum.

3.4 AGE OF VEHICLES

Any vehicle older than two (2) years old at the time of application for a taxicab owner license or on the date of renewal shall be subject to the passing of a mechanical fitness examination by a licensed mechanic and the issuance of a duly authorized certificate thereof. Notwithstanding such certificate, if in the opinion of the By-Law Enforcement Officers or their designates, a vehicle remains unsafe or unsuitable to be operated as a taxicab; he/she may require a mechanical fitness examination from an independent mechanic at the cost of the owner.

3.5 INSPECTION

- (a) The owner of every taxicab shall submit his/her taxicab to appear for inspection by municipal officials once every year and at any other time when requested by a By-Law Enforcement Officer or their designate. The Taxicab Fitness Report form set out in Schedule “F” of this by-law shall be prepared by the Town Official in charge of conducting an inspection.
- (b) No owner or driver shall, at any time, when his/her taxicab is not employed, prevent or hinder the By-Law Enforcement Officers or any Police Officers from entering the same or at anytime prevent or hinder him/her from entering a garage or other building for the purpose of inspecting the same.
- (c) The By-Law Enforcement Officers or their designates who believe, on reasonable and probable grounds that a vehicle or its equipment is mechanically defective shall give the owner or driver written notice requiring such owner or driver to submit the vehicle for examination by municipal officials or an approved mechanic within twenty-four (24) hours, the examination of an approved mechanic will be at the expense of the owner.
- (d) The By-Law Enforcement Officers or their designates who believe, on reasonable or probable grounds, that a taxicab is dangerous or unsafe may suspend and confiscate the taxi owner, driver or vehicle license and shall require the owner or driver to submit the taxicab for examination by a mechanic who is licensed by the Ministry of Transportation (or other applicable governmental authority) and approved by the By-Law Enforcement Officers or their designates.
- (e) An owner or driver who fails to submit his/her taxicab for examination as instructed pursuant to this by-law is guilty of an offence and shall have his/her license suspended until such time as he/she complies with this by-law.
- (f) Upon notice by registered mail or personal service, a taxicab owner shall submit their vehicle(s) to appear at the time and place specified in such notice for an inspection.
- (g) In the event an owner disposes of a licensed taxicab and acquires another vehicle in its stead, the new vehicle shall be submitted to the By-Law Enforcement Officers for inspection and approval. The owner shall apply for a transfer of the license to cover the newly acquired vehicle and pay the applicable license transfer fee as prescribed in Schedule “A” of the Schedule of Fees By-Law prior to the license being issued to the new vehicle.

3.6 SMOKING PROHIBITION

No owner or driver shall smoke or permit any passengers to smoke while in a taxicab.

3.7 LIQUOR PROHIBITION

- (a) No driver shall take, consume or have in his/her possession any liquor while he/she is in charge of a taxicab.
- (b) A driver shall not be under the influence of liquor while he/she is in charge of a taxicab.

3.8 TAXI SIGNS/DECALS

- (a) At all times openly display in such a manner visible to all passengers carried therein;
 - (i) Photo ID Card of the driver.
 - (ii) Name of Owner
 - (iii) Tariff Card
- (b) Have no less than the following information attached or printed on the exterior of the driver's side and on the passengers side of the taxicab, so as to be easily read, in letter and number size of no less than five (5) centimeters:
 - (i) Name of the Company
 - (ii) Unit Number assigned exclusively to that taxicab
- (c) Have displayed, in compliance with the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, and Ontario Regulations there under, on the right side of the rear bumper a bumper sticker in the form and style as provided on a cost recovery basis by the Town of Fort Frances.

3.9 TAXI METER

Every owner shall have affixed to each taxicab in respect to which he/she is licensed a taxi meter which shall register distances traveled and compute fares to be paid and every such taxi meter shall be:

- (a) submitted for testing and sealing by the By-Law Enforcement Officers, when requested to do so;
- (b) illuminated between dusk and dawn;
- (c) attached to the taxicab in a location and manner approved by this By-Law Enforcement Officers;
- (d) adjusted in accordance with the tariff prescribed by Schedule "A" of the by-law;
- (e) tested by running the taxicab to which it is attached over a measured track or distance before being sealed;
- (f) used only when the seal is thereon, intact;
- (g) used for not longer than twelve (12) months without retesting and resealing.
- (h) kept in good working condition at all times and not used when defective in any way;
- (i) used only when approved by the By-Law Enforcement Officers.

