

THE CORPORATION OF THE
TOWN OF ESSEX

BY-LAW NO. 1052

BEING A BY-LAW TO PROVIDE
FOR LICENSING, REGULATING
AND GOVERNING OF TAXICABS
AND TAXICAB DRIVERS IN THE
TOWN OF ESSEX.

WHEREAS Section 151 of the Municipal Act, 2001, S.O. 2001, c.25 (the “Act”) provides that a municipality may license, 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 The Corporation of the Town of Essex (“The Town”) wishes to license, regulate and govern Taxicabs and Taxicab Drivers within the Town of Essex;

AND WHEREAS The Town deems it desirable to license, regulate and govern Owners and Drivers of Taxicabs for purposes of—

- a) Health and safety, including but not limited to—
 - i) enhancing and encouraging safe maintenance and operating practices for drivers and owners;
 - ii) ensuring that only experienced and qualified drivers are providing Taxicab services;
 - iii) ensuring drivers have proven themselves trustworthy to care for the belongings and person of those using the Taxicab service; and,
 - iv) ensuring accountability of industry participants in health and safety issues.
- b) Consumer protection, including but not limited to—
 - i) enhancing and ensuring equal, fair and courteous treatment amongst industry participants and users of Taxicab services;
 - ii) protecting the property and persons of passengers;
 - iii) ensuring consistency in the application of fares; and,
 - iv) promoting accountability of industry participants for consumer protection.

AND WHEREAS the Council of The Corporation of the Town of Essex deems it desirable to repeal those sections of By-Law No. 629, as amended, that deal with the licensing of Owners and Drivers of Taxicabs, and adopt By-law No. 1052 to provide for the licensing, regulating and governing of Taxicab Owners and Drivers effective January 1, 2011;

NOW THEREFORE THE CORPORATION OF THE TOWN OF ESSEX ENACTS AS FOLLOWS:

SECTION 1 – SHORT TITLE

1.01 This By-Law may be cited as the “Taxicab Licensing By-Law”.

SECTION 2 – SCOPE OF BY-LAW

2.01 This By-Law applies throughout the Town of Essex.

SECTION 3 – DEFINITIONS AND INTERPRETATION

3.01 In this by-law:

“Accessible Taxicab” means a motor vehicle that is both a Taxicab and an accessible vehicle;

“Accessible Vehicle” means an accessible Taxicab that is a motor vehicle originally constructed or subsequently modified to permit the loading, transportation and off loading of persons with disabilities who use assistive devices to carry out activities;”

“Appeal Tribunal” means a Tribunal duly appointed by Council to conduct hearings under this By-Law;

“Applicant” means a person applying for or renewing a license under this by-law and **“application”** has a corresponding meaning;

“Assistive Devices” are defined as devices that people may use to assist persons with disabilities in carrying out activities and may include, but are not limited to—

- i) wheelchairs;
- ii) walkers;
- iii) white canes used by people with visual disabilities; and/or
- iv) personal oxygen tanks and devices

“By-Law Enforcement Officer” means a municipal law enforcement officer appointed by Council to enforce by-laws of the Town of Essex;

“Clerk” means the Clerk of The Town of Essex or their duly appointed Deputy-Clerk;

“Corporation” means The Corporation of the Town of Essex;

“Council” means the Council for The Corporation of the Town of Essex;

“Criminal Information Report (“CIR”) means a report containing the results of a search of the Canadian Police Information Centre that includes a list of all criminal convictions for which a pardon has not been received, all outstanding criminal charges and the results of a vulnerable sector search.

“Disability” means—

- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- b) a condition of mental impairment or developmental disability,

- c) learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- d) a mental disorder, or
- e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

“Dispatch” means the communication of an order or information in any manner to a Taxicab Driver;

“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 for Taxicab services and/or dispatching those orders to Taxicab Drivers;

“Drive Clean Pass Certificate” means a certificate issued following an emissions test as required by the Ministry of Environment under the Ontario Drive Clean Program.

“Driver” or **“Taxicab Driver”** means any person who drives a Taxicab;

“Dues” means a monetary charge by a broker to any owner or driver to receive orders from the broker;

“Driver’s Abstract” means a driver record search issued by the Ontario Ministry of Transportation;

“Fare” means the amount displayed on the Taxicab Meter or calculated based on the distance driven as recorded on a vehicle’s trip odometer at the conclusion of a trip, or the flat rate charged for a trip;

“Grossly Unclean Person” means a person covered in an amount of dirt and/or other material so excessive that, if transported by the driver, the state of the person could leave the interior of the vehicle in an unclean state;

“Highway Traffic Act” means the Highway Traffic Act R.S.O. 1990 c.h.8, as amended, and the regulations thereunder;

“Individual” means a natural person and does not include a corporation, partnership or association;

“License” means a Taxicab Driver’s License, and/or Taxicab Owner’s License issued by The Town as the context requires;

“License Expiry Sticker” means the numbered stickers issued by the Town which indicate the expiry year of the Owner’s License; License Expiry Stickers are affixed to the Owner’s Plate when a Taxicab License is renewed;

“Licensee” means any person Licensed under this By-Law;

“Licensing Manager” means the Clerk of The Corporation of the Town of Essex;

“Maintenance Log” means a log containing information relating to the repair of a vehicle, including the Vehicle Information Number (“VIN”) of the Taxicab, its Owner’s Plate number, make, model and year of the vehicle, the nature of the repair, the date of the repair, the name of the person performing the repair and confirmation that the owner of the vehicle was notified of the repair;

