

CORPORATION OF THE TOWN OF GANANOQUE
BY-LAW NO. 2014-032

**BEING A BY-LAW TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF
OWNERS OF TAXI CABS AND LIMOUSINES AND DRIVERS OF TAXI CABS AND
LIMOUSINES FOR HIRE IN THE TOWN OF GANANOQUE.**

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides a municipality with the sphere of jurisdiction for Business licensing of Owners and drivers of taxicabs, buses and vehicles (other than motor vehicles) for hire;

WHEREAS Section 151(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended in part provides that a municipality may provide for a system of licenses with respect to a business wholly or in part, carried on within the municipality;

AND WHEREAS Section 156 of the Municipal Act, 2001, S.O. 2001, c.25 as amended provides that a local municipality, in a by-law under Section 151 with respect to the 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 or from any point in the municipality to any point outside 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 Council of the Corporation of the Town of Gananoque deems it to be in the public interest to license and regulate the Owners and Drivers of Taxi Cabs and Limousines;

NOW THEREFORE the Council of the Corporation of the Town of Gananoque hereby enacts the following:

1. DEFINITIONS

- 1.1. **Accessible Driver** shall mean a Driver whose Taxicab Driver's Licence has been endorsed by the Clerk to permit the Driver to drive an Accessible Taxicab in the Town of Gananoque.
- 1.2. **Accessible Taxicab** means a cab that is originally constructed or subsequently modified to permit the loading, transportation and off-loading of a person with a disability confined to a wheelchair, or other similar device, and is a licensed motor vehicle that complies with all Provincial and Federal Statutes and Regulations including Ontario Regulation 629 as amended.
- 1.3. **By-Law Enforcement Officer** shall mean a municipal law enforcement officer appointed by the Town of Gananoque to enforce the provisions of this By-law.
- 1.4. **Clerk** shall mean the Clerk of the Town of Gananoque and shall include any person designated as "Acting Clerk" in the Clerk's absence, by Statute or by By-law.
- 1.5. **Council** shall mean the Municipal Council of the Corporation of the Town of Gananoque.
- 1.6. **Chief of Police** shall mean the Chief of the Police Service for the Corporation of the Town of Gananoque and shall include his/her designate.
- 1.7. **Driver** shall mean a driver of a Taxicab or Limousine and shall include any person engaged in driving or operating any Taxicab or Limousine for hire for the transportation of people and may include himself or herself or on behalf of any person and shall include an Owner (as hereinafter defined) who drives or operates his/her own car as a Taxicab or Limousine.
- 1.8. **Owner** shall mean any person owning a Taxicab(s) or Limousine(s) licensed as such or required to be licensed as such under this By-law and includes a person having the possession or control of a taxicab or limousine under a conditional sale agreement, rental, leasing agreement or arrangement.
- 1.9. **License** shall mean a license issued under this by-law being Taxicab Brokers, Taxicab Owner's Licenses, Taxicab Driver's Licenses, Limousine Owner's Licenses and Limousine Driver's Licenses.

- 1.10. **Limousine** shall mean a stretch or longer than usual, luxury motor vehicle that is not licensed under the Public Vehicles Act R.S.O. or any successor legislation.
- 1.11. **Passenger** shall mean any person a in a taxicab except for the driver.
- 1.12. **Person** includes an individual, an association, a firm, a partnership or a corporation and the legal representative of such.
- 1.13. **Police Service** shall mean the Police Force providing Police Services for the Corporation of the Town of Gananoque.
- 1.14. **Plate or Accessible Plate** shall mean a metal, plastic or laminated sticker issued containing the assigned number, registered and supplied by the Town.
- 1.15. **Taxi or Taxicab** shall mean any motor vehicle, other than a limousine, seating seven passengers or less, used for hire to transport the general public but does not include a bus, ambulance or hearse.
- 1.16. **Taxicab Broker** shall mean any person or company who accepts calls in any manner for a minimum of three (3) taxicabs that are used for hire and that are owned by him or herself, persons other than him or herself, his/her immediate family, or his/her employer. A "Taxicab Broker" may also be an "Owner" as herein defined, but shall not be required to be licensed as both.
- 1.17. **Taxicab Stand** shall mean a public parking space which has been lawfully designated and identified by means of a sign and reserved exclusively for the use of taxicabs.
- 1.18. **Town** shall mean the Corporation of the Town of Gananoque.
- 1.19. **Vehicle** shall mean a motor vehicle as defined under the Highway and Traffic Act of Ontario R.S.O. 1990.
- 1.20. **Vulnerable Sector Check** is a screening process by the local Police of individuals who intend on working or volunteering with the vulnerable sector.

