



**CORPORATION OF THE TOWN OF INGERSOLL
BY-LAW NO. 09 – 4486**

**Being a by-law to govern, regulate and licence
Taxi Drivers and Owners**

WHEREAS Part IV of the Municipal Act, 2001, c. 25 provides that a local municipality may provide for a system of licences with respect to a business;

AND WHEREAS the Town of Ingersoll considers it desirable and necessary to licence, regulate and govern drivers and owners to enhance and encourage safe maintenance and operational practices, to ensure that services are provided by qualified drivers and to enhance the accountability of drivers and owners;

AND WHEREAS the Council of the Town of Ingersoll considers it desirable and necessary to licence, regulate and govern drivers and owners for the purpose of consumer protection including the enhancement and encouragement of equal fair and courteous treatment of passengers, ensuring consistency in the enhancement of the accountability of drivers and owners.

NOW THEREFORE the Council of the Town of Ingersoll enacts as follows:

Section 1. SHORT TITLE

1. This by-law may be cited as the “Taxi and Limousine Licensing By-law”.

Section 2 INTERPRETATION

In this by-law

- 2.1 Accessible vehicle means a motor vehicle originally 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 such motor vehicle shall comply with the federal and provincial legislation applicable to the transportation of a disabled passenger. Accessible vehicles shall be equipped with a non skid ramp and sufficient wheelchair “tie downs” to accommodate the number of disabled persons the vehicle is capable of carrying.

- 2.2 Cab or taxicab means a motor vehicle including an accessible taxicab which is kept or used for hire for the conveyance of passengers with a seating capability of not more than six persons including the driver or not less than four persons including the driver.
- 2.3 Call within the meaning of this by-law shall include a request or direction for the use of a cab, taxicab, or limousine transmitted by radio or radio phone or by personal request of a prospective passenger or to any other manner.
- 2.4 Clerk means the Clerk or his/her designate for the Corporation.
- 2.5 Corporation means The Corporation of the Town of Ingersoll.
- 2.6 Council means the Council of the Corporation.
- 2.7 Dispatch means the communication of an order or information in any manner between an owner/dispatcher and a driver.
- 2.8 Dispatcher means a person who is in the employ of or working under a contract with a taxicab owner and whose duties include accepting orders and calls for taxicab service and/or dispatching orders and calls to taxicab drivers.
- 2.9 Driver means any person who is licenced as such under this by-law to drive a cab, taxicab or limousine.
- 2.10 Enforcement Officer means a person appointed by the Council of the Town of Ingersoll to enforce the by-laws of the municipality or a Police Officer employed by the Ontario Provincial Police or its successor.
- 2.11 Licence means a licence granted by the Corporation under the provision of this By-law to a person to conduct the business of one who owns or operates any vehicles used to convey passengers for hire.
- 2.12 Licensing Officer means the person appointed by Council.
- 2.13 Limousine means a motor vehicle having a seating capacity of more than six passengers, including the driver, which is used for hire for the conveyance of passengers for which a fee is charged on an hourly or mileage rate for transportation to a specific place but shall not include a van, bus, taxicab or station wagon with extra seating capacity, a vehicle as defined in the *Public Vehicles Act*, an ambulance or a funeral hearse.
- 2.14 Maintenance Log means a series of written information relating to the repair of a licenced vehicle including the Vehicle Information Number (VIN) owner's plate

- number, make model and year of the vehicle, the nature of the repair, the date of the repair and the name of the person (business) performing the repair.
- 2.15 Mechanical defect means damage to or failure of a part, component or a feature to work in accordance with the manufacturer's specifications of the vehicle.
- 2.16 Owner means the registered owner of the business, a cab, taxicab or limousine.
- 2.17 Police Security Clearance Record Check means a certificate of Criminal Records check including a Vulnerable records check search issued by the Ontario Provincial Police or the applicant's local policing agency dated within thirty days from the date of the application.
- 2.18 Person – defined
“person” includes an individual, corporation, partnership, firm, association, other legal entity or agent thereof.
- 2.19 Taxicab – defined
“taxicab” means the same as cab.
- 2.20 Taxicab/limousine owner – defined
“taxicab” limousine owner” means any person who accepts calls in any manner for cabs, taxicabs or limousines used for hire. Persons who operate handicap taxi vehicles only shall not be required to purchase a owner's license.