“Mechanical Defect” means damage to, or failure of a part, component or feature of a vehicle;

“Municipal Act, 2001” means the *Municipal Act, 2001, S.O. 2001, c.25*, as amended and any regulations thereunder;

“Motor Vehicle Permit” means a permit issued by the Ontario Ministry of Transportation which indicates the registered owner of a vehicle;

“Operation” when used in reference to a Taxicab, shall include driving the Taxicab and making it available to the public in service as a Taxicab;

“Operator” when used in reference to a Taxicab shall mean a person licensed to drive a Taxicab;

“Order” means a document issued by the Licensing Manager or By-Law Enforcement Officer which advises the Licensee of a matter of non-compliance with this By-Law and the remedies required to become compliant;

“Owner” means the person licensed under this By-Law as the owner of a Taxicab;

“Owner’s Plate” means a numbered plate issued to the owner under this By-Law;

“Passenger” means any person other than the Taxicab driver seated in a Taxicab and includes any person engaging or attempting to engage the services of a Taxicab;

“Passenger Motor Vehicle Permit” means a permit issued by the Ministry of Transportation which provides particulars on a vehicle and the registered owner of the vehicle;

“Person” includes an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent and the heirs, executors or legal representatives of the person to whom the context can apply according to law;

“Safety Standard Certificate” means a certificate that is issued by a government-approved Motor Vehicle Inspection Station after a vehicle passes an inspection. This inspection covers the minimum safety requirements for vehicles in the province of Ontario as provided for under the *Highway Traffic Act*.

“Service Animal” is defined as either—

- a) a “guide dog,” as defined in Section 1 of the Blind Persons Rights’ Act; or
- b) a “service animal” for a person with a disability. An animal is a service animal for a person with a disability—
 - i) if it is readily apparent that the animal is used by the person for the reasons relating to his or her disability; or
 - ii) if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability.

“Smoke” or “Smoking” includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment;

“Statement of Driving Record” means a three-year snapshot of a driver’s history as issued by the Ontario Ministry of Transportation and which contains driver's name, license number, class, expiry date, conditions/restrictions, height, date of birth, gender

and status information, driver's Highway Traffic Act and Criminal Code of Canada convictions, suspensions reinstatements over the past three (3) years as well as conviction dates, earliest Licensed date available, demerit point total and medical due date for commercial drivers;

“Support Person” means another person who accompanies a person with a disability in order to help him or her with communication, mobility, personal care or medical needs or with access to goods or services;

“Taxicab” means any vehicle used for hire in the conveyance of persons or goods from a place within the Town to any point inside or outside the Town and includes accessible Taxicabs or standard Taxicabs but does not include a bus under License under the Public Vehicles Act, an ambulance, a funeral hearse or a limousine;

“Taxicab Driver’s License” means a License issued by the Town to permit an individual to operate an Accessible Taxicab or Taxicab;

“Taxicab Owner’s License” means a License issued by the Town to permit a motor vehicle to be used as a Taxicab;

“Taxicab Meter” means a measuring device used in a Taxicab to calculate the fare payable for a trip;

“Tint Free” means free from any type of tinting, coloured spray or other reflective material on the vehicle windshield and windows that is not standard to the vehicle when sold new or equivalent, and that substantially obscures the interior of the motor vehicle when viewed from the outside or, that reduces the visibility of the driver or passenger(s);

“Trip” means the distance and time traveled or the distance and time to be traveled, measured from the time and point at which the passenger first enters the Taxicab or when the Taxicab meter or trip odometer is first engaged, to the time and point at which the passenger finally leaves the Taxicab or the Taxicab meter or trip odometer is disengaged;

“Trip Odometer” means a factory equipped device in a vehicle that indicates distance travelled by a vehicle and which can be reset to zero at the conclusion of a trip;

“Trip Sheet” means a record of the details of all trips made by a Taxicab while in operation that contains, at a minimum—

- a) the name of the driver, the date and the VIN for the Taxicab used;
- b) the time, location and destination of every trip made; and,
- c) the amount of the fare collected for each trip.

“Vehicle” or **“Motor Vehicle”** includes an automobile or any other device for the transportation of persons or goods propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*.

SECTION 4 –REQUIREMENTS FOR LICENSING

- 4.01 No person shall use a motor vehicle as a Taxicab within the Town of Essex unless that person has been issued a current Taxicab License for that vehicle pursuant to this By-Law.
- 4.02 No owner of a Taxicab shall permit the Taxicab to be operated by any driver unless the driver has been issued a current Taxicab Driver's License.
- 4.03 No person shall operate a Taxicab within the Municipality unless that person has been issued a current Taxicab Driver's License.
- 4.04 No driver shall solicit any person to use a Taxicab—persons wishing to use or engage a Taxicab shall be left to choose freely without interruption or solicitation.
- 4.05 No driver shall, without reasonable excuse pursuant to Section 14 of this By-Law, refuse to serve the first person requiring the service of a Taxicab at any place within the Town, at any time.
- 4.06 No driver shall knowingly mislead or deceive any passenger about the location or distance of any destination.
- 4.07 No driver shall knowingly charge Taxicab service rates that exceed those provided to the Licensing Manager on application for a Taxicab License unless approved in writing by the Licensing Manager.
- 4.08 This Section does not apply to Taxicabs transporting passengers to the Town of Essex from outside the Town unless the Taxicab Driver picks up an unscheduled passenger or fare in the Town for transportation to another destination either inside or outside the geographic limits of the Town of Essex.

