



## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2008-55

A BY-LAW FOR THE LICENSING, REGULATING AND GOVERNING OF TAXICAB BROKERS, OWNERS AND DRIVERS (Taxicab Licensing By-law).

WHEREAS Section 151 of the *Municipal Act 2001, S.O. 2001, c.25*, as amended, provides that a local municipality may provide for a system of licenses with respect to a business;

AND WHEREAS the Council of the Town of Newmarket enacted By-law Number 2002-151 as amended by By-law Number 2006-142 being a by-law to license, regulate and govern any business carried on within the Town of Newmarket;

AND WHEREAS the Council of the Town of Newmarket considers it desirable and necessary to repeal Schedule 18 of By-law Number 2002-151 and repeal amending By-law Number 2006-142;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

#### **SECTION 1 - DEFINITIONS**

1.1 For the purpose of this by-law:

- (1) "Accessible Taxicab" means a motor vehicle that is used or designed for use as a taxicab in relation to the transportation of persons who have a disability;
- (2) "Appeals Committee" means a committee that is appointed from time to time by Council for the purpose of hearing appeals regarding the revocation, suspension, cancellation or refusal to issue or renew a license pursuant to this by-law;
- (3) "Applicant" means a person applying for a license to carry on a business, activity or undertaking pursuant to this by-law;
- (4) "Broker" means any person who carries on the business of accepting orders for or dispatching taxicabs in any manner;
- (5) "Clean" means free of dirt and in good repair;
- (6) "Clerk" means the Town Clerk of the Town of Newmarket or his/her designate;
- (7) "Council" means Council of the Corporation of the Town of Newmarket;
- (8) "Dispatch" means the communication in any manner to a driver of an offer to hire or engage a taxicab;
- (9) "Driver" means the operator of a taxicab who holds and maintains or is required to hold and maintain a Town taxicab driver's license issued pursuant to this by-law;
- (10) "Fare" means the amount displayed on the taxicab meter at the conclusion of a trip, or the flat rate allowed pursuant to this by-law for the trip, together with any additional charges allowed pursuant to this by-law;
- (11) "He and his" shall be deemed to include "She and her";

- (12) "Lease" means an agreement between an owner and a person, under which the owner provides his owner's plate to be used by a person to operate a vehicle as a taxicab;
- (13) "License" means the authorization obtained or granted or issued pursuant to this by-law to carry on a business, activity or undertaking;
- (14) "Licensed" means to have in one's possession a valid and current license issued pursuant to this by-law;
- (15) "Licensee" means any person who is licensed pursuant to this by-law or a licensee applying for renewal of a license as the context requires;
- (16) "Licensing Officer" means the Licensing Officer of the Town of Newmarket;
- (17) "Municipality" means the Corporation of the Town of Newmarket or the geographic area of the Town of Newmarket as the context requires;
- (18) "Operate" when used in reference to a Taxicab includes to drive the said vehicle and to make or have available to the public in service as a Taxicab and operated, operating and operation have corresponding meanings;
- (19) "Owner" means the owner of a taxicab and/or a person who is licensed and who is the registered owner of a taxicab plate and where a person has entered into a lease agreement with the owner, the lessee for the purposes of this by-law shall also be deemed as the owner, as the context requires;
- (20) "Passenger" means any person other than the driver who is seated or otherwise situated within a taxicab or accessible taxicab;
- (21) "Person" includes a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership or other form of business association;
- (22) "Priority List" means a list of persons maintained by the Clerk or Licensing Officer who may be eligible to receive a taxicab plate in accordance with the provisions of this by-law;
- (23) "Provincial Offences Officer" means a police officer or person designated under the *Provincial Offences Act*;
- (24) "Tariff Card" means the notice of permitted fares as set out in this by-law and as issued by the Clerk or Licensing Officer;
- (25) "Taxicab" means a motor vehicle that is designed or customarily used for the transportation of passengers, where such motor vehicle is offered or made available for hire together with a driver for the conveyance of passengers or goods, but "taxicab" does not include a livery cab, limousine or a bus as defined in the *Highway Traffic Act*;
- (26) "Taxicab Meter" means a measuring device used in a taxicab or accessible taxicab to calculate the fare payable for a trip;
- (27) "Taxicab Plate" and "Plate" means a metal numbered plate issued by the Town to a person licensed pursuant to this by-law;
- (28) "Tint Free" means free from any type of tinting, coloured spray or other reflective material on a vehicle windshield and windows which substantially obscures the interior of the vehicle when viewed from the outside or, reduces the visibility of the driver, passenger or passengers;

- (29) "Town" means the Corporation of the Town of Newmarket or the geographic limits of the Town as the context requires;
- (30) "Trip" means the distance and time traveled or estimated to be traveled, measured from the time and location where the passenger or property enter the taxicab or when the taxicab meter is first engaged, whichever comes first, to the time and location where the passenger or goods reach their destination and leave the taxicab or the taxicab meter is disengaged, whichever comes last;
- (31) "Trip Sheet" means the written record of the details of each trip as recorded by the driver of the taxicab;