Section 3 GENERAL PROVISIONS

- 3.1 Exemption – non-profit agencies
This By-law shall not apply to non-profit agencies which provide transportation at cost through their agency.
- 3.2 Non-profit agencies
Non-profit agencies shall be eligible to provide paratransit services to “disabled person” provided that the agency complies with the provision of this By-law with the exception of Sections 3.4; 3.7; 3.8; 3.9; 4.3; 4.7; 4.8; and 4.9.
- 3.3 Operation – without licence – prohibited
Every person who operates as taxicab or limousine owner or driver shall first obtain a licence pursuant to the provisions of this By-law.
- 3.4 Location – restriction
A taxicab/limousine business shall be located on property that is zoned to allow such use, within the municipal boundaries of the Town of Ingersoll.

3.5 Licence – issue – requirements

The Licensing Officer shall not issue a licence unless the following have been provided:

- (a) All information requested by the Town has been supplied;
- (b) The application, attached hereto and forming part of this by-law as Schedule 'A', has been completed, signed and filed with the Licensing Officer
- (c) The licence fee has been paid.

3.6 Licence – expiry April 30 exception

Every licence issued under the provisions of this By-law shall expire on April 30th annually, unless sooner revoked.

3.7 Licence – displayed – visible

Every licence issued under the provisions of this By-law shall be prominently displayed where it is visible to the public and the passengers.

3.8 Licence – revocation – circumstances

Every licence shall be subject to revocation should any of the provision of this By-law be contravened.

3.9 Information changed – notification – seven days

Every holder of a licence issued under the provisions of this By-law shall notify the Licensing Officer of any subsequent change of information which has been supplied to the Licensing Officer.

3.10 Non-compliance – disputed – referral – to Council

Where an inaccuracy, non-compliance or contravention is disputed in writing by the licence holder, the disputed matter shall be referred forthwith by the Clerk to the Council which shall hear representations from the applicant and determine the matter.

Section 4 OWNER'S RESPONSIBILITIES

4.1 Vehicle permit – in good standing

Every owner that operates a vehicle(s) as part of his taxicab/limousine business, shall hold a current passenger motor vehicle(s) permit which is in good standing and issued in the applicant's name by the Ministry of Transportation for the motor vehicle of which he/she is the owner or proof that he/she has the authority to operate the vehicle as part of his/her taxicab/limousine business from the owner of the vehicle.

4.2 Safety certificate – required annually

Every owner shall provide a safety standards certificate issued under the *Highway Traffic Act* for each motor vehicle to be licenced under this By-law bi-annually prior to licensing.

Every owner shall provide a second safety standards certificated issued under the Highway Traffic Act, annually during the month of October, for each motor vehicle to be licenced under this By-law if the vehicle(s) is over 5 years old. Failure to submit to a safety standard inspection will result in the licence of the vehicle being revoked.

Every owner will be required to subject every vehicle(s) to a random safety inspection, undertaken by the Ministry of Transportation, at any time during the licensed year.

4.3 Dispatch services – uninterrupted – requirement

Every owner shall provide a dispatch service located within the corporate limits of the Town of Ingersoll.

4.4 Insurance – minimum requirement

Every owner shall provide proof of insurance with a third party liability limit of at least \$2,000,000 exclusive of interest and costs in respect to any one accident and the policy shall be endorsed to provide that the Town shall be given at least ten days notice in writing prior to any cancellation, expiration or change in the amount of the policy.

4.5 Owner – responsibilities

Every owner shall ensure the following conditions are complied with:

- (a) Advise the Town licensing office of any change in a driver's license status;
- (b) Advise of any change in vehicles;
- (c) Advise of any address change;
- (d) Agrees to comply with the provisions of this bylaw and its amendments;
- (e) Agrees to keep the vehicles in good repair and clean.

4.6 Licence plate – displayed on vehicle

Every owner or driver who holds a driver's license in relation to the bylaw shall permanently and prominently display on the rear exterior of the taxicab the numbered metal licence plate provided by the Town.

4.7 Vehicle – disposal – replacement – notice

Every owner shall, upon disposing of a vehicle, within forty-eight hours advise the Licensing Officer & Clerk of the replacement vehicle or surrender the licence in respect of such taxicab.

4.8 Vehicle – roof sign – illuminated

Every owner or driver shall ensure each licenced taxicab has an illuminated taxi roof sign on the roof of the taxicab.

