

This is an office consolidation of By-law #53-09 and amendments thereto. For accurate reference you should consult the original by-laws that are retained by the Clerk

BY-LAW NUMBER 53-09 (As amended by By-Laws 52-10,132-10, 111-11, 218-11 and 113-12)

- OF -

THE CORPORATION OF THE COUNTY OF BRANT

To License, Regulate and Govern Owners and Drivers of Taxicabs, and Taxicab Brokers, and to Prohibit the Carrying on of or Engaging in these Occupations and Businesses without a License

WHEREAS Section 151 of the *Municipal Act*, 2001 S.O. 2001, c. 25, enables the Councils of local municipalities to pass by-laws to provide for a system of licenses with respect to any business wholly or partly carried on within the municipality, including the licensing, regulating and governing of real and personal property used for the business, and to provide for the payment of administrative penalties for failure to comply with any part of that system of licenses and for prohibiting the carrying on of or engaging in the business without a license;

AND WHEREAS Section 156 of the *Municipal Act*, 2001 S.O. 2001, c. 25, provides that a by-law passed for licensing owners and drivers of cabs may establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality and for providing for the collection of such rates or fares charged for the conveyance and for limiting the number of taxicabs or any class of them;

AND WHEREAS Section 441 of the *Municipal Act*, 2001 S.O. 2001, c.25, provides that unpaid fines that become due and payable under section 66 of the *Provincial Offences Act* are deemed to be unpaid taxes, provided the municipality has authorized the treasurer or their agent to give written notice specifying the amount payable and the date payable not less than 21 days after the date of the notice;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT hereby enacts as follows:

PART I - GENERAL

1. DEFINITIONS

In this by-law:

- (1) **“Accessible Taxicab”** means a *taxicab* that complies with *Highway Traffic Act* Regulation 629, R.R.O. 1990, as amended.
- (2) **“Applicant”** means a *person* applying for a *license* under this by-law.
- (3) **“Cab”** means a *taxicab*.

- (4) “**Carry on**” when used in reference to a *cab* or to a *taxicab brokerage* business means to *operate*, engage, drive, or make a *cab* available for the *conveyance* of *passengers* for hire or reward and includes waiting for, accepting, or *dispatching orders*.
- (5) “**Clerk**” means the Clerk of the Corporation of the County of Brant, or their designate.
- (6) “**Compensation**” includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly.
- (7) “**Conveyance**” means to carry, transport, transfer or move.
- (8) “**County**” means the Corporation of the County of Brant.
- (9) “**County of Brant**” means the geographic area contained within the boundaries of the Corporation of the County of Brant.
- (10) “**Council**” means the Council of the Corporation of the County of Brant.
- (11) “**Dispatch**” means the communication of an *order* or information in any manner between a *taxicab broker/ taxicab owner* and a *taxicab driver*.
- (12) “**Disability**” means a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c 11
- (13) “**Driver**” means any *person* who drives a *cab* and who is required to be *licensed* under this by-law.
- (14) “**Driver Identification Card**” means the photo identification issued by the *Licensing Officer* to a *Licensed Taxicab Driver*.
- (15) “**Fare**” means the amount of money charged for the *trip*.
- (16) “**Fee**” means the amount payable to the County as described in the County of Brant Fees and Charges By-Law.
- (17) “**Fleet**” means more than one *cab* owned by the same *person*.
- (18) “**Fleet owner**” means the *owner* of a *fleet*.
- (19) “**Grossly unclean person**” means a *person* covered in an amount of dirt and/or other material so excessive that if transported by the *driver*, the state of the *person* could leave the interior of the *vehicle* in an unclean state.
- (20) “**Lease**” includes any arrangement or agreement whereby the *owner* gives to some other *person* an exclusive right to manage, *operate*, and have custody and control over the use of the *taxicab*, and does not include an arrangement where a *taxicab driver* is compensated by the *owner* for driving the *cab* where the *cab* is returned, at the conclusion of the shift, to the possession and control of the *owner*.
- (21) “**License**” means the document issued to an *applicant* by the *County* as proof of being *licensed* under this by-law.
- (22) “**Licensee**” means any *person licensed* under this by-law.
- (23) “**Licensed**” means *licensed* under this by-law.
- (24) “**Licensing Officer**” means the *person* assigned responsibility for the administration of this by-law.
- (25) “**License Tribunal**” means the tribunal appointed by *Council* to conduct *license* hearings.

