

Taxicab and Limousine Licensing By-law

L-123-55 – Consolidated April 12, 2002

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OFFICE CONSOLIDATION
Up to and including amendment L-123(b)-30 (January 15, 2001)

LICENSING

By-law L-123-155

A by-law to provide for
**LICENSING, REGULATING AND GOVERNING TAXICAB BROKERS,
TAXICAB OWNERS, LIMOUSINE OWNERS AND DRIVERS OF MOTOR VEHICLES
USED FOR HIRE, AND FOR LIMITING THE NUMBER OF TAXICAB OWNER LICENCES**

BY-LAW INDEX

<u>Section</u>	<u>Title</u>
1	Definitions
2	Responsibilities
3	Responsibilities - Chief of Police
4	Prohibition
5	Application for Licences
6	Duties of Taxicab Driver
7	Duties of Taxicab Owner
8	Duties of Taxicab Broker
9	Duties of Limousine Driver
10	Duties of Limousine Owner
11	Duties of Limousine Broker
12	Designated Agents
13	Leasing
14	Prohibited from Leasing
15	Tariffs
16	Taximeter
17	Limitations
18	Renewal, Suspension and Revocation
19	Licence Fees
20	Scope
21	Penalties
22	Repeal
23	Date By-law comes into force
	Schedule 'A' - Taxicab Tariff / Fares

Schedule 'B' - Limousine Tariff

Schedule 'C' - Licence and Examination
Fees

WHEREAS it is provided in the *Municipal Act, R.S.O. 1990* that by-laws may be passed for licensing, regulating and governing taxicab brokers and owners and drivers of cabs, buses, motor and other vehicles used for hire or any class or classes thereof, and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers, either wholly within the municipality or to any point not more than 5 kilometres beyond its limits, and for providing for collection of such rates or fares and for suspending and revoking any such licences;

AND WHEREAS pursuant to the *City of Humber Bay Act, 1966*, and the *Municipal Act, R.S.O. 1990*, the City of Humber Bay may, within the limitations therein set out, licence, regulate and govern the taxi industry;

BE IT THEREFORE ENACTED by the Municipal Council of The Corporation of the City of Humber Bay as a by-law thereof as follows:

DEFINITIONS

1. In this by-law:

- (a) "Accessible Taxicab" means a taxicab which was constructed or subsequently modified to permit the loading, transportation and off-loading of those individuals confined to a wheelchair, or similar device used to assist the disabled, without transfer and which motor vehicle complies with Ontario Regulation 167/81, as amended and Canadian Standards Association's Standard D409-M84;
- (b) "Accessible Taxicab Driver" means a licensed taxicab driver whose taxicab driver's licence has been endorsed by the City Clerk to permit the licensee to drive an accessible taxicab in the City of Humber Bay;
- (c) "Accessible Taxicab Owner" means a licensed taxicab owner whose owner's licence has been endorsed by the City Clerk to permit the operation of an accessible taxicab in the City of Humber Bay;
- (d) "Chief of Police" means the Chief of Police of the City of Humber Bay;
- (e) "City" means The Corporation of the City of Humber Bay;
- (f) "City Clerk" means the City Clerk of the City of Humber Bay;
- (g) "Designated Agent" means a person or corporation designated, in writing, by a licensed taxicab or limousine owner to act as his agent in respect of such taxicab or limousine;
- (h) "Disabled Passenger" means a passenger who is physically disabled;
- (vi) "Exclusive Concession Agreement" as referred to in this by-law includes any agreement whether or not for valuable consideration, which has for its purpose or effect the granting to any person of a right or licence to provide taxicab or limousine service to any public transportation terminal, subway station, hotel, motel, cab stand, or any other place, to the exclusion of one or more other taxicab(s) and limousine(s);
- (j) "Fleet" means one or more taxicabs being dispatched by one taxi broker;
- (k) "Lease" means any contract, agreement, understanding or other arrangement whereby an owner or an approved designated agent permits another person to manage, operate, control, have custody of, or otherwise employ his licensed vehicle, other than, in the case of a taxicab, permitting a driver to drive the taxicab for one normal driver's shift where the taxicab is returned to the owner or the designated agent at the end of such shift; and "to lease a licensed vehicle" includes the act of any owner in entering into or becoming a party to such a contract, agreement, understanding or other arrangement.

Without limiting the generality of the above, "lease" also includes a power of attorney, management contract and any other arrangement or agreement whereby any person other than an owner or his approved designated agent is allowed to exercise or does exercise any of the rights set out herein;

- (l) "Lessee" when used in reference to a taxicab or limousine or to the lease of a taxicab or limousine, means any person who is permitted to exercise or does exercise any of the rights set out in Section 13 hereto pursuant to a lease;
- (m) "Lessor" when used in reference to a taxicab or limousine or to the lease of a taxicab or limousine, means an owner or his designated agent who enters into or is party to a lease of his taxicab or limousine;
- (n) "Limousine" when used throughout this by-law, includes Limousine (stretched), Limousine (Executive) and Limousine (Van);
- (o) "Limousine (Stretched)" means a luxury class, stretched, motor vehicle which is kept or used for hire on an hourly or flat rate basis for the conveyance of passengers, with a seating capacity of at least four persons (including the driver), that has been custom cut and stretched, but is not equipped with a taxi meter, a top light or a roof sign of any kind; and also means a vintage vehicle that is licensed as such by the Province of Ontario and has been issued with vintage plates;
- (p) "Limousine (Executive)" means a 'North American full sized standard' luxury class, sedan, motor vehicle which is kept or used for hire for the conveyance of passengers, with a seating capacity of at least five, but not more than six persons (including the driver), that has carpeted floors and either a leather or other superior quality upholstered interior; that is within seven model years of the current year, and has not been custom cut or stretched, and is not equipped with a taxi meter, a top light or roof sign of any kind;
- (q) "Limousine (Van)" means a van-type passenger motor vehicle that is kept or used for hire on an hourly or flat rate basis for the conveyance of passengers that is within seven model years of the current year, but is not equipped with a taxi meter, a top light or a roof sign of any kind;
- (r) "Limousine Broker" means any person who accepts calls in any manner for limousines used for hire and which are owned by persons other than him, his immediate family or his employer;
- (s) "Permanent" as referred to in section 5(5) (c) of this bylaw, means at least 10 days in each month;
- (t) "Person" includes an individual, corporation, firm or agent thereof;
- (u) "Taxi Broker" means any person who accepts calls in any manner for taxicabs used for hire and which are owned by persons other than him, his immediate family or his employer;
- (v) "Taxicab" means a motor vehicle which is kept or used for hire for the conveyance of passengers, that is within nine model years of the current year, with a seating capacity of not more than nine persons and is equipped with a taximeter;
- (w) "Taxicab Owner Licence - Class A" means a taxicab owner licence issued prior to the passing of this by-law (June 1, 1998);
- (x) "Taxicab Owner Licence - Class B" means an "accessible" taxicab owner licence;
- (y) "Taxicab Owner Licence - Class C" means a taxicab owner licence issued after the date of the passing of this by-law (June 1, 1998).

