

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2011-161

TAXIS: (P.3.3.) A by-law to regulate, licence and govern vehicles used for hire to convey passengers, including brokers, owners, and drivers of taxicabs, limousines, wheelchair accessible vehicles and hotel shuttles.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie hereby **ENACTS** as follows:

1. **REGULATING VEHICLES USED FOR HIRE**

The licensing, regulating and governing of vehicles used for hire to convey passengers, including brokers, owners, and drivers of taxicabs, limousines, wheelchair accessible vehicles and hotel shuttles, shall be carried on in accordance with the attached by-law.

2. **BY-LAW 2005-154 REPEALED**

By-law 2005-154 is hereby repealed.

3. **SCHEDULE “A”** [Amended by By-law 2018-29, 2018-160, 2019-221]

Schedule “A” hereto forms part of this by-law.

(a) **SCHEDULE “B”** [Enacted by By-law 2019-194]

Schedule “B” hereto forms part of this by-law.

4. **EFFECTIVE DATE**

This by-law comes into effect on the day of its final passing.

PASSED in Open Council this 12th day of September, 2011.

“Debbie Amaroso”

MAYOR – DEBBIE AMAROSO

“Malcolm White”

CLERK – MALCOLM WHITE

**OFFICE CONSOLIDATION
BY-LAW 2011-161**

Amending By-laws to Taxi By-law 2011-161

<u>By-law No.</u>	<u>Dated</u>	<u>Amendments</u>
2011-200	December 5, 2011	Replaces Schedule A Repealed by By-law 2018-29
2014-72	September 8, 2014	Replaces Schedule A Repealed by By-law 2018-29
2015-72	April 27, 2015	Replaces Schedule A Repealed by By-law 2018-29
2018-29	February 5, 2018	Replaces Schedule A
2018-160	July 16, 2018	Amends Subsection 6.1 (i) of Part II and amends Tariff B
2019-194	October 7, 2019	Enacted Schedule "B"
2019-221	November 4, 2019	Amends Schedule A Part II 6.6 and Part III 7.0(x) deleted Amends Schedule B Section 34(1(b))

Schedule "A"

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PART I

DEFINITIONS

- 2.1 (a) **"Accessible Taxicab"** means a passenger vehicle that is an accessible vehicle and that is licensed as a taxicab by a municipality, as described in the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and regulations and amendments thereto
- (b) **"Accessible Vehicle"** means a passenger vehicle or a bus, other than a school bus,
- (i) that is designed or modified to be used for the purpose of transporting persons with disabilities and is used for that purpose, whether or not the vehicle is also used to transport persons without disabilities; and
 - (ii) that is operated:
 - (1) for compensation by, for or on behalf of any person, club, agency or organization; or
 - (2) not for compensation by, for or on behalf of any person, club, agency or organization that holds itself out as providing a transportation service to persons with disabilities;
- as described in the *Highway Traffic Act* and regulations and amendments thereto
- (c) **"Board"** means the Sault Ste. Marie Police Services **Board**
- (d) **"Broker"** means a **person** who owns a **vehicle for hire** business and operates his/her own vehicles and dispatches for other **vehicle owners** operating under that **broker's license**
- (e) **"Broker's License"** means a **license** issued under the provisions of this bylaw, authorizing a **person** operate a **vehicle for hire** business as a **Broker**
- (f) **"Chief of Police"** means the **Chief of Police** of the City of Sault Ste. Marie or his/her designate
- (g) **"City"** means the City of Sault Ste. Marie
- (h) **"Corporation"** means the Corporation of the City of Sault Ste. Marie

- (i) **"Council"** means the Council of the Corporation of the City of Sault Ste. Marie
- (j) **"Courtesy Shuttle"** means a vehicle operated by a hotel or motel to transport registered guests of the hotel free of charge
- (k) **"Driver"** means an operator or person with control of a **vehicle for hire**, who is **licensed** under this by-law as such, or who is required to be **licensed** under this by-law
- (l) **"Licensed"** means **licensed** under the provisions of this by-law
- (m) **"Licensed premises"** means the premises where the **licensee** carries on his/her **licensed** operation
- (n) **"Licensee"** means a person **licensed** under this by-law
- (o) **"Ontario Driver's License"** means a **license** issued under the authority of the *Highway Traffic Act* and regulations and amendments thereto
- (p) **"Owner"** means any **person** owning, leasing or otherwise having carriage or control of a **vehicle for hire** business, who is **licensed** as such, or required to be **licensed** as such, under this by-law
- (q) **"Owner's License"** means a **license** issued under the provisions of this bylaw, authorizing a **person** operate a **vehicle for hire** business as an **Owner**
- (r) **"Passenger"** means any person in a **licensed** vehicle, other than the **driver**
- (s) **"Person"** includes not only an individual, but also a partnership and body corporate and any association and the heirs, executors, administrators, successors and assigns or other legal representatives thereof to whom the context may apply, and words importing the singular shall include the plural and words importing the masculine gender shall include the feminine
- (t) **"Sale"** means the sale of one or more vehicles in respect of which **licenses** are issued by the **Board**, accompanied by an application to the **Board** for the issue of a new **license**

- (u) **"Vehicle for Hire"** means any motor vehicle kept or used for the conveyance of **passengers** for a fee, or as a benefit to a service for which a fee is charged. Vehicles for hire shall be classified as one of the following: a **taxicab, limousine, or wheelchair accessible vehicle, or hotel shuttle**
- (i) **"Limousine"** means a motor vehicle that is kept or used for hire for hire for the conveyance of passengers for a fee and is not equipped with a taximeter or a roof light
- (ii) **"Taxicab"** means a motor vehicle that is kept or used for hire for the conveyance of passengers for a fee and is equipped with a taximeter and a roof light, and includes a Wheelchair Accessible Vehicle when that vehicle is being used to provide Basic Wheelchair or Ambulatory Service under a broker or owner's licence ("Wheelchair Accessible Taxicab")
- (iii) **"Wheelchair Accessible Vehicle"** means a vehicle kept or used for hire which is able to provide Wheelchair Service for persons with mobility disabilities. The Wheelchair Accessible Vehicle shall be able to pick up, transport and drop off a person with a mobility disability without requiring them to alight from their wheelchair
- (iv) **"Hotel Shuttle"** means a motor vehicle, owned or contracted by the hotel, which transports hotel guests for a fare to and from the airport to or from the hotel
- (v) **"Vehicle for Hire Licence"** means a **license** issued under the provisions of this bylaw, authorizing a specific **motor vehicle** to be used for the conveyance of **passengers** and driven or operated for a fee, or as a benefit to a service for which a fee is charged. This by-law will refer to "vehicle **licence**" which will mean the same as **Vehicle for Hire Licence**
- (w) **"Vehicle for Hire Driver's Licence"** means a **licence** issued under the provisions of this bylaw, authorizing a **person** operate a **vehicle for hire** as a **driver**. This by-law will refer to "**driver's licence**" which will mean the same as **Vehicle for Hire Driver's Licence**

- (x) **"Wheelchair Service"** means a service established to provide accessible transportation for persons with mobility disabilities, and may be either:
 - (i) **"Basic Wheelchair or Ambulatory Service"** which means that the client is able to meet the vehicle in the driveway of the pick-up location and able to manoeuvre at the drop off location both without the assistance of the driver; or
 - (ii) **"Enhanced Wheelchair or Ambulatory Service"** which means that the client must be assisted from an area other than the driveway of the pick up location or the entrance of the drop off location

PART II

Requirements and Issuance of Licenses

GENERAL

- 3.0 Every application required by this by-law, to be made to the Sault Ste. Marie Police Services **Board**, shall be submitted to the **Chief of Police** to be dealt with according to this by-law.
- 3.1 Every **person** acting in the capacity of a “**vehicle for hire**” **driver, owner or broker** shall obtain the appropriate **licence or licenses** issued by the **Board** by completing the requisite application and paying to the **Board** the required fees.
- 3.2 Section 3.1 shall apply to every **vehicle for hire driver, vehicle for hire owner, and vehicle for hire broker** engaged in the conveyance of **passengers** from any point within the **City** to any point outside the **City**.
- 3.3 Every **person** who keeps a **vehicle for hire** shall obtain a **licence** issued by the **Board** authorizing the use of the vehicle for the purpose indicated on such **licence** and shall pay, at the time of taking out such **licence**, the fee prescribed by this by-law. There shall be a separate **licence** taken out for every vehicle operated by the **owner**.
- 3.4 Every application for a **licence** under this by-law shall be in writing, signed by the applicant, on forms prescribed and supplied by the **Chief of Police**, and:
- (i) shall be filed with the **Chief of Police**; and
 - (ii) shall be accompanied by such information and material as may reasonably be required by the **Chief of Police**.
- 3.5 The **Chief of Police** shall upon receipt of an application for a **licence**, make or cause to be made all examinations and investigations required to be made by this by-law or by the **Board** relative to such application and shall forward the results of such application and investigations to the **Board**, except as hereinafter provided.
- 3.6 Any member of the public, with the permission of the **Board**, may attend and may make submissions to the **Board** concerning the granting of a **licence**.