- (26) **“Limousine”** means a *Motor Vehicle* which is used for the *conveyance* of *passengers* for *compensation*, and which is hired solely for the *conveyance* of *passengers* on an hourly basis; and
- (i) is hired by any one *person* for a minimum duration of one continuous hour in any given day; and
 - (ii) is hired based on an hourly rate paid in full, in advance of commencement of the *trip*; and
 - (iii) for the duration of the prepaid *trip*, does not permit the hiring of the *motor vehicle* by any other *person*.
- (27) **“Mobility aid”** means a device used to facilitate the transport, in a seated posture, of a person with a disability.
- (28) **“Mobility assistive device”** means a cane, walker or similar aid.
- (29) **“Motor vehicle”** means an automobile and any other *vehicle* propelled or driven other than by muscular power, but does not include the cars of electric or steam railways, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act* R.S.O. c.h. 8.
- (30) **“Municipal Law Enforcement Officer”** means a Municipal Law Enforcement Officer appointed by the *Council*.
- (31) **“Officer”** means a *Municipal Law Enforcement Officer* appointed by the *Council*, or a member of the Police Service of the *County*.
- (32) **“Operate”** when used in reference to a *taxicab* includes to drive the said *motor vehicle* or to make it available to the public in service as a *taxicab* and operated and *operation* have corresponding meanings.
- (33) **“Order”** means a request for the *conveyance* of *passengers* by a *taxicab* received by a *taxicab broker* or a *taxicab owner*.
- (34) **“Owner”** means a *person* who is the registered *owner* of a *cab* and who is required to be *licensed* under this by-law.
- (35) **“Owner’s plate”** means a *vehicle license* plate issued to an *owner* under this by-law.
- (36) **“Passenger”** means any *person* in a *cab* other than the *driver*.
- (37) **“Person”** includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
- (38) **“Registered owner”** means the *person* shown to be the *owner* of a *motor vehicle* according to the records maintained by the Registrar of Vehicles for the Province of Ontario.
- (39) **“Revoke”** means to withdraw or rescind.
- (40) **“Standard taxicab”** means a *taxicab* that does not meet the requirements of an *accessible taxicab*.
- (41) **“Taxicab”** means a *motor vehicle* used for the *conveyance* of *passengers* for *compensation*, but does not include a *limousine* as defined in this by-law, or a *vehicle licensed* pursuant to the *Public Vehicles Act*, R.S.O. 1990, Chapter P.54, as amended.

- (42) “**Taxicab broker**” means a *person* who accepts calls for *taxicabs* used for hire and owned by someone other than the *person*, his or her immediate family or the *person’s* employer.
- (43) “**Taxicab Meter**” means a mechanical or electronic device used to measure time and distance for the purpose of calculating the *fare* payable for the *trip*.
- (44) “**Trip**” means the distance and time traveled or the distance and time to be traveled measured from the time and point at which the *passenger* first enters the *taxicab* to the time and point at which the *passenger* finally leaves the *taxicab*.
- (45) “**Trip sheet**” means the written record of the details of each *trip* of a *taxicab*.
- (46) “**Vehicle**” means a *motor vehicle*.
- (47) “**Vehicle Identification Card**” means the card issued by the Licensing Officer containing the vehicle registration and identification information in an accessible format to persons with disabilities who are passengers.
- (48) “**Vehicle Identification Sticker**” means the bumper sticker issued by the Licensing Officer containing the vehicle registration and identification information.

