

**CORPORATION OF THE TOWN OF DESERONTO
BY LAW NO 19-08**

A By-Law to Licence, Regulate and Govern Owners and Drivers of Taxi Cabs

WHEREAS Section 150 of the Municipal Act 2001, S.O. 2001, c.25 authorizes a local municipality to licence, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS Section 156 of the Act states a by-law under section 150 for licensing, regulating and governing the owners and drivers of taxicabs may (a) establish the rates and fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality; (b) provide for the collection of the rates or fares charged for the conveyance; and (c) limit the number of taxicabs or any class of them;

AND WHEREAS the Council of the Corporation of The Town of Deseronto deems it expedient to pass a by law to licence, regulate, and govern the owners and drivers of taxicabs for the purposes of public safety and consumer protection.

NOW THEREFORE the Council of the Corporation of the Town of Deseronto hereby enacts as follows:

1. DEFINITIONS

For the purpose of this by-law:

- (a) "Administrator" shall mean the Clerk, or designate, for the Town of Deseronto.
- (b) "Council" shall mean the Council of the Town of Deseronto.
- (c) "Taxi Cab" shall mean any motor vehicle used for hire for the conveyance of goods, or passengers, within the Town of Deseronto.
- (d) "Driver" shall mean any person employed by an owner for the purpose of driving a taxi cab, and any owner while operating his own taxi cab.
- (e) "Taxi Drivers Licence" shall be in a like form as "Form B", annexed to this by-law.
- (f) "Taxi Cab owner" shall mean any person operating a taxi cab service in the Town of Deseronto.
- (g) "Taxi Cab Owners Licence" shall be in the form as "Form A", annexed to this by-law.
- (h) "Licensee" shall mean any person licensed under the provisions of this by-law.
- (i) "Clerk" shall mean the Clerk, or designate, of the Town of Deseronto

2. The Administrator shall have supervision over all persons licensed under this by-law, and over all taxi cabs, together with the equipment used by them, and the following shall be the duties of the Administrator in connection with the provisions of this By-Law:
 - (a) To report to the Council the performance of his duties under this By-Law whenever he/she is required to do so.
 - (b) To ascertain from time to time as often as may be required by the Council whether or not the owners or drivers operating taxi cabs continue to comply with the provisions of the law and this By-law, and all other applicable law.
 - (c) To prosecute all persons who offend against any provisions of the law or this By-law.
 - (d) To perform such other duties as may from time to time arise under the law or this By-law.
 - (e) The Administrator shall inform himself and report to the Council as to the character of an applicant of a licence, and as to whether or not he is a fit and proper person to receive a licence.

3.
 - (a) The Taxi Cab Owner shall not use, or operate, a taxi cab or allow the same to be used, or operated without a taxi cab licence, hereinafter set forth, which said licence may be in "Form A" as annexed to this by-law and such taxi cab owner shall prior to obtaining his taxi cabs owners licence pay such fee thereof to the Treasurer, of the Town of Deseronto as may be prescribed from time to time.
 - (b) Applicants for taxi drivers licences shall attend a local police station and obtain a disclosure of "Criminal Convictions" which shall accompany the taxi drivers licence application.
 - (c) All applicants for taxi cab owner or drivers licence shall not have been convicted of a criminal offence involving dishonesty, theft or violence in the past five (5) years and must have completed sentencing for any such conviction for at least five (5) years from the date the application is received.
 - (d) Any request concerning the assessment of applications shall be heard by Council and their decision shall be final.

4. Before the Taxi cab owner's licence may be issued, the applicant shall file with the Administrator, a certificate of a Policy of Insurance issued by a company authorized to issue Indemnity Insurance Policies in the Province of Ontario, for period of time which extends to or beyond the expiry of the current license year, insuring the applicant to the amount of \$1,000,000.00 against liability for damages resulting from injury or death occasioned by any accident arising out of the operations of the taxi cab in respect of which a license is applied for with a maximum of \$500,000.00 for bodily injuries to or death of any one person arising out of any one accident including passenger hazard for the above amounts, and to the amount of \$500,000.00 covering legal liability for damage to property of others. Every such policy shall be kept in force by such owner during the time for which such licence issued to him/her, or any renewal thereof, is in effect and should he/she fail to renew the same from time to time and pay the premiums due thereon, the Administrator may, upon notice to him/her, cancel such license. Every authorized insurer insuring the applicant and holders of licenses issued by the Administrator on the authority of the Council shall at least fifteen (15) days prior to cancellation of any policy held by the holder of any licence issued under this By-law notify the Administrator, or designate, of the said Town by registered mail of its intentions to cancel the said policy, and provisions to this effect shall be inserted in the policy by the company issuing same.

