

(Office Consolidation as of March 6, 2024)

Corporation of the Town of Greater Napanee

By-law No. 2011-06

A By-law to License, Regulate and Govern Taxicab Owners and Drivers

Originally Passed: January 25, 2011

As Amended By:

By-law Number:	Date Passed:
2011-0035	May 24, 2011
2012-0051	November 27, 2012
2014-0037	June 10, 2014
2015-0061	November 10, 2015
2017-0062	December 19, 2017
2022-0002	February 8, 2022

Note: This consolidation is provided for convenience purposes only. Every effort is made to ensure the accuracy of this information, however it is not to be used in place of actual by-laws. Users should consult the original by-laws for purposes of interpretation and application.

The Corporation of the Town of Greater Napanee

By-law No. 2011 – 06

A By-law to License, Regulate and Govern Taxicab Owners and Drivers

WHEREAS pursuant to Section 151 (1) of the *Municipal Act, S.O. 2001 c.25* a municipality may provide for a system of licenses with respect to a business and may, (1) (a) prohibit the carrying on or engaging in the business without a license and may refuse to grant or to revoke or suspend a license;

AND WHEREAS pursuant to Section 151 (1) of the *Municipal Act, S.O. 2001 c.25* a municipality may: impose conditions as a requirement of obtaining, continuing to hold or renewing a license, including special conditions, as a requirement of continuing to hold a license at any time during the term of the license; and to license regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS Council deems it advisable, having regard among other matters to the health and safety of the public, the protection of consumers, and the potential for public nuisance, to enact a by-law to license and regulate Taxicabs cited as the 'Taxi Licensing By-law'.

AND WHEREAS pursuant to Section 156 (1) of the *Municipal Act, S.O. 2001 c.25* a local municipality, in a by-law under Section 151 with respect to the Owners of Taxicabs, may: establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or to any point outside the municipality; provide for the collection of rates or fares charged for the conveyance; and limit the number of Taxicabs or any class of them;

NOW THEREFORE the Council of The Corporation of the Town of Greater Napanee enacts as follows:

PART 1 DEFINITIONS

1.1 In this By-law:

“By-law Enforcement Officer” means any person appointed by the Town to enforce its by-laws;

“Applicant” means a person applying for a license pursuant to this by-law;

“Clerk” means the person appointed by by-law of the Town of Greater Napanee as the Municipal Clerk, and her deputies and designates;

“Corporation” means The Corporation of the Town of Greater Napanee;

“Council” means the Council for The Corporation of the Town of Greater Napanee;

“Driver” means a person who drives a Taxicab and shall include any person engaged in driving or operating any Taxicab for himself/herself or on behalf of any person and shall include an Owner (as hereinafter defined) who drives or operates his own car as a Taxicab;

“Driver’s Abstract” means an Ontario Ministry of Transportation Driver Record Search indicating any and/or the number of demerit points and types of offences in the previous three years;

“Fare” means the amount charged to a person on a trip, together with any additional charges allowed pursuant to this by-law;

“Licence” means authorization under this by-law to carry on the trade, business or activity specified herein; and shall include the license of a Taxicab Owner or a Driver;

“Licenced” means licensed under this by-law and not in breach of the provisions hereof;

“Licensing Officer” means such person or persons as may be designated by the Clerk to administer and enforce this by-law;

“Limousine” means a motor vehicle kept or used for hire for the conveyance of passengers by reservation only and solely on an hourly basis;

“Owner” means any person owning a Taxicab or Taxicabs licensed as such or required to be licensed as such under this by-law and includes a person having the possession or control of a Taxicab under a conditional sale agreement, rental, leasing agreement or arrangement;

“Owner’s Plate” means a metal, plastic plate or laminated sticker issued to a Taxicab Owner containing the assigned and registered Taxicab number;

“Passenger” means any person other than the Driver who is seated or otherwise situated within a Taxicab;

“Person” shall include a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership or other form of business association;

“Police Record Check” means the documentation from a Police Records Search and Vulnerable Sector Screening performed by the local police service;

“Provincial Offences Officer” means a person appointed as such by Council pursuant to the authority of the *Provincial Offences Act* and shall also include a police officer;

“Safety Standard Certificate” means a safety standard certificate issued pursuant to the *Highway Traffic Act and Regulations* for a specific vehicle, which attests to the mechanical fitness of such vehicle, signed by a registered mechanic who is not the Owner or employed by the Owner of the Taxicab;

“Senior” means an individual 65 years of age and older;

“Tariff Card” means the card issued by the Licensing Officer showing the tariffs for Fares as set forth in Schedule "B" of this by-law, and includes the Urban Area

Boundary Map as attached in Schedule "DI1;

