



BY-LAW

NO. 2009 - 168

**BEING A BY-LAW TO PROVIDE FOR THE LICENSING,
REGULATING AND GOVERNING OF OWNERS, BROKERS AND
DRIVERS OF TAXICABS AND LIMOUSINES USED FOR HIRE
FOR THE TRANSPORTATION OF PASSENGERS; AND FOR
THE ESTABLISHMENT OF RATES OR FARES TO BE
CHARGED THEREFORE**

WHEREAS Section 8 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS pursuant to the said Municipal Act, Section 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to the said Municipal Act, Section 11 (1), (2) and (3) where a lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public including ensuring the health, safety and well-being of persons and operating under the spheres of jurisdiction relating to business licensing;

AND WHEREAS Section 151 (1) of the said Municipal Act authorizes a municipality to provide for a system of licences with respect to a business;

AND WHEREAS Section 156 of the said Municipal Act authorizes a municipality, with respect to the licence of a business, to deal with specific matters with respect to taxicab owner/operators and drivers;

AND WHEREAS Section 23 of the said Municipal Act authorizes a municipality to delegate its powers and duties subject to certain restrictions;

AND WHEREAS the Council of The Corporation of the Municipality of Kincardine passed By-law No. 2007 - 355 policy GG. 3.7 which provides parameters for the delegation of the Council's powers and duties;

NOW THEREFORE the Council of The Corporation of the Municipality of Kincardine **ENACTS** as follows:

1.0 DEFINITIONS

- 1.1 "Broker's Licence" shall mean a licence granted under the authority of this by-law by The Corporation of the Municipality of Kincardine to a person other than the owner of a taxicab or limousine who accepts calls;
- 1.2 "Clerk" shall mean the Clerk of The Corporation of the Municipality of Kincardine;

- 1.3 “Council” shall mean the Council of The Corporation of the Municipality of Kincardine;
- 1.4 “Detachment Commander” shall mean the Detachment Commander or designee, Ontario Provincial Police, South Bruce Detachment;
- 1.5 “Driver” shall mean any person licensed according to this by-law who is the holder of any class A, B, C, D, E, F, or G Ontario Driver’s licence;
- 1.6 “Fare” shall mean the fee a person has to pay to be conveyed by taxicab or limousine and also means a person travelling or being conveyed by taxicab or limousine for a fee;
- 1.7 “Limousine” shall mean a motor vehicle which does not bear any identification other than the number plate issued by the Ministry of Transportation for the Province of Ontario which does not have a taximeter and which is kept or used for hire for the conveyance of passengers but shall not include a taxicab;
- 1.8 “Municipality” shall mean The Corporation of the Municipality of Kincardine;
- 1.9 “Owner” shall mean any person owning a taxicab or limousine or having possession or control thereof under an instalment purchase agreement or by way of rental who is licensed as such or required as such under this by-law;
- 1.10 “Passenger” shall mean in addition to its common meaning where used in context throughout this by-law, shall also mean a person travelling in a taxicab or limousine who is not paying a fare;
- 1.11 “Person” shall include not only an individual but also a partnership, corporation or association and the heirs, successors and assigns thereof;
- 1.12 “Police Services Board” shall mean the Police Services Board of The Corporation of the Municipality of Kincardine;
- 1.13 “Safety Standard Certificate Of Mechanical Fitness” shall mean a Safety Standards Certificate of Mechanical Fitness certificate issued by a registered motor vehicle inspection station pursuant to the provisions of the Highway Traffic Act;
- 1.14 “Taxi Broker” shall mean any person or corporate entity who accepts calls in any manner for taxicabs used for hire and which are owned by persons other than the broker;
- 1.15 “Taxicab” shall mean any passenger motor vehicle regularly used for hire for the conveyance of persons having a normal seating capacity of not more than nine persons, but shall not include a public vehicle as defined in the Public Vehicles Act, R.S.O. 1990, c.P.54 and amendments thereto;
- 1.16 “Taxi Driver’s Licence” shall mean a licence granted under the authority of this by-law by The Corporation of the Municipality of Kincardine to a driver of a taxicab or limousine;
- 1.17 “Taxi Vehicle Licence” shall mean a licence granted under the authority of this by-law by The Corporation of the Municipality of Kincardine for each taxicab or limousine;
- 1.18 “Taximeter” shall mean any device installed in a taxicab and approved by the Clerk to accurately register the kilometres travelled by the taxicab;

- 1.19 "Taximeter Calibration Certificate" shall mean a Taximeter Calibration Certificate issued by a firm whose regular business is the calibration of taximeters;
- 1.20 "Taxi Owner/Operator Licence" shall mean a licence granted under the authority of this by-law by The Corporation of the Municipality of Kincardine to own and operate any vehicle used for hire;