SECTION 5 – LICENSING MANAGER

- 5.01 The Licensing Manager shall:
- a) Receive and process all applications for licences and renewals of Licenses under this By-Law;
 - b) Issue all Licenses when an application is made in accordance with the provisions of this By-Law and meets all requirements as provided under this By-Law;
 - c) Impose terms and conditions on a License where the License Manager is of the opinion that a term or conditions of a License should be imposed;
 - d) Refuse to issue, renew or revoke or suspend a License where the License Manager is of the opinion that the applicant is disentitled to a License as set out in Section 11, "Refusal, Suspension Or Revocation Of A License";
 - e) Maintain complete records showing all applications received and Licenses issued;
 - f) Enforce the provisions of this By-Law; and,
 - g) Generally perform all the administrative functions conferred upon it by this By-Law.

SECTION 6 – LICENSE APPLICATION REQUIREMENTS FOR OWNERS OF TAXICABS

- 6.01 An application for a Taxicab License or for a renewal of a Taxicab License by owners of a Taxicab shall be completed on forms provided by the Licensing Manager.

6.02 A separate application form shall be filed for each vehicle to be licensed as a Taxicab.

6.03 Every applicant for a Taxicab License or a renewal of a Taxicab License shall—

a) Submit to the Licensing Manager,

- i) Proof of being at least eighteen (18) years of age;
- ii) Proof of either Canadian citizenship, landed immigrant status, or a valid work permit issued by the Government of Canada;
- iii) A current Passenger Motor Vehicle Permit issued in the name of the applicant for the motor vehicle to which the License will be attached;
- iv) A motor vehicle Safety Standard Certificate issued by a government-approved Motor Vehicle Inspection Station within thirty (30) days preceding the date of the application;
- v) A Drive Clean Pass Certificate issued from the most recent emissions test preceding the date of the application in accordance with the requirements of the Ontario Drive Clean Program.
- vi) Proof of commercial liability insurance in the amount of not less than Two Million (\$2,000,000) Dollars and such policy shall be endorsed to provide that the Licensing Manager shall be given at least fifteen (15) days notice in writing prior to cancellation, expiration or change in the amount of the policy;
- vii) Proof that the applicant can provide and maintain one (1) appropriately zoned parking space on privately owned land for each taxicab;
- viii) The taxicab to be Licensed for general inspection by the Clerk;
- ix) If the applicant is a corporation, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department;
- x) Details on how fares for Taxicab services will be calculated and the per kilometre rate or flat rate to be used; and,
- xi) Payment of the applicable non-refundable License fee as provided in Schedule 1 to this By-Law.

6.04 All applications, except renewals of Licenses, made by an applicant who is—

- a) A natural person, shall be delivered personally to the Licensing Manager; or,
- b) A corporation shall be delivered personally by an officer or director of the corporation.

6.05 All applications for licensing of taxicabs, except renewals of Licenses, issued by the Licensing Manager prior to July 31st in any given year shall be required to pay the full year's licensing fee.

- 6.06 All applications for licensing of taxicabs, except renewals of Licenses, issued by the Licensing Manager after July 31st in any given year shall be required to pay one-half of the full year's License fees.
- 6.07 Prior to the expiry of a Taxicab License, the owner may apply for the transfer of a Taxicab License from one vehicle to another vehicle that has replaced the former Licensed vehicle using forms provided by the Licensing Manager and shall pay the applicable transfer fee as prescribed in Schedule "1" attached to this By-Law.

SECTION 7 - APPLICATION REQUIREMENTS TAXICAB DRIVERS

- 7.01 An application for a Taxicab Driver's License or for a renewal of a Taxicab Driver's License shall be completed on forms provided by the Licensing Manager.
- 7.02 A separate application form shall be filed for each person to be Licensed as a Taxicab Driver.
- 7.03 Every applicant for a Taxicab Driver's License or a renewal of a Taxicab Driver's License shall—
- b) Submit to the Licensing Manager,
 - i) Proof of being at least eighteen (18) years of age;
 - ii) Proof of either Canadian citizenship, landed immigrant status, or a valid work permit to work as a driver issued by the Government of Canada;
 - iii) A current valid Class 'G' driver's License issued by the Province of Ontario which is in good standing;
 - iv) A Statement of Driving Record from the Ministry of Transportation obtained within the last thirty (30) days preceding the date of the application;
 - v) A Criminal Information Report as issued by the Ontario Provincial Police and obtained within the last thirty (30) days preceding the date of the application;
 - vi) Two identical photographs of the applicant based on criteria established for passport photos as contained in Appendix "A" attached to this By-Law;
 - vii) Confirmation in writing from the owner of the motor vehicle to be driven by the Taxicab Driver that the applicant will be employed by the owner if the Taxicab Driver's License is issued; and,
 - viii) Payment of the applicable non-refundable License fee as provided in Schedule 1 to this By-Law.
- 7.04 All applications for Taxicab Driver's Licenses, except renewals of Taxicab Driver's Licenses, issued by the Licensing Manager prior to September 30th in any given year shall be required to pay the full year's licensing fee.
- 7.05 All applications for Taxicab Driver's Licenses, except renewals of Taxicab Driver's Licenses, issued by the Licensing Manager after September 30th in any given year shall be required to pay one-half of the full year's License fees.