3.10 FARES

- (a) The rates and fares to be charged by every owner and driver shall be exactly as shown in Schedule "A" of this by-law;
- (b) No higher or lower amount than that contained in Schedule "A" shall be charged or be payable;
- (c) No passenger shall refuse to pay the rate that is due in accordance with this by-law, after he/she has employed a taxicab;
- (d) No owner or driver shall be entitled to recover or receive a higher fare or charge from any person with a disability than those fares or charges he/she would receive from a person without a disability. The owner or driver shall not charge a person with a disability a fee for the storage or mobility aids or assistive devices.

3.10.1 When operating on a taxi meter basis, the rate of fare charged shall be exactly shown on the taximeter together with any additional charges authorized by Schedule "A" hereto.

3.10.2

- (a) No owner or driver shall publish or use a tariff or demand or receive rates and charges other than those authorized by this by-law whether such rates and charges are determined by a distance or by time.
- (b) Every owner and driver shall keep the tariff card containing the tariff herein provided displayed in a conspicuous place in the interior of the taxicab.

3.10.3 No owner or driver shall be entitled to recover or receive any fare or charge from any person or persons:

- (a) from which he/she shall have demanded any fare or charge greater than those authorized by this by-law; or
- (b) to whom he/she has refused to show his/her ID Card or Tariff Card provided by this by-law.

3.10.4

- (a) When a passenger first enters a taxicab, the taximeter shall immediately be placed in a recording position and shall remain so throughout the trip.
- (b) The shortest possible route shall be taken to the destination desired unless the passenger instructs the driver to use another route.

3.10.5 If a call extends beyond the territorial limits of the Corporation, the driver and passenger(s) may agree before the start of the trip to a flat rate but the taximeter must be in a recording position at all times within the limits of the Corporation.

3.10.6 At the conclusion of a trip, the driver shall place the taximeter in a non-recording position and shall call the passenger's attention to the amount of the fare registered on the taximeter.

3.10.7 No owner or driver shall make any charge under this by-law for:

- (a) time lost through defects or inefficiency of the taxicab; or
- (b) the failure of the driver to use the shortest route and/or the fastest route to destination or operate the taxicab in an inefficient and timely manner; or
- (c) for time consumed by the arrival of the taxicab in response to a call in advance of the time such taxicab has been requested by the person calling same.

3.10.8 The tariff or rates herein authorized shall be computed from the time or place when the passenger(s) first enter the taxicab or instruct verbally or by body gesture to wait and to the time or place when the taxicab arrives at the final destination of the passenger(s).

3.11 **TARIFF CARDS**

Tariff Cards, Accessible Bumper Stickers defaced, lost, stolen or destroyed, shall be replaced and upon the original tariff card or accessible bumper sticker being rendered or satisfactorily accounted for, and, in the case of an accessible bumper sticker, upon payment of the accessible bumper sticker the By-Law Enforcement Officers shall supply said bumper sticker.

3.12 TRIP RECORDS

- (a) No taxicab shall be hired for more than one specific trip for the transportation exclusively of one passenger or group of passengers, except with the prior consent of the passenger having first signaled the hiring of the taxicab thereof.
- (b) No owner or driver shall drive a taxi with luggage or other material placed in a manner that obstructs his view.
- (c) Every taxicab owner shall keep a record in writing of the date, time, origin and destination of each trip, the name of the driver and the number of the taxicab.
- (d) The trip records shall be retained for at least twelve (12) months at the taxi stand from where the taxicab operates and shall be surrendered immediately for examination when requested by the By-Law Enforcement Officers or a Police Officer.

