

**TOWN OF MISSISSIPPI MILLS
BY-LAW NO. 12-78**

BEING a by-law for licensing, regulating and governing operators and drivers of taxi cabs.

WHEREAS pursuant to The Municipal Act 2001(S.O. 2001, c.25), Section 150, a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality for health and safety and consumer protection purposes;

AND WHEREAS the Council of the Corporation of the Town of Mississippi Mills deems it desirable to licence and regulate taxicabs business for safety and consumer protection purposes;

AND WHEREAS under section 155 of the Municipal Act, a by-law may establish rates or fares to be charged for the conveyance of property or passengers, provide for the collection of the rates or fares charged for the conveyance and limit the number of taxicabs or any class of them.

NOW THEREFORE the Council of the Town of Mississippi Mills enacts as follows:

1. DEFINITIONS

- 1.1 **Accessible Cab** means a taxicab licensed by the Municipality, which, as design criteria, accommodates one or more persons in wheelchairs without transfer, pursuant to all federal and provincial legislation applicable to vehicles used in the transportation of physically disabled persons.
- 1.2 **Accessible Format** means an alternative format, including large font print.
- 1.3 **Applicant** means a person applying for a licence under this By-law and includes the person renewing a licence.
- 1.4 **Assistive Device** means any device designed or adapted to help people with a disability to perform actions, tasks, and activities.
- 1.5 **Car Pool Vehicle** means a personal motor vehicle not used for personal gain, where the occupants share a common interest and the destination and the occupants, the majority of the time are the same, and where a contribution may be made towards the cost of operating the said vehicle to and from the common destination, but which a fare or charge is not collected for each trip.
- 1.6 **By-law Enforcement Officer** means the appointed By-law Enforcement Officer for the Town of Mississippi Mills.
- 1.7 **Clerk** means the Clerk for the Corporation of the Town of Mississippi Mills.
- 1.8 **Committee** means the Committee of the Whole for the Corporation of the Town of Mississippi Mills.
- 1.9 **Dispatch** means the act, through electronic or other means, of sending a taxicab to a person or persons requesting the service of a taxicab for the purpose of conveying such person or persons in the Town of Mississippi Mills.
- 1.10 **Highway Traffic Act** means *The Highway Traffic Act*, R.S.O. 1990, Chapter H.8 and amendments thereto.

- 1.11 **Individual** means a person other than a corporation or partnership.
- 1.12 **Licence** means a licence issued under this By-law.
- 1.13 **Licencee or Licence Holder** means a person licensed under the provisions of this By-law.
- 1.14 **Mobility Aid** means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability.
- 1.15 **Municipality** means the Corporation of the Town of Mississippi Mills.
- 1.16 **Passenger** means a person in a taxicab other than the taxicab driver
- 1.17 **Physically Disabled Person** means:
- 1.17.1 a person who suffers from a physical disability in such a way that his/her mobility is restricted, including, among others, a person, who uses a wheelchair, crutches, braces or other assisting devices;
 - 1.17.2 a person who, because of a physical disability, requires assistance in boarding or leaving a taxicab.
- 1.18 **Police Officer** means an Officer with the Police Service having jurisdiction in the Municipality.
- 1.19 **Senior Citizen** means a person sixty-five years of age or older;
- 1.20 **Taxicab or Taxi** means a motor vehicle as defined in the *Highway Traffic Act*, other than a car pool vehicle, providing a seating capacity not exceeding the legal limit for that model, including the driver, hired for a person or group of persons, with only one fare or charge collected for the trip.
- 1.21 **Taxicab Driver** means a person engaged in driving or operating a taxicab for, or on behalf of, another person who is the owner thereof, and where a taxicab owner personally drives or operates a taxicab, shall include such owner.
- 1.22 **Taxicab Driver's Licence** means the licence issued by the Town Clerk to the driver of a taxicab.
- 1.23 **Taxicab Licence Plate** means a metal numbered licence plate issued by the Municipality for the identification of the licensed taxicabs.
- 1.24 **Taxicab Operators Licence** means the licence issued by the Town Clerk, to the owner of the taxicabs for hire.
- 1.25 **Taxicab Owner** means a person owning a taxicab or having possession or control thereof pursuant to an installment purchase agreement or by way of rental.
- 1.26 **Town** means the geographic Town of Mississippi Mills.
- 1.27 **Trip** means the distance and time travelled and the distance and time to be travelled, measured from the time and point at which the passenger first enters the taxicab to the time at which the passenger finally leaves the taxicab, which includes but is not limited to the journey between any two points in the Town limits for one or more passengers.