"Taxicab" means any motor vehicle used for hire by any person for the conveyance of persons or goods from place to place within the limits of the Town of Greater Napanee but does not include a limousine, bus, ambulance, hearse or a vehicle operated by a non-profit organization that is supplying a service to persons with disabilities;

"Town" means the geographic limits of the Town of Greater Napanee;

"Trip" means the distance and time traveled or estimated to be traveled, measured from the time and location where the passenger or goods entered the Taxicab to the time and location where the passenger or goods reached their destination, and left the Taxicab;

"Trip Sheet" means the written record of the details of each trip as recorded by the taxi Driver;

"Urban Area" means the urban portion of the Town which limits are:

- (i) County Road 41 north at Community Road;
- (ii) Newburg Road east at Highway 401;
- (iii) Palace Road/ County Road 5 east at Highway 401;
- (iv) County Road 2 east at Oke Road;
- (v) Old Hamburg Road south at Champlain Street;
- (vi) County Road 8 south at Golf Course Lane;
- (vii) River Road west at 100 River Road;
- (viii) County Road 2 west at Russell Street;
- (ix) Bridge Street west at Cherrywood Parkway; and
- (x) County Road 1 west at Jim Kimmett Boulevard.

PART II LICENSING REQUIREMENTS

Duties of the Clerk

- 2.1 Administration of this by-law shall be the responsibility of the Clerk who is hereby authorized to issue Licenses to Owners and Drivers in accordance with the provisions of this by-law.
- 2.2 The Clerk is authorized to delegate enforcement of the by-law to a Licensing Officer, By-law Enforcement Officer and/or a police officer as necessary and the Clerk may continue to exercise such delegated powers despite the delegation.
- 2.3 The Licensing Officer will keep appropriate records of all Taxicab Licenses issued.
- 2.4 The Clerk is responsible for reviewing and responding to any complaints or non-compliance issues in respect to this by-law.

General Licensing Requirements

- 2.5 No person shall operate a Taxicab in the Town as a Driver unless that person has obtained a Taxicab Driver's License issued by the Town and said License has not been suspended, revoked or expired.
- 2.6 No Owner shall operate or permit to be operated a Taxicab, or accept calls in any manner for Taxicabs within the Town, unless that Owner has obtained a Taxicab Owner's License and said License has not been suspended, revoked or expired.
- 2.7 Notwithstanding subsection 2.6, no License shall be required for the operation of a Taxicab within the Town provided such Taxicab is licensed in another municipality and is operating for the sole purpose of discharging a passenger who was picked up outside the boundaries of the Town or under contract with a school board, municipal, provincial or federal agency.
- 2.8 No person shall promote or carry on a Taxicab business under any name other than the name endorsed upon the License, except in accordance with the provisions of this by-law.
- 2.9 No License may be leased, subleased, transferred, assigned or used by any person other than the licensee.
- 2.10 The term of each License shall, unless otherwise expressed in the License, be valid from the first day of January or the date it is issued or renewed until the 31st day of December of the same year, unless said License is suspended, revoked, amended, or voluntarily relinquished to the Clerk sooner.
- 2.11 Every application for a renewal of any License issued pursuant to this by-law shall be delivered to the Licensing Officer, in person, by November 30th prior to the License expiring. When an application for renewal of a License is delivered to the Licensing Officer after the expiry date of the license, the applicant shall submit an application as a new applicant.
- 2.12 No person shall be licensed as a Taxicab Owner or Driver unless they:
- a) are a citizen of Canada, or are legally able to work in Canada;
 - b) are at least 20 years of age;
 - c) hold a valid Driver's License issued by the Province of Ontario which permits the operation of a passenger vehicle;
 - d) provide a completed application in the form required by the Licensing Officer as well as all documentation required by this by-law;
 - e) pay the prescribed license fee to the Licensing Officer as set out in Schedule "C"; and
 - f) otherwise comply with all provisions of this by-law.
- 2.13 The Licensing Officer may require an applicant to provide additional information that the Licensing Officer in their sole discretion deems relevant to the application.

- 2.14 Acceptance of the application and fee by the Clerk or Licensing Officer shall not represent approval of the application for the issuance of a License, nor shall it obligate the Clerk and/or Licensing Officer to issue a License.

Notice of Change of Information

- 2.15 When a licensee changes their name, address or any information relating to the License, the licensee shall notify the Licensing Officer within forty-eight (48) hours after the change of information relating to the License and shall return the License immediately to the Licensing Officer for amendment.