2.0 DUTIES OF THE CLERK OR HIS/HER DESIGNATE

The Clerk shall have the following duties in connection with the provisions of this by-law:

- 2.1 Provide each applicant wishing to apply for a licence under this by-law one copy of this by-law.
- 2.2 To receive all applications for licences and refer the applicant to the Detachment Commander to undertake the enquires and discharge the Commander's duties as provided in Section 3 of this by-law.
- 2.3 To inspect from time to time, every taxicab and limousine and the necessary equipment thereof and the condition of such taxicab and limousine but this in no way shall require the Clerk to certify mechanical aspects of the vehicle or taximeter. In carrying out this duty the Clerk shall receive from the applicant a valid Safety Standard Certificate of Mechanical Fitness dated no longer than thirty (30) days before the application for licence is submitted, as well as carry out a distance test to determine acceptable operation of the taximeter. If the taximeter is not found to be operating within the acceptable limits, the applicant shall provide the Clerk with a valid Taximeter Calibration Certificate within 7 working days. Acceptable operation is defined as the rate for the distance of one (1) kilometer being achieved within one car length of one (1) kilometer. The Clerk shall provide a recommendation to the Police Services Board regarding the issuance or denial of a taxicab vehicle licence in accordance with the provisions of this by-law.
- 2.4 To notify any applicant of the Municipality's issuance of a licence or refusal to issue a licence.
- 2.5 To prepare all licences including a photo driver's identification card to each licensed driver and collect all fees where applicable within 14 working days of receiving the Police Services Board approval for the issuance of the licence.
- 2.6 To assign any act or duty to be performed by the Clerk under this by-law to a designate.

3.0 DUTIES OF THE DETACHMENT COMMANDER OR HIS DESIGNATE

The Detachment Commander shall have supervision over all persons and vehicles licensed under this by-law together with equipment used by them and the following shall be the duties of the Detachment Commander in connection with provisions of this by-law:

- 3.1 To report to the Police Services Board the performance of his duties under this by-law whenever he shall be requested to do so. This report is

to include all temporary suspensions issued by the Detachment Commander as authorized by this by-law.

- 3.2 To provide to the Municipality a criminal record check and a driver licence history check for each licence applicant who provides to the Ontario Provincial Police South Bruce Detachment an original signed copy of the licence application contained in this bylaw, signed consents as required by the Ontario Provincial Police for a criminal record check and driver licence history check and any applicable fee for same as required by Ontario Provincial Police procedures.
- 3.3 To ascertain by inspection and enquiry from time to time and as often as may be required by the Police Services Board, whether the persons receiving licences continue to comply with the provisions of this by-law.
- 3.4 If adverse information has been received or determined regarding a current licence holder, provide this information to the Police Services Board for their use in considering revocation or suspension of the licence.
- 3.5 To inspect the record of calls answered by the owner or broker on a periodic basis.
- 3.6 To give evidence in the prosecution of all persons who contravenes any of the provisions of this by-law.
- 3.7 To assign any act or duty to be performed by the Detachment Commander under this by-law to a designate who is a police officer under his command.

4.0 DELEGATION OF POWERS AND DUTIES

- 4.1 Council hereby delegates to the Kincardine Police Services Board its authority to consider all applications for taxi and vehicle licences and to regulate and govern the owners, brokers and drivers of taxicabs and limousines within the Municipality.

5.0 LICENCES

- 5.1 Prior to receiving the licence, all applicants shall attend an orientation meeting with the Clerk or designate for the purpose of being informed of the provisions of this by-law.
- 5.2 The Police Services Board shall consider all applications for licences. The Police Services Board shall either grant or refuse to grant a licence to the applicant.
- 5.3 No person shall operate a taxicab or limousine without a current valid taxi licence from the Police Services Board and prior to obtaining a licence shall complete and submit an application as set out in Schedule "A" and pay the fee as set out in the Municipality of Kincardine's current Consolidated Rates and Fees By-law. The taxi owner/operator licence issued shall be as set out in Schedule "B" of this by-law.
- 5.4 No person shall act as a taxi broker without a current valid broker's licence from the Police Services Board and prior to obtaining a licence shall complete and submit an application as set out in Schedule "A" and pay the fee as set out in the Municipality of Kincardine's current Consolidated Rates and Fees By-law. The taxi broker's licence issued shall be as set out in Schedule "C" of this by-law.