- 3.7 The **Board** shall consider any application forwarded to it and, if satisfied, that the issue of the **licence** would not result in a breach of the law or be adverse to the public interest, and that the application is complete, the **Board** shall direct the **Chief of Police** to issue the **licence** to the applicant and the **Chief of Police** shall forthwith issue the **licence** to the applicant.
- 3.8 The **Board** may refuse to grant a **licence** applied for or may grant a conditional **licence** if the applicant signifies he/she is prepared to accept the conditions imposed on his/her **licence** and to make no objection to those conditions imposed by the **Board** and endorsed on his/her **licence**. The **Board** shall, if requested, give any reason, in writing, for refusing any license.
- 3.9 An applicant who has been refused a **licence** by the **Board** may apply to the **Board** requesting it to hold a public hearing and such hearing will be held in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended.
- 3.10 All **licenses** issued under this by-law shall be issued by the **Chief of Police** in the name of the **Board** on forms supplied by the **Board** and, if any **license** is issued subject to conditions, such conditions, shall be set forth on or attached to the **licence**. All **licenses** are property of the **Board**.
- 3.11 No **licence** issued under this by-law is transferable, except with the written permission of the **Board**.
- 3.12 No **person** shall enjoy a vested right in the continuance of a **license** and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of a **licence** shall be the property of the **Board**.
- 3.13 The **Chief of Police** may replace any **licence** that is defaced, lost, stolen or destroyed. The new **license** shall be granted provided the **license** holder conforms to the conditions of this by-law. The replacement of any **licence** is subject to a fee listed in Tariff "A".
- 3.14 In the event of the death of the holder of a **broker or owner licence**, an authorized estate representative shall report the death, in writing to the **Chief of Police** within 30 days of the death. The authorized estate representative shall have a period of six months to arrange for the appropriate licensing and continuance of the business without the existing **licence** being suspended or cancelled.

- 3.15 The **Board**, in the case of transfer being applied for pursuant to paragraph 3.14, shall require the applicant, at his/her own expense, to provide the **Board** with proof of death and the applicant's ability to comply with all the provisions of this by-law respect to the transfer in the same manner as though applying for the issuance of an original **license**.
- 3.16 If the **Board** approves the transfer pursuant to subsection 3.15, the **Board** shall provide written approval to the transferee. The **Chief of Police** shall endorse the **license**, once the transfer fee has been made.
- 3.17 In the event of a **sale** of a business or change of control in the corporation referred to in paragraph 3.14 without the approval of the **Board**, all **licenses** issued to such **broker** or **owner** shall become null and void and shall be returned immediately to the **Chief of Police**.

Renewal/Expiry of Licenses - General

- 3.18 Every application for a renewal of a **licence** issued under this by-law shall be in writing, signed by the applicant, on the prescribed form and shall be:
- (i) filed with the **Chief of Police** by the date requested,
 - (ii) shall be accompanied by the **license** fee in accordance with Tariff "A"; and
 - (iii) shall be accompanied by such information and material as may be required by the **Chief of Police**.
- 3.19 Any **licence** issued under this by-law shall be in effect on the day of issue and shall expire on the 30th day of March following the year of issue.
- 3.20 Where a **licensee** has not renewed his/her **licence** in accordance with this by-law, such **licence** is null and void and of no further force or effect.
- 3.21 If a **licence** has been issued under this by-law and, prior to the expiration of the **licence**, an application for renewal of the **licence** is received as herein provided; the **Chief of Police** may issue a new **licence** in accordance with the application.
- 3.22 Any **licence** issued under this by-law which is not renewed prior to March 30th, may be renewed prior to April 15th, subject to payment of a late fee as set out in Tariff "A"

- 3.23 Any request for renewal of a **licence**, which is received after April 15th, will be referred to the next regular meeting of the **Board** for consideration.
- 3.24 The **Board** may, upon written application by the holder of a **licence** issued under this by-law, grant an extension of the deadline for renewal of the **licence**.
- 3.25 The annual fee for **licence applications and issued licence** is as set out in Tariff "A".

Suspension / Revocation of Licenses - General

- 3.26 The Board may revoke any licence issued under this by-law in its discretion subject to the *Statutory Powers Procedure Act*, as amended. The **Board** shall, if requested, give any reason, in writing, for suspending or revoking any licence.
- 3.27 The **Chief of Police** may temporarily suspend any **licence** until the next meeting of the **Board** for contraventions or safety concerns relative to the type of licence in question.
- 3.28 The **Chief of Police** shall, if requested, give any reason, in writing, for suspending any licence.
- 3.29 The Board may, in its discretion, continue the suspension of a licence which has been suspended under paragraph 3.27 until the Board is satisfied that the licence should be reinstated, revoked, or until the completion of any investigation into the suspension of the licence.
- 3.30 In the event of any **licence** being suspended or revoked, the previous holder thereof shall not be entitled to a new **licence** unless the **Board** approves the granting of such new **licence**.
- 3.30 A **person** whose **licence** is suspended or revoked is deemed not to hold a **licence** under this By-law and is subject to the General Penalty Section 11.2 of this by-law.
- 3.31 The holder of any **licence** that has been suspended or revoked shall forthwith surrender such **licence** to the **Chief of Police**.

BROKER'S / OWNER'S LICENSES

- 4.0 Every application for a **broker** or **owner's licence** shall be in writing, signed by the applicant, on forms prescribed and supplied by the **Chief of Police** and
- (i) shall be filed with the **Chief of Police**; and
 - (ii) shall be accompanied by such information and material as may reasonably be required by the **Chief of Police**.
- 4.1 The **Chief of Police** shall, upon receipt of an application for a **broker** or **owner's licence**, make or cause to be made all examinations and investigations required to be made by this by-law or by the **Board** relative to such application and shall forward the results of such application and investigations to the **Board**.
- 4.2 The **Board** shall consider any application forwarded to it and, if satisfied, that the issue of the **licence** would not result in a breach of the law or be adverse to the public interest, and that the application is complete, the **Board** shall direct the **Chief of Police** to issue the **licence** to the applicant and the **Chief of Police** shall forthwith issue the **licence** to the applicant.
- 4.3 The **Board** shall, upon receiving an application for a **broker** or **owner's licence**, cause the applicant to, at the applicant's expense, place an advertisement in the local newspaper stating such application has been made and giving the date of the next meeting of the **Board**. Such advertisement shall be in a form as specified by the **Board**.
- 4.4 An application for a **broker** or **owner's licence** shall indicate the number of vehicles for hire that will be operated under the **licence** and such number shall include:
- (i) the **broker's** own vehicles;
 - (ii) any vehicles operated by other **owners**; and
 - (iii) the number of Accessible Taxicabs included in the number of vehicles.
- 4.5 In the event that a **licence** is granted to an **owner**, the **broker** shall not operate, or allow to be operated, any vehicles for hire in excess of the number indicated by his/her application and approved by the **Board**.
- 4.6 No **broker** shall be issued any **licence** in excess of the number of vehicles he owns plus the number of vehicles operated by independent **owners** conducting business under the authority of that **broker's licence**.

- 4.7 Notwithstanding any other provision of this by-law, the **Chief of Police** may issue an **owner's licence** to an applicant who will be operating under another **person's broker's licence**, provided that the number of **licenses** allotted by said **broker's licence** has not been filled. Such **owner's licence** will be issued on the condition the **owner** continues to operate under the **broker's licence** indicated in the application. If the **owner** discontinues operating under said **broker**, the **licence** shall become void and of no effect.
- 4.8 No owner or broker's licence shall be issued to any broker or owner who does not conform to Section 8.18 of this by-law.

Renewal/Expiry

- 4.8 Every application for a renewal of a **broker** or **owner's licence** shall be in writing, signed by the applicant, on forms prescribed and supplied by the **Chief of Police**, and:
- (i) shall be filed with the **Chief of Police** by the date requested; and
 - (ii) shall be accompanied by such information and material as may reasonably be required by the **Chief of Police**.
- 4.9 Prior to the expiry of the **broker** or **owner's licence**, at a time designated by the **Chief of Police**, the **broker** or **owner** shall submit, at no expense to the **Board** such information and material as may be required by the **Chief of Police** to conduct or cause to be made all examinations and investigations required to be made by this by-law or by the **Board** relative to a **broker or owner's licence** renewal application.

Suspension/Revocation

- 4.10 The **Chief of Police** may temporarily suspend a **broker** or **owner's licence** until the next meeting of the **Board** for:
- (i) for a contravention of this by-law;
 - (i) any contravention of the *Criminal Code*, R.S.C., 1985, c. C-46, as amended;
 - (ii) any contravention of the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as amended;
 - (iii) any contravention of the *Liquor Licence Act*, R.S.O. 1990, c. L.19, as amended, pertaining to the illegal sale or purchase of liquor; or

- (iv) circumstances, where in the opinion of the Chief of Police, there is concern for public safety.
- 4.11 The suspension of the owner or broker's licence in accordance with Section 4.10 will cause the suspension of all "vehicle for hire" licenses issued to that owner or any vehicle for hire licenses that are issued to independent vehicle owners operating under such broker.
- 4.12 The **Board** may, in its discretion, continue the suspension of a **broker** or **owner's licence**, which has been suspended under paragraph 4.10, until the **Board** is satisfied that the **licence** should be reinstated, revoked, or until the completion of any investigation into the suspension of the **licence**.
- 4.13 In the event that the holder of an owner or broker's licence does not comply with Section 8.18 of this by-law by July 1, 2015, the Chief of Police may suspend said of owner or broker's licence in accordance with Section 4.10 of this by-law.