2. GENERAL

- 2.1. The number of licenses for the Town for Taxicabs for public hire used for the transport of passengers shall be limited to one per every 600 people or fraction thereof residing within the limits of the Town at the time application for the license is made.
- 2.2. A Taxicab Owner shall not possess more than 50% of the Taxicab License allocation.
- 2.3. Where a new license becomes available, licenses shall be issued on a first-come first-serve basis as indicated under Section 3.1.6.
 - 2.3.1. New license applications will be reviewed by staff to determine if there is a need for additional licenses. Determination may be conducted by obtaining records from the existing brokers and owners for staff to determine if the need is justified.
- 2.4. No person shall drive or operate a Taxicab or Limousine within the Town without having a current and valid Taxicab Driver's License or Limousine Driver's License as the case may be, issued pursuant to this By-law.
- 2.5. No person, being the owner of a motor vehicle, shall permit such motor vehicle to be driven or operated as a Taxicab or Limousine within the Town without having a current and valid Taxicab Owner's License or Limousine Owner's License issued pursuant to this By-law for such motor vehicle.

- 2.6. No license is required for the operation of Taxicab or Limousine within the Town provided the service is for the sole purpose of discharging a passenger who was picked up outside the Town.
- 2.7. Notwithstanding any other provisions of this By-law every license issued under this By-law shall remain the sole and exclusive property of the Town.

3. DUTIES OF THE CLERK

- 3.1. The duties of the Clerk under this By-law are:
 - 3.1.1. To furnish application forms to all applicants for all Licenses and to provide each person licensed under this By-law with a copy of this By-law;
 - 3.1.2. To receive and process all applications for all Licenses, and for renewals of such Licenses pursuant to this By-law.
 - 3.1.3. To collect all license fees and keep an account of all money received on all Licenses, in accordance with the Town's Fees and Rates By-law, to provide a receipt to the applicant;
 - 3.1.4. To issue all Licenses for persons who meet the requirements of this By-law;
 - 3.1.5. To keep a register of all Licenses granted pursuant to this By-law.
 - 3.1.6. To maintain a waiting list of persons whose applications have been approved but not yet issued. The waiting list shall contain the names of those applicants in order of the date on which their applications were approved, in the Clerk's office, and such list shall be made available at all reasonable times.
 - 3.1.7. To perform all administrative functions conferred upon the Clerk in this By-law.

4. DUTIES OF THE POLICE SERVICE

- 4.1. The duties of the Chief of Police Service under this By-law are:
 - 4.1.1. To review all applications received and provide a report for all Licenses of such Licenses pursuant to this By-law;
 - 4.1.2. The provisions of Section 7, 8.1, 8.2, 9.1 and 9.2 of this By-law shall be considered by the Chief of the Police Service, when applicable, in considering an application for a Taxicab Driver's License or Limousine Driver's License to be issued pursuant to this By-law.
 - 4.1.3. To perform all administrative and enforcement functions conferred upon the Police Service by this By-law.

5. LICENSE REQUIREMENTS

- 5.1. Applications for any type of License to be issued pursuant to this By-law thereof shall be upon such form(s) as shall be provided by the Clerk and other such material and information as is required by this By-law.
- 5.2. All applications submitted for Taxicab Broker, Taxicab Owner or Limousine Owner, Taxicab Driver's License or Limousine Driver's License shall include a Vulnerable Sector Check, Photograph along with other such material and information as required by this By-law.
 - 5.2.1. Notwithstanding Section 5.2, an Owner shall also provide Proof of Insurance or Letter of Certificate, Proof of Ownership.
 - 5.2.2. Notwithstanding Section 5.2 an Owner may, instead of owning a motor vehicle for use of a Taxicab or Limousine, lease a vehicle provided;