- 5.5 No person shall drive or act as a driver of any taxicab or limousine without having a valid municipal taxi driver's licence from the Police Services Board and prior to obtaining a licence shall complete and submit an application as set out in Schedule "A" and pay the fee as set out in the Municipality of Kincardine's current Consolidated Rates and Fees By-law. The taxi driver's licence issued shall be as set out in Schedule "D" of this by-law.
- 5.6 No person shall use a vehicle as a taxicab or limousine without a current valid vehicle licence from the Police Services Board and prior to obtaining a licence shall complete and submit an application as set out in Schedule "E" if it is the first or only vehicle to be licensed by an owner and pay the fee as set out the Municipality of Kincardine's current Consolidated Rates and Fees By-law. The taxi vehicle licence issued shall be as set out in Schedule "F" of this by-law.
- 5.7 Every owner of more than one taxicab or limousine to be licensed under this by-law shall take out an additional licence for each vehicle licensed and shall complete and submit an application as set out in Schedule "E" and pay the fee as set out in the Municipality of Kincardine's current Consolidated Rates and Fees By-law. The taxi vehicle licence issued shall be as set out in Schedule "F" of this by-law.
- 5.8 There shall be no transfers of licences under this by-law.
- 5.9 No licensed owner incorporated under the laws of the Province of Ontario or any other jurisdiction shall permit the transfer of shares which would have the effect of changing control of the corporation without the approval of the Police Services Board.
- 5.10 The person in whose name a taxicab owner's licence is applied for and taken out for a vehicle shall be considered the owner of the same for the purpose of this by-law and they shall be liable for penalties herein described.
- 5.11 No owner of a taxicab or limousine licensed under this by-law shall use or permit the use of any number plate upon any taxicab or limousine other than the plates issued by the Ministry of Transportation of Ontario for such vehicle.
- 5.12 Licences in effect on the date of passage of this by-law will remain in effect until April 30, 2011. Licences issued after the passage of this by-law but before April 30, 2011 will also remain in effect until April 30, 2011. Thereafter licences issued under this by-law shall be for a maximum two year period. The initial two year period will commence May 01, 2011 and expire at midnight April 30, 2013.
- 5.13 Applicants for licences under this by-law shall be required to sign a waiver of disclosure of police records check and driver licence history check to allow the Detachment Commander to conduct the necessary investigations under Section 3 of this by-law. The Detachment Commander is authorized to disclose this information to the Clerk or the Police Services Board as required.

6.0 APPLICATIONS FOR LICENCES

- 6.1 Applications for licences shall be addressed to the Police Services Board and delivered to the Clerk upon the form or forms as contained in the Schedules attached to this by-law, together with the following:
- i) Payment of the appropriate fee prescribed by the by-law;

- ii) Certificate of Insurance issued by a company authorized to do business in Ontario certifying that the owner or broker and driver of each taxicab or limousine for which a taxicab or limousine vehicle licence is being applied for, are insured for public liability property damage and passenger hazard, with a minimum \$2,000,000 coverage per incident or occurrence and written confirmation from the insurer that the Clerk will receive at least thirty (30) days written notice prior to any cancellation, expiration or variation thereof;
 - iii) A valid Safety Standard Certificate of Mechanical Fitness for each taxicab or limousine to be licensed certifying such vehicle is in a safe condition to be operated upon a highway and such certificate must be dated no longer than thirty (30) days before the application for the licence is submitted. The cost of this certificate shall be borne by the applicant;
 - iv) A valid Taximeter Calibration Certificate if the distance test performed by the Clerk did not demonstrate acceptable charges based on the rates set out in this by-law. Such certificate must be provided within 7 working days after completion of the distance test. The cost of this certificate shall be borne by the applicant;
- 6.2 The applicant shall present himself at the municipal office to have a photograph taken by municipal staff, for application purposes.
- 6.3 The applicant shall return to the Clerk the driving record abstract and record of criminal offences, including offences for which the applicant has received a pardon, no later than two months subsequent to the initial submission of the application to the Clerk.

7.0 QUALIFICATIONS

- 7.1 To be eligible to be licensed under this by-law, an applicant must:
- i) Have reached the age of nineteen (19) years;
 - ii) Be of good character; and
 - iii) Be a holder of a valid Ontario driver's licence issued by the Province of Ontario designated a Class "A", "B", "C", "D", "E", "F", or "G" (not a "G1" or "G2" or be classed as a probationary driver).
- 7.2 The applicant shall not have accumulated more than six demerit points in his driving record at time of the application and concurrent to.
- 7.3 An applicant for a taxi driver's licence shall meet the following requirements:
- i) The applicant's driver's licence shall not have been under suspension at any time within the preceding twelve months as a result of the person having been convicted or found guilty of an offence referred to in Section 53, subsection 128 (15), Section 130, 172, 200 or 216 of the *Highway Traffic Act*, or an offence under the *Safer Roads for a Safer Ontario Act*, or an offence under the *Criminal Code (Canada)* committed by : means of a motor vehicle or while driving or having the care or control of a motor vehicle as defined in the *Highway Traffic Act*;
 - ii) The applicant shall not have been convicted or found guilty within the preceding five years of two or more offences committed on different dates by means of a motor vehicle or while driving or having the care or control of a motor vehicle;
 - iii) The applicant shall not have been convicted or found guilty within the preceding five years of an offence under Section 151, 152, 153, 155,