2. **SHORT TITLE**

This by-law may be referred to as the “Taxicab Licensing By-law.”

3. **APPLICATION OF BY-LAW**

- (1) Except where otherwise provided, the provisions of this by-law shall apply to the *operation* of a *taxicab*:
 - (a) to and from any point within the *County of Brant*; or
 - (b) from any point within the *County of Brant* to any point beyond the boundaries of the *County of Brant*, except where the *taxicab* is *licensed* in the municipality where the *conveyance* ended; or
 - (c) from any point outside the boundaries of the *County of Brant* to any point within the *County of Brant*, except where the *taxicab* is *licensed* in the municipality where the *conveyance* originated.
- (2) Except as otherwise provided in section 4, the *fare* provisions as set out in Schedule A shall apply to the *conveyance* of *passengers* to and from any point within the *County of Brant*.

4. **GENERAL EXEMPTIONS**

- (1) The provisions of this by-law shall not apply to the *conveyance* of property in a *motor vehicle*.
- (2) The provisions of this by-law shall not apply to the *conveyance* of property or *passengers* from any point within the *County of Brant* to an airport situated outside the *County of Brant* if:
 - (a) the airport is owned and operated by the Crown in right of Canada and the *taxicab* bears a valid and subsisting plate issued in respect of the airport under the Government Airport Concession Operations Regulations, made under the *Department of Transport Act (Canada)*; or
 - (b) The airport is operated by a corporation or other body designated by the Governor

in Council as a designated airport authority under the *Airport Transfer (Miscellaneous Matters) Act (Canada)* and the *taxicab* bears a valid and subsisting permit or *license* issued by the designated airport authority.

- (3) The provisions of this by-law do not apply to the *conveyance* of students pursuant to a written contract between the *taxicab owner* and a Board or Private School as defined in the *Education Act*, R. S.O., 1990.
- (4) The *fare* provisions of this by-law do not apply to the *conveyance* of *passengers* for *trips* commencing within the *County of Brant* and ending beyond the geographic boundary of the *County of Brant*.
- (5) The provisions of this by-law do not apply to the *conveyance* of *passengers* pursuant to a written Contract with the *County* to transport *persons* with physical, emotional or mental disabilities.

5. **PERSONS WITH DISABILITIES EXEMPTION**

The provisions of this by-law do not apply if the affect would be to restrict, limit, or prevent the *owners* and *drivers* of *taxicabs* from engaging in *conveyances* that meet both of the following criteria:

- (1) the purpose of the *conveyance* is to transport *persons* with physical, emotional or mental disabilities from any point in the *County of Brant* to any point in the *County of Brant* or to any point outside the *County of Brant*;
- (2) the *conveyance* is made pursuant to a written contract for the use of a *taxicab* that is *licensed* to *operate* in the municipality in which the *conveyance* begins or ends.

6. **SCOPE OF BY-LAW**

- (1) Where a provision of this by-law conflicts with the provision of any other legislation relating to *taxicab licensing*, the provision that establishes the higher standard shall prevail in order to protect the safety and welfare of the general public.
- (2) In this by-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.

7. **GENERAL DUTIES – DRIVERS/OWNERS/TAXICAB BROKERS**

Every *driver*, *owner* and *taxicab broker*, shall obtain a *license* from the *County* authorizing such *person* to *carry on* or to engage in the *conveyance* of *passengers* in the *County of Brant* as required by this by-law.

8. **GENERAL DUTIES – LICENSING OFFICER**

The *Licensing Officer* shall be responsible:

- (1) to receive and process all applications for *licenses* and for the renewal of *licenses* to be issued under this by-law; and
- (2) to *issue* and *renew licenses* for *applicants* who meet the requirements of this by-law; and
- (3) to generally perform all of the administrative functions required by this by-law.