PART III TAXICAB OWNER REGULATIONS

Owner License Application

- 3.1 In order to obtain an Owner's License an applicant must submit to the Licensing Officer:
- a) a completed application in the form required by the Licensing Officer which includes the make, model, year and seating capacity of each vehicle to be Licensed;
 - b) proof of an office established within the Town limits which complies with the zoning, building and property standards by-laws of the Town;
 - c) the current Ontario Ministry of Transportation passenger motor vehicle ownership permit in the applicant's name for the vehicle or vehicles to be Licensed, or a copy of a lease agreement showing him as lessee of the the vehicle or vehicles to be Licensed;
 - d) a Safety Standards Certificate issued within 36 days of the date of the application for the vehicle or vehicles to be Licensed;
 - e) a current Ontario Standards Automobile Insurance Policy to show the vehicle or vehicle to be Licensed are insured;
 - f) a Certificate of Insurance which shows compliance with the provisions of Part V of this by-law;
 - g) a Police Records Check for the applicant which shall be obtained by him at his own expense;
 - h) the prescribed license fees paid in full; and
 - i) in addition to the provisions of this section, the vehicle to be used shall be submitted for inspection and the Owner must provide proof of same to the Licensing Officer and the vehicle must not be used until the inspection has taken place which verifies compliance of the vehicle with the requirements of this by-law.

- 3.2 A separate Taxicab Owner's License shall be obtained by a Taxicab Owner for each taxicab to be Licensed pursuant to this by-law.
- 3.3 When an Owner disposes of a Taxicab and acquires a replacement vehicle, the Owner shall before operating the replacement vehicle, or permitting it to be operated, as a Taxicab:
- a) submit the replacement vehicle to the Licensing Officer for inspection and provide the original documentation required under this by-law for an Owner's License; and
 - b) attend at the licensing office to return the Owner's Plate and to have the Owner's License amended by deleting reference to the Taxicab disposed of and receiving a new Owner's Plate for the replacement Taxicab.

Number of Owner Licenses

- 3.4 The total number of Owner's Licenses issued in any single year shall be limited to one per every 1,000 population in the Town of Greater Napanee, unless otherwise approved by resolution of Council.
- 3.5 All Licenses shall be issued on a first-come, first-served basis, except that the renewal of licenses from the previous year shall be issued before any new Licenses are issued.

Vehicle Requirements

- 3.6 Every Licensed Taxicab Owner shall:
- a) keep at all times in the Taxicab a copy of the original of each of the following documents:
 - (i) the current Ontario Ministry of Transportation passenger motor vehicle ownership permit issued for that Taxicab;
 - (ii) a current Ontario Standards Automobile Insurance Policy for that Taxicab;
 - b) have in or on the Taxicab, as appropriate:
 - (i) a current Owner's Plate, which shall include vehicle registration and identification information as provided by the Town, placed and visible on the rear bumper of the taxicab;
 - (ii) affixed, the current Tariff Card in a holder, or at a location and in a manner approved by the Licensing Officer as per Schedule "B" attached;
 - (iii) affixed, the current Taxicab Owner's License issued under this by-law; and
 - (iv) an electronically illuminated sign which is securely attached to the top of the Taxicab indicating that the vehicle is a Taxicab and showing the name or telephone number of the Owner of the

Licensed Taxicab; and the status light must be illuminated when the headlights are on and the Taxicab is vacant;

- c) repair any mechanical defect in the Taxicab within a reasonable time;
- d) keep a daily Trip Sheet showing the following information, for each Taxicab:
 - (i) the Provincial motor vehicle permit number for the Taxicab;
 - (ii) the name of the Taxicab Driver(s);
 - (iii) a record of all trips made by the Taxicab that day;
 - (iv) the date, time, and location of the beginning and the termination of each trip; and
 - (v) the amount of the fare collected for each trip; and
- e) retain all Trip Sheets for at least twelve (12) months and make them available for inspection at the request of the Clerk, Licensing Officer or Provincial Offences Officer.
- f) make available vehicle registration and identification information in an accessible format to persons with disabilities who are passengers

Owner Prohibitions

3.7 An Owner shall not:

- a) permit a Taxicab to be operated with mechanical defects of which the Owner is aware;
- b) affix, or permit any person to affix, any Owner's Plate issued pursuant to this by-law to any vehicles except the vehicle for which it was issued;
- c) operate a Taxicab, or permit a Taxicab to be operated, which is not Licensed under this by-law;
- d) allow or permit a Taxicab to be operated when it is not clean, sanitary and dry and the interior is in good repair;
- e) allow or permit a Taxicab to be operated when the exterior is not clean or it has exterior body damage or significant rust;
- f) operate or permit a Taxicab to be operated for the purpose of transporting children to or from schools, except in compliance with the provisions of Schedule "E" of this by-law;
- g) fail to display the name of the Owner clearly on the exterior of the Taxicab; and
- h) permit the operation of a Taxicab by a person who does not possess a valid Taxicab Driver's License issued under this by-law.
- i) Charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip; and

- j) Charge a fee for the storage of mobility aids or mobility assistive devices.