- 7.06 Prior to the expiry of a Taxicab Driver's License, owners of Taxicabs may apply for the transfer of a Taxicab Driver's License from one driver who has left the employ of the owner to a driver who will commence employment with the owner using forms provided by the Licensing Manager and shall pay the applicable transfer fee as prescribed in Schedule "1" attached to this By-Law.

SECTION 8 – VEHICLE STANDARDS

- 8.01 Every licensed Owner and Driver of a Taxicab shall only operate or permit to be operated a Taxicab that—
- a) meets the standards required for the issue of Safety Standard Certificate of mechanical fitness;
 - b) has useable trunk capacity or storage space such that the vehicle is capable of being able to accommodate assistive devices used by persons with disabilities;
 - c) is equipped with operable air conditioning and heating;
 - d) has tint-free windows;
 - e) is clean, dry and in good repair as to its interior;
 - f) is clean and in good repair as to its exterior, free from exterior body damage and with a well maintained exterior paint finish;
 - g) is equipped with a spare tire and jack ready for use by that vehicle;
 - h) has identical wheel coverings and or wheel design;
 - i) has a seat belt for every seat occupied by the driver and passenger(s);
 - j) has no smoking signage affixed in location(s) in full view of all passengers;
 - k) has a Taxicab Meter or a vehicle-equipped Trip Odometer in working order;
 - l) has a copy of the following information located within the Taxicab—
 - i) Passenger Motor Vehicle Permit;
 - ii) Certificate of Insurance; and,
 - iii) Maintenance Log for the licensed Taxicab.

SECTION 9 – RENEWAL OF LICENSES FOR OWNERS AND DRIVERS OF TAXICABS

- 9.01 Owners and drivers of Taxicabs shall annually renew their License(s) at the following times—
- a) Owners of Taxicabs—on or before the last business day in January of every year; and,
 - b) Taxicab Drivers—on or before the last business day in March of every year;
- 9.02 Licenses which are not renewed by the due date indicated in Section 9.01 shall be deemed to be cancelled.

SECTION 10 – LICENSES FOR OWNERS AND DRIVERS OF TAXICABS

- 10.01 Upon satisfying all of the requirements to obtain a Taxicab License, the Town shall issue an Owner's Plate for the Licensed Taxicab.
- 10.02 Owners of Taxicabs shall be responsible for displaying the Owner's Plate on the Licensed Taxicab at all times by firmly affixing the Owner's Plate to the outside of the Licensed Taxicab on the rear and left side of the vehicle.
- 10.03 Owners of Taxicabs shall ensure that the information printed on the Owner's Plate is free from dirt and debris so as not to cause the plate to be unreadable.
- 10.04 Owners of Taxicabs shall replace damaged, defaced, lost or rusted Owner's Plates and shall apply to the Licensing Manager for a replacement plate and shall pay the appropriate fee as prescribed in Schedule "1" attached to this By-Law.
- 10.05 Upon meeting all the requirements for the renewal of a Taxicab License, the Town will provide License Expiry Stickers to the Taxicab Owner and the Owner shall immediately affix such License Expiry Stickers to the Owner's Plate.
- 10.06 Upon satisfying all of the requirements to obtain a Taxicab Driver's License, or a renewal of a Taxicab Driver's License, the Town shall issue a License to the Taxicab Driver.
- 10.07 Drivers of Taxicabs shall be responsible for displaying the Taxicab Driver's License and their current valid Class 'G' driver's License issued by the Province of Ontario on the inside of the Licensed Taxicab at all times and in clear view of passengers.
- 10.08 Taxicab Drivers shall replace damaged Taxicab Driver's Licenses and shall apply to the Licensing Manager for a replacement License and shall pay the appropriate fee as prescribed in Schedule "1" attached to this By-Law.

SECTION 11 – REFUSAL, SUSPENSION OR REVOCATION OF A LICENSE

- 11.01 The Licensing Manager shall have the authority to refuse to grant and to suspend or revoke a License applied for or issued pursuant to the provisions of this By-Law for any one or more of the following reasons—
 - a) An incomplete application for a Taxicab License or Taxicab Driver's License;
 - b) The applicant does not meet one or more of the License requirements of this By-Law;
 - c) There are reasonable grounds to believe that any application or other document provided to the Licensing Manager by the applicant contains a false statement or contains false information; ,
 - d) The issuance of the License or renewal of the License would be contrary to the public interest;
 - e) The applicant has failed to pay the fine or fines imposed by a court as a sentence arising from convictions for breach of a By-Law enacted by the Town;
 - f) The applicant or owner has failed to obtain and maintain adequate insurance as required under this By-Law;

- g) A Taxicab Driver has physically assaulted a passenger.
- h) The License fee payable in respect of the License applied for has not been paid;
- i) The Owner's Plate issued for a specific vehicle is being used on one or more other vehicles for which a License has not been issued by the Town;
- j) The Applicant is carrying on activities that are, or will be, if the Applicant is licensed, in contravention of the By-Law;
- k) The Applicant fails or refuses to comply with any requirement set out in the By-Law to obtain or renew a License issued under this By-Law;
- l) In the case of an application for a Taxicab Driver's License, the applicant has been convicted of one or any combination of the following within the last ten years—
 - i) An offence for which a sentence was imposed of imprisonment for more than three months;
 - ii) A sexual related offence;
 - iii) Trafficking of narcotics;
 - iv) Driving under the influence of alcohol or a drug;
 - v) An offence involving prostitution;
 - vi) Criminal negligence in the operation of a motor vehicle;
 - vii) Assault causing bodily harm;
 - viii) Robbery; and/or,
 - ix) A weapon's offence;
- m) The Licensing Manager has received written documentation from a recognized law enforcement agency stating that it would not be in the interest of public safety to issue such a permit to the applicant;
- n) The Taxicab Driver's Class 'G' Driver's License has been cancelled, suspended or revoked.