Section 5 DRIVER'S LICENCE

- 5.1 Age – immigration status
Every driver who holds a driver's licence under this By-law must be at least eighteen years of age and a citizen of Canada, a landed immigrant or produce a valid work permit to work as a driver, issued by the Government of Canada.
- 5.2 Valid Class "G" licence – required
Every driver who holds a driver's licence under this By-law shall hold a minimum current valid Class "G" driver's licence issued by the Province of Ontario which is in good standing according to the records of the Ministry of Transportation.
- 5.3 Criminal Record/Vulnerable Record Check – required
Every owner, driver or person who applies for or wishes to renew their licence under this By-law shall provide a Vulnerable Records Check with the completed application and licence.
- 5.4 Photographs –required
Every owner, driver or person who applies for or wishes to renew their licence under this by-law shall submit to a digital image photograph.
- 5.5 Application
Every applicant for or renewal of a driver's licence shall complete and sign the Town's prescribed application form, attached hereto and forming part of this by-law as Schedule 'B'.
- 5.6 Driver – responsibilities
Every driver of a taxicab or limousine who has been issued a licence under the provisions of this By-law shall be responsible to:
- (a) Advise the Town of any change in his/her driver's licence status;
 - (b) Advise the Town of any medical or eye problems which could prevent or impede his/her ability to safely operate a vehicle;
 - (c) Accurately complete and file the drive daily trip records
 - (d) Advise the Licensing Officer or his/her designate of any address change;
 - (e) Be civil and behave courteously when driving a cab or limousine licenced under this By-law;
 - (f) Be properly dressed, well groomed, neat and clean in personal appearance when driving a cab or limousine licenced under this By-law;
 - (g) Serve the first person requiring the service of the vehicle;
 - (h) Have no more than nine demerit points recorded on his/driver's licence in the previous twenty four months;
 - (i) Drive the taxicab/limousine operated by him/her directly to the destination unless the passenger authorizes the driver to do otherwise. The driver shall

not pick up passengers from another locations unless specifically authorized to do so by the passengers in the vehicle;

- (j) Display the driver's licence issued under the provisions of this By-law in a place visible to the passengers when conveying passengers;
- (k) Supply a signed receipt to any passenger requesting same;
- (l) Convey only the number of passengers consistent with the number of seat belts in the vehicle; and
- (m) Limit his/her driving time period to not more than twelve consecutive hours in a twenty-four hour period with at least 8 consecutive hours off-duty time (recuperative sleep) or as legislated by any Federal or Provincial Statute, Regulations & amendments.
- (n) Adhere to the provisions of the Smoke Free Ontario Act and the Town of Ingersoll Smoke Free Workplaces and Public Places By-law or any Federal or Provincial legislation pertaining to taxicabs/limousines..
- (o) Surrender their licence to the Licensing Officer upon ceasing employment resulting in the loss of drivers privledges in accordance with the law or ceasing employment as a taxi driver

5.7 Disqualifications from obtaining a driver's licence

- (i) Every person who makes an application for a licence under this by-law and has provided information to the Licensing Officer is notified of the following:
 - (a) The applicant has been convicted of an indictable offence in the past 5 years or at the discretion of the Licensing Officer or his/her designate; or
 - (b) The applicant has been convicted of any sexual offence; or
 - (c) The applicant has been convicted of any of the following offences in the past five years:
 - (i) Impaired driving;
 - (ii) Dangerous driving;
 - (iii) Driving with over 80 mg of alcohol in 100 ml of blood; or
 - (iv) Criminal negligence involving the use of a motor vehicle;
 - (v) Fail to remain

shall not be issued a taxicab or limousine licence

- (ii) Every person who makes an application for a licence under this by-law and has provided information to the Licensing Officer is notified of the following:

- (a) The applicant has multiple summary convictions

may have the taxicab/limousine licence reviewed, revoked or refused by the Licensing Officer.

5.8 Appeal – licence declined – suspended

Applicants whose licence application has been declined or suspended are eligible to appeal the decision in writing within fifteen days after the issue of the decision of the licensing officer and after a period of twenty-four months from the date of a conviction. Such appeal shall be heard by a review panel, comprised of one representative from the OPP, one representative from Council and one representative from the taxi company sponsoring the applicant. The taxi industry shall be responsible to appoint a representative to such panel within ten days of being notified in writing. If no representative is appointed within such time frame, the hearing shall proceed without the taxi representative.