VEHICLE LICENSES

- 5.0 An applicant for a **vehicle licence**:
 - (i) shall provide evidence that the vehicle is currently **licensed** under the authority of the *Highway Traffic Act* and regulations and amendments thereto;
 - (ii) shall provide a valid Safety Standards certificate for the said vehicle;
 - (iii) shall procure, in respect to each vehicle **licensed** under this by-law, a policy of insurance endorsed to the effect that the **Board** will be given fifteen days notice, in writing, of any cancellation, expiry or change in the amount of the policy, and shall deposit a copy or certificate thereof with the **Board**, and such policy shall be kept in force as long as the vehicle remains **licensed** under this by-law; and
 - (iv) shall insure the owner and driver of any such vehicle against loss or damage resulting from bodily injury or death to **passengers** as well as others and against damage to property to a minimum of one million dollars (\$1,000,000.00) for all claims in any one accident, exclusive of interests and costs.

- 5.1 If the vehicle **licence** is not purchased within 36 days from the date the application is granted, the **licensee** shall, at the time the **licence** is purchased provide proof that the vehicle is mechanically fit.
- 5.2 If required investigations and examinations into an application for a vehicle **licence** do not disclose any reason why the application should not be granted the **Chief of Police** shall issue such **licence**, unless in his/her opinion, the granting of the **licence** shall be contrary to public interest.
- 5.3 If the **Chief of Police** determines that such vehicle **licence** should not be granted, he may refer the application and any results of any investigation or examination to the **Board** for final decision.
- 5.4 The **Chief of Police** shall, upon issuing a **vehicle licence**, furnish to the **licensee**, the **vehicle licence**, which shall be numbered and will set forth the name of the licensee, the make, model, style, Ontario Licence Plate number and the vehicle identification number or the vehicle.
- 5.5 A **vehicle licence** issued hereunder shall contain a description of the particular vehicle to which it applies and it may not be altered or otherwise made to apply to more than one specific vehicle.
- 5.6 Notwithstanding paragraph 3.11, where a vehicle for which a **licence** has been issued, is replaced by another vehicle during the period for which the **licence** was issued, a new **licence** shall not be necessary. A transfer of the **licence** shall be granted provided the **licence** holder conforms to the conditions of this by-law.

Renewal/ Expiry

- 5.7 Every application for a renewal of a vehicle **licence** shall be accompanied by:
- (i) evidence that the vehicle is currently **licensed** under the authority of the *Highway Traffic Act* and regulations and amendments thereto;
 - (ii) a valid Safety Standards certificate for the said vehicle; and
 - (iii) evidence that the vehicle is insured according to this by-law.
- 5.8 Prior to the expiry of a vehicle **licence**, at a time designated by the **Chief of Police**, the **broker** or **owner** shall submit, at no expense to the **Board**, such information and material as may be required by the **Chief of Police**, to conduct or cause to be made all examinations and

investigations required to be made by this by-law or by the **Board** relative to a **vehicle licence** renewal application.

Suspension/ Revocation

- 5.9 The **Chief of Police** may temporarily suspend any **vehicle licence** until the next meeting of the **Board** for any contravention of this by-law; or where in the opinion of the **Chief of Police**, there is concern for public safety as evidenced by the condition of the vehicle or defects that have not been corrected.
- 5.10 The **Board** may, in its discretion, continue the suspension of a **vehicle licence**, which has been suspended under paragraph 5.9 until the **Board** is satisfied that the **licence** should be reinstated, revoked, or until the completion of any investigation into the suspension of the **licence**.

DRIVER'S LICENSES

- 6.0 No person shall be granted a **driver's licence** under this by-law unless they are the holder of a current minimum of an Ontario class "G" driver's **licence** issued under the authority of the, *Highway Traffic Act* and regulations and amendments thereto.
- 6.1 The **Board** shall not grant a **licence** to any person:
- (i) who has a criminal record for which a pardon has not been granted, save for wherein the individual has received a discretionary exception from subsection 6.1 (i) by the Board;
[amended by By-law 2018-160]
 - (ii) who has accumulated more than 9 demerit points under the *Highway Traffic Act* and regulations and amendments thereto;
 - (iii) who has been found guilty within the preceding three years of an offence under the *Liquor Licence Act*, as amended, which offence pertains to the unlawful sale or purchase of liquor; or
 - (iv) where circumstances exist such that the **Chief of Police** is of the opinion that it would be contrary to public interest.
- 6.2 Any person who holds a current **driver's licence** on the day that this by-law becomes effective shall not be prohibited from holding or renewing such **licence** by virtue of section 6.1(i) relative to any past criminal proceedings.

- 6.3 Any **person**, however, applying for a **driver's licence** other than a renewal, or replacement for a current lost, stolen or destroyed license shall be subject to section 6.1(i) regardless if he or she has held a **licence** under any previous by-law.
- 6.4 In addition to the foregoing, an applicant for a "**vehicle for hire**" **driver's licence**:
- (i) shall be in possession of a current Ontario class "G" or higher driver's **licence** issued under the authority of the *Highway Traffic Act* and regulations and amendments thereto; and
 - (ii) shall provide a letter from his/her potential employer, or business with whom he has contracted, stating the employer's, or business', name, address and **owner's licence** number and that the applicant will be employed or contracted by him/her on a full-time or a part-time basis, as the case may be.
- 6.5 Every application for a **driver's licence** shall be accompanied by:
- (i) two satisfactory photographs of the applicant;
 - (ii) a certificate showing the date of birth of the applicant;
 - (iii) proof that the applicant holds a valid Ontario driver's licence, class "G" or higher issued under the *Highway Traffic Act* and regulations and amendments thereto; and
 - (iv) the application fee in accordance with Tariff "A"
- 6.6 **[Deleted by By-law 2019-221]**
- 6.7 An applicant that fails the examination or fails to show for the examination without proper excuse, or without 48 hours notification prior to the appointed time for the test, must commence a new application process including the appropriate fees.
- 6.8 If required investigations and examinations into an application for a **driver's licence** do not disclose any reason why the application should not be granted, the **Chief of Police** shall issue such **licence**, unless in opinion of the **Chief of Police**, the granting of the **licence** shall be contrary to public interest.
- 6.9 If the **Chief of Police** determines the granting of such **licence** should not be granted, he may refer the application and any results of any investigation or examination to the **Board** for final decision.

- 6.10 Upon being licensed, the **licensee** shall be furnished with a **vehicle for hire driver's licence**, in the form of an identification card, signed by the **licensee** in the presence of the issuer.

Renewal/ Expiry

- 6.11 Every application for a renewal of a **driver's licence** shall be accompanied by:

- (i) proof that the applicant continues to hold a valid **Ontario Driver's Licence** Class "G" or higher issued under the *Highway Traffic Act* and regulations and amendments thereto;
- (ii) two satisfactory photographs of the applicant; and
- (iii) an application fee according to Tariff "A".

- 6.12 Prior to the expiry of the **driver's licence**, at a time designated by the **Chief of Police**, the **broker/owner** shall submit such information and material as may be required by the **Chief of Police** to conduct or cause to be made all examinations and investigations required to be made by this by-law or by the **Board** relative to a "**vehicle for hire**" **driver's licence** renewal application.

- 6.13 If required investigations and examinations into a renewal application for a **driver's licence** do not disclose any reason why the application should not be granted, the **Chief of Police** shall issue such **licence**, unless in his/her opinion, the granting of the **licence** shall be contrary to public interest.

- 6.14 If the **Chief of Police** determines the granting of such **licence** should not be granted, he may refer the application and any results of any investigation or examination to the **Board** for final decision.

Lost, Destroyed or Stolen Driver's License

- 6.15 The **Chief of Police** may re-issue a **driver's licence** that has been reported lost, stolen or destroyed. Prior to any **driver's licence** being re-issued, the **driver** must continue to meet the conditions of this by-law, including the conditions in section 6.1.

- 6.16 If required investigations and examinations into an application for a lost, stolen or destroyed **driver's licence** do not disclose any reason why the application should not be granted, the **Chief of Police** shall issue such

licence, unless in his/her opinion, the granting of the **licence** shall be contrary to public interest.

- 6.17 If the **Chief of Police** determines the granting of such **licence** should not be granted, he may refer the application and any results of any investigation or examination to the **Board** for final decision.
- 6.18 Every application for a replacement of a **driver's licence** shall be accompanied by:
- (i) proof that the applicant continues to hold a valid **Ontario** driver's licence (minimum Class "G") issued under the *Highway Traffic Act* and regulations and amendments thereto;
 - (ii) two satisfactory photographs of the applicant; and
 - (iii) a replacement fee according to Tariff "A".