## **SECTION 2 - GENERAL LICENSING PROVISIONS**

- 2.1 Administration of this by-law shall be the responsibility of the Clerk or Licensing Officer, who are hereby authorized to issue licenses to owners, brokers and drivers in accordance with the provisions of this by-law.
- 2.2 The Clerk may revoke, cancel, suspend or refuse to renew or issue a license pursuant to the provisions of this by-law.
- 2.3 The Clerk or Licensing Officer may issue a license on a temporary basis where it is deemed necessary or advisable to do so.
- 2.4 An application for a new license, renewal or a transfer of taxicab shall be completed and submitted to the Clerk or Licensing Officer on the forms provided along with the prescribed fee as may be set by Council from time to time.
- 2.5 Acceptance of the application and fee shall not represent approval of the application nor shall it obligate the Town to issue a license.
- 2.6 No person shall promote or carry on business under any name other than the name endorsed upon the license, except in accordance with the provisions of this by-law.
- 2.7 No person shall act as or be a broker unless he is licensed as a broker pursuant to this by-law.
- 2.8 No person shall act as or be an owner unless he is licensed as an owner pursuant to this by-law.
- 2.9 No person shall act as or be a driver unless he is licensed as a driver pursuant to this by-law.
- 2.10 The term of each license shall, unless otherwise expressed in this by-law, be valid for a period of one year from the 1<sup>st</sup> day of May in the year of issuance or renewal up to and including the 30<sup>th</sup> day of April of the following year, unless sooner revoked, amended, cancelled, suspended or voluntarily relinquished to the Town.
- 2.11 No corporation may be licensed as a driver pursuant to this by-law.
- 2.12 An applicant is entitled to be licensed and a licensee is entitled to have such license renewed, except where:
  - (1) the past conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which the applicant is applying for or the licensee is licensed for, in accordance with law and with integrity and honesty;
  - (2) the applicant or licensee is carrying on activities that are, or will be if the applicant was licensed, in contravention of this by-law;

- (3) there are reasonable grounds for belief that the premises, accommodation, equipment, vehicles or facilities in respect of which the license is required, do not comply with the provisions of this by-law or other applicable law;
  - (4) there are reasonable grounds for belief that an applicant or licensee has provided a false statement or false information for the purpose of obtaining a license;
  - (5) the applicant or licensee is not in compliance with any Town land use by-laws or any other Town by-laws or any other requirement under the *Planning Act* or any other Act.
- 2.13 An application for renewal of a license issued pursuant to this by-law shall be delivered along with the prescribed fee in person to the Clerk or Licensing Officer, before the expiry date of such license. If an application for renewal of a license is delivered to the Clerk or Licensing Officer after the expiry date of the license, the applicant shall submit an application as a new applicant.
- 2.14 A license issued to a broker, owner and/or driver under this by-law is not transferable.

**SECTION 3 - REVOCATION, SUSPENSION, CANCELLATION OR REFUSAL TO RENEW OR ISSUE**

- 3.1 The Clerk may revoke, suspend, cancel or refuse to renew or issue a license:
- (1) where the past conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which the applicant is applying for or the licensee is licensed for, in accordance with law and with integrity and honesty; and/or
  - (2) where the applicant or licensee has been found by the Clerk or Licensing Officer to fail to comply with any provision of this by-law.
- 3.2 Upon such revocation, suspension, cancellation or refusal to renew or issue, a written notice signed by the Clerk or Licensing Officer shall be delivered to the applicant or licensee within seven (7) business days as provided for hereunder:
- (1) such notice shall set out and give reasonable particulars of the grounds for the decision; and
  - (2) shall inform the applicant or licensee of his entitlement to a hearing before the Appeals Committee, if he delivers within seven (7) business days after the date of service or the date of mailing of the notice, whichever is later, a written request for a hearing; and
  - (3) if a written request from the applicant or licensee is not received by the Clerk or Licensing Officer within the prescribed time, the decision of the Clerk shall be final and the licensee shall deliver within (24) hours of the expiration of the appeal period, the license or owner's plate.
- 3.3 Where a hearing held pursuant to this by-law has taken place and the license was revoked, suspended, cancelled or refused for renewal, the licensee shall return the license to the Clerk or Licensing Officer within seventy-two hours of receiving the written notice of the decision of the Appeals Committee sent pursuant to the provisions of this by-law.
- 3.4 When a person has had his license revoked, suspended or cancelled under this by-law the Clerk or Licensing Officer or Provincial Offences Officer may enter upon the business premise or into the vehicle of the licensee for the purpose of receiving, taking, or removing the said license or owner's plate.

- 3.5 When a person has had his license revoked, suspended or cancelled under this by-law he shall not refuse to deliver or in any way obstruct or prevent the Clerk or Licensing Officer or Provincial Offences Officer from obtaining the said license or the owner's plate.

#### **SECTION 4 - APPEALS COMMITTEE HEARING**

- 4.1 Upon receipt of a written request for a hearing from an applicant or licensee, the Clerk shall advise the Appeals Committee and request the Appeals Committee to convene a meeting and shall give the applicant or licensee written notice of the date, time and location of such meeting which shall not be less than seven (7) business days after the date of notice.
- 4.2 The Clerk shall make a recommendation to the Appeals Committee with respect to revocation, suspension, cancellation or refusal to renew or issue a license or recommend that a license be issued subject to certain terms and conditions.
- 4.3 Before the Appeals Committee makes any decision, a written notice advising the applicant or licensee of the recommendations being made by the Clerk with respect to the license shall be given to the applicant or licensee by the Clerk or Licensing Officer.
- 4.4 The applicant or licensee shall have the right to make a submission in support of an application or renewal or retention of a license at such hearing and if the applicant or licensee who has been given written notice of the hearing does not attend such hearing, the Appeals Committee may proceed with the hearing in the applicant or licensee's absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.
- 4.5 The decision of the Appeals Committee is final and is not subject to an appeal.