3.13 ACCESSIBLE TRANSPORTATION

- (a) To qualify for licensing under an agreement with the Corporation of the Town of Fort Frances, an accessible transportation vehicle shall meet the standards for a person with disabilities passenger vehicle as established by the Highway Traffic Act of Ontario R.S.O. 1990 and regulations thereto.
- (b) An accessible transportation vehicle may be utilized as a regular taxicab if operated under a taxicab owner license. In such cases, the accessible transportation vehicle must be equipped in the same manner as a taxicab in addition to the requirements set out in (a).
- (c) Where an accessible transportation vehicle is used, the charges set out in the agreement will apply.

PART 4 – TAXICAB DRIVER LICENSE

4.1 LICENSE

- (a) No person shall drive or operate a taxicab in the Town of Fort Frances without a taxicab driver license duly issued by the By-Law Enforcement Officers.
- (b) Request for a driver license shall be made with the By-Law Enforcement Officers on the application form in Schedule “E” to this by-law.
- (c) Payment of the fees set out in Schedule “A” of the Schedule of Fees By-Law shall be paid in advance and upon filing the application with the By-Law Enforcement Officers.
- (d) A taxicab owner attesting his/her intention to hire the applicant as a driver of his taxicab shall endorse an application for a taxicab driver license in writing to the By-Law Enforcement Officers.
- (e) No person shall be granted except upon application therefore by a person who is at least nineteen (19) years of age and of good character and who possess knowledge of the geography of the Town and is able to charge accurately the prescribed tariff.
- (f) The applicant must not have been found guilty of an indictable offence under the Criminal Code of Canada, or an offence under the Narcotic Control Act or the Food and Drug Act within the preceding three (3) years.
- (g) The applicant must not have been found guilty of an offence under the Liquor License Act of Ontario R.S.O. 1990, pertaining to the illegal sale or purchase of liquor within the preceding three (3) years.

- (h) The applicant must not have been found guilty of a criminal offence pertaining to the operation of a motor vehicle within the preceding three (3) years.
- (i) The applicant must not have been found guilty of any sexual offence under the Criminal Code of Canada.
- (j) Notwithstanding any of the offences listed in paragraphs (f), (g), (h) and (i) any other offences listed on the applicants police check will result in the applicants license to be referred to the Clerk and Council for their approval of the applicants license.
- (k) The applicant must at a minimum have a valid Ontario Class G Driver's License recognized by the Ministry of Transportation of Ontario, have at least two (2) years experience operating a motor vehicle and be in possession of at least five (5) demerit points at the time of application and at any other time while licensed as a taxicab driver. Failure to comply with this condition shall result in revocation of the license.

4.2 **DRIVER RESPONSIBILITIES**

4.2.1 Every driver shall:

- (a) post the Photo ID Card as required in a visible location or wear or display such Photo ID Card as the Town may require;
- (b) punctually keep all his/her appointments and engagements;
- (c) when called to a house or other place for attending to passenger(s), notify the person calling of his readiness to receive them and if necessary, by going to the door of the house or other place and informing an adult person of his/her presence;
- (d) not neglect to fulfill his/her appointments or engagements, except for reasons beyond his/her control;
- (e) be neatly attired, clean and presentable and shall not be permitted to wear shorts, jogging pants, tank tops, muscle shirts, halter tops, sandals or any other inappropriate clothing deemed unacceptable by the By-Law Enforcement Officers.
- (f) be civil, well behaved and act in a professional manner with all citizens of the Town of Fort Frances.
- (g) while on duty at any public taxicab stand, sit or stand sufficiently close to his/her taxicab as to have it constantly under close supervision and to be available to respond to a call or request for service;
- (h) not stand in groups of three or more, or in any way obstruct the use of any roadway, sidewalk, boulevard, or make any loud noise or disturbance.
- (i) when receiving or delivering passenger(s), give such reasonable assistance in opening the door of any cab, as the circumstances may require, and shall deposit all luggage as directed, providing that such request or direction is reasonable.
- (j) give full information to a By-Law Enforcement Officer or Police Officer upon being required to do so, with reference to the address of the house or place to or from which he/she has driven any passenger(s) with his/her description, name and address if known.