General Taxicab Inspections

- 3.8 The Licensing Officer may give notice to the Licensed Taxicab Owner of a general inspection during the License year for each Taxicab owned. Such inspection may be done on a random basis at a time and place determined by the Licensing Officer.
- 3.9 Upon receipt of a notice of inspection under the foregoing section, each Licensed Owner or Driver shall attend with the Taxicab at the appointed time and place. After such inspection, the Licensing Officer may require the Licensed Owner or Drive to produce a Safety Standard Certificate issued pursuant to the Highway Traffic Act attesting to the mechanical fitness of the vehicle issued within 36 days of the inspection date.

PART IV TAXICAB DRIVER REGULATIONS

Driver License Application

- 4.1 In order to obtain a Taxicab Driver's License an applicant must submit to the Licensing Officer:
- a) a completed application in the form required by the Licensing Officer;
 - b) a valid Driver's License issued by the Province of Ontario which permits the operation of a passenger vehicle;
 - c) a current Police Records Check for the applicant which shall be obtained by the applicant at his own expense which indicates that there are no criminal convictions against the applicant in accordance with the *Criminal and Driver Record Screening Policy* attached as Schedule "A";
 - d) a current Driver's Abstract which shall be obtained by the applicant at his own expense which indicates that there are no criminal convictions against the applicant in accordance with the *Criminal and Driver Record Screening Policy* attached as Schedule "A"; and
 - e) the prescribed license fees paid in full.
- 4.2 Notwithstanding paragraph 4.1(c), in the case of renewal applications, the applicant may provide every other year a signed declaration that there are no active charges on his/her record at the time of the annual renewal.

Taxicab Driver Regulations

- 4.3 Every Licensed Taxicab Driver must:
- a) at all times while driving a Taxicab, display the Taxicab Driver's License issued under this by-law visible to passengers using the Taxicab;
 - b) upon the request of any passenger, or when there is any complaint or any dispute about the fare, give in writing on the form prescribed by the Licensing Officer, the Taxicab Driver's name, Taxicab Driver License

- number, Owner's Plate number, the amount of the fare, the name and address of the Owner of the Taxicab and the telephone number of the Town of Greater Napanee;
- c) carry a valid Ontario driver's license at all times when operating a Taxicab;
 - d) punctually keep all appointments and engagements and shall not make any appointment if a previous engagement would prevent the Driver from fulfilling it;
 - e) be at liberty to refuse to serve any person who:
 - (i) is threatening or disorderly;
 - (ii) refuses to give the destination;
 - (iii) is in possession of an animal, other than a service animal for a person with a disability;
 - (iv) is eating or drinking any food or beverage;
 - (v) has not paid a previous fare; or is, in the opinion of the Driver, unable or unwilling to pay the fare and has been unable to satisfy the Driver that he has the funds to pay the fare;
 - (vi) refuses to extinguish smoking materials;
 - (vii) is in possession of any banned or toxic substances;
 - (viii) has in their possession any weapons or devices that may cause bodily harm in the opinion of the Driver; and/or
 - (ix) wants to be driven to a remote or isolated location;
 - f) render such assistance as may be necessary so that the passenger may enter or leave the Taxicab, however no Driver shall be required to carry a passenger;
 - g) be civil, speak in an appropriate manner and behave courteously;
 - h) be properly dressed, well groomed, neat and clean in personal appearance;
 - i) drive the Taxicab in the most direct travelled route to the point of destination unless otherwise directed by the passenger;
 - j) keep in the Taxicab a current street guide or map of the Town and surrounding area satisfactory to the Licensing Officer;
 - k) turn off any radio, cd player or any other sound producing mechanical device in the Taxicab, with the exception of the two way radio, upon being requested to do so by any passenger, and in having done so, shall leave such devices in the off or turned down position until termination of the trip with the passenger;

- l) before commencing their assigned daily duties, inspect the Taxicab for interior and exterior cleanliness and damage and for any mechanical defects and shall immediately report any defects or damage to the Taxicab Owner;
- m) throughout the operating period, ensure that the vehicle is in good repair and is maintained in a clean and sanitary condition;
- n) report any and/or all defects in the Taxicab to the Owner at the end of each shift or upon discovery if the condition is unsafe and/or unsanitary;
- o) take due care of all personal property entrusted to their care for pick up and/or delivery as part of their assigned duties that are not prohibited commodities;
- p) immediately upon termination of any hiring engagement, search the Taxicab for any property lost or left therein and, all property or money left in the Taxicab shall forthwith be delivered to the office of the Owner for safekeeping;
- q) levy taxi fares in accordance with the tariffs as established and authorized by Schedule "B" attached to this by-law; and
- r) when called to a house or other place for picking up passengers, notify the person calling the Taxicab of his/her presence.
- s) make available vehicle registration and identification information in an accessible format to persona with disabilities who are passengers.