- 5.2.2.1. He/she shall file with the Clerk a copy of the lease agreement indicating that the motor vehicle is intended to be used as a taxicab or limousine
 - 5.2.2.2. Notify the Clerk within ten (10) days of the termination of the lease agreement for the motor vehicle.
 - 5.2.3. Notwithstanding Section 5.2, a Vulnerable Sector Check must be dated within one month of the application.
 - 5.2.4. Notwithstanding Section 5.2, the applicant shall provide at their own expense with every application for a Driver's License, two photographs, 2" x 2-3/4" in size which shall be attached to the Driver's License.
 - 5.3. All applications shall be submitted with the required fee set out in accordance with the Town's Fees and Rates By-law.
 - 5.4. No person shall be licensed for any type of License under this By-law unless he/she is at least twenty-five (25) years of age and either a citizen of Canada, a landed immigrant or in possession of and produces a work permit issued by the Government of Canada.
 - 5.5. No person shall be licensed as a Taxicab Driver or Limousine Driver unless he/she holds, issued in his/her name, a current and at a minimum Class G driver's License issued by the Province of Ontario, which is not under suspension according to the records of the Ontario Ministry of Transportation.
 - 5.6. When an application for a License is made in accordance with the provisions of this By-law and the applicant meets all the requirements of this By-law, the Clerk shall issue a License and the applicant shall thereupon be licensed.
 - 5.7. The term of each license for a Taxicab Owner's License or a Limousine Owner's License shall, unless otherwise prescribed in the license, be valid for a period of one year from the first day of January in the year of issuance or, up to and including the 31st day of December of the year of issue, unless the said license is revoked, amended, suspended or voluntarily relinquished to the Town sooner.
 - 5.7.1. No License issued under this By-law may be sold, leased, assigned or transferred.
 - 5.7.2. Notwithstanding Section 5.7.1, a Taxicab Owner's License or a Limousine Owner's License may, with the consent of the Clerk, be assigned or transferred only in circumstances where the ownership of an existing taxicab or limousine business is being purchased and the purchaser of the business has agreed to purchase all of the Taxicab Owner's Licenses or Limousine Owner's Licenses belonging to such businesses.
 - 5.7.3. Any person wishing to transfer a Taxicab Owner's License or Limousine Owner's License in the circumstances described in this subsection, shall apply to the Clerk for consent to such transfer and in considering such application the Clerk shall have regard to the matters set out in Section 7 of this By-law and the provisions of Section 9 of this By-law shall apply.
6. RESERVED LICENSES
- 6.1. All licenses issued for the current year shall be considered reserved.
 - 6.2. The license for Taxicab Driver or Limousine Driver shall, unless otherwise prescribed in the license, be valid until December 31 of the year of issue, unless the said license is revoked, amended, suspended or voluntarily relinquished to the Town sooner.

- 6.2.1. Notwithstanding Section 6.2 the full license fee is applicable from January to September 30 of each year.
- 6.2.2. Should a license be obtained in October to December of a year, the fee will be prorated as determined by the Clerk.
- 6.2.3. All reserved license holders shall submit an application to the Clerk no later than November 30th of each year.
- 6.2.4. Failure to submit an application for a reserved license as per Section 5.8.3 by December 1st each year shall be deemed to be surrendered.
- 6.2.5. The Clerk may in extenuating circumstances allow a delay of or not more than 30 days under Section 5.8.4.
- 6.3. A License may be renewed when it meets the requirements of this By-law. The Clerk shall issue a License, which shall set out the new expiry date of the License and the License is thereupon renewed.

7. GROUNDS FOR REFUSAL TO ISSUE

- 7.1. A Vulnerable Sector Check is mandatory for every applicant for any type of License applied for pursuant to this By-law. A Vulnerable Sector Check includes a Criminal Information Records Check and Driver's Abstract.
- 7.2. An applicant for any type of License issued pursuant to this By-law is entitled to be Licensed except where:
 - 7.2.1. the current and past conduct of the applicant or Licensee affords reasonable grounds for the belief that the applicant or Licensee will not carry on the activity for which he/she is to be Licensed or to continue to be Licensed in accordance with the law and in a careful, reasonable and prudent manner with integrity and honesty; and where the Criminal Records Information reflects a criminal conviction within three years of the date of application subject to Section 7.2.4;
 - 7.2.2. the issuance of the License would be contrary to the public interest as determined by the Chief of Police in his/her sole and absolute discretion;
 - 7.2.3. the applicant or Licensee is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this By-law or any law;
 - 7.2.4. the applicant has been convicted of a criminal offence within the past 3 years. Where the conviction of the criminal offence was more than 3 years, the license may be issued at the discretion of the Chief of Police.

8. REVOCATION OF LICENSE

- 8.1. A Taxicab Driver's License or a Limousine Driver's License issued under this By-law shall be automatically revoked upon the Licensee being disqualified or prohibited from driving a motor vehicle by reason of the legal suspension or cancellation of his/her License to drive a motor vehicle in Ontario or by reason of an order or judgement made under the Criminal Code prohibiting him or her from driving a motor vehicle on any highway in Canada. In such event, the Licensee shall forthwith surrender his/her License to the Chief of Police and he/she shall not be entitled to again apply for a Taxicab Driver's License or Limousine Driver's License until such satisfactory evidence is filed with the Chief of the Police that such disqualification or prohibition has been terminated.
 - 8.1.1. No owner shall fail to notify the Town of any conviction of a criminal offence of the Owner and no Owner shall knowingly fail to notify the Town of any conviction of a criminal offence of a

Taxicab Driver or Limousine Driver in the Owner's employ. The Town reserves the right to revoke such Owner's Taxicab or Limousine License, or Taxicab or Limousine Driver's License pursuant to Section 7.2.4 of this By-law.

- 8.2. Applications for Taxicab Driver's Licenses or Limousine Driver's Licenses will not be accepted for reinstatement or issuing in the first instance, for a period of three years, following the reinstatement of a person's Ontario Driver's License that has been suspended or cancelled as the result of a conviction for a breach of any one or more of the driving sections of the Criminal Code.
- 8.3. Any Licensee who contravenes any provision of this By-law shall, in addition to any other remedy available to the Town, be liable to have such License revoked by the Town.