11.02 A Taxicab Driver's License that has been cancelled, suspended or revoked in accordance with 10.01 n) shall not be reinstated unless the Town receives written confirmation that the driver's Ontario Driver's License has been reinstated and, if the Town does not receive written confirmation of the reinstatement within sixty (60) days from the date of cancellation, suspension or revocation, such Taxicab Driver's License shall be deemed to be cancelled.

11.03 Notwithstanding any of the foregoing, if the Licensing Manager refuses to grant a License or suspends or revokes a License under this By-Law, the Licensing Manager shall provide the Licensee with the reasons for refusing to grant a License or for suspending or revoking a License orally or in writing and shall provide the Licensee with an opportunity to respond to them.

- 11.04 Where the Licensing Manager has refused to grant a License or has suspended or revoked a License under this By-Law, the Applicant, Taxicab Owner or Driver shall have an opportunity to make representation to an Appeal Tribunal in accordance with Part 11, "Appeal Tribunal" of this By-Law, within fourteen (14) days of the date of the being notified of the Licensing Manager's decision to refuse to grant a License or to suspend or revoke a License, as the case may be.
- 11.05 Where a License is being suspended in accordance with Section 11.01 g), the Licensing Manager shall have the authority to suspend a License immediately.
- 11.06 Any License issued under this By-Law may be cancelled by the Licensing Manager at any time upon the written request of the Licensee and shall not require that the Town reimburse any fees paid to acquire the License.

SECTION 12 – APPEAL TRIBUNAL

- 12.01 All requests to make representation to an Appeal Tribunal shall be submitted in writing to the Clerk and shall include the reasons for the request together with the fee prescribed in Schedule 1 of this By-Law.
- 12.02 The Appeal Tribunal will be appointed by Council in a public meeting and shall consist of five members of Council.
- 12.03 Where the Appeal Tribunal conducts a hearing under this By-Law, the rules set out in *The Statutory Powers Procedure Act, R.S.O. 1990, c. S22* shall apply to the Appeal Tribunal but those rules do not apply to Council in the exercise of its power of decision in respect to such matter.
- 12.04 After providing the affected person with the opportunity to be heard by the Appeal Tribunal, the Appeal Tribunal may make any decision in respect of which the hearing before the Tribunal was held without holding a further hearing or affording further opportunity for a hearing in such manner.
- 12.05 At the conclusion of the hearing conducted by the Appeal Tribunal under this section, the Appeal Tribunal shall, as soon as practicable, make a written recommendation, if any, to Council on the merits of the application, appeal, order or proposed revocation, suspension or cancellation in respect of which the hearing was held.
- 12.06 After considering the report of the Appeal Tribunal, Council may thereupon in respect of such application do any act or make any decision that it might have done, passed or made had it conducted the hearing itself, including issuing, suspending, revoking, cancelling any License under this By-Law.
- 12.07 Notice of the decision of Council shall be given by mailing a copy of Council's decision by registered letter to the person or applicant at their last known address and, upon such mailing, Council's decision shall take effect, whether the notice is actually received or not.
- 12.08 Where a License has been revoked, cancelled or suspended, the holder of the License shall return the License to the Licensing Manager within twenty-four (24) hours of service of written notice of the decision of Council or other event causing revocation, cancellation or suspension and the By-Law Enforcement Officers of the Town of Essex may enter the business premises or Taxicab(s) of the Licensee for the purpose of receiving, taking or removing the said License(s).

12.09 When a person has had a License revoked, cancelled or suspended under this By-Law, they shall not refuse to deliver up or in any way obstruct or prevent the Licensing Manager or By-Law Enforcement Officer from obtaining such License.