PART II – LICENSING PROCEDURE

9. LICENSING PREREQUISITES – DRIVER

Every *person* applying to be *licensed* as a *taxicab driver* shall:

- (1) if applying as a new *applicant*, attend in person, at the Licensing Department of the *County* to file an application and be photographed;
- (2) pay all required fees and complete all application forms provided by the *Licensing Officer*, as applicable;
- (3) if applying as a new *applicant*, produce and file proof satisfactory to the *Licensing Officer* that:
 - (a) they are at least eighteen (18) years of age and a citizen of Canada, a landed immigrant, or hold a valid work permit, issued by the Government of Canada; and
 - (b) they hold in their name, a valid, Class “G” driver’s license issued by the Province of Ontario.
- (4) if applying as a new *applicant*, provide a letter of potential employment from a *licensed owner* for whom they will be driving or file an application to be *licensed* as a *taxicab owner*.
- (5) every two years, produce and file a Police criminal record check issued within the previous thirty (30) days, and a Ministry of Transportation Driver’s Abstract issued within the previous thirty (30) days, indicating that there is no record with regard to the following:
 - (a) a driver’s license suspension within the preceding twelve (12) months as a result of having been convicted or found guilty of driving under suspension, speeding over 50 km above the limit, careless driving, racing on a highway, leaving the scene of an accident, flight from police, or any Criminal Code offence committed by means of a *motor vehicle* or while driving or having care or control of a *motor vehicle*; or
 - (b) a conviction or finding of guilt within the preceding five years, of two or more Criminal Code offences, committed on different dates by means of a *motor vehicle* or while driving or having care or control of a *motor vehicle*; or
 - (c) a conviction or finding of guilt within the preceding five years under section 5, 6 or 7 of the Controlled Drugs and Substance Act of Canada; or
 - (d) a conviction or finding of guilt of sexual or moral offences under the *Criminal Code of Canada*; or
 - (e) a conviction or finding of guilt of any offence for conduct that affords reasonable grounds for believing that he will not properly perform his duties or is not a proper *person* to have custody of children or vulnerable persons; or
 - (f) vulnerable sector screening and a search of the Pardoned Sexual Offenders Database.

10. LICENSING PREREQUISITES – OWNER

Every *person* applying to be *licensed* as a *taxicab owner* shall:

- (1) if applying as a new *applicant*, where the *applicant* is an individual, attend in person at the Licensing Department to file the application and where the *applicant* is a corporation, ensure attendance in person by an Officer or Director of the Corporation having signing authority;
- (2) pay all required fees and complete all application forms provided by the *Licensing Officer*;

- (3) if applying as a new *applicant*, where the *applicant* is an individual, file an application for approval or proof of *licensing* as a *taxicab driver* under this by-law, and where the *applicant* is a corporation, ensure a Director or Officer of the Corporation files an application for approval or proof of *licensing* as a *taxicab driver* under this by-law;
- (4) produce and file proof that they are the holder of a valid *passenger motor vehicle* permit issued by the Ministry of Transportation, in the *applicant's* name for the *motor vehicle* to be *licensed* as a *taxicab*;
- (5) produce and file with the *Licensing Officer*, a valid Safety Standards Certificate or in the case of an *accessible taxicab* a valid Semi-Annual Inspection Certificate issued pursuant to the Highway Traffic Act, R.R.O. 1990, Reg. 611, as amended.
- (6) produce and file a certificate of automobile insurance, issued by an insurer licensed in Ontario, evidencing a *motor vehicle* liability policy as defined in the *Insurance Act*, in respect of each *vehicle* to be *licensed* as a *taxicab*, with a minimum limit of liability in the amount of \$2,000,000.00 per occurrence, and indicating that such policy provides coverage while the *motor vehicle* is used as a *taxicab* to carry *passengers* for *compensation* or hire and is endorsed to provide that the *County* will be given at least ten (10) days notice in writing prior to any cancellation, expiration or change in the amount of the policy;
- (7) produce and file a list of the *taxicab drivers* that will be operating the *taxicab*;
- (8) If applying as a new *applicant*, produce and file proof of the ownership or *lease* of property in the County of Brant that is zoned to permit the operation of a *taxicab* office or produce and file a copy of a contract with a *licensed taxicab broker*;
- (9) If applying as a new *applicant*:
 - (a) where the *applicant* is a corporation, produce and file a copy of the incorporating document, and where the business is operated under a business name other than the name of the corporation, produce and file a copy of the Master Business License proving registration of the business name; and
 - (b) where the *applicant* is an individual operating under a business name, produce and file a copy of the Master Business License proving registration of the business name;
- (10) produce and file a certificate of accuracy with respect to the *taxicab meter* installed in the *vehicle* completed within the past ten (10) days by a qualified and authorized representative of the manufacturer of the *taxicab meter* and on their letterhead, stating that the *taxicab meter* registers accurately in accordance with the rates prescribed in Schedule A.