4.2.1 While on duty and when a licensed vehicle is being used as a taxicab, no driver shall carry any passenger(s) other than (a) paying passenger(s).

- 4.2.2 A taxicab driver shall not carry any passenger who is under the influence of liquor or any narcotic drug while transporting a passenger(s) that are not of the same party.

4.3 DRIVER IDENTIFICATION

- (a) Every taxicab owner and driver, when operating a taxicab, shall have displayed in the vehicle a Photo ID Card and License Wallet Card supplied by the Town.
- (b) The ID Card will contain the name of the driver along with photograph, card number and expiration date.
- (c) The card will be displayed in a conspicuous place in the taxicab in a location that is in direct view of (a) passenger(s).
- (d) The driver shall not display any ID Card but his/her own.
- (e) Every driver of a taxicab shall retain his/her taxicab driver license wallet card in his/her possession at all times while operating the same, and upon request shall surrender his/her taxicab driver license wallet card and Photo ID Card to any By-Law Enforcement Officer or Police Officer.

4.4 PASSENGER SEATING CAPACITY

- (a) No person shall carry in any vehicle used for hire a greater number of occupants or persons than the manufacturers rating of seating capacity of such vehicle inclusive of the driver.
- (b) No owner or driver shall carry in any vehicle used for hire, a greater number of occupants or persons that there are seat belts to accommodate them.

4.5 PASSENGER PROPERTY

- (a) Every owner or driver employed shall take due care of all property delivered or entrusted to and accepted by him/her for conveyance or safekeeping.
- (b) Every driver of a taxicab immediately upon termination of any hiring or engagement shall visibly search his/her taxicab for any property lost or left therein.
- (c) All property, or money left in a taxicab shall be forthwith delivered to the person owning the same, or if the owner cannot be found, than the driver shall inform, as soon as possible the By-Law Enforcement Officers of the property or money in his/her possession and the property or money shall be immediately rendered to the taxicab owner for safekeeping. The owner shall keep the property or money for not more than ten (10) days, which will thence be delivered to the By-Law Enforcement Officers.
- (d) No owner or driver shall knowingly frequent any disorderly house as defined by the Criminal Code; or frequent any place where liquor is illegally kept for sale; or permit his/her taxicab to be used by persons desirous of visiting such places.

4.6 DRIVER CONDUCT

- 4.6.1 No owner or driver shall induce any person to engage him/her either knowingly, wantonly, or willfully misinforming, misleading or deceiving such person as to:
- (a) the time or place of the arrival or departure of any railroad train, bus, aircraft or other public conveyance; or
 - (b) the location of distance from any part of the Town of any bus station, airport, hotel, public business or private residence;

- (c) nor shall he/she, in anyway, manner or form, impose or deceive or in any way insult, abuse or ill treat any person engaging him/her.

4.7 RESTRICTED USE OF TOWN PROPERTY

- 4.7.1 No owner or driver shall permit a taxicab to remain standing on a highway in the Town of Fort Frances unless for the immediate purpose of:
 - (a) taking on a passenger(s) who has already engaged the taxicab;
 - (b) discharging a passenger(s) from the taxicab;
 - (c) waiting for a passenger(s) for whom the taxicab is already engaged and who has instructed the continuance of the engagement;
- 4.7.2 A taxicab owner shall be responsible for private on-site parking and shall not use a roadway allowance or other Town property for parking of taxicabs.
- 4.7.3 No person shall park a taxicab or place a taxicab in a waiting position on property owned by the Corporation within 30 meters of a taxicab stand.
- 4.7.4 No person shall park a taxicab or place a taxicab in waiting position on property owned by the Corporation for the purpose of soliciting a ride or fare.