Revocation / Suspension of a Licence

- 6.19 The **Chief of Police** may temporarily suspend any "vehicle for hire" **driver's licence** until the next meeting of the **Board** for:
- (i) any contravention of the *Criminal Code*, R.S.C., 1985, c. C-46, as amended;
 - (ii) any contravention of the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as amended;
 - (iii) the accumulation of more than nine demerit points under the *Highway Traffic Act* and regulations and amendments thereto, for any contravention of this by-law; or
 - (iv) in the opinion of the **Chief of Police** there is concern for public safety as evidenced by driving history and record.
- 6.20 The **Board** may, in its discretion, continue the suspension of a **driver's licence**, which has been suspended under paragraph 6.22 until the **Board** is satisfied that the **licence** should be reinstated, revoked, or until the completion of any investigation into the suspension of the **licence**.
- 6.21 The holder of any licence issued pursuant to this by-law and which has been revoked or suspended shall forthwith surrender such licence to the Chief of Police.

PART III

DUTIES OF CHIEF OF POLICE

7.0 The Chief of Police shall be charged with the enforcement of the by-law, and in connection therewith shall do or cause to be done the following:

- (i) shall, if requested, give any reason, in writing, for not granting, suspending, or revoking any **licence**;
- (ii) report to the **Board** whenever he/she shall be required to do so;
- (iii) submit to the **Board** applications for **broker/owner licenses** and necessary reports pertaining thereto;
- (iv) make all necessary inquiries in connection with the issuance of a **license** or the suspension and revocation of **licenses**, as may be required by this by-law;
- (v) ensure that a register of all **licenses** granted by the **Board** is kept containing the name and address of the applicant and the number of vehicles kept by the applicant, the amount paid for and the date of the **license**, and such further records as the **Board** may order;
- (vi) furnish each person taking out a **broker's licence** or **owner's licence** with a copy of this by-law;
- (vii) furnish, to every successful applicant, a certificate indicating the application has been approved, such certificate to be presented to the **licence** issuing office of the Civic Centre where the **licence** is purchased;
- (viii) cause investigations to be carried out in regards to violations of this by-law;
- (ix) consider charges against persons who have violated any of the provisions of this by-law;
- (x) **[deleted by By-law 2019-221]**;
- (xi) cause inspections to be made of all taxicab meters to ensure they are properly sealed and register accurately;
- (xii) take such other precautions as may be necessary to prevent interference or tampering with the said meters or their registration; and
- (xiii) Receive all inspection reports required to be submitted regarding **Accessible Taxicabs**, and ensure that all **licence** holders are complying with the requirements herein.

PART IV

DUTIES OF BROKERS AND OWNERS

- 8.0 Every **broker** or **owner**, after he/she has received the **licence** approval from the **Board**, shall report to the office of the **Chief of Police** and shall provide any required information to complete the register.
- 8.1 Every **broker** or **owner** shall advise the **Chief of Police** of any change of information that has been recorded in the register, within six days of such change occurring. Such change shall include any "**vehicle for hire**" that has begun or ceased to operate under the **broker/owner licence**.
- 8.2 Upon removing a vehicle from service that will not be replaced, the **broker** or **owner** shall, within six days, attend at the office of the **Chief of Police** and surrender the **license** held by him/her in respect of such vehicle. If the said vehicle is a **Wheelchair Accessible Vehicle**, the broker or owner shall ensure that the broker or owner complies with Section 8.18 of this by-law. In the event the broker or owner does not comply with Section 8.18 of this by-law, the Chief of Police shall suspend the said broker or owner's licence in accordance with Section 4.10 of this by-law.
- 8.3 Every **broker** or **owner** shall advise the **Chief of Police** within 6 days of the hiring or terminating of any **driver** who holds a current **licence** under this by-law.
- 8.4 Every **broker** and **owner** shall keep a record in the **licensed premise** of the date, time, origin and destination of each trip, name of **driver**, number of the **vehicle for hire**, and such records shall be retained for at least twelve (12) months. Full information shall be given by the **licence** holder to any police officer, upon request, with reference to the address of house, or place, to and from which he has driven any passenger or with reference to all matters within his/her knowledge relating to such passenger.
- 8.5 Every **broker** or **owner** shall, to the best of his/her ability, ensure that all requirements of this by-law relating to vehicle equipment, driver's responsibilities, and licensing requirements are adhered to.
- 8.6 No **broker** or **owner** shall permit or allow any **unlicensed vehicle for hire**, or **driver** not **licensed** under this by-law to operate under his/her **licence**.

- 8.7 Every **broker** or **owner** shall ensure that vehicles operating under his/her **licence** are operated in accordance with this by-law.
- 8.8 No **broker** or **owner, licensed** under this by-law, shall use another **broker's** or **owner's** radio dispatch system.
- 8.9 Every **broker** or **owner** shall submit any vehicle **licensed** under this by-law for any inspection required by the **Chief of Police**.
- 8.10 Every **person** obtaining a **broker** or **owner's license** under this by-law shall keep his/her **license** or a copy thereof posted in some conspicuous place in the **licensed premises**, and every **person** so **licensed** shall, when requested by any **person** authorized by the **Board**, produce the **license** for inspection.
- 8.11 Every **licensee** shall notify the **Chief of Police** within six days, in writing, of any change of address or telephone number of the **licensee**, which has previously been given to the **Chief of Police**.
- 8.12 Notwithstanding the previous section, no **broker** or **owner licensed** under this by-law shall change the address of his/her business premises without first obtaining approval from the **Board**. The request for approval shall include written documentation as outlined in section 4.0 of this by-law.
- 8.13 Notwithstanding Section 8.14 of this by-law, every **broker/owner, licensed** under this by-law, shall:
- (i) have a telephone system;
 - (ii) have its own radio system; and
 - (iii) provide twenty-four hour per day service.
- 8.14 Clauses (ii), and (iii) of section 8.13 do not apply to the holder of a **broker** or **owner's licence**, who only operates **limousines** or a **hotel shuttle** under their **licence**.
- 8.15 **Owners** and **Brokers** are prohibited from charging higher fares or additional fees for persons with disabilities than persons without disabilities for the same trip and from charging a fee for the storage of mobility aids or mobility assistive devices.
- 8.16 **Owners** and **Brokers** of taxi cabs place vehicle registration and identification information on the rear bumper of the taxi cab.

- 8.17 **Owners** and **Brokers** of taxi cabs make available vehicle registration and identification information in an accessible format to persons with disabilities who are passengers.
- 8.18 (i) Owners and Brokers whose business operates or contracts thirty-five (35) or fewer vehicles under the owner or broker's licence shall have a minimum of one (1) Wheelchair Accessible Taxicab available for hire twenty-four hours per day for Basic Wheelchair or Ambulatory Service.
- (ii) Owners and Brokers whose business operates or contracts more than thirty-five (35) vehicles under the owner or broker's licence shall have a minimum of two (2) Wheelchair Accessible Taxicabs available for hire twenty-four hours per day for Basic Wheelchair or Ambulatory Service.

PART V

DRIVER'S DUTIES AND RESPONSIBILITIES

9.0 No **driver, licensed** under this by-law, shall, while in charge of a vehicle for hire:

- (i) operate a "**vehicle for hire**" while any condition referred to in this by-law is not fulfilled, or while any **licence** required by this by-law has not been obtained;
- (ii) solicit a person to take or use his/her **vehicle for hire** by calling out or shouting or otherwise personally canvassing members of the general public;
- (iii) employ or allow any runner or other person to assist or act in concert with him/her in obtaining any **passenger** or baggage. (**Owners** or **Brokers** may allow another employee to assist a **driver** while he/she accompanies the driver for training purposes.);
- (iv) induce any **passenger** to employ him/her by knowingly deceiving, misinforming, or misleading such **passenger** as to the time or place of arrival or departure of any public conveyance, or the location or distance to any building or place;
- (v) permit any person, other than the **owner**, an employee or person contracted by the **owner**, to drive his/her vehicle; or
- (vi) take on any additional passenger after the "**vehicle for hire**" has departed with one or more **passengers** from any starting point, except at the request or permission of the passenger already in the vehicle, or in the case of an emergency, or the "**vehicle for hire**" is under contract being used to transport children to or from school.

9.1 Every **driver licensed** under this by-law shall:

- (i) make available his/her trip record and give full information thereof to any police officer on being required so to do;
- (ii) upon the request of any passenger, give in writing, his/her name, number of license issued to him/her and the Ontario license plate number of his/her vehicle and the business address of the company for which the driver is employed;
- (iii) upon request of any police officer, provide full information as to any passengers transported;
- (iv) take due care of all property delivered or entrusted to him/her and accepted by him/her for conveyance or safekeeping;
- (v) shall immediately on termination of any hiring or engagement, search his/her vehicle for any property lost or left therein and all

such property shall be forthwith delivered over to the person owning the same, or if the **owner** cannot be found, then to the officer in charge at the police station, with all information in his/her possession regarding such property;

- (vi) travel by the most direct route to the point of destination, unless otherwise directed by the passenger;
 - (vii) constantly display clearly visible to any passenger, the **driver** licence identification card as furnished by the **Board** under the provisions of this by-law, and permit any person to note the driver's **licence** number shown therein upon being requested so to do;
 - (viii) report forthwith to the dispatcher or the **owner** any accident in which he was involved or any damage caused while operating the vehicle and forthwith to the police as required by the *Highway Traffic Act* and regulations and amendments thereto;
 - (ix) while on duty, and upon request, surrender the "**vehicle for hire driver's licence**" to any police officer;
 - (x) give his/her name, and the name of the **owner** of the vehicle, if other than the **driver**, upon request by a passenger, or by any person to whom or to whose property damage has been caused by him/herself or his/her vehicle;
 - (xi) serve the first person offering to hire him/her, unless such person owes him/her a fare for services or unless there is a justifiable reason to do otherwise; and
 - (xii) use his/her vehicle only for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being charged and collected for the trip, unless all passengers have agreed to share the taxi and fares.
- 9.2 Every **driver** shall, on each work shift before commencing driving, examine for mechanical defects any **vehicle for hire** which he is to drive during the shift, and shall similarly examine the same at the end of each shift, and if he is not the **owner** of the **vehicle for hire**, shall forthwith report to the **owner**, any mechanical defect of which he is or becomes aware.
- 9.3 No **driver** of a "**vehicle for hire**" shall charge a fare other than in accordance with this bylaw as set out in the Tariff "B" for **taxicabs** or Tariff "C" for **limousines**, Tariff "D" for **Enhanced Wheelchair or Ambulatory Service**, or Tariff "E" for **hotel shuttle service**.
- 9.4 No **driver** or **owner** shall make any charge for the time lost through defects or inefficiency of his/her **vehicle for hire**, or the incompetence of the **driver** thereof, or for time consumed by early arrival of the vehicle for

hire in advance of the time requested by the person calling to request the service.