11. LICENSING PREREQUISITES – TAXICAB BROKER

Every *person* applying to be *licensed* as a *taxicab broker* shall:

- (1) if applying as a new *applicant*, where the *applicant* is an individual, attend in person at the Licensing Department to file the application and where the *applicant* is a corporation, ensure attendance by an Officer or Director of the Corporation having signing authority, to file the application;
- (2) pay all required fees and complete all application forms provided by the *Licensing Officer*;
- (3) produce and file a list of the *taxicab owners* for whom he will be providing *taxicab broker* services;
- (4) produce and file a certificate of liability insurance, issued by an insurer licensed in Ontario, evidencing a commercial liability policy as defined in the *Insurance Act*, in

respect to the operation of a *taxicab broker's* office, with a minimum limit of liability in the amount of \$2,000,000.00 per occurrence, and that is endorsed to provide that the *County* will be given at least ten (10) days notice in writing prior to any cancellation, expiration or change in the amount of the policy;

- (5) if applying as a new *applicant*, produce and file proof of the ownership or *lease* of property in the *County* of Brant that is zoned to permit the operation of a *taxicab* office;
- (6) If applying as a new *applicant*:
 - (a) where the *applicant* is a corporation, produce and file a copy of the incorporating document and where the business is operated under a business name other than the name of the corporation, produce and file a copy of the Master Business License proving registration of the business name; and
 - (b) where the *applicant* is an individual operating under a business name, produce and file a copy of the Master Business License proving registration of the business name.

12. ISSUE AND RENEWAL OF LICENSE

- (1) Subject to subsection 12(3), where an application for a *license* is made or where an application for a *license* renewal is made in accordance with the provisions of this by-law and where the *applicant* or *licensee* meets all the prerequisites as provided for in sections 9, 10 and 11 of this by-law, the *Licensing Officer* may issue or renew the *license*, setting out the expiry date as March 31st of the next calendar year and in the case of an *owner's license*, shall also issue an *owner's plate, fare card*, and in the case of a *driver's license* shall also issue a *driver's identification card* and the *applicant* shall thereby be *licensed*.
- (2) A *person* who is the *owner* of a *fleet* shall take out a separate *license* for each *vehicle* owned by him that is to be used as a *taxicab* in the *County*.
- (3) Where a *fleet owner* has been issued four (4) *standard taxicab licenses*, the fifth (5th) *taxicab owner's license* issued must be for an *accessible taxicab*.
- (4) The *Licensing Officer* may refuse to issue or renew a *license* where an applicant or *licensee* has filed an application that does not meet all the application requirements of this by-law and the decision of the *Licensing Officer* is final.
- (5) Where a *licensee* has filed a renewal application that does not meet all of the requirements of this by-law, and there are extenuating circumstances which prevent the *licensee* from meeting said requirements prior to the deadline date for renewal, the *Licensing Officer* may issue the license subject to compliance with stated conditions within 60 days of the date of issue or may prepare a written notice as set out in section 24(4).