PART 5 – TAXI STAND LICENSE

5.1

- (a) No person shall operate a taxi stand without a Taxi Stand License approved by the By-Law Enforcement Officers and the Clerk. A Request for a taxi stand license shall be made with the By-Law Enforcement Officers on the application for in Schedule “G” to this by-law.
- (b) A taxicab owner and driver must be associated with a taxi stand operator and shall refer to the taxi stand whenever in active duty.
- (c) Taxi stands shall be located conveniently in designated zones where permitted by The Town of Fort Frances Zoning By-Law and shall comply with applicable zoning regulations as verified by the Municipal Planner for the establishment of a proposed taxi stand. A site plan may be required to be submitted as a part of this process.
- (d) A taxi stand shall be equipped with a commercial telephone for the purpose of receiving customer calls and with a radio communication system to ensure two-way communication with taxicab drivers at all times.
- (e) A taxi stand shall consist of suitable building space accessible from a municipal street by clients and taxicab owners and drivers.
- (f) A taxi stand shall have a sufficient number of on-site parking spaces to accommodate the number of licensed taxicabs associated thereto.
- (g) Every taxi stand operator shall keep a record of the date, time, origin and destination of each trip, the name of the driver of each cab and the license number of the cab and shall retain said records with the taxi owner for at least twelve (12) months at the place of the business. The taxi stand operator shall give full information to any By-Law Enforcement Officer or Police Officer upon being requested to do so, with reference to the address of the house or the place to or from which he/she has driven any passenger(s), and he/she shall provide the By-Law Enforcement Officers or Police Officers with a description of the passenger(s), name, address, if known, or he/she shall provide any other information that they may have in regards to such passenger(s).

- (h) The holder of an owner's license shall not change the place of his taxi stand without prior notice to the By-Law Enforcement Officers and payment of the fee as prescribed in Schedule "A" of the Schedule of Fees By-Law prior to the taxi stand license being issued.
- (i) Any public waiting area in a taxicab stand shall be maintained in a clean and tidy condition.
- (j) No person, while on any taxicab stand, shall in anyway obstruct the use of the sidewalk or boulevard, or make any loud noises or disturbances, or use profane, obscene, impudent or abusive language, or molest, annoy, or insult the owner, occupants, inmates, or inhabitants of any building or residence or any person whatsoever and shall not while on any such taxicab stand or at any bus station, airport or other public place, place his/her taxicab so as to obstruct traffic in anyway.
- (k) During periods of the day with limited business activity, the operation of a taxi stand on duty personnel may be suspended temporarily, provided the public is able to communicate at all times with the taxi cab driver in at least one (1) on-duty vehicle at the same telephone business number published for the taxi operation. Notwithstanding the temporary suspension of the taxi stand, a taxi cab driver shall continue to have access to a licensed taxi stand.

PART 6 – INSURANCE REQUIREMENTS

6.1 POLICY OF INSURANCE TO INCLUDE NOTICE OF CANCELLATION

Every owner, in respect to each taxicab belonging to him/her, shall procure a policy of insurance endorsed to the effect that the Town will be given at least ten (30) days notice by the insurer or his agent, in writing, of any cancellation, expiry or change in the amount of the policy, and deposit a copy or certificate thereof with the Town.

6.2 MINIMUM INSURANCE COVERAGE \$1,000,000

The said policy of insurance shall insure the owner and driver of such taxicab against loss or damage resulting from bodily injury or death to passenger(s), the owner and the driver as well others and against damages to property, to an aggregate maximum limit of not less than one million dollars (\$1,000,000) for all claims in any one accident, exclusive of interests and costs.

6.3 LICENSE SUSPENSION OR CANCELLATION IF POLICY NOT IN FORCE

A copy of every such policy of insurance or certificate thereof shall be deposited with the By-Law Enforcement Officers before the owner commences operation of the insured vehicle as a taxicab. The insurance policy shall be kept in force by such owner during the period for which the license is issued to him/her and during any renewal periods and in the event the policy of insurance lapses and becomes null and void for any reason, the By-Law Enforcement Officers or Clerk, upon written notice to the taxicab license owner, may suspend or cancel such license without forewarning.