9. NOTICE BY THE CLERK OF REFUSAL TO ISSUE

- 9.1. When it appears to the Clerk or the Chief of Police that an applicant or Licensee should have his/her application refused or License revoked for any of the grounds set out in this By-law, the Clerk shall not issue the License, or shall revoke the License, as the case may be.
- 9.2. When the Clerk refuses to issue or refuses a license or revokes a License, a written notice shall be given advising the applicant or Licensee.
- 9.3. The written notice to be given under subsection 9.2 shall:
 - 9.3.1. set out the grounds for the refusal to license or revoking of license;
 - 9.3.2. give reasonable particulars of the grounds; and
 - 9.3.3. be signed by the Clerk.
- 9.4. Where any person is affected by a decision of the Clerk or the Chief of Police under this By-law such person may appeal the decision or cancellation to Council in writing within fourteen (14) days of the date of the order, decision or cancellation (as the case may be) to appear at a hearing before Council providing the written letter states the fact of the appeal and the reasons for the appeal.

10. DUTIES OF TAXICAB BROKER

- 10.1. Operate in accordance with the provisions of this By-law and all applicable legislation;
- 10.2. No license shall be issued to an applicant for a taxicab broker license unless and until the Town has been furnished with satisfactory proof that the applicant is at least twenty-five (25) years of age;
- 10.3. The premises from which it is proposed to carry on the business:
 - 10.3.1. Complies with the Development Permit By-law and property standards requirements of the Town; and
 - 10.3.2. Is situated within the Town
- 10.4. A Broker shall maintain, file and update a list of the owner's names, taxicab license numbers, drivers license number for all taxicab owners and drivers with whom he/she has entered into any arrangements for the provision of taxicab dispatch service;
- 10.5. A Broker shall ensure that Taxicab dispatch and service is provided twenty-four (24) hours per day, seven (7) days per week.
 - 10.5.1. Notwithstanding Section 10.5 the existing Taxicab Broker, namely A-One Taxi, may continue the hours of Sunday to Thursday 5:00 am to 1:00 am and 24 hours on Friday and Saturday until:

- 10.5.1.1. Ownership of the business has changed; or
 - 10.5.1.2. The Town deems it necessary to provide 24 hour service based on the monitoring records or complaints.
 - 10.6. Ensure, where taxicab dispatch service is provided on behalf of the taxicab broker by a person other than the taxicab broker or his/her employee, that such person is:
 - 10.6.1. Licensed as a taxicab broker under this By-law; and
 - 10.6.2. Directed to inform the person requesting taxicab service is a taxicab affiliated to a broker other than the broker requested to provide taxi service will be responding to a request for taxi service;
 - 10.7. Not permit or allow any person not licensed as a taxicab driver under this By-law to operate any taxicab displaying identifying marks or equipment, meters or signs indicating that such person is operating a taxicab affiliated to the taxicab broker dispatch service;
 - 10.8. Not accept calls for, or in any way dispatch or direct calls to taxicabs where:
 - 10.8.1. The taxicab owner does not hold a license issued under this By-law;
 - 10.8.2. The license of the taxicab owner is under suspension; or
 - 10.8.3. The taxicab driver is not licensed under this By-law;
 - 10.9. Maintain a record of all the taxicabs dispatched, including the date, time, original and destination of each trip made by his/her taxicab(s), the driver and the taxicab used;
 - 10.10. Retain the records referred to in Subsection 10.9 hereof for a period of not less than twelve months and shall produce these records for inspection immediately upon request for the Clerk, By-law Enforcement Officer or by the Chief of Police;
 - 10.11. Have the right to refuse to provide taxicab service to a person who:
 - 10.11.1. Has not made payment for an previous trip;
 - 10.11.2. Refuses to pay by any form of remuneration acceptable to the taxicab broker;
 - 10.12. Punctually dispatch taxicabs in order that taxicab drivers may keep all engagements;
 - 10.13. Inform a person requesting taxicab service of the approximately time of any delay in providing taxicab service of the approximately time of any delay in providing taxicab service before accepting a request for taxicab service; and
 - 10.14. Ensure that the taxicab broker, and any of its employees engaged in the provision of service to the general public while carrying on the business of a taxicab broker, behave civilly and courteously recognizing the taxicab broker's role in the provision of a public transportation service and recognizing the public trust and public interest placed upon the taxicab broker.
- 11. DUTIES OF TAXICAB AND LIMOUSINE OWNERS**
- 11.1. Operate in accordance with the provisions of this By-law and all applicable legislation;
 - 11.2. Commercial General Liability Insurance issued on an occurrence basis for an amount of not less than \$2,000,000 per occurrence/\$2,000,000 annual

aggregate for any negligent acts or omissions by the taxi or limousine company. Such insurance shall include, but is not limited to bodily injury and property damage including loss of use; personal injury; contractual liability; premises, property & operations; non-owned automobile; broad form property damage; products & completed operations; owners & contractors protective; occurrence property damage; employees as Additional Insured(s); contingent employers liability; cross liability and severability of interest clause.