- 159, 160, 163, 167, 168, 170, 171, 172, 173, 212, 271, 272 or 273 of the *Criminal Code* (Canada);
- iv) The applicant shall not have been convicted or found guilty within the preceding five years of more than one offence referred to in paragraph (i).
- 7.4 Although not convicted or found guilty under Subsection (7.3), an applicant for or a holder of a taxi driver's licence must not have been convicted or found guilty of an offence for conduct that affords reasonable grounds for believing that the person will not properly perform his duties or is not a suitable person to have custody of children while having control of a taxicab or limousine.
- 7.5 The applicant shall not have been convicted or found guilty of an offence under the *Liquor Licence Act* of Ontario pertaining to the illegal sale or purchase of liquor within the preceding three years.
- 7.6 An applicant for a licence shall be able to comprehend the English language.
- 7.7 An applicant for a taxicab vehicle licence shall be registered with the Ministry of Transportation and Communications for the Province of Ontario as owner of the taxicab or limousine for which the licence is applied for.
- 7.8 An applicant shall be familiar with the provisions of this by-law, the laws and regulations relating to traffic and the geography of the Municipality.

8.0 RESPONSIBILITIES OF THE TAXICAB OWNER OR BROKER

- 8.1 Every person licensed as a taxicab owner or broker shall:
- 8.1.1 Keep a record of calls answered by vehicles licensed by him or to whom he directs calls showing date, time, origin, destination, vehicle licence number and driver; records to be kept in an orderly manner for a period of twelve (12) months and open for inspection by the Clerk.
- 8.1.2 Submit his vehicle for examination prior to a licence being issued for the same and following the completion of each twelve (12) month period thereafter, or any other time as required by the Clerk.
- 8.1.3 Before employing a taxicab driver, notify the Clerk of the proposed employee, who shall be required to obtain a taxi driver's licence under this by-law, and when the said employee leaves his employ, notify the Clerk of such termination.
- 8.1.4 Require that drivers employed by him have been approved by the company providing the insurance coverage and provide proof of same to the Clerk.
- 8.1.5 Require that persons engaged as taxicab drivers are properly licensed under this by-law.
- 8.1.6 Hours of work for a taxicab driver are pursuant to the Employment Standards Act, 2000, S.O. 2000.
- 8.1.7 Every taxicab or limousine owner or broker shall keep a current list of the drivers' names and home addresses in his office.

- 8.1.8 Every self-employed owner/driver shall notify the Clerk of any change of his office address and/or home address within five (5) days of changing location.
- 8.1.9 Provide on his own or in conjunction with a licensed taxicab broker a suitable office for the carrying on of his business and keep the same orderly, clean and neat.
- 8.1.10 Provide on his own or in conjunction with a licensed taxicab broker telephone and radio dispatching facilities maintained in proper working condition.

9.0 EQUIPMENT AND ITS USES

- 9.1 Every owner shall have affixed to each taxicab in respect to which such owner is licensed, a taximeter which shall register the total distance (km/mi) driven, paid miles driven, trips, units, compute fares to be paid according to distance and time, showing the resulting total amount and having manually operated counter for extras, to indicate the extra amount to be paid for a trip separately. Taximeters must be positioned, in the taxicab so that they may be, at all time, easily read by the passenger.
- 9.2 Any owner using an unsealed or defective taximeter shall automatically not receive a licence and shall have an existing licence suspended or revoked. Every taximeter shall be adjusted based on the rates set out in this by-law.
- 9.3 In an emergency, the Detachment Commander may authorize an owner to operate a taxicab without a meter for a period of 48 hours.
- 9.4 No person licensed under this by-law shall carry or permit to be carried in any taxicab or limousine, a load in excess of that for which the commercial motor vehicle permit was issued as stated upon the permit.
- 9.5 No person licensed under this by-law shall carry in any taxicab or limousine a greater number of occupants or person including the driver than the manufacturer's rating of seating capacity as such, and every vehicle licensed under this by-law shall be a model having at least four (4) doors.
- 9.6 No person shall use or operate a taxicab unless the same has affixed on the exterior thereof the word "TAXI" in letters large enough to be clearly visible to the public on a sign permanently mounted on the roof capable of illumination, and lighted at the same time as headlights are required to be lighted under the *Highway Traffic Act*.
- 9.7 The owner and/or driver of a taxicab or limousine shall be responsible to ensure that the interior of the vehicle is in clean condition and in good repair at all times.
- 9.8 The owner and/or driver of the taxicab shall display in a prominent location within the taxicab in clear view of the passengers the rates or fares charged by the owner for the use of the taxicab.