Taxicab Driver Prohibitions

4.4 A Taxicab Driver shall not:

- a) carry liquor, wine or beer in any Taxicab at any time provided that this paragraph shall not be intended to exclude the carrying of the liquor, wine or beer of any passenger who is a bona fide passenger in the Taxicab;
- b) smoke, or permit anyone to smoke, any pipe, cigar, cigarette or any tobacco products in any Taxicab;
- c) carry any passenger, other than paying passengers, while the vehicle is being used as a Taxicab or while on duty,
- d) carry in a Taxicab a greater number of passengers than is set out in the vehicle manufacturer's rating of seating capacity for such vehicle;
- e) while waiting at a Taxicab stand or any other public place:
 - (i) obstruct or interfere in any way with the normal use of the Taxicab stand or public place or interfere with the surrounding traffic patterns;
 - (ii) park in any signed and/or prohibited 'no parking', 'no stopping' zones in accordance with the Town of Greater Napanee' s Parking By-law;

- (iii) make any loud noise or disturbance;
 - (iv) be unable to observe the Taxicab at all times; or
 - (v) make repairs to the Taxicab unless the repairs are immediately necessary;
- f) drive a Taxicab with luggage or any object placed in, hung on, or attached to the vehicle in such a manner as will obstruct the Driver's view of the highway;
- g) take, consume or have in the Driver's possession any alcohol, drugs or intoxicants while he is in charge of a Taxicab;
- h) use any Tariff Card, other than that obtained from the Licensing Officer, or remove, exchange, lend or otherwise dispose of the Tariff Card;
- i) take on any additional passengers after the Taxicab has departed with one or more passengers from any one starting point except under the following circumstances:
 - (i) when done at the request of the passenger already in the vehicle;
 - (ii) in an emergency situation;
 - (iii) when operating a vehicle which is being exclusively used for the transportation of children to and from school;
- j) drive a Taxicab which does not have an Owner's Plate, which includes vehicle registration and identification information as provided by the Town, placed and visible on the rear bumper of the Taxicab;
- k) drive a Taxicab whose Owner is not a Licensed Taxicab Owner;
- l) be required to accept any parcel/product when the expenditure of money by the licensed Taxicab Driver is required on behalf of the passenger;
- m) engage in soliciting their passengers for any purpose whatsoever including recommending hotels, restaurants or other like facilities unless requested to do so by the passenger;
- n) be required to provide change for any note larger than fifty (\$50.00) dollars unless the Fare is at least one-half ($\frac{1}{2}$) of the value of the said note;
- o) operate a Taxicab unless such vehicle,
 - (i) is equipped with a spare tire and jack ready for use for that vehicle;
 - (ii) meets the standards for the issue of a Safety Standards Certificate;
 - (iii) interior is clean, dry, sanitary, free from debris and in good repair;
 - (iv) exterior is clean and in good repair – free from significant rust and/or exterior body damage and with a well maintained exterior paint finish;

- p) induce any person to engage the Taxicab by any misleading or deceiving statement or representation to that person about the location or distance of any destination named by that person;
- q) induce or permit any person to engage the Taxicab when the Driver is aware that another Taxicab has been dispatched to pick up the person provided that when the passenger exhibits a preference for that Taxicab, and if so, the chosen Driver shall notify the other Taxicab Driver who has been dispatched;
- r) have in a Taxicab or on the Driver while on duty, the use of any device capable of scanning two-way radio calls;
- s) subject to the provisions of this by-law and except for a tip, gratuity or credit card service charge, recover or receive any Fare from any passenger or persons including persons with disabilities, who demanded the services, which is a higher Fare than the Fare authorized by this by-law.
- t) recover or receive any Fare or charge from any person to whom the Driver has refused to show the Tariff Card;
- u) make any charge for time lost through defects or inefficiency of the Taxicab or incompetence of the Driver; or
- v) make any charge for the time elapsed due to early arrival of the Taxicab in response to a call for the vehicle to arrive at a fixed time.
- w) charge a fee for the storage of mobility aids or mobility assistive devices.