Such insurance shall add the Town of Gananoque as Additional Insured. This insurance shall be non-contributing with and apply as primary and not as excess of any insurance available to the Town. The taxi or limousine company shall indemnify and hold Town of Gananoque harmless from and against any liability, loss, claims, demands, costs and expenses, including reasonable legal fees, occasioned wholly or in part by any negligence acts or omissions whether willful or otherwise by the taxi /limousine company, their drivers, officers, employees or other persons for whom they are legally responsible.

- 11.2.1. The said policies shall clearly acknowledge that the vehicle is being used for purposes of a Taxicab or Limousine service and shall include all necessary coverage as are reasonable for the transportation of persons and/or property.
- 11.2.2. The policy or policies of insurance shall be endorsed to provide that the policy or policies shall not be altered, cancelled or allowed to lapse without 30 days written notice to the Town.
- 11.2.3. No person shall be granted a Taxicab Owner's license or a Limousine Owner's license or renewal thereof unless proof of insurance or letter of certification, addressed to the Town is provided to the Clerk for each vehicle which certifies that the policy or policies of insurance obtained by the Owner are in full force and effect and in accordance with all of the requirements of this By-law.
 - 11.2.3.1. Automobile liability insurance with respect to owned or leased vehicles used directly or indirectly in the performance of the services covering liability for bodily injury, death, passenger hazard and damage to property with a limit of not less than \$2,000,000 inclusive for each and every loss. The policy shall be endorsed to include the OPCF#6A – Permission to carry paying passengers
- 11.2.4. Every Taxicab Owner's license and Limousine Owner's license shall automatically be revoked upon the cancellation, suspension or termination of the relevant policy(cies) of insurance unless the taxicab or limousine has been taken out of service in accordance with Section 8.3 of this By-law.
- 11.3. Every Owner shall, in respect to each Taxicab or Limousine as the case may be, which he/she owns or leases, produce to the Clerk a current letter of certification for each Taxicab or Limousine (in accordance with the requirements of Section 11.2.3 of this By-law) at the time of application and shall be endorsed by the issuer that the Town shall receive written notice prior to any cancellation as provided in Section 11.2 of this By-law. In addition to the foregoing, the Clerk shall be entitled at any time and from time to time to request an Owner to produce a letter of certification (as aforesaid) in respect to each Taxicab and Limousine owned by him or her and such Owner shall comply with such request forthwith on demand.
- 11.4. Every Owner shall supply the Clerk with a Safety Standards Certificate by no later than November 30 of each year, issued pursuant to the Highway Traffic Act and regulations for every vehicle licensed under this By-law, when applying for a Taxicab Owner's license or Limousine Owner's license. The Town may require more often, as a result of concerns with respect to public health and safety and motor vehicle fitness.

- 11.5. Every Owner shall notify the Clerk forthwith when any vehicle licensed to him/her under this By-law is involved in any collision or other accident, and shall supply a new Safety Standard Certificate prior to any further use of the vehicle as a Taxicab or Limousine.
- 11.6. Every Owner of more than one Taxicab or Limousine shall provide the Town with a list containing all the information, which the Town requires for each Taxicab or Limousine, and such list shall be updated by the owner to the Town, forthwith upon any additions and/or deletions to the Owners' fleet.
- 11.7. Every Owner shall display, in a prominent place in the interior of each Taxicab or Limousine, a copy of the Taxicab Owner's license or Limousine Owner's license and of the Taxicab Driver's license or the Limousine Driver's license showing a current photograph of the Taxicab Driver or Limousine Driver.
- 11.8. Every Owner shall display in a prominent place in the interior of each Taxicab or Limousine, a copy of the current fares to be charged for the conveyance of passengers or goods calculated in accordance with the provisions of the Town's Fees and Rates By-law.
- 11.9. Every Owner shall ensure that there is a display on the exterior of every Taxicab and Limousine owned by him or her which denotes that the vehicle is used for purposes of a Taxicab or Limousine and states the name of the taxi or limousine business or company. The license number/plate supplied by the Town bearing the license identification number shall be affixed securely on the rear, left side of the bumper of the vehicle. The plate shall not be removed or used by any other vehicle unless approval has been obtained by the Clerk, at the discretion of the Clerk.
- 11.10. Every Owner shall ensure that the plate shall be returned by the Owner to the Town within 24 hours of the license being revoked or within 24 hours of the time that the vehicle ceases operation as a Taxicab or Limousine licensed under this By-law.
- 11.11. If an Owner does not provide regular service or discontinues his/her Taxicab service for a period exceeding sixty (60) days his/her license will be suspended.
- 11.12. No Owner shall permit any person to drive or operate a Taxicab or Limousine unless such person holds a Taxicab Driver's license or a Limousine Driver's license issued to him or her under this By-law. A list of all drivers shall be maintained, filed and updated by the owner to the Town, forthwith upon any additions and/or deletions.
- 11.13. An Owner having three (3) or more taxicab licenses, shall ensure that Taxicab service is provided for twenty-four (24) hours per day, seven (7) days per week to persons requesting taxicab service.
 - 11.13.1. Notwithstanding Section 11.13 the existing Taxicab Broker, namely A-One Taxi, may continue the hours of Sunday to Thursday 5:00 am to 1:00 am and 24 hours on Friday and Saturday until:
 - 11.13.1.1. Ownership of the business has changed or
 - 11.13.1.2. The Town deems it necessary to provide 24 hour service based on the monitoring records or complaints.
- 11.14. Upon owning three (3) or more taxicabs, provide proof of sufficient off street parking spaces to accommodate every vehicle licensed under this By-law and such parking spaces shall not be located on Municipally owned lands;
 - 11.14.1. Notwithstanding Section 11.14, an Owner of a Taxicab license under this By-law may provide off street parking spaces on private property provided the Owner of the property has given written