#### **SECTION 5 - SERVING OF NOTICE OR ORDER**

- 5.1 Any notice or order required to be given pursuant to this by-law by the Clerk or Licensing Officer shall be deemed to be sufficiently served if delivered personally or sent by registered mail or by prepaid first class mail addressed to the person to whom service is to be made at the address on the application or the last known address on file in the Clerk's Office.
- 5.2 Notice served by either registered mail or by prepaid first class mail shall be deemed to have been received on the fifth day following the mailing of the notice.

#### **SECTION 6 - NOTIFICATION OF CHANGE OF INFORMATION**

- 6.1 When a licensee who is a natural individual changes their name, address, or any information relating to the license, the licensee shall notify the Clerk or Licensing Officer within seven (7) business days after the change of information relating to the license and shall if required by the Clerk or Licensing Officer return the license immediately to the Clerk or Licensing Officer for amendment.
- 6.2 Where a licensee is a corporation and there is change in the information as set out in the application for license, such as the names or addresses of the officers or directors, the location of the corporate head office or any change in the ownership of shares, the licensee shall notify the Clerk or Licensing Officer of the change within seven (7) business days thereof and shall if required by the Clerk or Licensing Officer return the license immediately to the Clerk or Licensing Officer for amendment.

#### **SECTION 7 - FARES**

- 7.1 The fares to be charged by the owners and drivers of taxicabs for the conveyance of passengers shall be such fares as are set by Council from time to time and no owner or driver shall charge any fare in excess of those set by Council.

- 7.2 Notwithstanding the foregoing section, the fares referred to in this by-law shall not apply to:
- (1) taxicabs being used for the transportation of children to and from school or to taxicabs operating under contract to any government agency for the transportation of children with disabilities;
  - (2) taxicabs being used for the transportation of passengers with a destination outside the Town who agree with the taxicab driver, prior to the commencement of the trip, to pay a flat rate.
- 7.3 When a driver picks up a passenger within the Town and such passenger has a destination outside the Town, the driver and the passenger may agree before the commencement of the trip, on a flat rate.
- 7.4 Notwithstanding Section 7.1 any broker having a contract to provide taxicab services for either York Region Mobility and/or one of the school boards in York Region, will be permitted to operate his taxicabs on a flat rate; provided that evidence of such contract has been filed with the Clerk or Licensing Officer in a form and manner approved by the Clerk or Licensing Officer.

### **SECTION 8 - BROKER REGULATIONS**

8.1 Every broker shall:

- (1) maintain at least one (1) Newmarket taxi plate to operate a brokerage and maintain a business office, from which the taxicab brokerage is operated and such office shall be in compliance with all Town land use by-laws or any other Town by-law or any other requirement under the *Planning Act* or any other Act;
- (2) require all owners who have entered into arrangements with the broker for the provisions of taxicab brokerage services, to use the same design, shape and colour scheme of roof sign, and to attach to each front door of the taxicab an identifying decal which shall include the name of the taxicab broker, in a form approved by the Clerk or Licensing Officer, and shall produce and file a sample of the roof sign and identifying decal with the Clerk or Licensing Officer;
- (3) submit to the Clerk or Licensing Officer by the 1st day of the following months; January, March, May, July, September and November a list, showing in numerical order by taxicab plate number,
  - (a) the name of every owner; and
  - (b) the name of every driver operating any taxicab in the Townwith whom the broker has entered into any agreement for the provision of brokerage services; and such list shall note any additions or deletions to the previously submitted list as to owners or drivers who are or are no longer affiliated with the broker.
- (4) keep a record of each taxicab dispatched on a trip, the time and date of receipt of the order, the pick-up location and final destination and these records shall be retained for a period of twelve (12) months and such records shall be produced upon request of the Clerk or Licensing Officer;
- (5) supply the Clerk or Licensing Officer with a copy of the Broker's Federal Radio License call sign and frequency number, if any;
- (6) upon request, inform any customer of the anticipated length of time required for a taxicab to arrive at the pick-up location;
- (7) when volume of business is such that service will be delayed to a prospective customer, the broker shall inform the customer of the approximate length of the delay, before accepting the call;

- (8) dispatch a taxicab to any person requesting service at a pick up location within the Town, unless the person requesting service has not paid for a previous trip;
  - (9) carry on business only in the name in which the broker is licensed;
  - (10) not dispatch to any taxicab if the owner or driver, in the opinion of the Clerk or Licensing Officer, has contravened any provision of this by-law;
  - (11) submit a written report within seventy-two (72) hours or at such time as the Clerk or Licensing Officer may prescribe whenever a taxicab licensed pursuant to this by-law is involved in an accident whether such accident was in or out of the limits of the Town.
- 8.2 The Clerk or Licensing Officer may when the offices are open enter upon the business premises of any licensee to insure that the provisions of this by-law are being or have been complied with.
- 8.3 In the course of such inspection the Clerk or Licensing Officer is entitled to request and have produced within seventy-two (72) hours all relevant licenses, permits and documentation required pursuant to this by-law and to have access to all invoices, vouchers, appointment books and trip sheets or like documents of the person being inspected, provided such documents are relevant for the purpose of the inspection.

#### **SECTION 9 - BROKER PROHIBITIONS**

9.1 No broker shall:

- (1) accept orders for, or in any way dispatch or direct orders to a taxicab licensed under this by-law when the activity would be illegal or in contravention of any other law or provincial statute;
- (2) in any way dispatch or direct orders to, operate or permit to operate a taxicab for a pick-up location within the Town, when the owner or the driver or the taxicab is not licensed pursuant to this by-law;
- (3) dispatch or direct orders for a parcel delivery to a taxicab driver unless the taxicab driver first consents to making the parcel delivery;
- (4) require any taxicab driver to accept any order necessitating the expenditure of money by the driver, on behalf of the customer;
- (5) enter into an agreement for the provisions of brokerage services with an owner or driver who is affiliated with another broker;
- (6) dispatch any taxicab driver to a pick up location within the Town, unless the taxicab he is operating is licensed pursuant to this by-law;
- (7) charge a fare or enter into an agreement to charge a fare which is not in accordance with the provisions of this by-law;
- (8) acting alone or in concert with a subsidiary, affiliate or partnership, own, hold or control more than two thirds (2/3) of the total taxicab plates issued by the Clerk or Licensing Officer.