PART 7 – GENERAL

7.1 REVOCATION OF LICENSE

- (a) Licenses may be refused or revoked by the Council in its discretion subject to the Statutory Powers Procedure Act R.S.O. 1990.
- (b) In the event of any license being revoked, the previous holder thereof shall not be entitled to a new license unless the Council approved the granting of such new license.
- (c) The By-Law Enforcement Officers, Clerk and Council may suspend at its sole discretion any license until the next meeting of the Council where any apparent contravention of the Criminal Code, Narcotic Control Act or the Food and Drug

Act, or loss of ten (10) or more demerit points under the Highway Traffic Act, R.S.O. 1990 or any breach of the Liquor License Act, R.S.O. 1990 or any section of this by-law, provided that the person whose license is suspended is entitled to appeal the suspension at the next meeting of the Council pursuant to the Statutory Powers Procedure Act, R.S.O. 1990.

7.2 TRANSFER OF LICENSE

- (a) No taxicab owner license or taxi stand license issued under this by-law shall be transferred from one person to another without the prior written approval of the By-Law Enforcement Officers, Clerk and Council, which approval may be withheld at its discretion. If approved, the transferee shall fulfill the requirements of this by-law and pay to the Corporation the fee set out in Schedule “A” of the Schedule of Fees By-Law before a new license is issued.
- (b) Subject to paragraph (c) and (d), no taxicab owner license issued under this by-law may be transferred from one person to another unless the number of taxicab owner licenses currently in effect in the Town of Fort Frances is less than or equal to the total number of owner licenses authorized as per this by-law or unless otherwise adjusted by the resolution of Council.
- (c) Notwithstanding paragraph (b), in the event of the death of a taxicab owner, the estate of the deceased may apply to the Council to transfer the license(s) of the deceased to one of the following:
 - (i) the estate of the deceased, or
 - (ii) one or more immediate family members of the deceased, who are either a spouse of the deceased or children of the deceased, provided under authorization, or
 - (iii) a private corporation whose sole shareholder(s) are members of the immediate family of the deceased, as defined in subparagraph (ii).

7.3 EXPIRY OF LICENSE

Every license, unless sooner revoked, shall expire on the 31st day of December of every year.

7.4 APPEAL

Any act done under authority of the By-Law Enforcement Officers under any provisions of this by-law shall be subject to appeal to the Clerk and/or Council by any person feeling aggrieved. Any appeal shall be submitted in writing and duly signed.

7.5 CHANGE OF ADDRESS

- (a) Every person licensed under this by-law shall, upon changing his/her residential and business address notify the By-Law Enforcement Officers or Clerk in writing, within two (2) days of such change of address.
- (b) Every taxicab owner shall supply the By-Law Enforcement Officers at any time upon request, the names and addresses and license numbers of taxicab drivers currently in his/her employment on forms to be supplied by the By-Law Enforcement Officers.

7.6 NOTICE OF NON-COMPLIANCE

- (a) A copy of any deficiency notice issued to an owner or driver may be sent by registered mail or personal service.
- (b) No taxicab owner shall permit and no owner shall be authorized to operate a taxicab in respect of which a notice of non-compliance has been issued and remains in effect.

7.7 PENALTY

Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than five thousand dollars (\$5,000), exclusive of costs and every such fine is recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P33 as amended.

7.8 SEVERABILITY

If a court of competent jurisdiction declares any section or any part of this by-law to be invalid, or to be of no force or effect, it is the intention of the Town that every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

7.9 CONFLICT

- (a) This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Town or by any government authority having jurisdiction to make such restrictions or regulations.
- (b) If a provision of this by-law conflicts with the provision of any applicable by-law or regulation, the provision that establishes the higher or more restrictive standard to protect the health, safety and welfare of the general public shall prevail.

8 REPEAL

All taxi licensing sections in the Business Licensing By-Law #57/05 are hereby repealed.

9 SHORT TITLE

This by-law may be referred to as the Taxi By-Law.

EFFECTIVE DATE

READ THREE (3) TIMES and finally passed in open Council this 24th day of November, 2014.

Original signed by R. Avis

R. Avis, Mayor

Original signed by E. Slomke

E. Slomke, Clerk