permission to do so in areas designated commercial or employment lands.

- 11.14.2. Notwithstanding Section 11.14, a single vehicle may have a designated space at a Taxicab Driver's residence at the discretion of the Clerk.

12. Every Owner shall:

- 12.1. Keep an up-to-date record of all persons employed by him or her as Drivers;
- 12.2. Every Owner shall keep a record of the date, time, origin and destination of each trip, a list of the owner's name/s, taxicab or limousine license numbers, drivers' license number for all taxicab or limousine owners and drivers. Every Owner shall ensure records are maintained in a secure location in the business office for a period of twelve months and are open for inspection by any police officer and/or the Clerk from time to time and such records may be removed and retained for a reasonable time by any such police officer and/or the Clerk.
- 12.3. Ensure at all times keep his/her Taxicabs or Limousines are:
- 12.3.1. clean, dry and in good repair as to its interior
- 12.3.2. in good repair as to its exterior;
- 12.3.2.1. paint must be one colour, unless it is a two tone design as approved by manufacturing specifications;
- 12.3.2.2. no peeling paints, dents or rust holes showing on the exterior body;
- 12.3.2.3. bumpers and grill must be in good conditions
- 12.3.2.4. equipped with proper wheel covers;
- 12.3.2.5. free from mechanical defects so as to meet the standards required for the issuance of a Province of Ontario Safety Standards Certificate; and
- 12.3.2.6. equipped with the license number/plate supplied by the Town bearing the license identification number.
- 12.4. Advise the Clerk and the Chief of Police in writing within twenty-four (24) hours of any person becoming employed by him or her as a Driver or of the termination of the employment of any person as a Driver;
- 12.5. Notify the Town in writing when a Taxicab or Limousine licensed under this By-law ceases operation, identifying the Taxicab or Limousine by the Vehicle Identification Number. Every Owner shall notify the Town in writing when a Taxicab or Limousine licensed under this By-law return to operation and provide an up to date insurance certificate for such vehicle in a form and amount as required by this By-law.

13. DUTIES OF TAXICAB DRIVERS AND LIMOUSINE DRIVERS

- 13.1. Every Driver should have a thorough knowledge of the duties of the Taxicab or Limousine Driver as set out in this By-law.
- 13.2. Every Driver shall commencing his/her shift and similarly at the end of each shift, shall examine the vehicle for mechanical, safety or sanitary defects to the vehicle and shall report forthwith an defects to the owner of the vehicle.
- 13.3. Every Driver shall drive the taxicab in the most direct travelled route from the point of engagement to the point of destination unless otherwise requested by the passenger.