SECTION 13 – RESPONSIBILITIES OF OWNERS OF TAXICABS

13.01 Every owner of an accessible Taxicab(s) and/or Taxicab(s) shall—

- a) Maintain within the Town a place of business, open and accessible to the public and located on a property designated commercial in the Town's Zoning By-Law enacted pursuant to the Planning Act;
- b) Annually apply for and obtain a License for each vehicle used as a Taxicab in accordance with Section 6 and 9 of this By-Law;
- c) Submit the licensed Taxicab for general inspection by the Licensing Manager at any time or times when requested to do so;
- d) Provide a layout of the colours and lettering to be used on each Taxicab for approval by the Licensing Manager;
- e) Ensure that each licensed vehicle is, in its interior, neat, clean, dry and in good repair;
- f) Ensure that each licensed vehicle is, on its exterior, clean and in good repair, free from exterior body damage and has a well maintained paint finish;
- g) Install and maintain proof of licensing in accordance with Section 10, "Licenses for Owners and Drivers of Taxicabs";
- h) Permit only a person who holds a current Taxicab Driver's License issued by the Town to operate a Taxicab;
- i) Provide a two-way radio communication system in each Taxicab and ensure that all calls for the hiring of any Taxicab shall be received through the dispatch office or from a dispatcher and then transmitted to a Taxicab to provide service;
- j) Repair any mechanical defect in the vehicle reported by a Licensed Taxicab Driver;
- k) Keep a maintenance log of all repairs to a Taxicab which will document, at a minimum, the date of the repair, a description of the repair, the name of the company who performed the repair and the cost of the pair;
- l) Notify the Licensing Manager in writing within six (6) days of a change of address or any change to the information supplied to the Licensing Manager at the time of applying for a License or a renewal of a License;
- m) In the case of a corporation, firm or agent thereof, notify the Licensing Manager within fifteen (15) days of a change in ownership of the individual holding shares in the corporation;
- n) Not allow a Taxicab whose License has been suspended or revoked be operated as a Taxicab until such time as the license is reinstated;
- o) Ensure that no type of scanning device is used in a Taxicab or in the owner's place of business; and,

- p) Maintain trip sheets for all Licensed Taxicabs which provide details of all trips made by a Taxicab while in operation and includes, but is not limited to—
 - i) the name of the driver, the date and the VIN for the Taxicab used;
 - ii) the time, location and destination of every trip made; and,
 - iii) the amount of the fare collected for each trip.

SECTION 14– RESPONSIBILITIES OF DRIVERS OF TAXICABS

14.01 Each Taxicab Driver, while operating a Taxicab, shall—

- a) Before commencing the operation and upon completion of the operation of a Taxicab, examine the Taxicab for mechanical defects or interior or exterior damage and shall report forthwith any defects or damage found to the Taxicab Owner;
- b) Possess a current Taxicab Driver’s License;
- c) Possess a valid Class “G” Driver’s License as issued by the Province of Ontario;
- d) Drive a Taxicab only for an owner who is a licensed owner of a Taxicab;
- e) Serve the first person requiring the service of a Taxicab at any place within the Town, except when there is a previous order or engagement or when the person—
 - i) refuses to give their destination; or,
 - ii) is in the possession of an animal other than a service animal; or,
 - iii) has not paid a previous fare; or,
 - iv) is, in the opinion of the driver, unable or unwilling to pay the fare and has been unable or unwilling to satisfy the driver that they have the funds to pay the fare; or,
 - v) is a grossly unclean person;
- f) Obey all traffic laws;
- g) Be neat and clean in appearance;
- h) Punctually keep all appointments and engagements;
- i) Maintain the interior and exterior of the Taxicab in a clean and tidy condition where it is within the control of the driver to do so;
- j) Take the shortest and quickest possible route to the destination of the passenger, unless the passenger directs the Taxicab Driver to take another route;
- k) Not take, consume or possess any alcohol, illicit drugs or intoxicants;
- l) Carry in any vehicle a greater number of passengers than is set out in the manufacturer’s rating of seating capacity for such vehicle;

- m) Not permit a passenger to stand in the vehicle while the vehicle is in motion;
- n) Ensure no scanning device is used in the Taxicab;
- o) Display for public view in the Taxicab, the proof of licensing in accordance with Section 10, "Licenses for Owners and Drivers of Taxicabs;
- p) Ensure that no person smokes in the Taxicab;
- q) Not operate a Taxicab for which the Taxicab License has been suspended or revoked;
- r) Not use a mobile phone or other electronic device while operating a Taxicab;
- s) Drive a vehicle with luggage or any object placed in, hung on or attached to the vehicle or in such a manner as will obstruct the Driver's view of the road;
- t) Not refuse to serve a passenger with a service animal except where the Driver has an allergy and has filed with the License Manager a certificate from a physician providing evidence of such an allergy;
- u) Make proper arrangements for alternative service when the Driver is unable to service the passenger for the reasons set out in 10.01 r);
- v) Not charge an additional fare for a service animal or support person accompanying a person with a disability;
- w) Speak in an obscene, foul, boisterous, racist, loud, threatening or abusive manner to any person;
- x) Provide a passenger with a receipt showing the driver's name, owner plate number, the date and time of the trip, place of pick up, place of discharge and the fare charged when requested;
- y) Take on any additional passengers after the vehicle has departed with one or more passengers from any starting point except under the following circumstances—
 - i) When done at the request of a passenger already in the vehicle;
 - ii) In an emergency situation;
 - iii) When operating a vehicle which is being used exclusively for the transportation of children to and from school;
- z) Notify the Licensing Manager in writing within six (6) days of a change of address or any change to the information supplied to the Licensing Manager at the time of applying for a Taxicab Driver's License or a renewal of a License;
- aa) Immediately report to the Licensing Manager any change, including cancellation, suspension or revocation, in the status of their Class 'G' Driver's License issued by the Province of Ontario;
- bb) Maintain a trip sheet which provides details of all trips made by a Taxicab while in operation and includes, but is not limited to—

- i) the name of the driver, the date and the VIN for the Taxicab used;
- ii) the time, location and destination of every trip made; and,
- iii) the amount of the fare collected for each trip.