RESPONSIBILITIES

- 2. The City Clerk shall:
 - (a) be responsible for the issuance, suspension and revocation of all licences pertaining to this by-law;
 - (b) accept applications for licences required by this by-law;

- (c) provide a copy of this by-law to each applicant for a licence under the provisions of this by-law;
- (d) when required, provide to applicants for licences under this by-law the appropriate examination paper to be completed;
- (e) maintain a record of all licences issued including the name and address of each licensee and the number of taxicabs or limousines owned by each licensee;
- (f) maintain a record of each vehicle licensed hereunder including the make, model, year, serial number, the Provincial licence plate number, the taxicab owner plate number, the limousine owner plate number, and the date of the issuance of each licence;
- (g) maintain a record of the colour(s) used by each taxi fleet or taxicab owner;
- (h) issue a licence plate to each licensed taxicab owner;
- (i) issue a licence plate to each licensed limousine owner;
- (j) issue a tariff card to each licensed taxicab driver;
- (k) ensure that taxicab and limousine drivers, owners and brokers attend the City Clerk's Office in person for the issuance and renewal of licences, except:
 - (i) in those cases where a designated agent has been approved by the City Clerk on compassionate grounds, in which case the approved designated agent of that owner shall be required to attend the City Clerk's Office for the issuance and renewal of licences; and
 - (ii) in those cases where the owner or broker is a corporation or firm, in which case an officer of that corporation or firm shall be required to attend the City Clerk's Office for the issuance and renewal of licences;
- (l) undertake a thorough review of this by-law every three years and report thereon to the Municipal Council through the Environment and Transportation Committee; and that this by-law not be amended in the intervening years except for those matters that are technical in nature or are based on new information; and
- (m) convey the contents of part (l) to anyone asking for substantive amendments to this by-law and to advise such persons that their request or suggestions will be considered as part of the next three year regulatory review.

3. The Chief of Police shall:

- (a) make all necessary enquiries and examine all applications for taxicab owner, taxicab driver, taxi broker, limousine owner and limousine driver licences;
- (b) where applicable, examine each applicant as to his or her personal history;
- (c) make all necessary enquiries in connection with the suspension or revocation of licences issued pursuant to this by-law; and
- (d) report his findings to the City Clerk.

PROHIBITION

4. (1) Within the City of Humber Bay no person shall:

- (a) drive a taxicab without having a current valid licence so to do, issued under the provisions of this by-law and herein referred to as a taxicab driver licence;
- (b) keep a taxicab for hire without having a current valid licence so to do, issued under the provisions of this by-law and referred to herein as a taxicab owner

licence;

- (c) drive a limousine without having a current valid licence so to do issued under the provisions of this by-law and herein referred to as a limousine driver licence;
 - (d) keep a limousine for hire without having a current valid licence so to do, issued under the provisions of this by-law and referred to herein as a limousine owner licence;
 - (e) operate as a taxi broker without having a current valid licence so to do, issued under the provisions of this by-law and referred to herein as a taxi broker licence;
 - (f) operate as a limousine broker without having a current valid licence so to do, issued under the provisions of this by-law and referred to herein as a limousine broker;
 - (g) keep or use for hire for the conveyance of passengers within the City any motor vehicle other than a bus that is licensed by the Province of Ontario, a taxicab, an accessible taxicab, or a limousine;
 - (h) advertise the use of a taxicab unless the said vehicle is licensed as a taxicab in accordance with the provisions of this by-law;
 - (i) advertise the use of a limousine unless the said vehicle is licensed as a limousine in accordance with the provisions of this by-law;
- (2) A licence issued under the provisions of this by-law shall expire on December 31 in the year of issue or on any date indicated on the licence, unless previously renewed, suspended or revoked.
- (3) No owner or driver of a taxicab or a limousine shall:
- (a) enter into or become a party to an exclusive concession agreement which provides for exclusive taxicab or limousine service to or from any location within the City of Humber Bay with the exception of the Humber Bay Airport which is under Federal jurisdiction;
 - (b) pay, agree to pay, accept, or agree to accept, a fee or consideration, or do any other act or thing, pursuant to an exclusive concession agreement which provides for exclusive taxicab or limousine service to or from any location within the City of Humber Bay with the exception of the Humber Bay Airport which is under Federal jurisdiction;
 - (c) pay or agree to pay any consideration to any person in return for or as a result of any act by such person done for the purpose of soliciting business for such taxicab or limousine, or directing or encouraging any person to use such taxicab or limousine at any of the places referred to in Section 1 (i) of this by-law.

APPLICATION FOR LICENCES

5. (1) Each applicant for a taxicab or limousine driver's licence shall:
- (a) attend at the office of the City Clerk and make a written application for such licence;
 - (b) be at least 18 years of age;
 - (c) be able to speak, read and write the English language;
 - (d) have a current, valid full Class G Provincial motor vehicle driver's licence issued

under the provisions of the *Highway Traffic Act*,

- (e) file with the City Clerk a valid certificate of completion of an approved training course conducted by an educational institution or a vocational training organization recognized and approved by the City Clerk;
 - (f) if so requested, submit to fingerprinting and photographing by the City of Humber Bay Police Department; and
 - (g) upon being granted a licence, pay the prescribed licence fee therefor to the City Clerk.
- (2) Each applicant for an accessible taxicab driver's licence shall:
- (a) be a licensed Taxicab Driver with the City of Humber Bay in accordance with the provisions of this by-law;
 - (b) satisfactorily complete a sensitivity course, identified by the City Clerk, pertaining to the transportation of physically disabled persons; and
 - (c) submit his taxicab driver licence to the City Clerk for endorsement as a licensed accessible taxicab driver;
- (3) Each applicant for a taxicab owner licence shall:
- (a) attend at the office of the City Clerk and make a written application for such licence;
 - (b) in the case of an individual, hold a current valid taxicab driver licence within the City of Humber Bay;
 - (c) in the case of a Corporation, firm or agent thereof, an officer of the said Corporation, firm or the agent, shall hold a current valid taxicab driver licence within the City of Humber Bay;
 - (d) have the motor vehicle which is to be licensed as a taxicab licensed for the then current year under the provisions of the Highway Traffic Act of Ontario, and file with the City Clerk proof that the said motor vehicle is either registered in his own name or leased by him;
 - (e) file with the City Clerk proof of insurance in respect of each vehicle to be licensed indemnifying and protecting the owner and the public, including passengers carried in such vehicles in the amount of \$1,000,000.00 inclusive of public liability and property damage;
 - (f) submit a certificate of mechanical fitness as prescribed by the Highway Traffic Act of Ontario with respect to the vehicle to be licensed should said vehicle be in used condition;
 - (g) submit a certificate of accuracy with respect to the taximeter installed in the vehicle to be licensed issued by a qualified and authorized representative of the manufacturer of the said taximeter and on his letterhead certifying that the said taximeter is properly sealed and registers accurately;
 - (h) in the case of an individual, and in the case of a Corporation or firm an officer of the Corporation or firm, file with the City Clerk a valid certificate of completion of an approved training course conducted by an educational institution or a vocational training organization recognized and approved by the City Clerk or satisfy the City Clerk that the individual or officer met the examination standards of By-law L.-120-174 prior to May 1, 1998;
 - (i) upon being granted a licence, pay the prescribed fee therefor to the City Clerk; and