- 13.4. Every driver shall display in a prominent place in the interior of each Taxicab and Limousine, a copy of the Taxicab or Limousine Driver's license showing a current photograph of the Taxicab or Limousine Driver.
- 13.5. Every Driver while acting as such shall be suitably dressed, civil, and well behaved and shall, when receiving or delivering passengers, give such reasonable assistance in opening the door of his/her Taxicab or Limousine as the circumstances may require and shall deposit all luggage as directed, provided such direction is reasonable.
- 13.6. Every Driver when called to a house or other place for the reception of passengers shall notify the person calling the Taxicab or Limousine of his/her presence by going to the door of the house or other place and informing a grown-up person. A Driver may also signify his/her presence by reasonably sounding the horn of his/her Taxicab or Limousine.
- 13.7. A Driver shall give his/her Taxi Driver License Number and first name and the name of the Owner of the Taxicab or Limousine (if other than the Driver) upon the request of any passenger or of any person to whom or to whose property injury has been occasioned by the Driver of the Taxicab or Limousine.
- 13.8. Every Driver shall serve the first person offering to hire him, provided that the Driver may request payment of his/her fare or security for the payment of his/her fare in advance.
- 13.9. Every Driver shall ensure that no more passengers are transported in a Taxicab or Limousine at any one time than there are seat belts available for. It is the taxi driver's responsibility to ensure that the seat belt is available and in good working order. Taxi drivers are responsible for ensuring that passengers under the under of 16 are wearing seat belts.
- 13.10. Every Driver shall deliver all property, goods or money left in error by any passenger in the taxicab to such passenger, or notify such passenger where such property, good or money may be recovered, or if such passenger is unknown, delivery the property, goods or money to the Chief of Police.
- 13.11. No Driver operating a Taxicab or Limousine shall pick up any additional passenger or passengers, after such Taxicab or Limousine has been engaged by one or more passengers, unless the person or persons who originally engaged the Driver specifically agree to picking up such additional passengers.
- 13.12. Every Driver may refuse to serve a person offering to hire him or her if, in the opinion of the Driver there is sufficient cause. Sufficient cause may include previous unpaid fare(s), the Driver's personal safety may be at risk or reasons of sanitation.
- 13.13. Every Driver shall only park or stand a Taxicab licensed under this By-law while not in operation of conveying passengers or goods, in the off street parking space provided by the Owner in accordance with Section 11.14 of this By-law, and which parking shall be prohibited in municipally owned property.
 - 13.13.1. Notwithstanding the above, Drivers may additionally park in designated Taxicab Stand locations.
- 13.14. Every Driver providing any pick up services, whether previously scheduled or otherwise, within the Town of Gananoque municipal boundaries shall be licensed in accordance with this By-law, and meet and maintain eligibility requirements to operate in the Town of Gananoque.

14. REGULATIONS OF FARES

- 14.1. The Town shall establish fares, in its sole and absolute discretion, after requesting comments and input from Taxicab Owners. Such fares charged by the Owners or Drivers of Taxicabs for the conveyance of passengers or goods shall be set out in the Town's Fees and Rates By-law.

- 14.2. The Taxicab or Limousine Driver, upon request, shall provide each passenger who has hired the taxicab with a receipt of the fare paid by the passenger upon the completion of the trip.
- 14.3. No Taxicab Driver shall publish fares or demand or receive fares other than those as set out in the Fees and Rates By-law.
- 14.4. Limousine fares shall be charged on an hourly, mileage or lump sum basis, provided that the total trip fare for any trip shall not total an amount less than the applicable fare for taxicab service for the same trip.
- 14.5. Every Limousine Owner licensed under this By-law shall lodge with the Clerk a current schedule of fees, and every driver of a limousine shall display in a prominent place in the interior of each limousine, such current fee schedule. Any change to the schedule of fees shall be reported forthwith to the Clerk and the new fee schedule shall be prominently displayed in each limousine.

15. PASSENGER CONDUCT

- 15.1. No person employing a Taxicab or Limousine shall refuse to pay the fare authorized by this By-law.
- 15.2. When a dispute arises between the passenger and a Taxicab or Limousine Driver respecting the fare to be charged for taxicab services, the person hiring the taxicab may refer to the dispute to the Chief of Police for investigation and appropriate action.

16. ACCESSIBILITY

- 16.1. Owners and Drivers providing taxi services and limousine services shall:
 - 16.1.1. provide service to persons with disabilities able to use taxi vehicles and limousines, including those using mobility aids or service animals;
 - 16.1.2. assist passengers with disabilities in boarding/de-boarding vehicles except where drivers have recognized medical exemptions; and
 - 16.1.3. assist with the safe and careful stowing of mobility aids when requested to do so by the passenger.
- 16.2. Owners and Drivers providing taxi services and limousine services shall not:
 - 16.2.1. refuse to provide service to a person with a disability because the person's disability results in appearance or involuntary behaviour that may offend, annoy, or inconvenience employees or other persons unless the person poses a danger to other passengers, employees or themselves;
 - 16.2.2. prohibit a person with a disability from traveling with medical aids (e.g. respirator, portable oxygen supply) allowed under relevant health and safety laws and regulations;
 - 16.2.3. charge a fee for the stowage of assistive devices; and
 - 16.2.4. charge passengers with a disability a higher fare than passengers without a disability would be charged for the same trip.
- 16.3. That Owners and Drivers of Taxicabs and Limousines licensed under this By-law shall ensure compliance with all applicable Accessible Integrated Standards including Customer Service, Information/Communications and Transportation Standards for Taxi Services and Limousine Services when applicable regulations under the Accessibility for Ontarians with Disabilities Act, 2005 come into force and effect.