13. TERMS AND CONDITIONS

Notwithstanding any other provision of this by-law, the *Licensing Tribunal* may issue a *license* or renew a *license* subject to such terms and conditions as are deemed necessary.

14. NOTICE OF RENEWAL

The *Licensing Officer* may forward a renewal notice to all the licensees, to the address appearing on their application filed with the Licensing Department and the serving of such notice shall be deemed to have been made in accordance with Section 26 of this by-law. If the *applicant* fails to provide the *Licensing Officer* with notification amending the mailing address on the original application, the *Licensing Officer* shall not be required to make any additional effort to locate a forwarding address for the *licensee*. Applications for renewal must be completed in accordance with the requirements of section 9, 10, or 11 as applicable, and must be filed 15 days prior to the expiration date of the current *license*, in order to be processed prior to the expiration date.

15. LICENSES NOT TRANSFERABLE

Taxicab driver, owner, or broker licenses are non-transferable.

16. RE-PHOTOGRAPHING OF DRIVERS

If at any time, the *driver's* photograph required on the application for a *driver's license* issued under this by-law does not have a reasonable likeness of the *driver*, the *Licensing Officer* may require that the *driver* attend at the municipal office and have their photograph retaken.

17. LOSS OF OWNER'S PLATE

When an *owner's plate, fare card, license, vehicle identification card or vehicle identification sticker* is damaged or lost, the *licensee* shall apply to the *Licensing Officer* for a replacement and shall pay the applicable fee under the *County Fees and Charges By-law*, and the *Licensing Officer* may issue a replacement.

18. REPLACEMENT VEHICLE APPROVAL

- (1) An *owner licensed* under this by-law who disposes of his *cab* or otherwise ceases to use his *cab* for the purposes permitted under this by-law and acquires another *vehicle* for the purposes permitted under this by-law, before using the *vehicle* as a *cab* shall provide a copy of the current valid *passenger motor vehicle* permit issued by the Ministry of Transportation in the *owner's* name, a copy of the current Certificate of Automobile Insurance, and pay the applicable fee as set out in the *County Fees and Charges By-law*.
- (2) In addition to the provisions of subsection (1) an *owner licensed* under this by-law shall produce and file with the *Licensing Officer* either a valid Annual Inspection Certificate or a valid Safety Standard Certificate issued under the *Highway Traffic Act R.S.O. 1990, ch. 8*.
- (3) In addition to the provisions of subsections (1) and (2), the *owner licensed* under this by-law shall produce and file proof that the liability insurance as specified in section 10 (6) has been transferred to the new *vehicle*.
- (4) In addition to the provisions of subsections (1), (2) and (3), the *owner licensed* under this by-law, shall produce and file a certificate of accuracy with respect to the *taxicab meter* installed in the *vehicle* completed within the past ten (10) days by a qualified and authorized representative of the manufacturer of the *taxicab meter* and on their letterhead, stating that the *taxicab meter* registers accurately in accordance with the rates prescribed in Schedule A.
- (5) Where the licensed owner meets all the requirements of this section, the *Licensing Officer* shall prepare a revised owner's license, vehicle identification *card and vehicle*

identification sticker for the replacement vehicle, and shall issue it to the licensed owner upon surrender of original owner's license.

19. DISPOSAL OF TAXICAB

- (1) Where a *taxicab* ceases to be *licensed*, the *registered owner* of the *vehicle*, shall immediately remove from the said *vehicle*:
 - (a) the roof sign;
 - (b) identifying decals or markings required pursuant to Section 33(6)(b); and
 - (c) the *taxicab meter*.

20. NOTIFICATION OF CHANGE OF INFORMATION

When a *licensee* changes any information provided pursuant to section 9, 10 or 11 of this by-law, he shall notify the *Licensing Officer* within forty-eight (48) hours of the change of information relating to the *license*, pay the applicable fee as set out in the *County Fees and Charges By-law*, and provide any required documentation requested.