5. No person shall drive or act as a driver of any taxi cab, without having a taxi drivers license, issued by the Administrator, or designate, on the authority of Council, and such person shall, prior to obtaining said license, pay such fee to the Administrator, as prescribed by Council. Further, every driver of a taxi cab shall retain his taxi drivers license in his possession at all times while operating said taxi cab, and shall upon request render for examination to any Provincial Offences Officer.
6. Every taxi cab owner of one or more taxi cabs shall take out a separate taxi cab owner's license for each taxi cab. The fees for such licenses shall be prescribed by Council as per Schedule "A".
7. All applications for taxi drivers licenses shall be made to the Administrator and said Administrator shall have the discretion to recommend to Council the granting or refusing of such application, and any taxi drivers license granted by Council shall be subject to suspension at any time by the said Administrator at his/her discretion, subject to appeal by the licensee to the Council. Where any such license is revoked, the Licensee shall be entitled to a return of the fee paid for such license in proportion to the unexpired term of the year for which the revoked license was issued. Any license issued hereunder shall be valid from the date of issue and effective for the current year only, expiring on the 31st of December but subject always to suspension or cancellation as herein provided.
8. The Administrator shall, upon issuing a taxi cab owners license, furnish at least one copy of this By-law to the licensee, and the taxi cab owner shall be responsible to ensure that all taxi cabs drivers under his employ are familiar with the terms and conditions of this By-Law.
9. Every taxi cab owner shall file with the Administrator the name and address of each licensed driver employed by him/her, and shall advise the Administrator of all changes in his staff of licensed drivers, including the names and addresses of licensed driver's on a monthly basis.
10. Every taxi cab owner who sells, exchanges or otherwise disposes of a licensed taxi cab, shall, before operating any other taxi cab in the place thereof, advise the Administrator of the change, and apply for a transfer of all licenses issued in respect thereof, or shall apply for such licenses as are required under the provisions of the By-law.
11. Every taxi cab owner's license shall be numbered and shall set forth the name and address of the person licensed, and the make, style, serial number and the model of the taxi cabs(s) licensed.
12. The Administrator may at any time, for any cause appearing to him to be sufficient, suspend the license issued to the owner or driver of any taxi cab(s), and shall, in such event, report such suspension to Council with all reasonable dispatch. Council may continue such suspension for such period of time as it shall determine, or may re-instate such license, or if the circumstances appear to warrant such action, revoke the said license.
13. Any taxi cab owner or taxi cab driver whose license has been suspended, revoked, or cancelled shall, during such suspension, revocation, or cancellation, unless having been otherwise dealt with by Council, be considered to be without a license pursuant to the By-law.