17. ACCESSIBLE TAXI SERVICE

- 17.1. There may be issued, in addition to the maximum number of licenses under Section 2.1 taxicab licenses, which may be issued pursuant to this By-law, accessible taxicab owners' licenses for those companies for specialized transportation services.
- 17.2. All the provisions of this By-law in respect of Taxicab owners, drivers and vehicles shall apply to owners and drivers of Accessible Taxicabs.
- 17.3. In addition to the requirements for vehicles set out in this By-law, vehicles to be licensed as Accessible Taxicabs shall, as a minimum, permit the loading, transportation and off-loading of persons utilizing a wheelchair in compliance with all federal and provincial legislation governing the transportation of disabled persons.
- 17.4. The Accessible Taxicab Driver shall ensure that all wheelchairs being transported within the Accessible Taxi are securely fastened so as to prevent them from moving when the Accessible Taxi is in motion;
- 17.5. The Accessible Taxi vehicle shall have affixed to the left side of the rear bumper the Accessible plate supplied by the Town.
- 17.6. No person shall drive an Accessible Taxi without first having completed a Wheelchair and Occupant Restraint System Training/Transportation Program with respect to handling, safety, restraint, transportation, care and safety of passengers with disabilities. Written proof outlining the record of training and the training the driver received shall be provided to the Clerk. The trainer and the driver shall sign the certificate of training.
- 17.7. The Accessible Taxi will be available to those persons who have mobility issues and have challenges getting in and out of the regular taxi.
- 17.8. During the hours when not in demand as an Accessible Taxi, the Accessible Taxi may operate as a regular taxi. The Accessible Taxi shall offer exclusive priority to request made by, or on behalf of, a person with a disability requesting Accessible Taxi Service.
- 17.9. Every driver of an Accessible Taxi shall render all assistance required by a disabled passenger to enter and exit the taxi safely.

18. ENFORCEMENT/INSPECTION/PENALTIES

- 18.1. The By-law Enforcement Officer or Chief of Police may periodically inspect any Taxicab or Limousine and/or its equipment and every Taxicab or Limousine Owner or Driver shall, when requested, produce a valid license to said officer for inspection.
- 18.2. If the inspection results in a taxicab being found to be in an unsafe or hazardous condition or as per Section 12.3.2.5, the By-law Enforcement Officer or Chief of Police:
 - 18.2.1. Shall require the taxicab to be placed in a safe condition within fourteen (14) days therefrom; and
 - 18.2.2. May suspend the licence for a period not exceeding fourteen (14) days; and
 - 18.2.3. Shall require the submission of the taxicab to further inspection to be held within the aforesaid fourteen (14) days. Holidays and weekends will not be counted for the purposes of determining the aforesaid.
- 18.3. If the inspection results in a taxicab being found to not be in good repair as identified under Section 12.3, the By-law Enforcement Officer or Chief of Police:
 - 18.3.1. Shall require the taxicab to comply under Section 12.3.1, 12.3.2.6 within seven (7) days;
 - 18.3.2. Shall require the taxicab to comply under Section 12.3.2.2, 13.3.2.3, 12.3.2.4 with thirty (30) days;
- 18.4. The By-law Enforcement Officer or the Chief of Police shall be responsible for the enforcement of the provisions of this By-law.

- 18.5. Where the holder of a license issued under this By-law fails to comply with the requirements of this By-law, the Clerk shall suspend the license until the holder has complied with the terms and conditions of the By-law. Where the holder of a license issued under this By-law is found to be non-compliant on a second and subsequent occurrence, the Clerk shall revoke the license.
- 18.6. Every person who contravenes any provision of this By-law shall be liable to have such License revoked by the Town and shall be guilty of an offence. Upon conviction such person is liable to fines and penalties as are authorized under the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended, and all such fines shall be recoverable pursuant to the provisions of the Provincial Offences Act.
- 18.7. Upon a conviction being entered, the Court in which the conviction was entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this By-law, make an Order prohibiting the continuation or repetition of the offence by the person convicted.


19. **EXEMPTIONS**

- 19.1. The provisions and requirements of this By-law shall apply to a motor vehicle used exclusively for conveying passengers or goods pursuant to a written agreement with the Town or any School Board or any other public body or agency, but not to School Board transportation vehicles, public transit vehicles or other public conveyance mechanisms.
20. Any and all prior taxi By-laws are hereby repealed.
21. This By-law shall be read with all changes of gender or number as are required by the context or the circumstances.
22. The headings in this By-law are included solely as a convenience and in no way are intended to modify, alter or detract from the provisions of this By-law.
23. In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
24. This by-law shall be in force and take effect immediately upon the passing thereof.

READ A FIRST AND SECOND TIME THIS 18th DAY OF MARCH, 2014.



Mayor, Erika Demchuk




Clerk, Bonnie Dingwall

READ A THIRD TIME AND FINALLY PASSED THIS 06th DAY OF MAY, 2014.



Mayor, Erika Demchuk



Clerk, Bonnie Dingwall