- 9.5 Any person hiring a vehicle **licensed** under this by-law may require the **driver** thereof to furnish him/her with a receipt for the cash amount of the fare. Such receipt shall include, in addition to the cash amount:
- (i) the driver's name and "vehicle for hire" driver's licence number;
 - (ii) the number of the driver's vehicle;
 - (iii) the name of the **owner or company**; and
 - (iv) the date of the transaction.
- 9.6 Every **licensee** shall notify the **Chief of Police** within six days, in writing, of any change of address or telephone number of the **licensee**, which has previously been given to the **Chief of Police**.
- 9.7 Every **licensee** shall notify the **Chief of Police** within six days, in writing, of lost or destroyed "**vehicle for hire" driver's licence**.
- 9.8 **Drivers** are prohibited from charging higher fares or additional fees for persons with disabilities than persons without disabilities for the same trip and from charging a fee for the storage of mobility aids or mobility assistive devices.
- 9.9 **Drivers** must place vehicle registration and identification information on the rear bumper of the taxi cab.
- 9.10 **Drivers** must make available vehicle registration and identification information in an accessible format to persons with disabilities who are passengers.
- 9.11 While operating a Wheelchair Accessible Taxicab and transporting a person with a mobility disability, all Drivers shall:
- (i) set up and operate any ramp, lift or other device to assist in the ingress and egress of the person with a mobility disability to the Wheelchair Accessible Taxicab;
 - (ii) ensure that any passenger with a mobility disability is securely fastened into the vehicle prior to travel; and
 - (iii) shall remove the fasteners from the wheelchair to permit the passenger to egress from the vehicle upon reaching the destination.

9.12 While operating a Wheelchair Accessible Taxicab and transporting a person with a mobility disability, Drivers are not responsible to:

- (i) lift any person from a wheelchair;
- (ii) reposition a person in a wheelchair;
- (iii) ensure that a person is properly secured to a wheelchair; or
- (iv) provide any additional assistance other than as outlined in Section 9.11 of this by-law.

PART VI

VEHICLE CONDITION AND EQUIPMENT

General

- 10.0 Every **driver** shall, on each work shift before commencing driving, examine for mechanical defects any **vehicle for hire** which he is to drive during the shift, and shall similarly examine the same at the end of each shift, and if he is not the **owner** of the **vehicle for hire**, shall forthwith report to the **owner**, any mechanical defect of which he is or becomes aware.
- 10.1 Every **broker** or **owner** shall check immediately any mechanical defect in his/her **vehicle for hire** reported to him/her by a **driver** and shall not, in any case, operate or permit to be operated any **vehicle for hire** that is not in good mechanical condition.
- 10.2 Every **broker** or **owner** shall maintain his/her vehicle in a clean and sanitary condition and in good repair. The **Chief of Police** may suspend the **licence**, upon breach of this provision, and notify the **owner** to cease operating his/her vehicle under the provisions of this by-law until such time as the vehicle has been put in a clean and sanitary condition and in good repair. The **owner** shall, upon receipt of such notice, cease to operate his/her vehicle; provided, however, that an **owner** be allowed twenty-one (21) days to repair damage to the body of the vehicle as long as such damage does not render the vehicle unsafe or unsightly. In the event the **owner** is unable to repair the vehicle within the 21-day period due to unavailability of time or materials, the **owner** may apply, in writing, to the **Chief of Police** for an extension of time to repair the vehicle.
- 10.3 Where the **Chief of Police** has made an appointment for the inspection of a vehicle and if such vehicle is not produced at the time and place appointed for such inspection, the **Chief of Police** may, notwithstanding anything else contained in this by-law, suspend the vehicle **license** in respect of such **vehicle for hire** until such time as the **vehicle for hire** has been tested, inspected and approved.
- 10.4 No **taxicab**, for which the model year is more than five years old from the date of manufacture, may be **licensed** as a **vehicle for hire**.
- 10.5 Notwithstanding section 10.4, a **broker** or **owner** may make application to the **Chief of Police** to allow for the licensing of a vehicle of which the

- model year exceeds the limits in section 10.4. Upon such application the **Chief of Police** shall inspect, independent of the mechanical safety inspection, the vehicle at a cost set out in Tariff "A", payable to the Police Service and cause a motor vehicle safety inspection certificate in regards to such vehicle be surrendered at the expense of the **broker** or **owner**,
- 10.6 No **owner** or **broker** shall use or permit to be used a "**vehicle for hire**" owned by him/her which has a colour scheme or emblem that simulates an emergency vehicle.
- 10.7 **Vehicles for hire** shall not be equipped with a radio or other device capable of monitoring calls from other companies.

Taxicabs

- 10.8 Every **taxicab** shall be equipped by the **broker** or **owner** thereof with a taximeter of a type approved by the **Chief of Police** and so located in the **taxicab** as to be clearly visible to the **passengers** at all times.
- 10.9 All taximeters shall be:
- (i) numbered;
 - (ii) attached to the vehicle in a location and manner as approved by the **Chief of Police**;
 - (iii) adjusted in accordance with the tariff provided by this by-law;
 - (iv) tested by running the **taxicab** in which it is attached over a measured track or distance before being sealed, or by such other mechanical means as approved by the **Chief of Police**;
 - (v) submitted to the **Chief of Police** whenever he deems it necessary for testing, inspection and further sealing;
 - (vi) kept in good working condition at all times with its seal intact,
 - (vii) used for no longer than twelve months without re-testing and re-sealing unless permitted by the **Chief of Police**; and
 - (viii) clearly illuminated so as to easily be visible by **passengers** in the taxicab between dusk and dawn.
- 10.10 No **taxicab** shall be operated when the taximeter is out of order, defective in any way, or where the seal has been broken or tampered with in any manner.
- 10.11 Notwithstanding section 10.11, a **taxicab** may be operated with the meter unsealed if repairs have been made to the meter by a **person** who carries on the trade of repairing such meters, or by an **broker** or owner

who customarily repairs his/her own meters, subject to the following conditions:

- (i) the **owner** must notify the **Chief of Police** within 6 days of the meter being unsealed;
- (ii) the meter has been repaired or replaced and is working properly; and
- (iii) the **owner** has requested the **Chief of Police** to test and seal the meter.

10.12 Every **taxicab** shall be equipped with an electric sign securely fastened to the roof of the **taxicab**. The electric sign shall indicate that the vehicle is a **taxicab** and display the trade name under which it operates or the name of the **broker** or **owner** under whose **licence** the **taxicab** is being operated.

10.13 Every electric sign indicated in paragraph 10.12 shall be illuminated to indicate that it is available unless the **taxicab** has been hired. Upon hire, dependent on the design of the electric sign, either the sign shall be extinguished and the in-service light shall come on or the electric sign shall change colour.

10.14 Notwithstanding the foregoing, the electric sign and in-service lights may be removed when the **taxicab** has been hired for a wedding or a funeral, or the vehicle is being operated by an **owner** or a member of the **owner's** immediate family for personal use.

10.15 Notwithstanding section 10.12 where a vehicle is of such design that the lights cannot be securely attached to the roof, the lights may be displayed in a manner approved by the **Chief of Police**.

10.16 Every **taxicab** shall have:

- (i) the name of the **broker** or **owner** under whose **licence** the **taxicab** is being operated or the trade name under which it operates, prominently displayed on both sides and the rear of the exterior of the vehicle;
- (ii) the number of the **taxicab** prominently displayed on the dash and on the exterior of the vehicle on both sides and on the rear;
- (iii) the rate of fare posted in a prominent place clearly visible to all passengers; and
- (iv) no-smoking signs posted in a prominent place and clearly visible to all **passengers**.

Limousines

10.17 Every **limousine** shall have:

- (i) the name of the **broker** or **owner** under whose **license** the **limousine** is being operated or the trade name under which it operates, prominently displayed on the exterior of the vehicle;
- (ii) the rate of fare posted in a prominent place which is clearly visible to all **passengers**; and
- (iii) no smoking signs shall be posted in a prominent place and clearly visible to all passengers.