SECTION 15 – RIGHT OF INSPECTION OF LICENSED PREMISES

- 15.01 The Licensing Manager may, at any time following the issuance of a License, carry out inspections of the Taxicabs or business premises of the broker without notice.
- 15.02 The Licensing Manager or By-Law Enforcement Officer, at their sole discretion, may engage the assistance of the Ontario Provincial Police for purposes of conducting an inspection of a Taxicab, a Taxicab Owner's business premises or a Taxicab Driver.
- 15.03 The Licensing Manager or By-Law Enforcement Officer may require at any time that a Taxicab Owner or Driver submit a Taxicab for inspection at an appointed place. Notification of a inspection shall be made by—
- a) Personally serving it on the Taxicab owner;
 - b) By registered letter to the last known address of the Taxicab owner, whether actually received or not; or,
 - c) By personally serving it on a Driver operating the Taxicab.
- 15.04 The Licensing Manager or By-Law Enforcement Officer, may at any time a Taxicab is not engaged in the actual transportation of passengers enter upon and inspect the Taxicab of any Licensee, or Taxicab being operated by a Licensee, to ensure that the provisions of this By-Law are being complied with.
- 15.05 Every Taxicab owner shall submit or cause a Taxicab to be submitted for inspection when required to do so by the Licensing Manager or a By-Law Enforcement Officer.
- 15.06 Every Taxicab driver shall submit the Taxicab being operated by them for inspection when required to do so by the Licensing Manager or a By-Law Enforcement Officer.
- 15.07 No driver or owner of a Taxicab shall refuse to permit a random inspection of a Taxicab under their control by the Licensing Manager or a By-Law Enforcement Officer, at such times as the Taxicab is not engaged in the actual transportation of passengers. Nothing in this section will prevent the removal of any person's personal property from a Taxicab prior to an inspection.
- 15.08 No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection of a Taxicab by the Licensing Manager or a By-Law Enforcement Officer.
- 15.09 Upon an inspection under this section the Licensing Manager or By-Law Enforcement Officer is entitled to request and have produced all relevant Licenses and have access to invoices, vouchers, appointment books or trip sheets or like documents of the Licensee, including any documents required to be maintained under this By-Law and the Licensing Manager or By-Law Enforcement Officer 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 forty-eight (48) hours of removal.

SECTION 16 – ORDERS UNDER THIS BY-LAW

- 16.01 Where the Licensing Manager or a By-Law Enforcement Officer finds that a Taxicab or Taxicab Driver does not comply with any standard or requirement of this By-Law, they may make an Order to the owner of that Taxicab or the Taxicab Driver—
- a) Stating the Owner's Plate number of the Taxicab;
 - b) Giving reasonable particulars of the nature of the non-compliance;
 - c) Indicating the date by which the non-compliance must be remedied and giving notice that, if compliance is not carried out by the date indicated, the Taxicab Owner's License and Owner's Plate which is registered to that Taxicab or the Taxicab Driver's License shall be deemed to be suspended; and,
 - d) Indicating the final date for giving notice of appeal of an Order.
- 16.02 An Order made under this section shall be served on the Taxicab Owner or Taxicab Driver—
- a) In person;
 - b) By registered letter mail to the last known address of the Taxicab Owner or Taxicab Driver, whether actually received or not; or,
 - c) In the case of an order against the Taxicab Owner, by serving it in person to the Driver operating the Taxicab;
 - d) In the case of an Order against a Taxicab Driver, by serving it in person to the owner of the Taxicab.
- 16.03 An order that is not appealed within the time referred to in subsection 16.01 d) shall be deemed to be confirmed.
- 16.04 If an Order of the Licensing Manager or By-Law Enforcement Officer under this subsection (as deemed confirmed or as confirmed) is not complied with in the time provided in that Order, the Taxicab License and Owner's Plate in respect of that Taxicab or Taxicab Driver's License shall be deemed to be suspended at 11:59 p.m. on the date on which the compliance was required and the said License shall only be reinstated on there being delivered to the Licensing Manager, satisfactory evidence of compliance within sixty (60) days from the date of the deemed suspension.
- 16.05 Where a Taxicab License and Owner's Plate or Taxicab Driver's License has been deemed to be suspended under this subsection, and where no satisfactory evidence of compliance with the order is filed with the Licensing Manager within sixty (60) days from the date of the deemed suspension, that License and Owner's Plate or Taxicab Driver's License shall be deemed to be cancelled.
- 16.06 Where the Licensing Manager or By-Law Enforcement Officer finds that a Taxicab is being operated in contravention of any requirement of this By-Law that, on reasonable grounds, is a danger to the health or safety of the public, the Licensing Manager or By-Law Enforcement Officer may take custody of the Owner's Plate affixed to that Taxicab, order that the Taxicab be immediately removed from service and may order the Taxicab Driver or Owner to have the Taxicab towed to a place of repair or other private property, at the Taxicab Owner's expense and the Taxicab Owner shall not operate or cause or permit the operation of that Taxicab until the contravention is remedied and the Taxicab has been inspected by the Licensing Manager or By-Law Enforcement Officer.

SECTION 17 – RETURN OF LICENSES

- 17.01 Where a License issued under this By-Law has been suspended, revoked or cancelled or the Taxicab Owner or Driver has cancelled a License, the Owner or Driver will return the Taxicab License and Owner’s Plate or Taxicab Driver’s License to the Licensing Manager within twenty-four (24) hours of such suspension, revocation or cancellation.
- 17.02 Where a License has been suspended under this By-Law and is subsequently reinstated, the License Manager will provide notice of such reinstatement to the Taxicab Owner or Driver in writing by registered mail, whether actually received or not, to the last known address of the Owner or Driver.