21. VEHICLE INSPECTION APPROVAL

- (1) Every *taxicab owner licensed* under this by-law shall submit their *vehicle(s)* for one mandatory inspection per year if requested by an *Officer*.
- (2) Inspections may be conducted by an *Officer* or a licensed mechanic, under contract or employed by the *County* and may include:
 - (a) visual exterior and interior inspections;
 - (b) assessment of mechanical fitness;
 - (c) *taxicab meter* accuracy road test.
- (3) In addition to the inspections referred to under subsection (1), each *licensed owner* may be required to provide at his own expense either:
 - (a) a valid Annual Inspection Certificate issued under the *Highway Traffic Act R.S.O. 1990, c.h. 8*, or;
 - (b) a valid Safety Standard Certificate issued under the *Highway Traffic Act R.S.O. 1990, c.h. 8*.
- (4) Notwithstanding subsection (1) of this section where an *Officer* believes that a previously approved *vehicle* no longer meets the inspection approval requirements of this by-law, he may at any time order the *licensed owner* to submit his *vehicle* for the purpose of conducting a re-inspection of the *cab* to ensure compliance with the provisions of this by-law.

22. GROUND FOR REFUSAL TO ISSUE OR RENEW OR TO SUSPEND OR REVOKE A LICENSE

An *application* to issue or renew a *license* may be refused or a *license* may be suspended or *revoked* on the following grounds:

- (1) the past conduct of the *applicant* or *licensee* affords reasonable grounds for the belief that the *applicant* or *licensee* will not *carry on* the activity for which a *license* had been or may be issued or renewed in accordance with law and with integrity and honesty;
- (2) the issuance, renewal or continuance of the *license* would be contrary to the public interest;
- (3) the *applicant* fails to comply with section 9, 10, or 11 of this by-law;

- (4) the *applicant* or *licensee* is *carrying on* activities that are or have been, in contravention of this by-law;
- (5) the *licensee* has failed to comply with any term or condition attached to the *license* issued or renewed under this by-law;

23. NOTICE OF RECOMMENDATION TO THE LICENSING TRIBUNAL

Where there are reasonable grounds to believe that an *applicant* or *licensee* is not entitled to be *licensed* for any of the grounds set out in section 22, the *Licensing Officer* shall prepare a written notice advising the *applicant* or *licensee* that a recommendation will be made to the *Licensing Tribunal* that their license be suspended, that it be issued pursuant to specified terms and conditions, that it not be issued or renewed, or that it be *revoked*.

24. CONTENT OF WRITTEN NOTICE

The written notice to be given under subsection (1) shall:

- (1) set out the grounds for the recommendation;
- (2) give reasonable particulars of the grounds for the recommendation;
- (3) be signed by the *Licensing Officer*; and
- (4) inform the *applicant* or *licensee* that he is entitled to a hearing before the *Licensing Tribunal* if he delivers within seven (7) days after the date of service of the written notice, a written request for a hearing before the *Licensing Tribunal*, together with the non-refundable fee set out in *County Fees and Charges By-law*.

25. HEARING NOTICE

- (1) The *Licensing Officer* may refuse to issue a *license*, refuse to renew a *license*, suspend a *license* or revoke a *license* where the *applicant* fails to make a request for a hearing in accordance with subsection 24(4).
- (2) On receipt of a written request for a hearing received in accordance with subsection 24(4), together with the non-refundable fee set out in *County Fees and Charges By-law*, the *Licensing Officer* shall request a hearing before the *License Tribunal* and shall give the *applicant* or *licensee* reasonable written notice in accordance with the requirements of the *Statutory Powers Procedures Act, R.S.O. 1990, c S. 22*. Where the good character, propriety of conduct or competence of the *applicant* or *licensee* is an issue, the notice shall provide reasonable information of any allegations with respect thereto.
- (3) Where a notice is received pursuant to section 24(4) and a hearing date before the *License Tribunal* has been fixed and the *applicant* or *licensee* who has been given notice of the hearing does not attend the hearing, the *License Tribunal* may proceed in the absence of the *applicant* or *licensee* and the *applicant* or *licensee* will not be entitled to any further notice in the proceedings.