Wheelchair Accessible Service Vehicles

10.18 Every Wheelchair Accessible Vehicle shall conform with the requirements in the *Highway Traffic Act* and regulations and amendments thereto.

10.19 In addition to Section 10.18, every Wheelchair Accessible Vehicle shall have:

- (i) Approved wheelchair tie-downs;
- (ii) No-smoking signs posted in a prominent place and clearly visible to all passengers;
- (iii) The name of the owner or broker under whose licence the vehicle is being operated clearly displayed on the exterior of the vehicle; and
- (iv) The number of the vehicle clearly displayed both on the inside and exterior of the vehicle.

Hotel Shuttles

10.20 Every **Hotel Shuttle** Vehicle shall have:

- (i) the hotel insignia clearly displayed on the vehicle;
- (ii) the fare to or from the airport clearly displayed
- (iii) no smoking signs posted in a prominent position and clearly visible to all passengers

PART VII

PENALTIES AND GENERAL

- 11.0 **Brokers** and **owners** shall conduct their businesses in full accordance with this and all municipal, provincial, and federal by-laws, rules, regulations, and codes.
- 11.1 Every **licensee** may be charged with and convicted of an offence under this by-law for which he him/herself, an employee, or agent is subject to be charged and upon conviction the **licensee** is liable to the penalty prescribed for the offence.
- 11.2 Every **person** who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a penalty in accordance with the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
- 11.3 By-law No. 154-2005 of the **Board** is hereby repealed.
- 11.4 The repeal of by-law 2005-154, as amended, shall not affect any offence committed against the provisions of said by-law, prior to the enactment of this by-law, or any penalty incurred in respect thereof or any investigative proceedings thereunder.
- 11.5 If any section of this by-law is found by any court of law to be defective, illegal or beyond the powers of the **Board** to enact, such section thereof shall be deemed to be separate and independent therefrom and to be enacted as such.
- 11.6 Tariffs "A", "B", "C", "D" and "E" are hereby adopted and declared to form part of this by-law.
- 11.7 This by-law takes effect on the day of its final passing.

PART VIII

TARIFFS

General

- 12.0 The **Police Services Board** will review all tariffs every 24 months.
- 12.1 The rate or fares to be charged by the **brokers, owners or drivers of taxicabs, limousines, Enhanced Wheelchair or Ambulatory Service or hotel shuttles** shall be exactly as shown in Tariff "B", Tariff "C", Tariff "D", or Tariff "E" respectively and no greater or lesser amount shall be demanded or received.
- 12.2 No **broker, owner or driver** shall be entitled to recover or receive any fare or charge from any person that is not authorized by this by-law.
- 12.3 A **broker or owner** may request in writing to the **Chief of Police**, for an exemption to Tariff "B", "C", "D" or "E" to perform charity work within the community. The **Chief of Police** may approve such a request after all investigations have been completed. The **Chief of Police** shall, if requested, give any reason, in writing, for not granting such a request.
- 12.4 No **owner or driver** shall publish or use a tariff that is not authorized by this by-law, whether such rates and charges are determined by distance or by time.
- 12.5 The tariff or rates authorized herein shall be computed from the time the passenger(s) first enters the **vehicle for hire** until the passenger(s) discharges the vehicle for hire.

Taxicabs

- 12.6 When operating on a meter basis, the rate of the fare shall be posted and clearly visible to any passenger in the vehicle and charged exactly as shown by the taximeter authorized by Tariff "B".
- 12.7 The drop rate and meter rate shall be within the range authorized in Tariff "B", and shall be consistent for all **taxicabs** and shall be in effect for a minimum of three (3) months.
- 12.8 **Brokers or owners** who choose to change the drop rate or meter rate as authorized in Tariff "B" shall first provide two (2) weeks written notice to the **Chief of Police**.

12.9 At the conclusion of a trip, the **driver** of a **taxicab** shall call the passenger's attention to the amount of the fare registered on the meter.

Limousines

12.10 The rate increase allowable authorized in Tariff "C" shall be consistent for each **limousine** and shall be in effect for a minimum of three (3) months.

12.11 **Brokers** or **owners** who choose to change the hourly rate authorized in Tariff "C" shall first provide two (2) weeks written notice to the **Chief of Police**.

Enhanced Wheelchair or Ambulatory Service

12.12 Drivers shall advise the passenger of the fee as established by Tariff "D" at the commencement of the trip.

12.13 Wheelchair accessible vehicles used for Enhanced Wheelchair or Ambulatory Service shall not be used to transport persons for a fare other than those who have a disability and their companions.

Exceptions to Tariffs

12.14 Tariff "B", Tariff "C", Tariff "D", or Tariff "E" shall not apply where the **vehicle for hire broker** or **owner** is operating under a valid contract between the **broker** or **owner** and a recognized school board or an organization which handles the transportation of people with disabilities.

12.15 Tariff "B", Tariff "C", Tariff "D", or Tariff "E" outlined in this by-law shall not apply to **vehicles** for hire operating under a valid contract with a municipal, provincial or federal government agency or a bona fide limited or incorporated company.

12.16 No such exemption as stated in Section 12.14 and 12.15 shall be allowed prior to copies of dually executed contracts, or other proof of contract suitable to the Chief of Police, have been filed and approved by the Chief of Police.

12.17 Vehicles for hire being used for the transportation of **passengers** with a destination of more than 5 kilometres outside of the city limits of Sault Ste. Marie, may agree with the **driver**, before the start of the trip to a flat rate, but the flat rate trip must be recorded on the trip sheet prior to the start of the trip.

12.18 Nothing in this by-law prohibits the use of a licensed hotel shuttle vehicle from being used as a **"Courtesy Shuttle"** provided it complies with the definition of courtesy vehicle in Part 1 of this by-law.

Services That Are Exempt from This By-law

12.19 Vehicles operated by the following organizations are exempt from this bylaw:

- (i) Emergency Medical Services (Ambulance);
- (ii) Funeral Homes when using vehicles as part of funeral proceedings;
- (iii) Retirement Homes providing transportation for their own clients in vehicles leased or owned by the organization;
- (iv) Charter services as set out in Sault Ste. Marie By-law 85-93, as amended;
- (v) School buses;
- (vi) Community Living Algoma providing transportation for their own clients in vehicles leased or owned by the organization; and
- (vii) Sault Ste. Marie Transit.

12.20 The **Board** may consider an application from another organization not listed above for an exemption from this bylaw.

12.21 The **Board** may exempt any organization from this by-law where after all investigations and examinations have been completed it is the opinion of the **Board, it** is not contrary to public interest to do so.

PART IX

TARIFF "A"

SCHEDULE OF LICENSE FEES

1.	*New Owner Licence / Owner Licence Late Renewal	\$400.00
2.	* Owner Licence Renewal	\$100.00
3.	*New Broker Licence / Broker Licence Late Renewal	\$400.00
4.	* Broker Licence Renewal	\$100.00
5.	New Hotel Shuttle Owner/ Hotel Shuttle Owner Late Renewal	\$200.00
6.	Hotel Shuttle Owner Renewal	\$50.00
7.	New Vehicle Licence / Vehicle Licence Late Renewal (All owner's licenses includes first vehicle)	\$100.00
8.	Vehicle Licence Renewal	\$50.00
9.	Vehicle Licence Transfer Application (Vehicle for vehicle)	\$25.00
10.	Driver Licence Application and Examination Fee (Due prior to processing and is non-refundable)	\$15.00
11.	Driver Licence Renewal	\$25.00
12.	Driver New Licence – Late Renewal	\$40.00
13.	Inspection Fee for Taxicab Where Model Year Exceeds 5 Years	\$100.00
14.	Replacement of any lost/defaced licence	\$15.00
15.	Copy of By-Law (Every owner entitled to a copy inclusive with licence)	15.00

* Rates 1-4 apply to All Vehicles for Hire except Hotel Shuttles

TARIFF “B” [amended by By-law 2018-160]

RATES AND FARES FOR TAXICABS, INCLUDING BASIC WHEELCHAIR OR AMBULATORY SERVICE

For conveyance of goods or **passengers** by **taxicabs** within the City of Sault Ste. Marie or to any point not more than 5 kilometres beyond its limits.

BY METER – TAXICABS

For the first one-tenth of a kilometre or part thereof..... Minimum \$3.90
A range of each additional one-fifteenth to one-thirtieth kilometre..... \$0.10

For waiting time, while under engagement, for each 15 seconds including time that the vehicle is stopped in traffic, but not to include a three minute grace period while waiting on a call at a private residence \$0.1875

There will be no charge for hand luggage or for other parcels that are carried inside the vehicle with the passenger.

Such rates and fares under this part shall include applicable taxes at the current rate.

Notice Regarding Included Taxes

The **broker/owner** and **driver** shall ensure that all vehicles **licensed** under this by-law and subject to rates and fares under Tariff “B”, display a notice informing the passenger that the tariff includes ALL applicable taxes.

TARIFF "C"

RATES AND FARES FOR LIMOUSINES

For conveyance of goods or **passengers** by **limousine** within the City of Sault Ste. Marie or to any point not more than 5 kilometres beyond its limits.