5.9 Driver’s licence – suspended – revoked

Every driver who has been issued a licence under the provisions of this By-law is subject to the following:

- (a) The Licensing Officer may suspend or revoke a driver’s licence issued under the provision of this By-law if he/she has reasonable grounds to believe that the licence holder has contravened any of the provisions of this By-law; or
- (b) In the event that during the current licence year, a driver incurs an additional conviction which results in him/her being in contravention of any of the provisions of Section 5.7

5.10 Licence fees

- | | |
|--------------------------|---------|
| (a) Per vehicle per year | \$25.00 |
| (b) Per driver per year | \$10.00 |

5.11 Fares – posted

Every owner and driver of a taxicab shall ensure that fares shall be posted in the taxicab being visible and legible to the riders at all times.

Section 6 INSPECTIONS

6.1 Right of inspection of licensed premises or vehicles

The Licensing Officer or a Municipal Law Enforcement Officer, at any reasonable time and after providing proper identification, may enter upon and inspect the licenced business premises of the taxicab or limousine owner or any licenced vehicle to insure that the provisions of this By-law have been complied with.

6.2 Inspection – access to documents

The Licensing Officer or a Municipal Law Enforcement Officer may request the licensed owner or driver to produce all relevant licences and to provide access to the invoices, vouchers, appointment books or trip sheets or other like documents of the person being inspected, provided such documents are relevant to the provision of this By-law. The person inspecting may remove any of the aforementioned documents for the purpose of photocopying, provided a receipt is given to the licensee and the documents are returned to the licensee within two business days.

6.3 Mandatory vehicle inspection

Every owner and driver shall submit their vehicle(s) for a safety and inspection at an appointed time and place when required by a Municipal Law Enforcement Officer.

6.4 Vehicle inspection – while in operation

Where a Municipal Law Enforcement Officer believes a violation of the provisions of this By-law has occurred and the vehicle is currently in operation, the officer may contact the licensed owner or driver and direct that the vehicle attend a specific location to allow the officer to conduct an immediate inspection of the vehicle and the driver.

Section 7 VEHICLE STANDARDS

7.1 Vehicle standards – set out

Every owner or driver of a licensed taxicab or limousine vehicle shall adhere to the following vehicle standards:

- (a) Vehicle must meet the standards required for the issuance of an acceptance under an Ontario Ministry of Transportation and Communications Vehicle Inspection Report or meets the standards for the issuance of a Safety Standard Certificate of mechanical fitness;
- (b) Vehicle must have usable trunk capacity such that the vehicle is capable of being able to accommodate a wheelchair, walker or similar device used to assist the disabled;
- (c) Vehicle must have operating environmental controls sufficient to maintain an ambient interior temperature of 20 degrees Celsius;
- (d) Vehicle must have tint free windows;
- (e) The interior of the vehicle must be clean dry and in good repair;
- (f) The exterior of the vehicle must be clean and in good repair free from exterior body damage with well maintained exterior paint finish; and

(g) A vehicle maintenance log shall be kept in the vehicle at all times.

Section 8 Accessibility

8.1 Every owner shall prepare and file with the Clerk of the Town of Ingersoll a copy of their Accessibility Standards for Customer Service, as required by Ontario Regulation 429/07.

8.2 Every driver shall:

- (a) ensure that all wheelchairs being transported within the Accessible taxicab/Limousine are securely fastened so as to prevent them from moving when the Accessible taxicab/limousine is in motion;
- (b) ensure that the Accessible Cab/Limousine:
 - (i) is equipped with an extra tire, wheel and jack ready for use for that Accessible taxicab/limousine;
 - (ii) has wheelchair tie downs; and,
 - (iii) is in compliance with Regulation 629 of the Highway Traffic Act, the Canadian Standards Association's Standard D409-M84 and all other applicable federal and provincial legislation.

Section 9 ENFORCEMENT

9.1 Fine – for contravention

Every person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction, is liable to a fine or penalty as provided for in the Provincial Offences Act.

9.2 Obstruction – hindering – offence

No person shall hinder or obstruct the Clerk or a Municipal Law Enforcement Officer while carrying out the provision of this By-law.

Section10: REPEAL – ENACTMENT

10.01 By-law – previous

This By-law repeals and replaces all previous by-laws for licensing, regulating and governing of owners and drivers of vehicle used for hire.

10.02 Effective date

This By-law shall become in full force and effect on the day of passage.

READ in Open Council this first and second time this 11th day of May 2009

READ in Open council this third time and finally passed this 11th day of May 2009.

PAUL HOLBROUGH, MAYOR

ELAINE CLARK, CLERK