10.0 VEHICLE AGE

Every taxicab owner shall:

- i) Submit a valid safety standard certificate by an independent licensed mechanic annually thereafter for taxi cabs greater than (3) three years of age and submit same annually thereafter for limousines greater than (5) five years of age.

11.0 RESPONSIBILITIES OF A DRIVER

- 11.1 Every person licensed as a taxicab or limousine driver shall complete an application for a taxicab driver's licence as shown in Schedule "A" of this by-law.
- 11.2 Every person licensed as a driver under this by-law shall keep a daily record (herein referred to as a trip record) of all trips made by him and such record shall contain the following:
 - 11.2.1 The vehicle licence plate of the taxicab or limousine and the number of the taxicab or limousine owner's licence issued under the provisions of this by-law;
 - 11.2.2 The name and identification number of the driver;
 - 11.2.3 The amount of fare for each trip;
 - 11.2.4 The date, time, origin and destination of each trip.
- 11.3 Every driver who drives a taxicab or limousine of which he is not the owner, shall at the end of each day's tour of duty, deliver to the owner a copy of the said daily record.
- 11.4 Every person licensed as a taxicab driver under this by-law shall:
 - 11.4.1 Carry their driver's identification card as prepared by the Clerk at all times when operating a taxicab or limousine;
 - 11.4.2 Upon request of any police officer, provide full information as to passengers carried;
 - 11.4.3 Shall supply his first name and taxi driver's licence number when requested to do so by any passenger;
 - 11.4.4 While on duty, be neat and clean in his person;
 - 11.4.5 Punctually keep all appointments and engagements and while on duty unless his taxicab or limousine has been previously engaged, serve at any place within the Municipality at any specified time, whether by day or night, any person who may lawfully require a taxicab or limousine and he shall not neglect to fulfil his appointment or engagement, except for reasons beyond his control;
 - 11.4.6 Take due care of all property delivered or entrusted to him and accepted by him for conveyance or safekeeping and immediately upon termination of any hiring or engagement, shall search his taxicab for any property lost or left therein and all money or property left in this taxicab or limousine shall be forthwith delivered to the person owning same, or if the owner cannot be found at once, then to an officer in charge at the Kincardine Ontario Provincial Police office with all information in his possession regarding same;
 - 11.4.7 Travel by the most direct route to the point of destination unless otherwise directed by the person engaging the taxicab or limousine;

- 11.4.8 Search his vehicle at the beginning and termination of his tour of duty for any alcoholic beverages, drugs or other illegal goods and turnover to OPP detachment forthwith.
- 11.4.9 Not solicit any person to take or use his taxicab or limousine by calling out or shouting. The person wishing to use or engage a taxicab or limousine shall be left to choose without interception or solicitation;
- 11.4.10 Not take, consume or have in his possession any intoxicant or illicit drug(s) while on duty;
- 11.4.11 Not smoke while in the vehicle;
- 11.4.12 Not obstruct the use of any sidewalk or make any loud noises, disturbances or use abusive language or molest, annoy or insult any person whatsoever;
- 11.4.13 Not carry in any taxicab a greater number of persons than such vehicle is intended to seat according to manufacturer's rating or than specified in this by-law;
- 11.4.14 Not induce any passenger to employ him either knowingly, wantonly, or wilfully misinforming, misleading or deceiving such passenger as to the arrival or departure of any public conveyance or the location or distance from any part of the Municipality to any terminal, public place, private residence or other place, nor shall he in any manner or form impose upon or deceive or in any way insult, abuse or ill-treat any passenger including the use of foul language;
- 11.4.15 Not allow any illegal, immoral, indecent or disorderly conduct in his taxicab or limousine;
- 11.4.16 Not engage in the delivery of liquor as defined in the Liquor Licence Act of Ontario, by taxicab or limousine unless such delivery is carried out pursuant to the Liquor Licence Act of Ontario or Regulations thereto.
- 11.5 Any licensed driver of a taxicab or limousine may carry two or more "unrelated fares", from a common starting point to two or more destinations subject to the following:
 - i) Each stop to discharge a passenger shall be deemed to be the end of one trip and the commencement of a new trip;
 - ii) Limousines may not carry "unrelated fares" except on a time basis.
- 11.5.1 No licensed driver shall pick up enroute any additional passenger after such vehicle has departed with one or more passengers from any starting point, unless the person who originally engages the vehicle desires same.
- 11.5.2 Provide a receipt for charges made and paid including their name, address of the owner and licence number of the cab or limousine promptly upon receiving a request from the person employing the taxicab or limousine.
- 11.6 A taxicab driver and/or taxi company owner shall notify the Clerk within six days of being charged with any criminal offence, the accumulation of more

than 6 demerit points and/or drivers license suspension regardless of length.