LIMOUSINE:

Limousine drivers or operators shall charge an hourly minimum of \$90.00 at a minimum of one half hour service.

FLAT RATES:

Flat rates may be charged for trips to a destination more than 5 kilometres beyond the city limits of Sault Ste. Marie, Ontario.

NOTICE REGARDING INCLUDED TAXES:

ALL rates and fares under Tariff "C" are to include all applicable taxes at the current rate.

The **broker/owner** and **driver** shall ensure that all vehicles **licensed** under this by-law and subject to rates and fares under Tariff "C", display a notice informing the passenger that the tariff includes ALL applicable taxes.

TARIFF "D"

RATES AND FARES FOR ENHANCED WHEELCHAIR OR AMBULATORY SERVICE

The following fares shall apply only when transporting persons who require Enhanced Wheelchair or Ambulatory Service. All fares are for one way travel and are inclusive of all applicable taxes.

ENHANCED WHEELCHAIR OR AMBULATORY SERVICE

WITHIN MUNICIPAL BOUNDARIES \$30.00

TO/FROM SAULT STE MARIE AIRPORT AND WITHIN MUNICIPAL LIMITS \$30.00

The **broker/owner** and **driver** shall ensure that all vehicles **licensed** under this by-law and subject to rates and fares under Tariff "D", display a notice informing the passenger that the tariff includes ALL applicable taxes.

TARIFF "E"

HOTEL SHUTTLE SERVICE

HOTEL SHUTTLE SERVICE IS ALLOWED TO TRANSPORT HOTEL GUESTS TO AND FROM THE HOTEL TO AND FROM THE SAULT STE MARIE AIRPORT.

The fee charged FOR THE ABOVE SERVICE may be determined by the owner of the hotel shuttle service.

The **owner** and **driver** shall ensure that all vehicles **licensed** under this by-law and subject to rates and fares under Tariff "E", display a notice informing the passenger that the tariff includes ALL applicable taxes.

SCHEDULE “B” to By-law 2011-161

PERSONAL TRANSPORTATION PROVIDERS

DEFINITIONS

1. In this Schedule:

“business day” means a day on which the City’s administrative offices are open for business;

“Class A” means a PTP consisting of a fleet of 36 or more vehicles;

“Class B” means a PTP consisting of a fleet of 35 or fewer vehicles;

“facilitating” in all its forms includes but is not limited to offering, operating or providing;

“personal transportation provider” means any person facilitating prearranged transportation services for compensation using any platform to connect passengers with PTP driver and may also be referred to as a “PTP”;

“private transportation company” means any person that offers, facilitates, or operates prearranged transportation services for compensation, from a point in the City of Sault Ste. Marie, to any point within or beyond the City of Sault Ste. Marie, using any software or application or telecommunications platform or digital network to connect passengers with PTC Drivers, excluding a licensed taxicab using an app, and may also be referred to as “PTC” for the purposes of this by-law;

“personal transportation provider driver” means any person affiliated with a PTP who transports passengers for compensation using a PTP platform and may also be referred to as a “PTP driver”;

“personal transportation provider identifier” means a sign, including a decal, displaying the logo or name of the PTP through which a PTP driver is providing transportation service to passengers, and such other information as required by the Chief of Police or his/her designate, in a form approved by the Chief of Police or his/her designate and may also be referred to as a “PTP identifier”;

“personal transportation provider licence” means a licence issued to a PTP under this Schedule and may also be referred to as a “PTP licence”;

“personal transportation provider vehicle” means a motor vehicle used by a PTP driver to provide transportation to a passenger using a PTP platform and may also be referred to as a “PTP vehicle”;

“platform” means any software, technology, or service, including a smartphone application, intended to connect passengers with transportation service;

“solicit” means any appeal for customers or passengers by sounds, words, signs, or gestures directed at any person;

“street hail” means any appeal for a ride by any person using sounds, words, signs, or gestures directed at a PTP driver, but does not include communication over a PTP platform; and

“transportation service” means each prearranged trip in a PTP vehicle commencing when a passenger enters the vehicle, continuing for the period that the vehicle is continuously occupied, and ending when all passengers or goods exit the vehicle.

APPLICATION OF SCHEDULE

2. This Schedule does not apply to:
 - a) taxicab services dispatched by a licensed taxicab broker and taxicab services provided by a licensed taxi plate holder or a licensed taxicab driver under the authority of By-law 2015-72;
 - b) limousine services provided by a limousine service provider;
 - c) a motor vehicle used as part of a transit system provided by the City of Sault Ste. Marie such as the public transit service;
 - d) a person who facilitates “carpooling” as defined by the *Public Vehicles Act*; or
 - e) an emergency motor vehicle including but not limited to ambulance, fire department vehicle, or police vehicle.

GENERAL PROHIBITIONS AND OBLIGATIONS

3. No person shall hold themselves out to be a PTP or shall engage in the business of a PTP unless they hold a current and valid PTP licence.
4. No person shall facilitate or make any representations as a PTP or a PTP driver unless authorized to do so by a PTP licensed by the City.
5. No PTP shall permit or condone the acceptance of street hails or the solicitation of passengers by PTP drivers, whether on the street or at a taxi stand or in any other manner at any other location.
6. No PTP shall facilitate a transportation service for compensation using any platform to connect any passenger with a driver or with a vehicle that does not comply with this Schedule.
7. No PTP shall permit an affiliated PTP driver to provide transportation services if the PTP driver does not have the insurance required under this Schedule.
8. No PTP shall permit and no PTP driver shall accept payment by cash for a transportation service facilitated by the PTP.
9. No PTP and no PTP driver shall permit any person to smoke in the PTP vehicle while it is providing transportation services.
10. Every PTP and PTP driver shall ensure that the identification card required under subsection 22(1):
 - a) in the PTP vehicle at all times when transportation services affiliated with the PTP are offered or provided; and

- b) is produced immediately upon demand of a Municipal Officer;
- 11. On demand of the Chief of Police or his/her designate, the PTP driver shall:
 - a) produce any of the following:
 - i) the PTP driver's identification card;
 - ii) valid insurance that meets the requirements of this Schedule; and
 - iii) any other information pertaining to the PTP driver or the operation of the PTP vehicle as requested by the Municipal Officer.
 - b) submit the PTP vehicle operated by the PTP driver for inspection at a time and location specified by the Chief of Police or his/her designate.
- 12. Every person, PTP or PTP driver who contravenes this Schedule is a guilty of an offence in accordance with Part III & VII of Schedule "A" of By-law 2011-161.

PTP LICENSING

- 13. Every person who owns or operates a PTP shall obtain a PTP licence.
- 14. An issued PTP licence is not transferable and remains at all times the property of the City.
- 15. An application for a new PTP licence shall be made in accordance with Part II of Schedule "A" of By-law 2011-161 and the fee set out in Tariff "A" of Schedule "A" paid in full, as applicable.
- 16. In addition to complying with Part II of Schedule "A" of By-law 2011-161, an application for a new PTP licence shall be accompanied by:
 - a) if the applicant is a corporation, proof that it is legally entitled to operate in Ontario, including but not limited to:
 - i) a copy of the incorporating documents;
 - ii) a copy of the last initial notice/notice of change which has been filed with the appropriate government department;
 - iii) a Certificate of Status is issued by the Ministry of Government and Consumer Services; and
 - iv) a certified copy of an annual return and a list of all shareholders of the corporation.
 - b) if the applicant is a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business and proof of the business name registration;
 - c) adequate demonstration that there are data security measures in place to protect the personal data collected by the PTP relating to passengers and drivers, to the satisfaction of the Chief of Police or his/her designate;
 - d) proof of the insurance required under this Schedule to the satisfaction of the Chief of Police or his/her designate; and

- e) any other information as required by the Chief of Police or his/her designate.
- 17. Every PTP shall:
 - a) provide the Chief of Police with notice when the number of vehicles in the PTP's fleet increases to more than 24 or to more than 99 vehicles immediately; and
 - b) pay the full difference between the fee paid when the licence was issued with 2 business days of providing notice.
- 18. If a PTP's fleet decreases during the term of the Licence, the City will not provide a refund or pro-rated amount to the PTP.

Licence Renewal

- 19. In addition to complying with Part II of Schedule "A" of By-law 2011-161, an application for a renewal PTP licence shall be accompanied by:
 - a) a completed renewal application;
 - b) proof of the insurance required under this Schedule to the satisfaction of the Chief of Police or his/her designate;
 - c) adequate demonstration that there are data security measures in place to protect the personal data collected by the PTP relating to passengers and drivers, to the satisfaction of the Chief of Police or his/her designate;
 - d) documentation demonstrating the number of vehicles in the PTP fleet on the date of renewal so as to determine if the PTP is a Class A or Class B; and
 - e) any other information required by the Chief of Police or his/her designate.