- (j) in the case of a corporation, firm or agent thereof, provide details of the corporate ownership in a form acceptable to the City Clerk.
- (4) Each applicant for an accessible taxicab owner licence shall:
- (a) be a licensed Taxicab Owner with the City of Humber Bay in accordance with the provisions of this by-law;
 - (b) submit his or her taxicab owner licence to the City Clerk for endorsement to permit the use of the licensed vehicle as an accessible taxicab.
- (5) Each applicant for a taxi broker licence shall:
- (a) attend at the office of the City Clerk and make a written application for such licence;
 - (b) be licensed as a taxicab owner or driver by the City;
 - (c) provide proof to the satisfaction of the City Clerk that the premises from which he intends to operate as a taxi broker or carry on the business thereof are situated within the limits of the City and will continue to be so situated throughout the term of his licence;
 - (d) provide proof to the satisfaction of the City Clerk that he has a satisfactory system for receiving and dispatching calls for the taxicabs operating within his fleet, and that such system will not interfere with the operation of the taxicabs of another taxi broker, taxicab owner or fleet; and
 - (e) upon being granted a licence, pay the prescribed fee therefor to the City Clerk.
- (6) Each applicant for a limousine owner licence shall:
- (a) attend at the office of the City Clerk and make a written application for such licence;
 - (b) have the motor vehicle which is to be licensed as a limousine licensed for the then current year under the provisions of the Highway Traffic Act of Ontario, and file with the City Clerk proof that the said motor vehicle is either registered in his own name or leased by him;
 - (c) file with the City Clerk proof of insurance in respect of each vehicle to be licensed, indemnifying and protecting the owner and the public, including passengers carried in such vehicle, in the amount of \$1,000,000.00 inclusive of public liability and property damage;
 - (d) submit a certificate of mechanical fitness as prescribed by The Highway Traffic Act of Ontario with respect to the vehicle to be licensed should said vehicle be in used condition; and
 - (e) upon being granted a licence, pay the prescribed fee therefor to the City Clerk.
- (7) Each applicant for a limousine broker licence shall:
- (a) attend at the office of the City Clerk and make a written application for such licence;
 - (b) provide proof to the satisfaction of the City Clerk that the premises from which he intends to operate as a limousine broker or carry on the business thereof are situated within the limits of the City of Humber Bay and will continue to be so situated throughout the term of the licence;

- (c) provide proof to the satisfaction of the City Clerk that he has a satisfactory system for receiving and dispatching calls for the limousines operating within his fleet and that such system will not interfere with the operation of another limousine broker or owner or taxicab broker or owner; and
- (d) upon being granted a licence, pay the prescribed fee therefor to the City Clerk.

DUTIES OF A TAXICAB DRIVER

6. (1) Each taxicab driver shall:
- (a) place his Tariff card in the holder provided in the taxicab for this purpose;
 - (b) be neat and clean in person while on duty;
 - (c) punctually keep all appointments and engagements;
 - (d) unless his taxicab has been previously engaged, serve at any place within the City and at any specified time, whether by day or night, any person who may lawfully require his taxicab however, have the right to refuse a customer on the basis that the driver is concerned for personal safety or that the driver has a reasonable belief that the customer may not be able to pay the fare;
 - (e) upon request of any passenger, provide a receipt for the fare, or charge made and paid, indicating "Taxicab" thereon and stating:
 - (i) the place of pick up and discharge of any person;
 - (ii) the mileage travelled;
 - (iii) his name;
 - (iv) the number of his taxicab driver licence;
 - (v) the number of the taxicab owner licence for the vehicle; and
 - (vi) the Provincial Motor Vehicle Permit Number for the taxicab;
 - (f) take due care of all property delivered or entrusted to him and accepted by him for conveyance or safe keeping, and immediately upon termination of any hiring or engagement, search his vehicle for any property left therein and deliver to the person owning the same all money or property left in his taxicab; or if the owner cannot be at once found, deliver the said property to the City of Humber Bay Police Department and report all information pertaining thereto in his possession;
 - (g) maintain the interior and exterior of the taxicab within his control in a clean and tidy condition;
 - (h) daily, keep a trip record of all trips made by him containing the following information:
 - (i) the number of the taxicab owner licence issued pursuant to the provisions of this by-law;
 - (ii) his name, address and taxicab driver licence number;
 - (iii) the meter readings at the start and finish of each working period;
 - (iv) the date, time and location of the beginning and termination of each trip and the number of passengers carried; and

- (v) the amount of the fare collected for each trip;
 - (i) make his trip record and all information as to passengers carried available to any Police Officer and to the City Clerk when requested to do so;
 - (j) notify the City Clerk in writing within six days of a change of address; and
 - (k) take the shortest and quickest possible route to the destination of the passenger, unless the passenger directs the taxicab driver to take another.
- (2) In addition to complying with all other requirements of this by-law with respect to taxicab drivers, every licensed accessible taxicab driver shall:
- (a) ensure that all wheelchairs being transported within the taxicab are securely fastened so as to prevent them from moving when the taxicab is in motion;
 - (b) ensure that the accessible taxicab he is operating:
 - (i) is equipped with an extra tire, wheel and jack ready for use for that vehicle;
 - (ii) is in compliance with Ontario Regulation 167/81, as amended and Canadian Standards Association's Standard D409-M84; and
 - (iii) has wheelchair tie down that comply with the regulations set out in subsection (ii) above;
 - (c) ensure that only a person licensed under the provisions of this by-law as an accessible taxicab driver, and whose licence is endorsed by the City Clerk, is permitted to drive an accessible taxicab under his control;
 - (d) keep accurate, daily, records of the number of trips made for disabled passengers and for non-disabled passengers; and
 - (e) give priority to the use of the accessible taxicab by disabled passengers, and then permit its use for non-disabled passengers.
- (3) A taxicab driver shall not:
- (a) solicit any person to take or use his taxicab by calling out or shouting. (The person wishing to use or engage a taxicab or limousine shall be left to choose without interruption or solicitation);
 - (b) be under the influence of any intoxicant or take, consume or have in his possession any intoxicant while in charge of a taxicab, nor shall the use thereof by him be apparent while he is in charge of such vehicle;
 - (c) employ or allow any runner or other person to assist or act in concert with him in obtaining any passenger or baggage at any of the public taxicab stands, railway stations or elsewhere in the said City;
 - (d) carry more than five passengers in any taxicab used for hire or more than a number equal to the maximum insured capacity of the taxicab;
 - (e) induce any passenger to employ him either knowingly, wantonly or wilfully by misinforming, misleading or deceiving such passenger as to the time or place of the arrival or departure of any railroad train, boat or other public conveyance, or the location or distance from any part of the City of any railway station, boat landing, hotel, public place or private residence or other place; nor in any manner or form impose upon, deceive, or in any way insult, abuse or ill-treat any passenger;

- (f) carry any passenger who is under the influence of any intoxicant while his taxicab is occupied by a person who is not accompanying the person so under the influence;
- (g) carry any person while on duty or subject to call, other than the person or persons employing his services, unless first approved by that person;
- (h) overcrowd a public taxicab stand, nor back onto the same nor push or displace any taxicab already in the stand. (A driver who wishes to enter a public taxicab stand with his taxicab shall do so by taking his position at the end of any line formed by other taxicabs already in the stand and when a driver is either first or second in line in such stand, he shall remain in the driver's seat of his taxicab ready to be hired); and
- (i) smoke while a passenger is being carried by him without first having gained his or her permission.