12.0 FARES

- 12.1 The fares or rates to be charged by the owners or drivers of taxicabs shall be no more than is shown in the Municipality of Kincardine's current Consolidated Rates and Fees By-law.
- 12.2 The fares to be charged by the owners or drivers of taxicabs may be varied from time to time by Council.
- 12.3 Each owner of a limousine shall be at liberty to demand or receive any fare or charge as the owner sees fit and such rate may be determined by distance or time or on a fixed tariff basis.
- 12.4 It shall be lawful for the driver of any licensed vehicle to demand prompt payment of his lawful passenger and no passenger shall refuse, as soon as he reaches his destination to pay the fare established by this by-law, and every person refusing to pay such fare shall be guilty of a breach of this by-law. Any driver who shall demand any greater sum than lawful fare according to the provisions of this by-law shall be guilty of a breach of this by-law.
- 12.5 It shall be lawful for the driver of any licensed vehicle carrying passengers for hire outside the Municipal limits to demand pre-payment of his lawful fare.

13.0 DENIAL, SUSPENSION AND REVOCATION OF LICENCES

- 13.1 Any act done or by the authority of the Clerk or the Detachment Commander under any provision of the by-law shall be subject to an appeal to the Police Services Board by any person. All decisions made by the Police Services Board on these matters are final.
- 13.2 A decision by the Police Services Board to refuse, suspend or revoke a licence may be appealed to Council by filing, in writing, an appeal with the Clerk within ten (10) days of the notice of decision being provided. All decisions made by Council on these matters are final.
- 13.3 Any appeal made to the Police Services Board or Council is subject to the procedure outlined in Schedule "G".
- 13.4 Notwithstanding Section 7, the Detachment Commander may, at any time, for any other cause appearing to him to be sufficient, suspend the licence issued to any taxicab broker, owner or driver and shall in such event report such suspension forthwith in writing to the Chair of the Police Services Board, or his designate. The Police Services Board may either continue such suspension for such period of time as it shall determine or may reinstate such licence, or if the circumstances shall appear to warrant such action, may revoke such licence.

- 13.5 The Detachment Commander or any interested party may apply to the Police Services Board to have a licence suspended or revoked for cause. Cause shall mean any breach of the By-law.
- 13.6 In the event of any licence issued under this by-law being suspended or revoked, the previous holder thereof shall not, without approval of the Police Services Board apply for another licence before the lapse of six (6) months from the date of such suspension or revocation.

14.0 PENALTIES

- 14.1 Any person who contravenes the provisions of this by-law is guilty of an offence and upon conviction is subject to the penalty set out in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 14.2 Any licensed owner of a taxicab or limousine that is involved in any contravention of this by-law is equally and separately guilty of the offence and upon conviction is subject to the penalty as set out in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 14.3 Any taxi broker licensed under this by-law is equally and separately accountable for any contravention of this by-law committed by any licensed driver while assigned to them and upon conviction is subject to the penalty as set out in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

15.0 EXISTING LICENCES

- 15.1 Every licence issued pursuant to By-law No. 2003 - 40 shall be deemed to be a licence under this By-law and every such licence unless revoked shall continue to be valid until its normal date of expiry.
- 15.2 Every act taken pursuant to the predecessor to this By-law shall, as necessary, be deemed to have been taken pursuant to this By-law and every such act may be carried to its conclusion pursuant to the authority granted by this By-law.
- 15.3 If an act has been validly commenced pursuant to the predecessor to this By-law and authority for such act does not exist pursuant to this By-law then such act may be continued to its conclusion and 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.

16.0 GENERAL

- 16.1 Schedules "A", "B", "C", "D", "E", "F", and "G" are attached hereto and form part of this by-law.
- 16.2 Any reference herein to male gender shall be construed to include the female gender as well, and any reference to singular or plural shall be interpreted as the opposite number where the context so requires.
- 16.3 By-law No. 2003 - 40 and By-law No. 2004 - 149 are hereby repealed.

16.4 This by-law shall come into full force and effect upon its final passage.

16.5 This by-law may be cited as the "2009 Taxi By-law".

READ a **FIRST** and **SECOND** time this 18th day of November, 2009.

Mayor

Clerk

READ a **THIRD** time and finally passed this 16th day of December, 2009.

Mayor

Clerk

The Corporation of the Municipality of Kincardine
By-law No. 2009 - 168

Schedule "A"

Application for Licence as a Taxi Owner/Operator, Broker, Driver

Check the box of the appropriate Licence(s) to which this application applies

Taxi Owner/Operator Taxi Broker Taxi Driver

(Note: If the Taxi Owner/Operator is a partnership, attach all information below in respect of all partners)

Full Legal Name of Applicant: _____

Street Address of Applicant: _____

Mailing Address: _____

(if different from above) _____

Telephone Number: _____

Is the Applicant a Corporation? Yes: No:

Birthdate of Applicant (if partnership or corporation, birthdate of all principals): _____

Number of vehicles owned by Applicant which are intended to be licensed under this by-law:

_____.

Has a Taxicab/Limousine Vehicle Licence Applicant been attached for each vehicle?