PART V INSURANCE

- 5.1 A licensed Owner must provide proof of current and valid Ontario standard automobile insurance in the amount of \$2,000,000.00 per occurrence (exclusive of interest and costs) against loss or damage resulting in bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any one incident; and the said policy shall make provision for passenger hazard in an amount of not less than \$2,000,000.00
- 5.2 The insurance policies shall clearly acknowledge that the vehicle is being used for purposes of a Taxicab and shall include all necessary coverages as are reasonable for the transportation of persons and/or property.
- 5.3 The insurance policy shall be endorsed to provide that the policy or policies shall not be altered, cancelled or allowed to lapse without 30 days written notice to the Town.
- 5.4 No Owner shall be issued a Taxicab Owner's License without a Certificate of Insurance from the Owner's insurance company addressed to the Town of Greater Napanee and sent to the attention of the Licensing Officer which shows the required coverage and endorsements.

- 5.5 When a Licensed Taxicab Owner ceases to have a current and valid Ontario standard automobile insurance policy in good standing and properly endorsed in accordance with the provisions of this by-law, the License shall be deemed to be suspended as of the date on which the cessation of insurance came to the attention of the Licensing Officer, and the License shall only be reinstated if the Licensing Officer is provided with written proof of insurance in accordance with the provisions of this by-law.
- 5.6 When the Licensed Taxicab Owner has its License(s) suspended under the foregoing section, the Owner shall forthwith remove the Owner's Plate and return the Owner's Plate and the License to the Licensing Officer.
- 5.7 When a Licensed Taxicab Owner cancels the current insurance before the expiry date of the policy, the Owner must produce a certificate of newly acquired insurance, or return the Taxicab Owner's Plate to the Licensing Officer on the date and time of the cancellation.
- 5.8 All insurance renewal policies or certificates of insurance shall be filed with the Licensing Officer five (5) days prior to the expiry date of the current insurance policy.

PART VI REVOCATION, SUSPENSION OR CANCELLATION OF LICENSE

- 6.1. The Clerk may revoke, suspend, cancel or refuse to issue or renew a License where the licensee has been found by the Clerk or Licensing Officer to be:
 - a) in breach of any provision of this by-law;
 - b) conducting activities which may be adverse to the public interest; or
 - c) in breach of any other law.
- 6.2. When a Licensed Taxicab Driver has had his/her Province of Ontario Driver's License suspended, cancelled or revoked, or where the Ontario Driver's License has expired, the License issued under this by-law shall be deemed to be suspended as of the date of suspension, cancellation, revocation or expiration of the Province of Ontario Driver's License.
- 6.3. A License issued to an Owner under this by-law may be cancelled by the Clerk at any time if the Owner fails to operate a Taxicab for a period exceeding one month, unless the Owner can show to the satisfaction of the Clerk just cause for such failure.
- 6.4. Notice of a decision by the Clerk to revoke, suspend, cancel or refuse to issue or renew a License shall be given to the applicant by personal delivery or prepaid mail.

Surrender of License

- 6.5. When a License issued under this by-law has been suspended, cancelled or revoked, the holder of the License shall return the License and if applicable, the Owner's Plate to the Licensing Officer within twenty-four (24) hours of service of

written notice of such suspension, cancellation or revocation. The Licensing Officer shall return the License if applicable the Owner's Plate to the holder of the License if the Taxicab is returned to service within sixty (60) days of such suspension or revocation, failing which such License shall be deemed to be cancelled.

- 6.6. If an Owner fails to renew a License or, when a person has had the License revoked, cancelled or suspended, under this by-law, the person shall not refuse to deliver, in any way obstruct or prevent the Licensing Officer from obtaining the License and the Owner's Plate.

Hearing

- 6.7. Where the Clerk or Licensing Officer has revoked, cancelled, suspended or refused to issue or renew a License under this by-law, the applicant or licensee may appeal this decision to Council by submitting, within fourteen (14) calendar days of receiving notice, a notice of appeal of the said decision in writing, together with the fee as provided in Schedule "C". The hearing shall take place at the next regular session of council unless the agenda has already been prepared.
- 6.8. Upon receiving an appeal from an applicant, Council shall conduct a public hearing in accordance with the procedures set out in the *Statutory Powers Procedure Act*, R.S.O. 190, c. S.22.
- 6.9. The applicant shall be given at least seven (7) days written notice of such hearing, mailed or delivered to the address shown in his application.
- 6.10. At the review hearing, the onus shall be upon the applicant of licensee to show cause why:
- a) the license applied for should be granted;
 - b) conditions should not be imposed on the License; or
 - c) the License should not be revoked.
- 6.11. Any motion made at the hearing resulting in a tied vote means the motion is defeated.
- 6.12. Following the public hearing, Council may;
- a) Issue a License with or without conditions; or
 - b) Deny any application for a License or revoke a License if it is satisfied that issuing the License or permitting it to continue would be adverse to public interest, or for failure to comply with any of the provisions of this by-law.
- 6.13. A decision of Council is final and binding upon the applicant or licensee.