#### **SECTION 10 - PLATE OWNER AND/OR TAXICAB OWNER REGULATIONS**

10.1 Every plate owner and/or taxicab owner shall:

- (1) keep at all times in the taxicab a copy of each of the following documents:
  - (a) the motor vehicle permit in good standing issued by the Ontario Ministry of Transportation in the owner's name;

- (b) the owner's plate maintained in good standing and issued pursuant to this by-law;
  - (c) a certificate of automobile insurance for the taxicab in accordance with this by-law.
- (2) keep at all times on the taxicab:
- (a) the owner's plate firmly affixed to the right rear bumper, or at a location and in a manner approved by the Clerk or Licensing Officer;
  - (b) the owner's plate number for that taxicab in numbers of at least 15cm in height in a location and in a manner approved by the Clerk or Licensing Officer;
  - (c) the name of the broker with whom the plate is associated with, in letters of 15cm in height, in a location and in a manner approved by the Clerk or Licensing Officer;
  - (d) the numbering and lettering affixed on the vehicle shall be a colour that is in contrast with the colour of the vehicle;
  - (e) affixed, in a holder, or in a location and in a manner approved by the Clerk or Licensing Officer, the current tariff card;
  - (f) an electrically illuminated roof sign which is securely attached to the top of the taxicab in a manner approved by the Clerk or Licensing Officer and such roof sign shall be wired to the taxicab meter and working in conjunction with the meter so that it is not illuminated when the meter is engaged and is illuminated when the meter is in the vacant status.
- (3) employ or use only the services of a driver licensed pursuant to this by-law;
- (4) provide the Clerk or Licensing Officer with
- (a) the name of the broker with whom he is affiliated with; and
  - (b) the name of any and all drivers operating his taxicab and such names shall be supplied within seventy-two (72) hours of the time when the driver has commenced to operate the said taxicab, and
  - (c) where applicable, file with the Clerk or Licensing Officer a copy of any lease agreement the owner may have with the driver.
- (5) immediately repair any mechanical defect in the vehicle that becomes known to him and/or as reported to him by a driver;
- (6) submit a written report within seventy-two (72) hours or at such time as the Clerk or Licensing Officer may prescribe whenever a taxicab licensed pursuant to this by-law is involved in an accident whether such accident was in or out of the limits of the Town.
- (7) in the case where a plate owner and/or taxicab owner is a corporation, a minimum of one officer or director of the corporation must be licensed as a driver pursuant to this by-law.
- 10.2 Every plate owner and/or taxicab owner who ceases to be affiliated with a broker shall:
- (1) remove from the vehicle the roof light, radio and telephone number of the taxicab broker the owner is leaving;

- (2) change and remove from the vehicle the colour scheme and all decals or other taxicab brokerage markings on the vehicle;
- (3) return to the broker all business cards, promotional material and other equipment belonging to that broker.

#### **SECTION 11 - PLATE OWNER AND/OR TAXICAB OWNER PROHIBITIONS**

11.1 No plate owner and/or taxicab owner shall:

- (1) permit a taxicab to be operated with mechanical defects;
- (2) affix or permit any person to affix to any taxicab except the taxicab for which it was issued, the license or owner's plate issued pursuant to this by-law;
- (3) operate or permit to operate a taxicab not licensed pursuant to this by-law;
- (4) operate or permit to operate a taxicab when the interior is not clean and/or not in good repair;
- (5) operate or permit to operate a taxicab when the exterior body is damaged or has rust;
- (6) operate or permit to operate a taxicab with tinted windows;
- (7) operate or permit to operate a taxicab with any decal or roof-sign being used by a taxicab broker with whom the owner is not affiliated;
- (8) display or permit the display of any sign, emblem, decal, ornament or advertisement, on or in his/her taxicab, except in a form approved by the Clerk;
- (9) operate or permit to operate a taxicab unless a taxicab meter is installed, and the meter complies with the rates as may be set by Council from time to time and has been tested and sealed by the Clerk or Licensing Officer;
- (10) take a taxicab off the road for a period longer than thirty (30) consecutive days during any calendar year; provided a cab may be temporarily retired on more than one occasion within a calendar year so long as the total period of temporary retirement does not exceed thirty (30) days in that calendar year; or
- (11) operate or permit to operate a taxicab licensed as an accessible taxicab without a driver who has not been trained in the proper operation of the equipment and in the special needs of passengers with disabilities.

#### **SECTION 12 - DRIVER REGULATIONS**

12.1 Every applicant shall:

- (1) attend in person for setting up a date and time for a taxi test and pay the prescribed sitting fee as may be set by Council from time to time;
- (2) score a minimum of 80% on a written test; the test shall be set by the Clerk or Licensing Officer and shall deal with the requirements of this by-law and the geography of the Town and surrounding areas. If the applicant is found to be cheating on his test he would not be permitted to rewrite the test for a period of six (6) months;
  - (a) if the applicant is not successful the first time the waiting period for re-testing is one week;

- (b) if the applicant is successful in writing the test, the test will be held for six (6) months from the date of the test and if the applicant does not obtain the license within that time period he will be required to rewrite the test.