SECTION 18 – PENALTY CLAUSE

- 18.01 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction shall be liable to a fine pursuant to Part 1 of the Provincial Offences Act and Schedule “2” to this By-Law.

READ A FIRST, A SECOND AND A THIRD TIME AND FINALLY PASSED THIS 22ND DAY OF NOVEMBER, 2010.

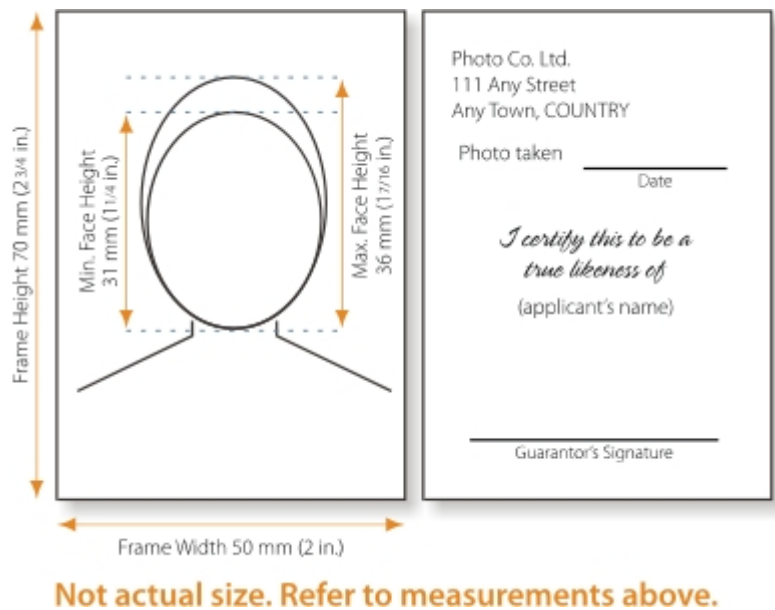
Mayor

Clerk

APPENDIX "A"
TO BY-LAW NO. 1052
PHOTO REQUIREMENTS FOR TAXICAB DRIVER
LICENSE APPLICATIONS

TWO IDENTICAL PHOTOS produced from the same film, or from the same electronic file capturing the digital image, are required for every applicant for a Taxicab License.

SPECIFICATIONS FOR PHOTOS



SIZE AND PAPER

- The length of the face on the photo from chin to crown of head (natural top of head) must be between 31 mm (1 1/4 in.) and 36 mm (1 7/16 in.).
- The photos must measure 50 mm X 70 mm in size (2 inches wide X 2 3/4 inches long).
- The photos must be a close-up of the head and shoulders so that the face covers approximately 25% of the photo.
- The photos must be printed on plain, high quality photographic paper. Heavy weight paper is unacceptable.
- Either black and white or colour photos are acceptable.

**SCHEDULE “1”
TO BY-LAW NO. 1052
LICENSING FEES**

	ANNUAL FEE¹
1. LICENSE (NEW OR RENEWAL)	
a) Taxicab License	
i) New License Issued by Licensing Manager before July 31 st in any given year	\$300.00
ii) New License Issued by Licensing Manager after July 31 st in any given year	\$150.00
iii) Taxicab License Renewal	\$300.00
b) Taxicab Driver’s License	
i) New License Issued by Licensing Manager before September 30th in any given year	\$170.00
ii) New License Issued by Licensing Manager after September 30th in any given year	\$85.00
iii) Taxicab Driver’s License Renewal	\$170.00
2. TRANSFER OF LICENSE	FEE¹
a) Taxicab License	\$40.00
b) Taxicab Driver’s License	\$40.00
3. FILING AN APPEAL TO THE APPEAL TRIBUNAL	\$75.00
4. REPLACEMENT LICENSES	
a) Taxicab Owner’s Plate	\$25.00
b) Taxicab Driver’s License	\$20.00

¹ Annual and other fees are non-refundable

**SCHEDULE “2”
TO BY-LAW NO. 1052**

**A BY-LAW TO PROVIDE FOR LICENSING,
REGULATING AND GOVERNING OF TAXICABS
AND TAXICAB DRIVERS IN THE TOWN OF ESSEX**

SET FINE SCHEDULE - PART 1 PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Use a Taxicab without a Taxicab License	Section 4.01	\$200.00
2.	Permit a Taxicab to be operated by a person with no License	Section 4.02	\$200.00
3.	Operate a Taxicab without a License	Section 4.03	\$200.00
4.	Solicit a person to use a Taxicab	Section 4.04	\$100.00
6.	Refuse to serve a person requiring a Taxicab	Section 4.05	\$100.00
7.	Knowingly mislead a person as to the location or distance of a destination	Section 4.06	\$100.00
8.	Failure to display Taxicab Owner’s Plate	Section 10.02	\$100.00
9.	Failure to display Taxicab Driver’s License	Section 10.07	\$100.00
10.	Charge additional fee for Support Person or Service Animal	Section 14.01 v)	\$100.00
11.	Owner - failure to submit a Taxicab for Inspection	Section 15.05	\$100.00
12.	Driver - failure to submit a taxicab for inspection	Section 15.06	\$100.00
13.	Failure to permit a random inspection of a Taxicab	Section 15.07	\$100.00

Note: The general penalty provision for the offences listed above is section 18.01 of By-Law No. 1052, a certified copy of which has been filed.