Yes No

If a Broker Licence Application, name and addresses of all vehicle owners or lessees for whom the Broker Applicant will act as Taxi Broker (Attach a separate sheet if necessary):

Please provide the following if applicant is applying for a Taxi Driver's Licence

Ontario Drivers Licence: _____ Classification: _____

Expiration: _____

The applicant agrees to provide information on request; including personal information as defined in the Municipal Freedom of Information and Protections of Privacy Act. Personal information is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M. 56 for the purpose of assessing eligibility for a Taxi owner/operator, broker or driver licence. Questions about the collection of personal information may be addressed to the Clerk of the Municipality of Kincardine, 1475 Concession 5, R.R. # 5, Kincardine, Ontario, N2Z 2X6. Phone: 519-396-3468

In particular, I authorize the Corporation and its agents to enquire into any background in order to determine my suitability as a taxi driver/owner. These enquiries will include a criminal check, a driver licence history check and a review of all other police contacts deemed relevant.

I understand that information, including personal information, may be exchanged between the Municipality of Kincardine and the South Bruce Detachment of the Ontario Provincial Police.

I have provided complete and correct information as required by this application. Criminal convictions and convictions for any of the offences listed in Section 7 of this bylaw will result in the rejection of this application. Relevant information from police data bases will be considered in the application process; ie. Included but not limited to nature of contact, potential for recurrence etc. All decisions regarding this application will be made by the Police Services Board for the Municipality of Kincardine with leave to appeal any decision to Council.

I have read By-law 2009- understand it and agree to abide by it.

I have read this consent, understand it and agree to it in its entirety.

Signature of Applicant

Date

Signature of Licensing Clerk

Date

The Corporation of the Municipality of Kincardine

By-law No. 2009- 168

Schedule "B"

Taxi Owner/Operator Licence

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

BY-LAW NO. 2009 -

**TAXI OWNER/OPERATOR
LICENCE**

THIS licence is granted to: (Name and address) to carry on business of a Taxi Service within the Municipality of Kincardine.

PROVIDED the said (Name) shall duly observe all such By-laws, Rules and Regulations, matters and things as are, or may be enacted by the Council of the Municipality of Kincardine to govern within their jurisdiction.

*THIS licence to continue in force until April 30, .
Issued at Kincardine on this TH day of*

*Received of (Name)
The sum of \$ being the full amount payable on this licence.*

Licensing Clerk

The Corporation of the Municipality of Kincardine

By-law No. 2009- 168

Schedule "C"

Taxi Broker Licence

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

BY-LAW NO. 2009 -

TAXI BROKER LICENCE

THIS licence is granted to: (Name and Address) to carry on business of a Taxi Broker Service within the Municipality of Kincardine for the following vehicle owners:

(Name and addresses)

PROVIDED the said (Name) shall duly observe all such By-laws, Rules and Regulations, matters and things as are, or may be enacted by the Council of the Municipality of Kincardine to govern within their jurisdiction.

THIS licence to continue in force until April 30, .
Issued at Kincardine on this TH day of

Received of (Name)
The sum of \$ being the full amount payable on this licence.

Licensing Clerk

The Corporation of the Municipality of Kincardine

By-law No. 2009 - 168

Schedule "D"

Taxi Driver Licence



Licence # 200X-XX-XX

MUNICIPALITY OF KINCARDINE

TAXI DRIVER LICENCE

Permission is hereby granted to XXXX to act as a Taxi Driver within the Municipality of Kincardine or from any point in the Municipality to any point outside the municipality, subject to By-law No. 2009- and any violation of the same cancels this licence.

Effective: Date.... Expiry: April 30, 20XX

Licensing Clerk, Municipality of Kincardine

The Corporation of the Municipality of Kincardine

By-law No. 2009 - 168

Schedule "E"
Application for a Taxi Vehicle Licence

Name of Registered Owner of Vehicle: _____

Mailing Address of Owner: _____

If a partnership or corporation, state the above in respect of all principals. If a lease vehicle, state Lessee's name and address.