12.2 Every applicant or licensee for a driver's license shall submit the following original documentation to the Clerk or Licensing Officer:

- (1) Canadian citizenship, or
- (2) landed immigrant status, or
- (3) a valid work permit issued by the Government of Canada, and
- (4) a valid current Class "G" Ontario Driver's Licence, and
- (5) a Vulnerable Sector Screening letter issued by York Regional Police current within thirty (30) days, and
- (6) driver's abstract current within thirty (30) days; and
- (7) a certificate prepared by a duly qualified medical doctor licensed to practice medicine in Ontario which states that the applicant or licensee is fit and able to operate a motor vehicle; such certificate shall be required every two years or earlier if so required by the Clerk or Licensing Officer; and
- (8) a letter of employment from the taxicab broker for whom he will be employed with and operating as a taxi driver; and
- (9) any other documentation that may be required by the Clerk or Licensing Officer.

12.3 Every taxicab driver shall:

- (1) at all times while operating a taxicab in the Town display his license and it shall be visible to passengers using the taxicab;
- (2) at all times while operating a taxicab wear in a prominent place on the outside of clothing his license so that it is visible at all times when operating a taxicab;
- (3) carry a valid Ontario Driver's Licence at all times when operating a taxicab;
- (4) be at liberty to refuse to serve any person who is in possession of an animal, other than a person who is in possession of an assistance dog (ie. seeing eye dog);
- (5) drive the taxicab in the most direct traveled route to the point of destination unless otherwise directed by the passenger;
- (6) keep in the taxicab a current street guide or map of the Town and surrounding area satisfactory to the Clerk or Licensing Officer;
- (7) while operating the taxicab, maintain the interior of the taxicab in a clean condition and good repair;
- (8) report, each day, upon completion of the operation of the taxicab, all defects in the taxicab to the owner;
- (9) keep a daily trip sheet showing, for each taxicab:
  - (a) a record of all trips made by the taxicab that day;
  - (b) taxicab driver(s) name;

- (c) the date, time and location of the beginning and the termination of each trip;
  - (d) the meter readings at the start and finish of each working period;
  - (e) the amount of the fare collected for each trip recorded on the taxi meter;
  - (f) Ministry of Transportation license plate number of the taxicab; and
- (10) retain all trip sheets for a least twelve (12) months and make them available for inspection at the request of the Clerk or Licensing Officer;
- (11) submit a written report within seventy-two (72) hours or at such time as the Clerk or Licensing Officer may prescribe whenever a taxicab is involved in an accident whether such accident was in or out of the limits of the Town.

### **SECTION 13 - DRIVER PROHIBITIONS**

#### 13.1 No taxicab driver shall:

- (1) smoke, or permit anyone to smoke, any pipe, cigar, cigarette or any tobacco products in any taxicab;
- (2) carry any passenger, other than paying passengers, while the vehicle is being used as a taxicab or while on duty;
- (3) use any tariff card, other than that obtained from the Clerk or Licensing Officer, or remove, exchange, lend or otherwise dispose of the tariff card;
- (4) operate a taxicab when the meter has not been adjusted in accordance with the rates as may be set by Council from time to time and/or when the meter has not been approved and sealed by the Clerk or Licensing Officer;
- (5) operate a taxicab when the taxicab meter does not operate properly;
- (6) operate a taxicab when the taxicab meter seal is missing and/or improperly affixed;
- (7) operate a taxicab without a Town of Newmarket taxi plate, a roof light or the taxi number and company name on the vehicle as required under the provisions of this by-law;
- (8) operate for the purpose of a pick up location in the Town, a taxicab not licensed pursuant to this by-law;
- (9) operate for the purpose of a pick up location in the Town, a taxicab without being a licensed driver pursuant to this by-law.

13.2 When a taxicab driver has had his Ontario Driver's Licence suspended, cancelled or revoked, or where the said license has expired and no longer valid, the driver's license issued under this by-law shall be deemed to be suspended as of the date of suspension, expiration, cancellation or revocation of the Ontario Driver's Licence and the driver shall immediately return to the Clerk or Licensing Officer the license issued under this by-law.

13.3 If at any time the taxicab driver's photograph is not a reasonable likeness of the driver due to physical changes or the passage of time, the Clerk or Licensing Officer may require that the driver attend at the Clerk's Office for the purpose of taking an updated photograph.

## **SECTION 14 - SALE OF TAXICAB PLATE**

- 14.1 No owner shall sell a taxicab plate, unless:
- (1) he has held that license as an owner for at least three (3) years, except when the taxicab plate has been issued from the Priority List, in which case it must be held for a minimum of five (5) years.
- 14.2 It shall be deemed to be a sale of a plate when at least fifty-one percent (51%) of the voting rights attached to all shares of a corporation, which is duly licensed under this by-law as an owner, are sold or otherwise disposed of.
- 14.3 When the Clerk approves a sale of a plate, the new owner must submit his taxicab for inspection.
- 14.4 Unless otherwise expressly provided for in this by-law, no sale of a plate shall be approved unless the purchaser is a person entitled to be licensed pursuant to this by-law.
- 14.5 An owner selling a plate shall:
- (1) request permission to sell the plate, in writing to the Clerk;
  - (2) complete and file with the Clerk or Licensing Officer a declaration as supplied by the Clerk or Licensing Officer;
  - (3) provide a fully detailed contract of sale of the taxicab plate;
  - (4) return to the Clerk or Licensing Officer the taxicab plate issued in his name which is being sold.
- 14.6 The applicant for the purchase of the taxicab plate shall:
- (1) complete and file with the Clerk an application for a taxicab plate;
  - (2) pay the prescribed fee as set by Council from time to time in respect to the renewal of a taxicab plate.