DUTIES OF A TAXICAB OWNER

7. (1) Each licensed taxicab owner shall:
- (a) hold a separate taxicab owner licence for each vehicle used or kept for hire as a taxicab;
 - (b) maintain insurance on each vehicle as required pursuant to section 5, subsection (3), clause (e) of this by-law;
 - (c) notify the City Clerk of the colour(s) to be used on his taxicab(s);
 - (d) ensure that each vehicle for which he is licensed is, in its interior, neat, clean, dry and in good repair; and, on its exterior, clean and in good repair, free from exterior body damage and has a well-maintained paint finish;
 - (e) submit each licensed taxicab for safety inspection by a qualified and licensed automobile mechanic annually, and at such other time or times when requested to do so by a Police officer or by the City Clerk, and submit to the City Clerk a valid Safety Standards Certificate issued in accordance with the Highway Traffic Act of Ontario at the time of the taxicab licence renewal or transfer;
 - (f) submit each licensed taxicab for general inspection by the City Clerk or a police officer annually, and at such other time or times when requested to do so by either of them;
 - (g) provide and maintain therein or thereon, for each vehicle licensed pursuant to this by-law, the following:
 - (i) the licence plate issued by the City Clerk securely affixed to the front grill of the taxicab in a conspicuous position;
 - (ii) the number of the plate referred to in paragraph (i) displayed on the exterior sides of both front doors of the taxicab in contrasting colours at least 15.24 cm high;
 - (iii) a holder for the tariff card of the driver on the sun visor of the vehicle and clearly visible to the passenger; and
 - (iv) securely affixed on the top of the taxicab an illuminated electric sign, indicating that the vehicle is a taxicab, and the name of the fleet in which it operates; such sign to be connected to the meter so as to be illuminated between dusk and dawn when the vehicle is not engaged;
 - (h) ensure that taxicab drivers in his employ retain the daily trip records referred to in this by-law for a period of time not less than twelve months, that such records

shall be open to inspection by any person authorized by the City Clerk and that such records may be removed and retained by the City Clerk for a reasonable time;

- (i) notify the City Clerk in writing within six days of a change of address;
 - (j) in the case of a corporation, firm or agent thereof, notify the City Clerk immediately upon a change in ownership of the individual holding shares of the company;
 - (k) make application to the City Clerk for requalification under the provisions of this by-law for a taxicab owner licence should a threshold percentage of twenty percent of the company shares change ownership; and
 - (l) ensure that a taxicab is within nine model years of the current year and that it is not used as a taxicab after September 30th of its ninth year.
- (2) In addition to complying with all other requirements of this by-law with respect to taxicab owners, every licensed accessible taxi cab owner shall:
- (a) keep accurate records of the number of trips made monthly for disabled passengers and for non-disabled passengers;
 - (b) ensure that the accessible taxicab he is operating:
 - (i) is equipped with an extra tire, wheel and jack ready for use for that vehicle;
 - (ii) has approved wheelchair tie down;
 - (c) in addition to all of the other general taxicab owner responsibilities prescribed by this by-law, ensure that only a person licensed under the provisions of this by-law as an accessible taxicab driver, whose licence has been endorsed by the City Clerk, is permitted to drive an accessible taxicab under his or her control;
 - (d) ensure that before using, or permitting to be used, any vehicle that is licensed under the provisions of this by-law as an accessible taxicab, that the said vehicle complies with Ontario Regulation 167/81, as amended and Canadian Standards Association's Standard D409-M84, and all other pertinent federal and provincial regulations as established from time to time; and
 - (e) ensure that priority is given to the use of the accessible taxicab by disabled passengers, and thereafter permit the taxicab to be used for non-disabled passengers.
- (3) A taxicab owner shall not:
- (a) employ any person to operate his taxicab who does not hold a valid taxicab driver licence issued pursuant to this by-law;
 - (b) use or permit to be used any taxicab licence issued to him pursuant to this by-law for any vehicle other than the vehicle for which the licence was issued;
 - (c) permit a taxicab to be operated when the taximeter is out of order or defective in any way;
 - (d) use or permit to be used on any taxicab, a colour scheme or emblem which is not registered with the City Clerk, and ensure that such colour scheme or emblem does not simulate any which is being used by another owner;
 - (e) use or permit to be used in any of his taxicabs any type of scanning device, more than one two-way radio communication system, or more than one cellular

telephone; and

- (f) operate, or permit to be operated, a taxicab which was constructed or subsequently modified to permit the loading, transportation and off-loading of those individuals confined to a wheelchair, or similar device used to assist the physically disabled, without transfer, which does not comply with Ontario Regulation 167/81, as amended and Canadian Standards Association's Standard D409-M84.

DUTIES OF A TAXI BROKER

- 8. (1) Each taxi broker shall:
 - (a) keep a record of all owners operating taxicabs in association with him such record to show the number of taxicabs operated by each owner, including his name and address and the number of the licence issued under this by-law in respect of each;
 - (b) before permitting a taxicab to be used, make certain that every owner or driver associated with him is duly licensed under the laws of the Province of Ontario and under this by-law;
 - (c) require owners and drivers operating within his taxi fleet to observe the requirements of this by-law; and
 - (d) maintain an accurate record of all requests for the hire of a taxicab along with the following information for each taxicab dispatched:
 - (i) the number of the taxicab owner licence issued under the provisions of this by-law;
 - (ii) the date and time of dispatching;
 - (iii) the name and taxicab driver licence number of the driver;
 - (iv) the address to which such taxicab is dispatched.

DUTIES OF A LIMOUSINE DRIVER:

- 9. (1) Each limousine driver shall:
 - (a) be neat and clean in person while on duty and, if a driver of an executive or stretched limousine, wear a uniform approved by the vehicle owner and by the City Clerk;
 - (b) punctually keep all appointments and engagements;
 - (c) maintain the interior and exterior of the limousine within his control in a clean and tidy condition;
 - (d) notify the City Clerk, in writing, within six days of a change of address;
 - (e) if driving an Executive Limousine:
 - (i) upon the request of any passenger, provide a receipt for the fare or charge made and paid;
 - (ii) take due care of any property delivered or entrusted to him and accepted by him for conveyance or safekeeping and immediately upon termination of any hiring or engagement, search the limousine for any property left therein and deliver to the person owning the same all money or property left in his limousine; or, if the owner cannot be at once found, deliver the

said property to the City of Humber Bay Police Department and report all information pertaining thereto in his possession;

- (iii) maintain a daily trip record of all trips made by him containing the following information:
 - the number of the limousine owner licence issued pursuant to the provisions of this by-law;
 - his name, address and limousine driver licence number;
 - the date, time and location of the beginning and the termination of each trip and the number of passengers carried;
 - the amount of the fare collected for each trip;
- (iv) unless his limousine has been previously engaged, serve at any place within the City and at any specified time, whether by day or night, any person who may lawfully require his limousine;
- (f) make his trip record and all information as to passengers carried available to any Police Officer and to the City Clerk when requested to do so; and
- (g) have the right to refuse a customer on the basis that the driver is concerned for personal safety or that the driver has reasonable belief that the customer may not be able to pay the fare.

(2) A limousine driver shall not:

- (a) solicit any person to take or use his limousine by calling out or shouting or by any other fashion;
- (b) be under the influence of any intoxicant or take, consume or have in his personal possession any intoxicant while in charge of a limousine; nor shall the use thereof by him be apparent while he is in charge of the limousine;
- (c) utilize any taxicab stand or other location specifically set aside for the use of taxicabs;
- (d) carry any passenger who is under the influence of any intoxicant while his limousine is occupied by a person or persons who are not accompanying the person so under the influence;
- (e) smoke while a passenger or passengers are occupying the limousine; and
- (f) if driving an Executive Limousine:
 - (i) induce any passenger to employ his vehicle either knowingly, wantonly or wilfully by misinforming, misleading or deceiving the passenger as to the time or place of the arrival or departure of any train, boat, or other public conveyance, or the location or distance from any part of the City of any railway station, boat landing, hotel, public place or private residence or other place; nor in any manner or form impose upon, deceive or in any way insult, abuse or mistreat any passenger; and
 - (ii) carry any person while on duty or subject to call, other than the person or persons employing his services, unless first approved by that person;

DUTIES OF A LIMOUSINE OWNER

10. (1) Each limousine owner shall:

- (a) hold a separate limousine owner licence for each vehicle used or kept for hire as a limousine;
 - (b) maintain insurance on each vehicle as required pursuant to Section 5, Sub-section 7, clause (c), of this by-law;
 - (c) ensure that each vehicle for which he is licensed is, in its interior, neat, clean, dry and in good repair; and, on its exterior, clean and in good repair, free from exterior body damage and has a well-maintained paint finish;
 - (d) submit each licensed limousine for safety inspection by a qualified and licensed automobile mechanic annually, and at such other time or times when requested to do so by a Police Officer or by the City Clerk, and submit to the City Clerk a valid Safety Standards Certificate issued in accordance with The Highway Traffic Act of Ontario at the time of the limousine owner licence renewal or transfer;
 - (e) submit each licensed limousine for general inspection by the City Clerk or by a police officer annually, and at such other time or times when requested to do so by either of them;
 - (f) provide and maintain the licence plate issued by the City Clerk securely affixed to the front grill of the limousine in a conspicuous position;
 - (g) notify the City Clerk in writing within six (6) days of a change of address.
 - (h) maintain an accurate record of all requests for the hire of a limousine, along with the following information for each limousine dispatched:
 - (i) the number of the limousine owner licence issued under the provisions of this by-law;
 - (ii) the date and time of dispatching;
 - (iii) the name and limousine driver licence number of the driver;
 - (iv) the address to which such limousine is dispatched, if applicable;
 - (i) ensure that a limousine (executive) is:
 - (i) within seven model years of the current year;
 - (ii) is not used as a limousine (executive) after September 30th of its seventh year;
 - (iii) is not used as a limousine (executive) for more than a total of 36 months determined as of September 30th annually.
 - (j) ensure that the driver of the limousine (executive or stretched) wears a uniform approved by the owner and the City Clerk.
- (2) A limousine owner shall not:
- (a) employ any person to operate his limousine who does not own a valid limousine driver licence issued pursuant to this by-law;
 - (b) use or permit to be used any limousine licence issued to him pursuant to this by-law on any vehicle other than the vehicle for which the licence was issued;
 - (c) operate or permit to be operated a limousine which was constructed or subsequently modified to permit the loading, transportation and off-loading of those individuals confined to a wheelchair, or similar device used to assist the physically disabled, without transfer, which does not comply with Ontario Regulation 167/81, as amended and Canadian Standards Association's Standard D409-M84.

- (d) use, or permit to be used in any of his limousines, any type of scanning device, more than one two-way radio communication system, or more than one cellular telephone; and
- (e) use, or permit to be used on any of his limousines that are licensed under the provisions of this by-law, any type or form of roof sign or top light;

DUTIES OF A LIMOUSINE BROKER

11. (1) Each Limousine Broker shall:
- (a) keep a record of all owners operating limousines in association with him, such record to show the number limousines operated by each owner, including his or her name and address and the number of the licence issued under this by-law in respect of each;
 - (b) before permitting a limousine to be used, make certain that every owner or driver associated with him is duly licensed under the laws of the Province of Ontario and under this by-law;
 - (c) require owners and drivers operating within his fleet to observe the requirements of this by-law;
 - (d) maintain an accurate record of all requests for the hire of a limousine along with the following information for each limousine dispatched:
 - (i) the limousine owner licence number issued under the provisions of this by-law;
 - (ii) the date and time of dispatching;
 - (iii) the name and limousine driver licence number of the driver;
 - (iv) the address to which such limousine is dispatched.

DESIGNATED AGENTS

12. (1) A taxicab or limousine owner licensed as such under this by-law may, by filing with the City Clerk a notice in writing on a form prescribed by him, designate an individual person who is licensed as a driver, or an individual or a corporation who is licensed as an owner or taxicab or limousine broker under this by-law, as his agent in respect of such owner's vehicle, together with a written consent by such person to act in such capacity.
- (2) A notice of designated agent shall include:
- (a) the full name of the owner;
 - (b) the number of the licence and plate for the vehicle to which such designation relates;
 - (c) the term for which the person designated therein is granted authority by the owner in respect of the vehicle.
- (3) If the authority of an agent designated under this section terminates before the end of the term set out in the notice, the owner shall forthwith file a written notice thereof with the City Clerk, and for the purposes of this by-law, the obligations and requirements applicable to such designated agent shall cease upon the filing of such notice.
- (4) No person shall act as an agent for an owner in respect of a taxicab or a limousine except as permitted by this section.

- (5) The designation of an agent by an owner pursuant to this section shall not be deemed to be a lease for the purposes of this by-law unless the agent operates the taxicab or the limousine, in which case the provisions of section 14 shall apply.
- (6) No person designated as an agent will have the authority to transfer the licence for the vehicle for which he has been appointed as agent to another person or, in the case of a taxicab, to place the taxicab in service on another fleet.
- (7) Notwithstanding section 12, the ability of a licensed taxicab or limousine owner to designate an agent to act on his behalf be discontinued effective September 30th, 1998.
- (8) Notwithstanding section 13 (1), the City Clerk shall be authorized to grant taxicab or limousine owners, on compassionate grounds, permission to designate an agent for a continuous period up to six months, in which case sections 12(4) (5) and (6) shall apply.

LEASING

- 13. (1) Except as provided in this section, no taxicab owner shall lease his taxicab, and no limousine owner shall lease his limousine.
- (2) A taxicab or limousine owner, or his approved designated agent, may lease his vehicle, provided that:
 - (a) the lessee is licensed by the City of Humber Bay as a taxicab owner, a taxicab broker, a taxicab driver, a limousine broker, a limousine owner or a limousine driver, and who has successfully completed the appropriate City of Humber Bay taxicab owner's examination or an approved training course conducted by an educational institution or a vocational training organization recognized and approved by the City Clerk;
 - (b) under the terms of the lease the taxicab or limousine owner provides a motor vehicle equipped, inspected, approved and registered in accordance with this by-law;
 - (c) the lease provides that the taxicab or limousine owner is responsible for maintenance of and insurance on the vehicle;
 - (d) the plate issued to such taxicab or limousine owner by the City Clerk is affixed to the front grill of the taxicab or limousine which is the subject of the lease, and remains affixed thereto throughout the term of the lease;
 - (e) the lease pertains to one vehicle, and expires upon the sale, replacement or other disposition of such vehicle;
 - (f) the lease is reduced to writing and signed by the parties thereto; and
 - (g) a copy of the lease is filed with the City Clerk.
- (3) The written lease may be in any form agreed to by the parties thereto provided that it discloses and gives full particulars of:
 - (a) the date of its execution;
 - (b) the names and business addresses of all parties thereto;
 - (c) its effective date;
 - (d) its termination date;
 - (e) a full description of the vehicle which is the subject of the lease, including the

serial number, the Provincial plate number, and the number of the licence and plate issued by the City Clerk in respect of such vehicle.