Licence # of Vehicle: _____

Serial # of Engine: _____

Year: _____

Model: _____

Make: _____

Colour: _____

Odometer reading: _____

Insurer: _____

Agency: _____

Address of Agency: _____

Expiry Date of Insurance: _____

Agency Telephone: _____

Safety Standard Certificate Number: _____

Has this vehicle ever been involved in a motor vehicle accident? _____

The applicant agrees to provide information on request; including personal information as defined in the Municipal Freedom of Information and Protections of Privacy Act. Personal information is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M. 56 for the purpose of assessing eligibility for a Taxi owner/operator, broker or driver licence. Questions about the collection of personal information may be addressed to the Clerk of the Municipality of Kincardine, 1475 Concession 5, R.R. # 5, Kincardine, Ontario, N2Z 2X6. Phone: 519-396-3468

Signature of Applicant

Date

Signature of Licensing Clerk

Date

The Corporation of the Municipality of Kincardine

By-law No. 2009 - 168

Schedule "F"

Taxi Vehicle Licence

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

BY-LAW NO. 2009 - 168

TAXI VEHICLE LICENCE

THIS licence is granted to: (Name and address), the registered owner of the vehicle identified below to use the said vehicle as a taxi within the Municipality of Kincardine.

PROVIDED the said (Name of registered owner) shall duly observe all such By-laws, Rules and Regulations, matters and things as are, or may be enacted by the Council of the Municipality of Kincardine to govern within their jurisdiction.

*Vehicle Serial Number:
Vehicle Licence Number:
Vehicle Make:
Colour:
Year:*

*THIS licence to continue in force until April 30, .
Issued at Kincardine on this TH day of*

*Received from (Name).
The sum of \$ being the full amount payable on this licence.*

Licensing Clerk

The Corporation of the Municipality of Kincardine

By-law No. 2009 - 168

Schedule "G"

Notice and Appeal to the Police Services Board

1. Where the Detachment Commander or Clerk perform any act under this by-law an appeal may be made by filing, in writing, an appeal addressed to the Police Services Board with the Clerk within ten (10) days of the notice of decision being provided.
2. Notice of the decision shall be considered as being provided five (5) days after mailing by the Detachment Commander or Clerk.
3. The applicant or Taxi Owner/Operator may appeal to the Police Services Board the decision of the Detachment Commander or Clerk under this By-law by filing with the Clerk an appeal, in writing, within ten (10) days of the notice of decision being provided.
4. Where an appeal is filed with the Clerk, the Police Services Board shall hold a hearing to hear the appeal.
5. The Police Services Board may, after holding the hearing, uphold the decision, modify the decision or reverse the decision.
6. In considering the matter, the Police Services Board shall consider whether the applicant or Taxi Owner/Operator has complied with all requirements of this By-law or whether the applicant or Taxi Owner/Operator has committed past breaches of this By-law.
7. Notice of the hearing shall provide date, time and place of the hearing and shall be sent by registered mail or delivered to the appellant at his address last known to the South Bruce Detachment of the O.P.P. seven (7) days prior to the hearing.
8. At the hearing, the Police Services Board shall receive a report from the Detachment Commander or Clerk, other officers of the Municipality as appropriate, the appellant and any other person who has an interest in the matter.
9. Upon hearing all reports, the Police Services Board shall render a decision to uphold the decision, modify the decision or reverse the decision.
10. Notice of the decision shall be mailed to the appellant within three (3) days of the decision.
11. The decision of Police Services Board is final.

Notice and Appeal to Council

1. Where the Police Services Board refuses to issue, suspends or revokes a licence the Police Services Board shall provide notice in writing to the applicant or the Taxi Owner/ Operator of the decision and set out the grounds for the decision and advise that the decision may be appealed by filing, in writing, an appeal with the Clerk within ten (10) days of the notice of decision being provided.

2. Notice of the decision shall be considered as being provided five (5) days after mailing by the Police Services Board.
3. The applicant or Taxi Owner/Operator may appeal to Council the decision to refuse, suspend or revoke a licence under this By-law by filing with the Clerk an appeal, in writing, within ten (10) days of the notice of decision being provided.
4. Where an appeal is filed with the Clerk, the Council shall hold a hearing to hear the appeal.
5. The Council may, after holding the hearing, issue a licence, not issue a licence, revoke a licence, suspend a licence.
6. In considering the matter, the Council shall consider whether the applicant or Taxi Owner/Operator has complied with all requirements of this By-law or whether the applicant or Taxi Owner/Operator has committed past breaches of this By-law.
7. Notice of the hearing shall provide date, time and place of the hearing and shall be sent by registered mail or delivered to the appellant at his address last known to the South Bruce Detachment of the O.P.P. seven (7) days prior to the hearing.
8. At the hearing, the Council shall receive a report from the Police Services Board, other officers of the Municipality as appropriate, the appellant and any other person who has an interest in the matter.
9. Upon hearing all reports, the Council shall render a decision to issue a licence, refuse to issue a licence, revoke a licence, suspend a licence.
10. Notice of the decision shall be mailed to the appellant within three (3) days of the decision.
11. The decision of Council is final.