## **SECTION 15 - SALE OF TAXICAB PLATE UPON DEATH**

- 15.1 Where the owner of a taxicab plate dies, the plate shall be suspended and removed from the taxicab forthwith.
- 15.2 Upon the death of an owner, the taxicab plate shall be returned to the Clerk or Licensing Officer and after filing documentation sufficient to prove that the taxicab plate is an asset of the estate, the plate may be transferred to the estate of the deceased owner and may be held in the name of the estate and the plate may be used by the estate provided it is operated in accordance with the provisions of this by-law and to a person qualified under this by-law.
- 15.3 If the taxicab plate is transferred to the estate of a deceased owner, it can only be held in the estate for a period of one year from the date of transfer and if it is not disposed of in that period, the Clerk or Licensing Officer may revoke it.
- 15.4 To transfer a taxicab plate to the estate of a deceased owner, the following must be filed with the Clerk or Licensing Officer:
- (1) an original or certified copy of a death certificate;
  - (2) a statutory declaration of the person who is the Estate Trustee or Guardian or the Attorney under Power of Attorney or other legally appointed representative as the case may be;
  - (3) proof that the person transferring the plate has legal status to effect the transfer;

- (4) proof of automobile insurance in the name of the estate;
- (5) proof of ownership of the motor vehicle, in the name of the estate; or
- (6) any other supporting documentation deemed necessary by the Clerk or Licensing Officer.

#### **SECTION 16 - INSURANCE**

- 16.1 Every owner shall submit a copy of the insurance policy or a certificate of automobile insurance to the Clerk or Licensing Officer that is issued by an insurer duly authorized to issue insurance within the Province and Ontario and for each taxicab, coverage shall be in the amount of \$2 million (\$2,000,000.00) dollars for personal injury and property damage arising out of any one accident or occurrence and such policy shall be endorsed to the effect that the Clerk or Licensing Officer will be given at least fifteen (15) days notice in writing of any cancellation, expiration or variation in the policy amount.
- 16.2 Every owner's license who ceases to have automobile insurance in good standing and properly endorsed in accordance with the provisions of this by-law, shall be deemed to be suspended as of the date on which the cessation of automobile insurance came to the attention of the Clerk or Licensing Officer, and the license shall only be reinstated on there being delivered to the Clerk or Licensing Officer, written proof of automobile insurance in accordance with the provisions of the by-law.
- 16.3 All automobile insurance renewal policies or certificates of automobile insurance shall be filed with the Clerk or Licensing Officer five (5) business days prior to the expiry date of the current automobile insurance policy.

#### **SECTION 17 - TAXICAB APPROVAL**

- 17.1 An owner licensed under this by-law who disposes of his taxicab or otherwise ceases to use his taxicab for the purposes permitted under this by-law, before using a new taxicab shall:
  - (1) produce and file the motor vehicle permit in good standing, issued by the Ontario Ministry of Transportation, in the owner's name;
  - (2) produce and file a valid automobile insurance certificate;
  - (3) submit the vehicle for inspection and approval by the Clerk or Licensing Officer;
  - (4) pay the prescribed fee as may be set by Council from time to time;
  - (5) produce and file a Safety Standard Certificate, issued under the *Highway Traffic Act*, current within thirty (30) days;
  - (6) produce and file all documents relating to the vehicle, including, if applicable, a leasing agreement or similar documentation relating to ownership, or vehicle operation;
  - (7) the vehicle to be used shall be submitted for inspection by the Clerk or Licensing Officer during normal office hours and shall not be used as a taxicab until the inspection has taken place, the approval given, and the provisions of this by-law have been satisfied;
  - (8) if the inspection and approval provided for under the provisions of this by-law cannot be completed during normal office hours, the vehicle can be used, provided the owner returns the vehicle for inspection on the date and time specified by the Clerk or Licensing Officer;
  - (9) upon the owner meeting all requirements and provisions of this by-law and subject to the Clerk or Licensing Officer's approval, the vehicle shall be deemed to be licensed as a taxicab.

## **SECTION 18 - MODEL YEAR RESTRICTION**

18.1 No broker, owner or driver /person shall operate or permit to be operated under a taxicab plate:

- (1) A vehicle that is of a model year older than seven (7) years calculated from the 1<sup>st</sup> day of January of the model year of the vehicle and such vehicle shall be replaced by October 31 of the seventh year as follows:

2002 model year shall be replaced by October 31<sup>st</sup> of 2008  
2003 model year shall be replaced by October 31<sup>st</sup> of 2009  
2004 model year shall be replaced by October 31<sup>st</sup> of 2010  
2005 model year shall be replaced by October 31<sup>st</sup> of 2011  
2006 model year shall be replaced by October 31<sup>st</sup> of 2012  
2007 model year shall be replaced by October 31<sup>st</sup> of 2013  
2008 model year shall be replaced by October 31<sup>st</sup> of 2014  
2009 model year shall be replaced by October 31<sup>st</sup> of 2015  
And so on

- (2) a vehicle that is of a model year less then seven (7) years if the vehicle has been deemed unfit by the Clerk or Licensing Officer.

## **SECTION 19 - TAXICAB METER REQUIREMENTS**

19.1 Every owner shall ensure that his taxicab meter is:

- (1) submitted for testing, inspection and sealing by the Clerk or Licensing Officer at such time and such place as may be directed by the Clerk or Licensing Officer and in any event shall be submitted for testing to the Licensing Officer each time the meter is repaired or removed from the taxicab for any reason;
- (2) in good working condition, immediately repaired when necessary and inspected and resealed in accordance with the requirements of this by-law.