- (4) The City may from time to time adopt an approved form of lease, but may approve any lease that satisfies the requirements of the by-law, whether or not it is in the approved form.
 - (5)
 - (a) No lessee shall sub-lease or purport to sub-lease or lease to any such person, a vehicle which is the subject matter of a lease to such lessee;
 - (b) No owner or his designated agent shall, by a term in a lease or otherwise, permit any lessee or other person to lease or sub-lease or purport to lease or sub-lease, the vehicle which is the subject matter of a lease;
 - (c) No person shall be a party to a lease or purported lease of a vehicle to which neither the owner nor the designated agent is a party.
 - (6) Any person licensed under this by-law who enters into or purports to enter into any lease or purported lease of a taxicab or limousine, other than in accordance with this Section, shall, in addition to any penalty to which he may be liable under this by-law, be required to attend before the City Clerk to show cause why his licence should not be suspended or revoked.
 - (7) Every owner shall notify the City Clerk in writing of the expiration or other sooner termination of any lease to which he is a party or of any change in custody and control over his taxicab or limousine, within 10 days thereof.
 - (8) Every owner or his designated agent shall:
 - (a) ensure that every driver or lessee and every other person involved in the operation of his vehicle complies in full with the requirements of this by-law;
 - (b) maintain knowledge at all times of the identity of any person having custody of or control over his taxicab or limousine;
 - (c) provide full information to the City Clerk or the Chief of Police, or their respective designates, as to any of the facts or records required to be maintained or provided by him pursuant to this by-law, forthwith upon a request therefor by the City Clerk or his designate.
 - (9) Every owner or his designated agent shall ensure that every lease filed with the City Clerk sets out fully and accurately all of the facts and terms required by this by-law.
 - (10) No owner or designated agent shall enter into or be a party to more than one lease at any one time with respect to any one of his taxicabs or limousines.
 - (11) No person shall enter into or be a party to any agreement or transaction purporting to transfer, assign, lease or otherwise convey rights over a taxicab licence or plate, or a limousine licence or plate, or give or receive any consideration or remuneration therefor, except as part of a transaction permitted by this by-law.
14. Notwithstanding section 13, effective June 1, 2000, taxicab drivers be prohibited from leasing the possession, custody or control of more than two taxicabs at any one time and for not more than a total of 10 years; and that any existing leases by taxicab drivers that are beyond this prohibition be phased out by:
1. continuing to honour all existing lease arrangements, but prohibiting any further arrangements to be entered into by affected taxicab drivers after June 1, 2000;
 2. prohibiting renewals of existing lease arrangements by affected taxicab drivers once they have expired; and

3. requiring that as each taxicab vehicle has to be replaced as a result of the age requirement in the by-law, any lease arrangements that might be in existence at that time with affected drivers be terminated;

and the estates of taxicab or limousine owners be prohibited from leasing taxicabs for a period longer than twelve months:

1. from the death of a person who was a licensed taxicab or limousine owner;
and
2. from the bankruptcy of a corporation or firm that was a licensed taxicab or limousine owner.

TARIFFS

15. (1) The rates for fares to be charged by the owners or drivers of taxicabs for the conveyance of passengers wholly within the City of Humber Bay or to any point not more than 5 kilometres beyond its limits, shall be exactly as shown in Schedule 'A' (Taxicab Tariff) attached hereto and forming part of this by-law, and no higher or lower amount than that contained in the said tariff shall be charged or payable, whether such rates and charges are determined by distance or by time; provided that an owner and a customer may enter into a contract, in writing, for services to extend for the period of a year or more on runs between fixed points at an agreed tariff, and that the terms of such contract shall be concurred in by the City Clerk for the purposes of ensuring that the contract is in accordance with the provisions of this by-law.
- (2) Nothing contained in this by-law shall prevent the driver of a taxicab from making a charge to be negotiated with a passenger prior to the trip, for parcel handling, and such charge shall not be required to be recorded on the trip record, and shall not apply to luggage or baggage accompanying a passenger or passengers transported between any transportation terminal and the pick-up or destination point of the passenger or passengers.
- (3) At the conclusion of a trip, the driver of a taxicab shall call the passenger's attention to the amount of the fare registered on the meter and place the meter in a non-recording position.
- (4) No owner or driver of a taxicab shall be entitled to recover or receive any fare or charge from any person unless the current tariff card is on display in the holder provided therefor.
- (5) Each taxicab driver shall ensure that when more than one passenger is being transported in a taxicab, and said passengers have different destinations, the taximeter is re-flagged after each destination. The individual or individuals shall then be responsible for the fee registered on the taximeter at the point of their particular destination.
- (6) When a passenger first enters a taxicab, the taximeter shall be immediately placed in operation and shall remain so placed throughout the trip or until such trip extends to a point 5 kilometres beyond the limits of the City of Humber Bay. The shortest and quickest possible route shall be taken to the destination if within the said limit of 5 kilometres beyond the limits of the city, unless the passenger designates another route. If a trip extends beyond such 5 kilometre limit hereinbefore referred to, the driver and the passenger may agree before the start of the trip to a flat rate, but the taximeter must remain in a recording position at all times within such limit.
- (7) The rates for fares to be charged by the owners and drivers of limousines for the conveyance of passengers shall be exactly as shown in Schedule 'B' (Limousine Tariff), attached hereto and forming part of this by-law, and no higher or lower amount than that contained in the said Schedule shall be charged or payable, whether such rates and charges are determined by distance or by time; provided that an owner and a customer may enter into a contract, in writing, for services to extend for the period of a year or

more on runs between fixed points at an agreed tariff, and that the terms of such contract shall be concurred in by the City Clerk for the purposes of ensuring that the contract is in accordance with the provisions of this by-law.

TAXIMETER

16. (1) Every owner of a taxicab shall have affixed to each taxicab in respect of which such owner is licensed a taximeter for registering distance travelled, waiting time and computing the fares to be paid, and each taximeter shall be:
- (a) submitted for testing, inspection and sealing by such person as the City Clerk directs in the period between September 1 and October 31 (both inclusive) in each year and at such other times as directed by the City Clerk. A satisfactory certificate of accuracy shall thereafter be submitted to the City Clerk by no later than October 31 in each year;
 - (b) illuminated between dusk and dawn;
 - (c) located in a position clearly visible to the passengers in the taxicab;
 - (d) adjusted in accordance with the rates prescribed by Schedule 'A' (Taxicab Tariff) of this by-law;
 - (e) used only when the seal thereon is intact;
 - (f) used for not longer than one year without retesting and resealing;
 - (g) kept in good working condition at all times.

LIMITATIONS

17. (1) A limitation is imposed on the issuance of taxicab owner licences in the City of Humber Bay:
- (a) at the ratio of one licence for each 1030 residents of the Municipality; and
 - (b) in addition to the number determined in part (a) above, there shall be an additional 5 taxicab owner licences issued for vehicles that are wheelchair accessible, on the understanding that the said licences shall be issued to only an individual or to a corporation who is licensed in accordance with the provisions of this by-law, and who is approved by the Ontario Ministry of Transportation under the Wheelchair Accessible Taxi Demonstration Project.
- (2) The number of taxicab owner licences as provided in section 18(1) shall be determined by the City Clerk every three years when official population statistics are provided by the Ontario Property Assessment Corporation during the year of a regular municipal election; and that when such a determination reveals that additional taxicab owner licences shall be issued based on the ratio of one licence for every 1,030 residents of the Municipality, such additional licences shall be issued by the City Clerk as follows:
- (i) no more than 6 additional taxicab owner licences shall be issued as of October 1st in the year when the official population statistics are received by the City Clerk.
 - (ii) no more than 6 additional taxicab owner licences shall be issued twelve months after the issuance of the licences in section (i); and
 - (iii) all of the remaining additional licences shall be issued twelve months after the issuance of the licences in section (b).
- (3) In order to regulate the distribution of available taxicab owner licences, the City Clerk shall issue new taxicab owner licences only at such times as the formulae referred to in

section 18(1) permits the issuance of taxicab owners licences in multiples of three and then on the following basis:

- (a) two available licences to be issued, upon application, to taxicab drivers;
 - (b) one available licence to be issued, upon application, to taxicab owners;
- (4) Notwithstanding any provisions of this by-law:
- (a) no individual, corporation, firm or agent shall obtain more than four taxicab owner licences in the current year; and
 - (b) no individual or group of related corporations, firms or agents (corporations, firms or agents that have a common shareholder or part owner with a total of more than 50% of the shares or ownership in each corporation, firm or agency) can hold more than 35% of the total number of taxicab owner licences; and
 - (c) the estates of taxicab owners be prohibited from holding a taxicab owner licence period longer than twelve months:
 - 1. from the death of a person who was licensed taxicab owner; and
 - 2. from the bankruptcy of a corporation or firm that was licensed taxicab owner.
- (5) The City Clerk shall maintain a priority list of applications for taxicab owner licences, updated on a regular basis, in the order of the date on which they are received by him, and subject to subsection (3), this list shall be used in determining the priorities for the issuance of all new taxicab owner licences.
- (6) (a) Only currently licensed taxicab drivers and taxicab owners may have their names included on the Taxicab Priority List, and they must maintain their qualifications as a driver or an owner at all times in order to have their name remain on the priority list and, effective September 30, 1999, to remain on the Taxicab Owner priority List:
- (i) licensed taxicab drivers must annually complete and file with the City Clerk, a Statutory Declaration stating that they were active in the Humber Bay taxicab industry (ie. driver, dispatcher, trainer) for an average of at least 35 hours per week during at least 40 weeks of the previous twelve month period;
 - (ii) licensed taxicab owners must annually complete and file with the City Clerk, a Statutory Declaration stating that they personally managed all of their licensed vehicles and did not give up custody or control of any of their vehicles throughout the previous twelve month period except to drivers engaged by them on an individual shift basis;
- except in those cases where a taxicab driver or owner has on account of illness, injury or other medical reasons been unable to fulfill the obligations in sections (i) and (ii), in which case the driver or owner shall complete and file with the City Clerk, a Statutory Declaration so stating;
- (b) The City Clerk shall remove the name of a taxicab owner or a taxicab driver from the Taxicab Priority List immediately upon his or her death.
- (7) Each person may apply for only one licence at any given time and once it has been granted, he may place his name on the bottom of the priority list.
- (8) (a) Each newly licensed taxicab owner shall be required to place his or her taxicab into operation within 30 days from the date of notification from the City Clerk that the said licence has been granted.

- (b) Effective June 1, 1998, licenses issued from the Taxicab Priority List shall not be transferrable for a period of five years from the date of issuance.
 - (c) Effective June 1, 1998, each newly licensed taxicab owner shall not lease or give up possession, custody or control his taxicab for a period of five years from the date of issuance from the Taxicab Priority List except to drivers engaged by him on an individual shift basis.
- (9)
- (a) Each and every taxicab owner shall maintain his or her taxicab in operation on a permanent full-time basis.
 - (b) Should any taxicab owner fail to maintain in operation any taxicab under his ownership for a period in excess of 120 successive days, such taxicab owner licence shall be suspended or revoked by the City Clerk.
- (10) Each taxicab owner or his designated agent shall maintain his taxicab in operation for a period of not less than 120 days prior to offering the said taxicab for transfer, except in the case of the death of a licensed taxicab owner, in which case his or her Estate may immediately dispose of the taxicab.
- (11)
- (a) Subject to the provisions of 10(b) below, in the case of the death of a licensed taxicab owner, the taxicab owner licence may continue in force under the control of the executors, legatee or residuary beneficiary of the deceased;
 - (b) In the case of the death of a taxicab owner licensed under Class 3 as defined in section 11(c) of this by-law, the taxi cab owner licence may not continue in force under the control of the executors, legatee or residuary beneficiary of the deceased without the approval of the Municipal Council and then only on compassionate grounds.
- (12) The transfer of taxicab owner licences is restricted in accordance with the following to any person who qualifies to hold such licence pursuant to the provisions of this by-law:
- (a) Taxicab Owner - Class A Licence, being a taxicab owner licence issued prior to passing of this by-law (June 1, 1998), shall be totally transferable after a period of five years from the date of issuance of the licence.
 - (b) Taxicab Owner - Class B Licence, being an accessible taxicab owner licence shall be subject to the following conditions:
 - (i) Accessible taxicab owner licences shall not be transferrable for a period of five years from the date of issuance, and then only to another accessible taxicab owner, provided he uses the licence for the operation of another accessible taxicab;
 - (ii) During the five year non-transferrable period referred to in sub-section (i) above, the accessible taxicab owner shall personally manage the accessible taxicab on a regular shift basis, and notwithstanding any other provision of this by-law, shall not lease, transfer or sell the said taxicab, or give up possession, custody or control of the said accessible taxicab except to drivers engaged by him on an individual shift basis, or allow any person to manage such taxicab without the consent of the City Clerk, which consent shall be granted only for compassionate reasons satisfactory to the City Clerk.
 - (iii) Should the City Council, in the future, authorize the issuance of an additional accessible taxicab owner licence or licences, the said licences shall be issued in accordance with the Taxicab Owner Priority List referred to in section 18(5) of this by-law.
 - (c) Taxicab Owner - Class C Licence, being a taxicab owner licence issued after the passing of this by-law (June 1, 1998), shall be totally transferrable after a period

of five years from the date of issuance of the licence, and shall be subject to the following conditions:

- (i) such licence will be issued to a person on the Taxicab Priority List and shall be issued on a probationary basis for five years, during which period the licensee:
 - 1. in the case of an individual person, shall personally manage the taxicab in respect of which the licence is issued on a regular shift basis;
 - 2. in the case of a partnership or corporation, shall manage the taxicab in respect of which the licence is issued on a regular shift basis; and
 - 3. shall not lease, transfer or sell the said taxicab, or give up possession, custody or control of such taxicab except to drivers engaged by him on an individual shift basis, or allow any person to manage such taxicab without the consent of the City Clerk, which consent shall be granted only for compassionate reasons satisfactory to the City Clerk;
- (ii) failure to comply with any of the terms of probation as set out in part (i) above shall, in the discretion of the City Clerk, be sufficient cause for the revocation or the refusal to renew such licence, and any such licence which has been revoked or has been refused renewal shall be returned to the City Clerk and be distributed to the next eligible person on the Taxicab Priority List from within the category from which the licence was originally issued.

RENEWAL, SUSPENSION AND REVOCATION

- 18. (1) Each licence unless previously suspended or revoked, shall be renewed upon payment of the appropriate fee.
- (2) In addition to any other penalty which may be imposed pursuant to this by-law, the City Clerk:
 - (a) may suspend a licence for failure to comply with any of the provisions of this by-law, and;
 - (b) shall suspend each taxicab owner licence or limousine owner licence upon failure to maintain on file proof of insurance in accordance with section 7 (1) (b) or 10 (1) (b) of this by-law.
 - (c) shall suspend an owners or drivers licence, as appropriate, upon failure to comply with sections 7(3)(e) or 10(2)(e);
- (3) A suspension shall be and remain in force until such time as the licensee has satisfied the City Clerk as to his compliance with the by-law.
- (4) Upon notification of suspension the licensee shall surrender such licence to the City Clerk.
- (5) Any licence which has been under suspension for a period in excess of 120 days shall be revoked by the City Clerk.
- (6) The decision of the City Clerk may be appealed to the Board of Control.

LICENCE FEES

- 19. The annual licence fees to be paid to the City for those licences referred to in this by-law shall

be as outlined in Schedule 'C' (Licence and Examination Fees), attached hereto and forming part of this by-law.