2. GENERAL REQUIREMENTS

- 2.1 No person being the owner of a taxicab shall carry on the business of conveyance of goods or passengers for hire, gain or reward without first obtaining a Taxicab Operator's Licence under this By-law entitling them to do so.
- 2.2 An operator may license as many taxicabs and hire as many taxi drivers, as the operator deems necessary to provide adequate service to the public.
- 2.3 No person shall employ a person as a driver of a taxicab unless said person has been issued a Taxicab Driver's Licence by the Town Clerk.
- 2.4 No person shall operate a taxicab for the transportation of passengers from any point in the Town except under the authority of a Taxicab Driver's Licence issued by the Town Clerk.
- 2.5 No person shall accept calls in any manner for taxicabs to be used for the transportation of passengers or goods from any point within the Town except under the authority of a Taxicab Operator's Licence issued by the Town to the owner or operator of the taxi business.
- 2.6 No taxicab operator may have full or partial ownership in any more than one taxi business operating under a Taxicab Operator's Licence within the Town.
- 2.7 No licence is required for the operation of a taxicab within the Town provided such taxi is operating for the sole purpose of discharging a passenger who was picked up outside the Town limits.
- 2.8. Notwithstanding Section 2.5, no person shall dispatch a taxicab to commence the transportation of passengers within the Town limits where the owner of the taxicab does not hold a licence for a taxicab in the Town.

3. TAXICABS FOR PHYSICALLY DISABLED PERSONS

- 3.1 Accessible cabs operated by a non-profit organization that are available to Physically Disabled Persons and are supplying a service to or for physically disabled persons may be exempt from the Licence fees as prescribed in Schedule "A" of this by-law.
- 3.2 All taxicab operators and taxicab drivers for accessible cabs must apply for all appropriate licences and successfully fulfill the requirements for said licences as prescribed in this by-law.
- 3.3 All taxi operators and taxicab drivers supplying a taxi service to persons with disabilities must pay the licence fees as prescribed in Schedule "A" for each licence as required by this by-law.
- 3.4 Despite section 3.3 non-profit organizations are exempt from paying the licence fees.

4. CONDITIONS FOR ISSUANCE OF A TAXICAB OPERATOR'S LICENCE

- 4.1 All new applicants for a taxicab operator's licence shall submit an application form provided by the Town and pay all appropriate fees as prescribed in Schedule "A".
- 4.2 On an annual basis, previously approved operators must pay the appropriate fees listed in Schedule "A" of this by-law and submit an application form prescribed by the Town to the Clerk for renewal of their licences.
- 4.3 The By-law Enforcement Officer may at his/her discretion instruct the non-issuance of a renewal of a Taxicab Operator's Licence, after conferring with the local Police Service, if he/she is not satisfied as to the good character and competence of the applicant.
- 4.4 The applicant may appeal the decision of the By-law Enforcement Officer not to renew said Taxicab Operator's Licence to the Committee for reconsideration within 30 days of the refusal to renew.
- 4.5 The operator of a taxicab business must submit to the Municipality a written certificate of an insurer, duly licensed under the Insurance Act to carry on in Ontario the business of automobile insurance, which includes:
 - 4.5.1 a motor vehicle liability policy which is, on the date of the certificate, in full force and effect,
 - 4.5.2 a liability policy amount not less than \$2,000,000.00 against loss or damage resulting from bodily injury to or the death of one or more persons, including passengers as well as third parties, and loss of or damage to property in any one accident.
 - 4.5.3 15 days written notice to the Municipality of cancellation or non-renewal.
- 4.6 The previously stated insurance requirements in Section 4.5 shall apply to each vehicle that is used as a taxicab.

5. LEASING AGREEMENTS

- 5.1 A taxicab owner may, in lieu of purchasing a motor vehicle for use as a taxicab, obtain a motor vehicle by a leasing agreement provided that the leasing agreement for the motor vehicle to be used as a taxicab:
 - 5.1.1 is the holder of the current motor vehicle permit issued pursuant to the *Highway Traffic Act* and;
 - 5.1.2 specifies as a minimum requirement:
 - a) the date of execution of the leasing agreement;
 - b) the name and address of the lessee and lessor;
 - c) the make, model, serial number and year of the motor vehicle;
 - d) the motor vehicle permit number issued pursuant to the *Highway Traffic Act*;
 - e) the term and expiry date of the leasing agreement;
 - f) the terms and conditions under which the lessee had the right to possession and control of the vehicle, under specified terms and conditions;

- g) all of the lessor's and lessee's rights to early termination of the leasing agreement;
- h) the consideration, and the signatures of the lessee, the lessor and the witnesses thereto.