## **SECTION 20 - TAXICAB INSPECTION**

20.1 The Clerk or Licensing Officer may require for any reason and at any time, an owner or driver to submit his taxicab for inspection at an appointed place and time and the owner shall submit his taxicab for inspection when required to do so by the Clerk or Licensing Officer or Provincial Offences Officer.

20.2 In the course of such inspection the Clerk or Licensing Officer is entitled to request and have produced all relevant licenses, permits and documentation required pursuant to this by-law and to have access to all invoices, vouchers, appointment books and trip sheets or like documents of the taxicab driver and/or vehicle being inspected, provided such documents are relevant for the purpose of the inspection.

20.3 The Clerk or Licensing Officer shall give notice to the owner of two mandatory inspections a year.

20.4 Upon receipt of a notice of inspection each owner or driver shall attend with the taxicab at the appointed time and place and shall:

- (1) produce to the Clerk or Licensing Officer:
  - (a) the motor vehicle permit in good standing, issued by the Ontario Ministry of Transportation in the vehicle owner's name
  - (b) his Ontario Driver's Licence
  - (c) his taxi drivers license and

- (d) a copy of the automobile insurance certificate, endorsed to show the vehicle being registered and insured;
  - (2) produce and file with the Clerk or Licensing Officer a Safety Standard Certificate issued under the *Highway Traffic Act* current within thirty (30) days.
- 20.5 Failure to submit a vehicle with the above documentation for inspection as required shall result in the taxicab plate and/or driver's license being suspended by the Clerk or Licensing Officer until such time as the vehicle has been inspected and approved pursuant to this by-law.

#### **SECTION 21 - ACCESSIBLE TAXICABS**

- 21.1 Accessible Taxicab plates may be issued at the discretion of the Clerk. Accessible Taxicab plates issued after May 1, 2006 shall remain the property of the Town.
- 21.2 All of the provisions of this by-law in respect of owners, drivers and taxicabs shall apply to an owner, driver and taxicab licensed as an Accessible Taxicab.
- 21.3 In addition to the requirements for taxicabs set out in this by-law, vehicles to be licensed as an Accessible Taxicab shall, as a minimum, permit the loading, transportation and off-loading of persons utilizing a wheelchair or scooter and shall comply with all relevant federal and provincial regulation.
- 21.4 Notwithstanding any other provisions of this by-law in respect of the dispatching of taxicabs, when a customer who is confined to the use of a wheelchair or scooter, requests the service of an Accessible Taxicab, the broker shall ensure that such call shall receive priority over any other request for service to which the taxicab has been dispatched provided that the Accessible Taxicab has not been engaged.

#### **SECTION 22 - TAXICAB PLATE PRIORITY LIST**

- 22.1 Those persons whose names appeared on the Priority List under the provisions of Schedule 18 of By-law 2002-151 as adopted by Council on December 16, 2002 shall, if they continuously comply at all times with all of the requirements of this by-law, have their names placed and maintained on the Priority List in the order in which they appeared on the previous Priority List, as of the date of the enactment of this by-law, with the following exception:
- (1) No person who has been issued an owner's plate from the Priority List may re-enter his name on the Priority List. This clause is not retroactive for applicants who have had their name entered and are currently on the Priority List.
- 22.2 No new Priority List applications will be accepted after May 1, 2006.
- 22.3 A person who's name appears on the Priority List under the provisions of Schedule 18 of By-law #2002-151 and who meets the requirements of Section 12.2 and who has submitted to the Clerk or Licensing Officer the appropriate application and the prescribed fee as may be set by Council from time to time, may have his name maintained on the Priority List provided the following requirements are met:
- (1) the person meets all requirements of this by-law;
  - (2) the application for an owner's plate is in good standing;
  - (3) the person has been licensed as a driver in the Town for twenty-four (24) months prior to the date that the application for the taxicab plate was filed with the Clerk or Licensing Officer;

- (4) the person has provided to the Clerk or Licensing Officer a statement in writing signed by the owner and/or broker with whom the person was employed with or with whom the person provided service as a taxicab driver, taxi dispatcher or an employee of the broker, stating that the person worked as such for an average of at least thirty-five (35) hours per week for eighty-eight (88) weeks of the twenty-four (24) month period immediately before the application was filed with the Clerk or Licensing Officer; and
  - (5) the person has filed a statutory declaration with the Clerk or Licensing Officer that confirms that he meets the requirements of Section 22.3 subsections (3) and (4);
- 22.4 A person who is on the Priority List may reapply to be maintained on that list and once approved such application shall be valid from January 1<sup>st</sup> and expire on December 31<sup>st</sup> of each year in which the person applies.
- 22.5 Any person whose name is on the Priority List and who fails to provide documentation to the satisfaction of the Clerk or Licensing Officer in order to satisfy the provisions of this by-law or does not renew his application with the Clerk or Licensing Officer ten (10) days after the expiry date, shall be removed from the Priority List. Notice of such removal will be given pursuant to the provisions of this by-law.
- 22.6 As each person on the Priority List is issued a plate, the Priority List shall be reduced so that no person's names are remaining on the list. Those persons whose names appeared on the Priority List under Schedule 18 of By-law #2002-151 as adopted by Council on December 16, 2002 shall, if they continuously comply at all times with all of the provisions of this by-law, have their names maintained on the Priority List in the order in which they appeared on the previous Priority List.
- 22.7 Upon the depletion of the Priority List as established by this by-law, plates issued thereafter shall remain the property of the Town. The issuance of such plates thereafter shall be in a form and manner as determined by the Clerk.
- 22.8 A person whose name has been placed on the Priority List shall have his name removed from the Priority List if at any time after his name has been placed on the Priority List:
- (1) he acquires, by purchase or otherwise a taxicab plate or an interest of any kind, whether direct or indirect, in a taxicab plate or becomes a shareholder in or a partner in or acquires some other interest in, a company or firm holding a taxicab plate; or
  - (2) his license issued pursuant to this by-law lapses or is cancelled or revoked or suspended and/or is not in compliance with any provision of this by-law; or
  - (3) he ceases to earn his living in the Region of York on a full-time basis as a driver, owner, broker or as an employee of the broker provided that a driver, owner or broker whose license has been suspended under this by-law shall be deemed not to cease to earn his living on a full-time basis as a driver during the period of his suspension; or
  - (4) he sells a taxicab plate.
- 22.9 A person's name shall only appear once on the Priority List.
- 22.10 For the purpose of this section, no corporation shall be allowed to renew their status on the Priority List.