SCOPE

20. (1) This by-law shall apply to taxi brokers, taxicab owners or their designated agents, limousine brokers, limousine owners or their designated agents, and drivers of taxicabs and limousines, which vehicles are kept or used for hire in the City of Humber Bay. The tariff schedules attached hereto and forming part of this by-law shall apply respectively for use of limousines wholly within the City, and taxicabs wholly within the City or to any point not more than 5 kilometres beyond its limits.
- (2) No person shall be required to be licensed under the provisions of this by-law for the operation of an ambulance or a funeral hearse.
- (3) None of the provisions of this by-law apply to either the Humber Bay Transit Commission, the Humber Bay Community Transportation Brokerage or to any person with whom the Humber Bay Transit Commission or the Humber Bay Community Transportation Brokerage enters into a contract for the provision of paratransit service during the time when the Humber Bay Transit Commission, the Humber Bay Community Transportation Brokerage or when any person with whom either of them has a contract for the provision of paratransit services are actually engaged in the provision of such service.
- (4) The applicable provisions of this by-law apply to any person who is operating a "taxicab" an "accessible taxicab" or a "limousine" of any type defined in this by-law when that person is not engaged in the provision of a paratransit service and is engaged in the provision of a motor vehicle for hire service that is licensed and regulated by the provisions of this by-law.

PENALTIES

21.0 Fine - for contravention

Every person who contravenes any provision of this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.

21.1 Fine - for contravention - corporation

Where a corporation is convicted of an offence under subsection 21 of this by-law, the maximum penalty that may be imposed on the corporation is \$50,000.

21.2 Continuation - repetition - prohibited - by order

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

21.3 Integrity of by-law - severability

Notwithstanding that any section or sections of this by-law, or any part or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of the Council to enact, such section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this by-law, or parts thereof, are separate and independent therefrom and enacted as such.

21.4 Notice - unpaid licensing fine

If a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, including any extension of time for payment ordered under that section, the Clerk may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice, by delivering the notice or causing it to be delivered to that person at the person's residence or place of business.

21.5 Distress - unpaid licensing fine

If the fine referred to in section 21.4 of this by-law remains unpaid after the final date on which it is payable as specified in the notice, the Clerk may alone or by an agent, subject to the exemptions

provided for in subsection 400(4) of the *Municipal Act*, as amended, levy the unpaid fine with costs by distress:

- (a) upon the goods and chattels, wherever found, belonging to or in the possession of the person fined;
- (b) upon the interest of the person fined in any goods to the possession of which the person is entitled under a contract for purchase, or a contract by which the person may or is to become the owner thereof upon performance of any condition;
- (c) upon any goods and chattels in the possession of the person fined where title to them is claimed;
 - (i) by virtue of an execution against the person fined;
 - (ii) by purchase, gift, transfer or assignment from the person fined, whether absolute or in trust, or by way of mortgage or otherwise;
 - (iii) by the spouse, daughter, son, daughter-in-law or son-in-law of the person fined, or any of his or her relatives, in case such relative lives as a member of the family; or
 - (iv) by virtue of any assignment or transfer made for the purpose of defeating distress; and
- (d) upon goods and chattels that at the time the fine was imposed were the property and on the premises of the person fined and are still on the same premises, even if such goods are no longer the property of the person fined.

21.6 Levy of fines under warrant

If at any time after the notice referred to in section 21.4 of this by-law is given and before the final date on which the fine is payable as specified in the said notice, the Clerk has good reason to believe that any person in whose hands goods and chattels are subject to distress under section 21.5 of this by-law is about to remove such goods and chattels out of the province and makes affidavit to that effect before any justice of the peace, the justice shall issue a warrant to the Clerk authorizing him to levy for the fines and costs in the manner provided by section 22.7 of this by-law.

21.7 Application of ss. 400-405 - Municipal Act

Subsections 400(3), (4), (5), (8), (9), (10), (11) and (12) and sections 402, 403, 404 and 405 of the *Municipal Act, R.S.O. 1990, c. M.45*, as amended, apply with necessary modifications to the distress for an unpaid licensing fine under this by-law.

21.8 Defect in notice - not to invalidate subsequent proceedings

No defect, error or omission in the form or substance of the notice required by section 21.4 of this Part of this by-law invalidates any subsequent proceedings for the recovery of a fine.

REPEAL

- 22. By-law No. L.-120-174, and all amendments thereto, be and the same are hereby repealed.
- 23. This by-law shall come into force on the day of its final passing.

PASSED in Open Council on June 1, 1998.

Dianne Haskett
Mayor

Jeff A. Malpass
City Clerk

First reading - June 1, 1998
Second reading - June 1, 1998
Third reading - June 1, 1998

SCHEDULE 'A'

TAXICAB TARIFF FARES

1. \$2.50 for up to the first 76 metres or for up to the first 18 seconds while travelling 17 kilometres per hour or less, or a combination thereof;
2. \$0.25 for each additional 182 metres or part thereof;
3. \$0.25 for each additional 40 seconds of time while the taxicab is in hire, travelling at a speed of 17 kilometres per hour or less; and
4. A 10% discount on the tariff will be given, on a 24-hour per day basis, to Senior Citizens. The discount is calculated on the highest full dollar registered on the taxi meter (i.e. the discount on a \$2.50 fare would be calculated on \$2.00 only and would equal \$0.20);

The fares shall be calculated from the time of pickup of the first passenger to the time of the discharge of the last passenger. The driver of a taxicab may make a charge, to be negotiated with the passenger or passengers prior to the trip, for parcel handling; such charge shall not apply to luggage or baggage accompanying a passenger transported between any transportation terminal and the pick-up or destination point of the passenger or passengers.

SCHEDULE 'B'

LIMOUSINE TARIFF

This is Schedule 'B' to the by-law to provide for licensing, regulating and governing taxicab brokers, taxicab owners, limousine owners and drivers of motor vehicles used for hire, and for limiting the number of taxicab owner licences, to which it is attached and forms a part.

The permitted fares for limousines operating within the City of Humber Bay shall be as follows:

- (a) For a limousine (stretched) and a limousine (van):
 - a minimum fare of \$30.00 for the first hour or part thereof, and thereafter, a minimum fare of \$30.00 per hour;
- (b) For a limousine (executive):
 - (i) \$5.50 minimum initial charge;
 - (ii) a fare structure that provides for a limousine fare that is at least 10% greater than the current daytime taxicab fare structure;

Each proposed limousine fare structure must, before being placed into operation, first be submitted to and approved by the City Council.

SCHEDULE 'C'

**LICENCE AND EXAMINATION FEES
(Effective January 1, 1997)**

This is Schedule 'C' to the by-law to provide for licensing, regulating and governing taxicab brokers, taxicab owners, limousine owners and drivers of motor vehicles used for hire, and for limiting the number of taxicab owner licences, to which it is attached and forms a part.

Each licence fee listed herein shall be the maximum annual licence fee charged by the City in each particular licence category.

TAXI LICENSING FEES

1) Taxicab Owner Licence (initial year of licensing)	\$430.00
Renewal	\$375.00
2) Taxi Broker Licence (initial year of licensing)	\$290.00
Renewal	\$125.00
3) Taxicab Driver Licence (initial year of licensing)	\$90.00
Renewal	\$35.00

LIMOUSINE LICENSING FEES

4) Limousine Owner Licence (initial year of licence)	\$430.00
Renewal	\$375.00
5) Limousine Broker Licence (initial year of licence)	\$290.00
Renewal	\$125.00
6) Limousine Driver Licence (initial year of licence)	\$90.00
Renewal	\$35.00

OTHER FEES

7) (a) Designated Agent (each application)	\$50.00
(b) Designated Agent (each application as of October 1, 1998)	\$25.00
8) Taxicab/Limousine Vehicle Substitution	\$50.00
9) Taxicab/Limousine Owner Transfer	\$175.00
10) Taxicab/Limousine Lease Agreement	\$50.00