5.2 The taxicab owner licensed under this by-law, who has entered into a leasing agreement under subsection 5.1.1 and 5.1.2 of this By-law shall file with the Clerk on the later date of issuance of the licence or the effective date of the leasing agreement a copy of the leasing agreement containing all the information referred to in subsections 5.1.1. and 5.1.2.

5.3 Every taxicab owner shall notify or cause to be notified the Clerk in writing ten (10) days before the termination of the leasing agreement for the motor vehicle registered in respect of his or her Taxicab Operator's licence with the Municipality.

6. VEHICLE STANDARDS

6.1 The operator of every licensed taxicab shall at all times keep the same in a clean and sanitary condition and in good repair.

6.2 The By-law Enforcement Officer upon finding a taxicab in disrepair, or in an unclean, or unsanitary condition, may notify the owner thereof to cease operation of the same as a licensed taxicab and vehicle until such time as the same has been put in a clean and sanitary condition and is in good repair.

6.3 In accordance with Section 6.2, no person shall operate a motor vehicle as a taxicab if the By-law Enforcement Officer has found said vehicle in disrepair, unclean or unsanitary and has notified said operator as such.

6.4 The operator of every taxicab and vehicle licensed under this by-law or anyone acting in his behalf shall submit to the Town, a Certificate of Mechanical Fitness before a vehicle is licensed as a taxicab. A competent mechanic shall sign said Certificate of Mechanical Fitness, and said mechanic shall not be the owner or be employed by the owner of the taxicab business.

6.5 The operator of a taxicab must submit a new Certificate of Mechanical Fitness annually with their application for renewal of a Taxicab Operator's Licence.

6.6 Every owner of one or more licensed taxicabs shall file with the Town Clerk the names and addresses of all drivers employed by him or her and shall forthwith advise the Town Clerk of all changes in his or her staff of drivers.

6.7 Every operator of a taxicab shall submit his or her taxicab for the inspection of the By-law Enforcement Officer or Police Officer when required and no operator or driver shall at any time, when his or her vehicle is not employed, hinder the said officer from entering such vehicle, garage or other building for the purpose of inspecting such vehicle, or the premises where such vehicle is or is kept.

6.8 Every taxicab owner shall ensure that each taxicab is equipped at all times with at least five (5) serviceable tires, one of which shall be available as a spare and each of which shall comply with the Tire Standards and Specifications, R.R.O 1990 Reg 625, as amended under *The Highway Traffic Act*.

- 6.9 Every licensed taxicab owner shall consider accessible cabs when adding vehicles to the fleet.

7. REPLACEMENT VEHICLES

- 7.1 Every licensed taxicab owner who replaces his or her taxicab shall apply to the Clerk to change the vehicle with respect to which the licence is designated prior to operating the taxicab, and shall comply with the provisions as prescribed by this by-law.
- 7.2 Upon the Clerk being furnished with satisfactory proof that the applicant has complied with subsection 7.1 and has paid the fee set out in Schedule "A", the Clerk shall change the vehicle with respect to which the taxicab licence is designated.
- 7.3 Every licensed taxicab owner shall consider accessible cabs when replacing vehicles in the fleet.

8. TAXI LICENCE PLATES

- 8.1 Each licensed taxicab owner shall ensure that the Taxi Licence Plate is externally affixed to the rear bumper of each taxicab that is licensed in accordance with this by-law and is clearly visible.
- 8.2 The Taxi Licence Plate is the property of the Municipality and shall be surrendered to the Municipality upon termination of the taxi licences.
- 8.3 No person shall affix a Taxi Licence Plate to a vehicle that has not been issued a taxicab licence or without the prior approval of the Municipality and after paying the applicable transfer fees.

9. TAXICAB DRIVER LICENCE

- 9.1 Every application for a Taxicab Driver's Licence issued under this by-law shall be submitted to the Clerk on prescribed forms and payment of all appropriate fees as set out in Schedule "A" of this by-law.
- 9.2 No person shall be issued a Taxicab Driver's Licence unless the applicant has given to the Clerk satisfactory proof that:
- 9.2.1 the applicant is at least eighteen (18) years of age.
 - 9.2.2 the applicant is a holder of a current driver's licence of the appropriate class issued pursuant to the *Highway Traffic Act*, and regulations passed hereunder, or
 - 9.2.3 the applicant has consented to a criminal reference check made by or on the behalf of the local Police Service on its prescribed form attached hereto as Schedule "C" and as from time to time amended;

- 9.2.4 the applicant has filed two signed current photographs five (5) centimetres by five (5) centimetres in size and that bear a reasonable likeness to the applicant;
- 9.3 One of the photographs described in section 9.2.4. shall be attached by the Municipality to the Taxicab Driver's Licence, which said licence shall be displayed in the interior of the cab in such place and in such manner and form as directed by the Town.
- 9.4 No person shall transfer employment from one Taxicab Company to another without first reporting said transfer to the Clerk and obtaining the Taxicab Driver Transfer Licence and paying appropriate fees as prescribed in Schedule "A".
- 9.5 Every Taxi Cab Driver shall make available vehicle registration and licence information in an accessible format upon request.