## **SECTION 23 - ISSUANCE OF PLATE FROM PRIORITY LIST**

- 23.1 The Clerk may issue one taxicab plate for each one thousand and five hundred (1500) persons residing in the Town.
- 23.2 Whenever a plate is issued, it shall be issued to the applicant whose name appears first chronologically on the Priority List provided that applicant meets all other provisions of this by-law.
- 23.4 If an applicant whose name appears on the Priority List is offered a taxicab plate by the Clerk or Licensing Officer which he refuses, his name shall be removed from the Priority List and no new application will be accepted from such applicant.
- 23.5 A taxicab owner's license issued to a person on the Priority List shall be issued on a probationary basis for a period of five (5) years, during which period the owner shall:
- (1) operate the taxicab on a regular shift basis;
  - (2) maintain a good operating record;
  - (3) not sell, or otherwise dispose of his taxicab plate, unless for financial or health reasons and as approved by the Clerk or Licensing Officer.
- 23.6 No person, by virtue of the submission of an application for a taxicab owner's plate or by virtue of the placing of their name on the Priority List, shall obtain a vested right to a taxicab owner's plate or to remain on the Priority List at any time and Council reserves the right to amend or repeal this by-law and any successor by-laws and to place further additional requirements or restrictions on such applicants or persons at any time and from time to time, or to purge or eliminate the Priority List at any time or from time to time.

## **SECTION 24 - REVIEW OF THE PRIORITY LIST**

- 24.1 The Clerk or Licensing Officer shall review the Priority List at regular intervals and at a minimum of once per calendar year, to determine that the listed persons are in compliance with the provisions of this by-law.

## **SECTION 25 - EXEMPTION FOR MEDICAL LEAVE**

- 25.1 If an applicant on the Priority List is required to take medical, educational or a leave of absence for any period of time he shall:
- (1) provide in writing a letter from a duly qualified medical doctor licensed to practice medicine in Ontario detailing the nature of the illness and the expected date of return to work; or
  - (2) provide documentation from the educational institution in which the applicant will be attending to the satisfaction of the Clerk or Licensing Officer; and
  - (3) provide in writing to the Clerk or Licensing Officer a request for permission to take a leave of absence but in no case shall such leave exceed a one (1) year period.

## **SECTION 26 - POWER OF ENTRY**

- 26.1 The Town may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (1) the provisions of this bylaw;
  - (2) an order issued under this bylaw; or
  - (3) an order made under Section 431 of the *Municipal Act*.

- 26.2 Where an inspection is conducted by the Town, the person conducting the inspection may;
- (1) require the production for inspection of documents or things relevant to the inspection;
  - (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
  - (3) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and
  - (4) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.
- 26.3 The Town may undertake an inspection pursuant to an order issued under Section 438 of the *Municipal Act*.
- 26.4 The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of a police force with jurisdiction, as well by any person under his or her direction.

#### **SECTION 27 - PENALTY**

- 27.1 Every person who contravenes a provision of this by-law, including an Order issued under this by-law, is guilty of an offence.
- 27.2 If a person is in contravention of any provision of this by-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 27.3 If an Order has been issued under this by-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- 27.4 Every person who is guilty of an offence under this by-law shall be subject to the following penalties:
- (1) Upon a first conviction, to a fine not less than \$350.00 and not more than \$100,000.00;
  - (2) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$1,000.00 and not more than \$100,000.00;
  - (3) Upon conviction for a continuing offence, to a fine of not less than \$1,000.00 and not more than \$10,000.00 for each day or part of a day that the offence continues;
  - (4) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$1,000.00 and not more than \$10,000.00.
- 27.5 For the purpose of this by-law, "multiple offences" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.
- 27.6 For the purpose of this by-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

**SECTION 28 - SEVERABILITY**

- 28.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.
- 28.2 Where the provisions of this by-law conflict with the provisions of any other by-law or Act, the more restrictive provisions shall apply.

**SECTION 29 - SHORT TITLE**

- 29.1 This By-law may be referred to as the "Taxicab Licensing By-law".

**SECTION 30 - REPEAL/EFFECTIVE DATE**

- 30.1 Schedule 18 of By-law Number 2002-151 and amending By-law Number 2006-142 are hereby repealed and this by-law shall come into force and effect upon its adoption.

ENACTED THIS 29TH DAY OF SEPTEMBER, 2008.

  
Tony Van Bynen, Mayor

  
Anita Moore, Town Clerk