PART VII PENALTY

- 7.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to:

- a) such fines and other penalties as provided for under the *Provincial Offences Act*, R.S.O. 1990, c.P-33, as amended; or
- b) suspension or revocation of any License issued under this by-law; or
- c) both (a) and (b).

PART VIII SCHEDULES

8.1 All schedules referred to in this by-law and attached hereto are deemed to be part of this by-law.

PART IX REPEAL

9.1 All previous by-laws of the Town of Greater Napanee that license, regulate and govern Owners and Drivers of Taxicabs are hereby repealed.

PART X VALIDITY/SEVERABILITY

10.1 If any section, clause or provision of this by-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.

10.2 This by-law comes into force and takes effect on February 1, 2011.

Read a first and second time and finally passed on January 25, 2011.

Gordon Schermerhorn, Mayor

Rebecca Murphy, Clerk

SCHEDULE “A”

Criminal and Driver Record Screening Policy

The Town of Greater Napanee accepts their responsibility to the citizens of Greater Napanee for many special events, programs, services, committees, licensing responsibilities, and community activities involved in its municipal government operations and duties and is committed to the following policy to support the provision of a safe, sound and positive experience within our areas of responsibility and programs.

Police Record Search and Vulnerable Sector Screening

For all Taxicab Owners and Drivers a Police Records Search and Vulnerable Sector Screening are completed. Every Licensed Taxicab Owner or Driver is obliged to immediately inform the Town if he or she is charged, tried, convicted or involved in any way in a police investigated matter related to any of the below-noted offences under the Criminal Code or under other provincial or federal statutes. A declaration of this must be completed every two years.

A copy of a Police Record Check shall be supplied with all applications for Taxicab Owners or Drivers Licenses and will be kept on record in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

In general, individuals with past Criminal Code convictions for certain offences will not be granted a License under this by-law.

These offences include, but are not limited to, the following with exclusion time frames listed:

- a) If imposed in the last five years:
 - (i) any criminal offence involving the use of a motor vehicle, including but not limited to impaired driving; or
 - (ii) Any violations for trafficking under the *Controlled Drug and Substances Act*.
- b) If imposed in the last ten years:
 - (i) Any crime of violence including but not limited to, all forms of assault; or
 - (ii) Any criminal offence involving a minor or minors.
- c) If imposed at any time:
 - (i) any criminal offence involving the possession, distribution, or sale of any child-related pornography;
 - (ii) any sexual offence involving a minor or minors; or
 - (iii) any offence involving fraud.

After the exclusion timeframes have elapsed the applicant is not automatically reinstated in good standing. The Clerk will review their application and decide if the applicant should be accepted. If the applicant is accepted they will be on a probationary term of two (2) years during which time their participation will be monitored. There will be no review or appeal on a lifetime ban.

Taxi Licensing By-law

Applicants may also be rejected as a result of other information gained during the Driver's Abstract screening process as a whole, or as a consequence of other factors which are directly relevant to the requirements of the position, and to the ability of the applicant to carry out his/her duties in an effective, safe manner. Individuals with more than nine (9) demerit points in the previous thirty-six (36) months showing against their Ontario Driver's License at the time of application will be denied a License.

The applicant has the right to know why he or she is being refused, and may appeal in accordance with this by-law.

**THE CORPORATION OF THE TOWN OF GREATER NAPANEE
SCHEDULE "B" TO
BY-LAW NO. 2011-06, AS AMENDED
TAXI RATES AND FARES**

1. Trip fare fees shall be set at the discretion of the Licensed Taxicab Owner and shall be communicated to the passenger prior to engagement.
2. An Owner may enter into contractual agreements for services described in this by-law and may establish fees for such contractual services at their discretion.
3. In accordance with the *Accessibility for Ontarians with Disabilities Act (AODA), 2005* and *Ontario Regulation 191/11- Integrated Accessibility Standards*, owners and drivers of Taxicabs are hereby prohibited;
 - (a) from charging a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip; and
 - (b) from charging a fee for the storage of mobility aids or mobility assistive devices.

SCHEDULE “C”