10. LICENSED TAXICAB DRIVER'S DUTIES

- 10.1 No person shall use a vehicle as a taxi that is in an unsafe driving condition, unclean or untidy inside.
- 10.2 Every driver shall ensure that he or she is neat, clean and polite in manner.
- 10.3 No person while driving a taxicab shall fail to take reasonable care to prevent passengers from leaving any property in the vehicle.
- 10.4 No person shall while driving a taxicab fail to restore property left in a cab to the rightful owner, or deliver it to the Municipality with all relevant information for the owner to claim.
- 10.5 No person shall drive a taxicab without displaying at all times in the prescribed location referred to in Section 9.3 the Driver's Licence Certificate issued to them by the Town when engaged as a driver of said taxi.
- 10.6 No person while driving a taxi shall:
- 10.6.1 take, consume or have in possession any intoxicating liquor, or other substance, which would affect the driver's capabilities to drive a motor vehicle.
 - 10.6.2 permit any immoral, indecent or disorderly conduct in the vehicle.
 - 10.6.3 make any loud noise or disturbance, such as the unnecessary blowing of a horn, or use obscene, impertinent or abusive language, or molest, annoy or insult any passenger or other person.
 - 10.6.4 carry in any vehicle more people or goods than the manufacturer's rating or seating capacity allows for such vehicle.
 - 10.6.5 after leaving a starting point with a passenger, take on any new additional passengers without the consent of those who have already engaged the driver.

- 10.6.6 smoke if a passenger asks that the taxi driver refrain from smoking while the passenger is in the taxicab.
- 10.6.7 refuse to serve the first person requesting the service of the taxicab unless such person requiring the service:
- a) owes the driver for a previous fare or service.
 - b) upon being requested by such driver, the person refuses to disclose the final destination before or immediately after entering the taxicab.
 - c) asks the driver to be driven to a remote place in circumstances, which such driver reasonably believes to be unsafe.
 - d) has an excessive number of items that will not fit in the cab.
 - e) is unduly obnoxious, intoxicated or abusive.
- 10.6.8 refuse to allow a dog while serving as a guide or leader dog for a blind person, to enter and remain in the taxicab during the term of the fare.
- 10.7 The Taxicab Driver must record immediately all reasons why he or she refused service to an individual and retain the record of refusal for a period of thirty (30) days.
- 10.8 A Taxicab Driver if requested must give a passenger a receipt showing, the driver's name, the date and time of the trip, the points of origin and destination, and the cost of the trip.
- 10.9 A Taxicab Driver may not charge for time lost through defects or inefficiency of the taxicab or incompetence in driving
- 10.10 A Taxicab Driver may not charge a higher fee for transporting persons with disabilities or charge a fee for storage of mobility aids or assistive devices.

11. EXPIRY, SUSPENSION OR REVOCATION OF LICENCES

- 11.1 All taxicab operators' licences and all taxicab drivers' licences issued by the Town shall expire on the 31st day of December each year.
- 11.2 The holder of the licence is responsible to apply for renewal on or before the date of the first day of January each year.
- 11.3 The By-law Enforcement Officer may at any time, for any cause appearing to him or her to be sufficient, suspend the licence issued to any taxicab operator or any taxicab driver and shall, in such event report such suspension forthwith to the Committee of the Whole; and the Committee may either continue such suspension for such period of time as it shall determine or may reinstate such licence, or if the circumstances shall appear to warrant such action, may revoke said licence.
- 11.4 Anyone convicted under any section of the *Liquor Licence Act*, the *Food and Drug Act*, the *Criminal Code of Canada* or the *Highway Traffic Act* shall be liable to have the taxi operator's licence or taxi driver's licence suspended or cancelled.
- 11.5 The Committee, after a hearing, may revoke any or each of the licences held by a licensee for cause and without limiting the generality of the foregoing for:
- 11.5.1 a breach of the law;
 - 11.5.2 anything which may be in a way adverse to the public's interest;