PTP REQUIREMENTS

Information to Passengers

- 20. Every PTP shall ensure the platform used:
 - a) at the time the transportation service is arranged, can provide to the passenger requesting the transportation service:
 - i) the PTP name and contact information;
 - ii) the first name and photograph of the PTP driver;
 - iii) a description of the make, model and licence plate of the PTP vehicle;
 - iv) the surcharge, if any;
 - v) an estimate of the total cost; and
 - vi) the current location of the PTP vehicle.
 - b) provides a link to rate or provide comment of PTP driver and PTP vehicle.
 - c) provides a process allowing the passenger to accept or refuse the transportation service prior to it commencing and to keep a record of such acceptance or refusal;
 - d) provides a secure payment mechanism;

- e) provides a printed or electronic receipt to the passenger at the end of the transportation service that includes information confirming:
 - i) the fare rate and/or surcharges;
 - ii) total amount paid;
 - iii) date and time of pickup;
 - iv) locations where the passenger was picked up and dropped off; and
 - v) the first name of the PTP driver.
21. Every PTP shall make available to the public on its platform, and by any other means of its choice, the following information:
- a) the automobile liability insurance coverage required to be maintained by the PTP and by the PTP drivers;
 - b) the transportation services offered by PTP drivers;
 - c) the applicable screening process for PTP drivers and PTP vehicles;
 - d) that PTP drivers can only provide transportation services that are prearranged using the platform of the PTP and cannot accept street hails or pick up fares at taxi stands; and
 - e) that PTP drivers cannot accept cash payment for transportation services.

Identification

- 22(1) Every PTP shall issue to every affiliated PTP driver a current and up-to-date identification card in written or electronic form providing the following information:
- a) the first and last name and photograph of the PTP driver;
 - b) the make, model and licence plate number of the PTP vehicle used by the PTP driver affiliated with the PTP; and
 - c) the name and contact information of the PTP with which the PTP driver is affiliated.
- (2) Every PTP shall issue to every affiliated PTP driver a PTP identifier, to be located in the front windshield of the PTP vehicle and visible from the exterior at all times while offering or providing transportation services.

Data Collection Records

- 23(1) Every PTP shall create and maintain records of the following information:
- a) the total number of transportation services provided by the PTP, annually;
 - b) the total number of PTP drivers providing a transportation service, annually;
 - c) the total number of PTP vehicles providing a transportation service, annually;
 - d) the PTP driver and PTP vehicle information corresponding with each requested transportation service including:
 - i) the full name of the PTP driver;

- ii) the licence plate number of the PTP vehicle;
 - iii) the date, time and duration of the transportation service;
 - iv) the location where the passenger was picked up and dropped off; and
 - v) the hours and minutes spent by the PTP vehicle transporting the passenger(s), including time spent enroute to pick up the passenger(s).
- (2) All information under subsection 23(1) is required to be kept by the PTP for 3 years from the date the information is created.
- 24. Every PTP shall make the records in subsection 23(1) available electronically to the Chief of Police or his/her designate within 2 business days following a demand in writing by the Chief of Police or his/her designate.

Access to Software or Platform

- 25. A PTP shall be required, if requested by the Chief of Police or his/her designate, to create anonymous passenger and driver accounts to be used by Municipal Officers for inspection purposes to ensure compliance with this Schedule.

Insurance

- 26(1) Every PTP shall obtain and maintain while licensed under this Schedule the following minimum insurance requirements:
 - a) Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use, that includes:
 - i) blanket contractual liability; premises, property and operations liability;
 - ii) products and completed operations liability;
 - iii) contingent employers liability; personal injury, owners and contractors protective coverage;
 - iv) broad form property damage; occurrence property damage; and
 - v) employees as additional insurer, and cross liability and severability of interest provision.
 - b) such Commercial General Liability policy shall be in the name of the PTP and the City of Sault Ste. Marie shall be named as an additional insured;
 - c) the PTP shall also obtain Non-Owned Automobile Insurance with limits of not less than Five Million Dollars (\$5,000,000.00) per occurrence; and
 - d) the insurance required under subsections (a) and (c) shall contain an endorsement to provide the City of Sault Ste. Marie no less than 30 days prior written notice, from the insurer, of any cancellation.
- (2) a) It is a condition of a PTP licence that the PTP comply with subsection 26(1) at all times.

- b) The PTP licence shall be suspended if the PTP fails to comply with subsection 26(1) until such time as the PTP satisfies the Chief of Police or his/her designate that there is full compliance.
- c) The PTP shall provide the Chief of Police or his/her designate with such information as the Chief of Police or his/her designate shall require to demonstrate that subsection 26(1) is being complied with.

Requirements Related to PTP Driver

- 27. In addition to Part IV & V of Schedule "A" to By-law 2011-116, as applicable, every PTP shall keep an up-to-date list of every affiliated PTP driver and PTP vehicle in a readily accessible format that includes:
 - a) the full name and address of every PTP driver; and
 - b) the make, model and licence plate of every PTP vehicle.
- 28. Every PTP shall ensure that an affiliated PTP driver meets the following requirements prior to commencing as a PTP driver and at all times when providing transportation services:
 - a) is at least 18 years of age;
 - b) has a valid G licence;
 - c) is able to communicate in English; and
 - d) has been advised and consents to the personal information being submitted to the Chief of Police or his/her designate for the purpose of auditing compliance with this Schedule.
- 29(1) The PTP shall receive a criminal record check and a driving record abstract for each driver.
 - (2) The PTP shall review the criminal record check and the driving record abstract and, acting as a reasonable PTP, determine if the driver is suitable for providing transportation services.
 - (3) The criminal record check, no older than 90 days, and the driving record abstract, no older than 30 days, shall be submitted to and reviewed by the PTP before the driver begins as a PTP driver and at the end of every subsequent 12-month period while the driver continues as a PTP driver.
- 30. Every PTP shall keep copies of the documents and information required under sections 27, 28, and 29 for 3 years after the PTP driver ceases to be affiliated with the PTP.
- 31. Every PTP shall make available to the Chief of Police or his/her designate the records or information required in sections 27, 28, and 29 within 2 business days following a written demand by the Chief of Police or his/her designate.
- 32(1) Every PTP shall ensure that every PTP driver obtains and maintains, at all times during the provision of transportation services, Automobile Liability Insurance for owned or leased PTP vehicles, with limits of not less than Two Million Dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death, and damage to property. The Automobile Liability Insurance shall include the IPCF 6TN *Permission to Carry Paying Passengers for a*

Transportation Network endorsement or an equivalent endorsement acceptable to the Chief of Police or his/her designate.

- (2) The insurance coverage required under subsection 32(1) shall include a provision whereby the City of Sault Ste. Marie will be provided with no less than 15 days prior notice of any cancellation or variation to the policy.
 - (3) Every PTP shall obtain proof of insurance from every PTP driver evidencing compliance with the requirements of subsections 32(1) and (2) prior to affiliation with the PTP driver, and on an annual basis thereafter and shall keep such records for a period of 3 years after the PTP driver ceases to be affiliated with the PTP and produce it to the Chief of Police or his/her designate on demand.
- 33(1) It is a condition of a PTP licence to ensure the denial of a PTP driver's access to the PTP platform immediately upon being notified by the Chief of Police or his/her designate that the driver has acted in a manner that is adverse to the public interest, public safety or upon discovering that a driver is not insured under section 32 and to continue to do so for so long as required by the Chief of Police or his/her designate.
- (2) The PTP shall provide the Chief of Police or his/her designate with such information as he or she shall require to demonstrate that subsection 33(1) is being complied with.

Requirements Related to PTP Vehicle

- 34(1) In addition to Part VI of Schedule "A" to By-law 2011-116, every PTP shall ensure that a PTP vehicle meets the following requirements at all times when providing a transportation service:
- a) the PTP vehicle has a valid and current Ontario Ministry of Transportation Safety Standards Certificate, prior to commencement of use as a PTP vehicle, and then annually thereafter; and
 - b) the PTP vehicle is no more than 10 years old and have less than Three Hundred Thousand (300,000 km) kilometers on the vehicle. **[AMENDED BY BY-LAW 2019-221]**
- (2) Every PTP shall obtain and maintain the records required under subsection 34(1) for a period of 3 years after the PTP vehicle is no longer used to provide transportation service.
 - (3) Every PTP shall make available to the Chief of Police or his/her designate the records required to be kept under subsection 34(1) within 2 business days following a demand in writing from the Chief of Police or his/her designate.
- 35(1) It is a condition of a PTP licence to ensure the denial of a PTP driver's access to the PTP platform immediately upon being notified by the Chief of Police or his/her designate that the driver's vehicle is being operated in a manner that is adverse to the public interest or to public safety and to continue to do so for so long as required by the Chief of Police or his/her designate.
- (2) The PTP shall produce the Chief of Police or his/her designate with such information as he or she shall require demonstrating that subsection 35(1) is being complied within 2 business days following a demand in writing from the Chief of Police or his/her designate.

Accessible Vehicles

36(1) A Class B shall have a minimum of one (1) Wheelchair Accessible vehicles available for hire twenty-four hours per day for Basic Wheelchair or Ambulatory Service.

(2) A Class A the owner or broker's licence shall have a minimum of two (2) Wheelchair Accessible vehicles available for hire twenty-four hours per day for Basic Wheelchair or Ambulatory Service.

Conflict

37(1) The provision under this Schedule shall prevail regarding a PTP where a conflict between this Schedule and Schedule "A" of By-law 2011-161 exists.

Validity

38 Should a court of competent jurisdiction declare a part or whole of any provision of this Schedule to be invalid or of no force and effect, the provision or part is deemed severable from this Schedule, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.