License Fees

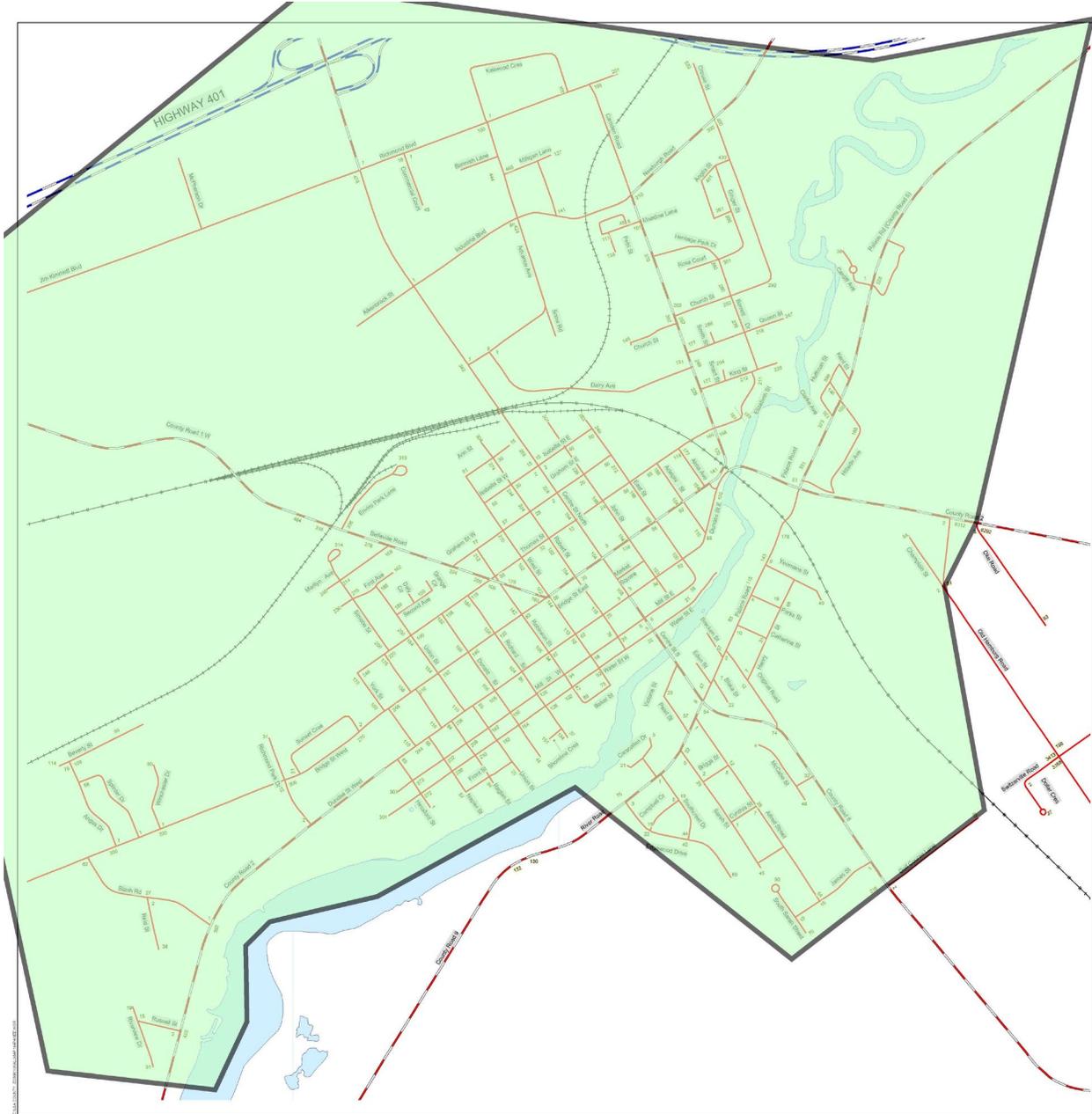
Type of License	New License Fee	Renewal License Fee
Taxicab Owner’s License (first Taxicab)	\$150.00 per vehicle	\$125.00 per vehicle
Taxicab Owner’s License (each additional Taxicab)	\$30.00 per vehicle	\$25.00
Taxicab Driver’s License	\$40.00	\$30.00

Other Fees

Replacement for Taxicab Driver’s or Owner’s License	\$15.00
Replacement fee for loss of Owner’s Plate	\$30.00
Replacement fee for each Tariff Card	\$5.00
Fee to Appeal a Decision under the By-law	\$30.00

SCHEDULE "D"

Urban Area Boundary Map



SCHEDULE “E”

Regulation for the Use of Taxicabs for the Transportation of Children to and from School

1. No licensed Taxicab Owner and no licensed Taxicab Driver shall use any vehicle for the transportation of children to and from school unless such vehicle is licensed as a Taxicab by the municipality.
2. A Taxicab Driver shall not permit a child to stand in the Taxicab while it is in motion.
3. A Taxicab Driver must not operate a Taxicab unless every child is secured with a seatbelt.
4. The Taxicab shall carry, on the rear, signs not less than 275 mm by 350 mm in size, clearly and visibly displaying the words “School Vehicle” in black letters on white or yellow background.
5. The sign referred to in clause (4) shall be carried only when the Taxicab is actually engaged in transporting children to and from school, and shall be removed when the Taxicab is engaged in any other business.