- 11.5.3 any other matter which the Municipality is authorized by law to consider, or
- 11.5.4 any violation of the provisions of this By-law.
- 11.6 The Committee may suspend a licence for cause for any period that is less than the un-expired part of the period for which it was issued in lieu of revocation as provided in subsection 11.5. hereof.
- 11.7 The Clerk upon receipt of the report suspending or revoking a licence shall determine the time and date of the hearing which shall be the next meeting of the Committee of the Whole, and shall forthwith give notice in writing to the licensee, and said notice shall:
 - 11.7.1 state the time, date, place and purpose of the hearing and a statement as to the reasons for the suspension, including reasonable information of any allegations as to the character, or propriety of conduct or competence of a licensee, if same are in issue; and
 - 11.7.2 state if the licensee does not attend the hearing, the Committee may proceed in his or her absence and he or she will not be entitled to any further notice;
 - 11.7.3 be served personally or by registered mail to the licensee at his or her address last known to the Town Clerk.
- 11.8 The Committee shall give its decision in writing to the Town Clerk within seven (7) days of the date of the completion of the hearing.
- 11.9 The Clerk, in receipt of the decision referred to in 11.8 hereof, shall forthwith notify the By-law Enforcement Officer and local Police Service and the licensee of the decision by serving the licensee a copy personally or by registered mail to the licensee's last known address or the counsel or agent of the licensee, at his or her address as stated to the Municipality.
- 11.10 The Committee's decisions shall be final and binding.

12. PASSENGER CONDUCT

- 12.1 No person, while a passenger in a taxicab, shall smoke if requested not to by the taxicab driver or another passenger.
- 12.2 A passenger may refuse to take a taxicab made available to the person if that taxicab does not meet the vehicle standards or the licensed taxicab driver's duties as provided for in this By-law.

13. ADMINISTRATION AND PENALTIES

- 13.1 This By-law shall be enforced by By-law Enforcement Officers and/or a Police Officer.
- 13.2 Any notice or order required to be given or served under this By-law is sufficiently given or served if delivered personally or sent by registered mail, addressed to the

person to whom delivery or service is required to be made at the last address for service appearing on the application record submitted the Town Clerk.

- 13.3 All notices served by mail pursuant to this By-law shall be deemed to be received five (5) days following mailing of the notice.
- 13.4 Any person who contravenes any of the provisions of this By-law, and the procedures with respect thereto is guilty of an offence and the penalty upon conviction therefore shall be as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33 and amendments thereto.

14. IDEMNIFICATION

No person shall be granted or hold a licence for a Taxicab Operator's Licence unless he or she has in writing on a form prescribed by the Town, found in Schedule "B" agreed to indemnify and hold harmless the Municipality, its agents, servants, employees and officials from any claims, actions or suits which might be brought against the said person and the Municipality arising out of the operation of the taxicab in any manner whatsoever, or any error, negligence, or omission of the person, his agents, servants or employees.

15. VALIDITY

- 15.1 If any section of this By-law is for any reason deemed invalid by a competent court of law, the remaining sections shall remain in effect until repealed.
- 15.2 Where provisions of this By-law conflicts with any other By-laws in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.
- 15.3 This By-law shall come into force and take effect on the day of its passing.

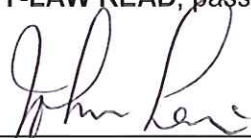
16. SHORT FORM

- 16.1 This By-law may be referred to as the Taxi By-law.

17. REPEAL OF BY-LAWS

- 17.1 That By-law No. 09-19 shall be and is hereby repealed.

BY-LAW READ, passed, signed and sealed in open Council this 13th day of December 2012.



John Levi, Mayor



Robert Tremblay, Town Clerk



By-law 12-78

SCHEDULE "A"

The applicable fees shall be determined in accordance with the by-law to establish fees and charges for services provided by the Town of Mississippi Mills in force and effect.

**By-law 12-78
SCHEDULE "B"**

INDEMNIFICATION

In accordance with Section 14 of By-law 12-78, I hereby agree to indemnify and hold harmless the Town of Mississippi Mills, its agent, servants, employees and official from any claim, actions or suit which might be brought against the Town of Mississippi Mills arising out of the operation of my taxicab(s) in matter whatsoever, or any error or omission.

Further, I hereby acknowledge that the Town of Mississippi Mills will receive in writing (at least 15 days prior notice) of any cancellation or expiration, or any changes to the terms and conditions of any insurance policy regarding a licensed vehicle.

Owner/Agent Signature

Date

By-law 12-78

SCHEDULE "C"

Police Criminal Reference Check