14. If the holder of a taxi cab driver's license issued under this By-law, is convicted three or more times within one year of any infraction of this Bylaw, any By-law of the Town of Deseronto regulating traffic, the Highway Traffic Act of Ontario, the Liquor License Act, or any criminal offence, his license shall be revoked by Council.
15. If the holder of a taxi cab owner's license, without the authority of Council, discontinues to operate a continuous taxi cab service for a period exceeding one month, or allows a final judgment recorded against him for damages, arising from the use or operation of any taxi cab to remain unsatisfied for 90 days, his license shall be revoked.
16. No person shall obtain a taxi cab owner's license, unless he produces to the Administrator evidence that the applicant is the owner of the taxi cab in questions, and is duly licensed to operate upon the public highways of Ontario. Further, no person shall obtain a taxi cab drivers license, unless he is of the full age of eighteen (18) years and is in possession of a valid driver's license issued by the Government of Ontario pursuant to the Highway Traffic Act.
17. The driver or owner of any taxi cab shall keep the interior and exterior of such taxi cab clean, dry, and in good repair and when the owner of any such taxi cab receives notice in writing, either to him or his driver, signed by the Administrator stating that the taxi cab is not fit and proper condition for use, such owner shall within the time specified in such notice, put the taxi cab in a fit and proper condition, prior to such taxi cab's re-use.
18. The owner of every taxi cab, shall, when requested by the Administrator submit the taxi cab, for examination to the Administrator and no taxi cab owner or taxi cab driver shall at any time prevent or hinder the Administrator from carrying out his inspection, nor from entering his garage or other building for the purpose of inspecting the taxi cab(s).
19. The owner of a taxi cab shall not employ any person other than a taxi cab driver, licensed under this By-law, as the driver of his taxi cab.
20. No taxi cab owner or taxi cab driver shall consume, or have in possession illegally, any liquor, while he is in charge of a taxi cab.
21. No taxi cab owner or taxi cab driver shall refuse a request for his services without sufficient cause for such refusal, and any complaint of such may be reviewed by the Administrator.
22. Any taxi cab owner or taxi cab driver who has a grievance arising from the enforcement of this By-law, may appeal to Council.
23. Except as otherwise provided herein or by statute, any person convicted of a breach of any of the provisions of the By-law or any By-law amending the same, shall forfeit and pay at the discretion of the convicting Court, a penalty not exceeding \$2,000.00. The procedure for the recovery of penalties under this Section shall be laid down in the Provincial Offences Act.
24. Any notice of suspension, revocation of any license required to be given by the Administrator or on behalf of Council or any other notice required under this By-law, shall be effectively given if served personally, or if sent by registered mail, addressed to the licensee at the address given by him in his application for such license, or any amendment of such address previously notified to the Administrator in writing.

25. No license issued under the authority on this By-law shall, without the authority of Council, be assignable or transferable and any assignment or transfer made or purported to be made without authority shall be void.
26. The maximum number of Taxi Cab companies operating in the Town of Deseronto shall be limited to two (2) unless amended by Council.
27. It shall be the responsibility of every Taxi cab owner to provide a safety certificate for each taxi cab and to file such documents with the Administrator.
28. All rates and fares shall be prominently posted inside each taxi cab.
29. All fares shall be in accordance with the "Schedule 1" of this By-law. Schedule "1" may be amended periodically by majority resolution of Council.
30. Town of Deseronto By-laws No _-__ are hereby repealed.
31. Schedule "A" attached hereto may be amended at any time by a majority resolution of Council.

Read a first and second time and finally passed this 22nd day of April, 2008

SCHEDULE "1"

In Town of Deseronto Limits	\$ 5.00
Out of Town Calls	\$ 1.50 per kilometer
Deseronto to Napanee	\$ 12.00
All additional stops	\$ 1.00

Students and Seniors may receive a discount of \$0.50 with proof of identification

All rates include Goods and Services Tax.

SCHEDULE "A"

The Municipal Council has set the following schedule of fees for Taxi Cab Owners and Taxi Cab Drivers Licenses:

Owner of One Taxi Cab	\$ 105.00
Each Additional Taxi Cab	\$ 22.00
Taxi Cab Drivers License	\$ 22.00

Taxi Cab Owners License and Taxi Cab Drivers Licenses are issued for one year, from January 1st to December 31st and license fees are payable no later than the 1st day of January of each year.

FORM "A"

**TOWN OF DESERONTO
TAXI CAB OWNERS LICENSE**

Taxi Cab Owner License No. _____

This is to certify that _____ in the
(Name) (Address)

Town of Deseronto, is hereby licensed to operate _____ taxi cab(s) for hire in
(Number)

The Town of Deseronto.

This license is to be in force from the date hereof until the 31st day of December following, and is issued subject to the provisions of By-law No _____ or any amendments thereto or of any By-laws in lieu thereof.

This license is not transferable.

Dated this _____ day of _____, _____ by the Order of Council, of the Town of Deseronto.

Vehicle Information:

Administrator

FORM "B"
TOWN OF DESERONTO
TAXI CAB DRIVERS LICENSE

Taxi Cab Owner License No. _____

Driver's Licence No. _____

This is to certify that _____ in the
Town of Deseronto, is hereby licensed to drive a taxi cab for the licensed owner of a taxi cab in
The Town of Deseronto.

This license is to be in force from the date hereof until the 31st day of December following, and
is issued subject to the provisions of By-law No _____ or any amendments thereto or
of any By-laws passed in lieu thereof.

This license is not transferable.

Dated this ___ day of _____, _____ by the Order of Council, of the Town of Deseronto.

Administrator