26. SERVICE OF WRITTEN NOTICE

- (1) Written notice referred to anywhere in this by-law is sufficiently served if delivered personally or sent by regular mail addressed to the *person* to whom service is required to be made according to the Licensing Department records.
- (2) When service is made by regular mail, the service shall be deemed to be made on the fifth day after the day of mailing unless the *person* on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the written notice until a later date.

27. THE HEARING

The hearing before the *Licensing Tribunal* shall proceed in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c S. 22.

28. REFUND OF FEES

Where an application for a license or for renewal of a *license* is refused, the *license* fee, minus a 25% administration fee, shall be refunded. Where a *license* is revoked or suspended by the *License Tribunal* the *license* fee shall not be refunded.

29. REFUSE TO LICENSE, SUSPEND OR REVOKE

- (1) Where a *licensee* has filed a renewal application that does not meet all of the requirements of the by-law, and there are extenuating circumstances which prevent the *licensee* from meeting said requirements prior to the deadline date for renewal, the *License Tribunal* may order that a license be issued conditional upon meeting the requirement by a specified date.
- (2) Where the *License Tribunal* finds that an applicant or licensee is not entitled to be licensed for any of the grounds set out in section 22, the *License Tribunal* shall order that the license be refused, suspended or revoked.
- (3) Where the *License Tribunal* finds that there are insufficient grounds to refuse a license for the reasons as set out in section 22, the *License Tribunal* shall order that the *license* be issued or that the *license* be issued upon specified terms and conditions.
- (4) Notwithstanding any other provisions of this By-law, the *License Tribunal* may impose conditions including special conditions as a requirement of continuing to hold a *license* at any time during the term of the *license*, and may impose special conditions on a *business* in a class that have not been imposed on all of the *businesses* in that class in order to obtain, continue to hold or renew a *license* which may include, but are not limited to, conditions restricting the hours of *business* or conditions that the *business* owner or operator have employees in attendance at the *business* location during the hours of operation to ensure public safety and comfort.
- (5) At the conclusion of a hearing the *License Tribunal* shall, as soon as practicable, give its final decision and any order in writing, and shall give reasons in writing if requested by a party to the hearing.
- (6) The *License Tribunal* shall send the licensee or applicant or their representative, and the *Licensing Officer*, a copy of its final decision or order, including reasons if any have been given, by regular letter mail, by electronic transmission, or by telephone transmission by facsimile.
- (7) The decision of the *License Tribunal* is final.

30. RETURN OF THE LICENSE AFTER REVOCATION OR SUSPENSION

- (1) When a *license* has been revoked or suspended, the holder of the *license* shall return the *license*, *owner's plate*, *vehicle identification card*, *vehicle identification sticker*, *fare card* and the *driver identification card* if applicable, to the Licensing Department within

twenty-four (24) hours of service of written notice of the decision of *Council* and an *Officer* may enter upon the business premises or vehicles of the *licensee* for the purpose of receiving, taking or removing the said *license*, *owner's plate*, *vehicle identification card*, *vehicle identification sticker*, *fare card* and *driver identification card*.

- (2) When a *person* has had his *license revoked* or suspended under this by-law, he shall not refuse to deliver up or in any way obstruct or prevent an *Officer* from obtaining the *license* or the *owner's plate* in accordance with subsection (1) of this section.

31. RIGHT OF INSPECTION OF PREMISES OR VEHICLES

Any *Municipal Law Enforcement Officer* or *Police Officer* may exercise any of the powers of entry, and inspection in accordance with the *Municipal Act*, 2001 S. O. 2001, c. 25 as amended.

PART III - REGULATIONS

32. DRIVER DUTIES

Every *licensed driver* shall:

- (1) report forthwith any *vehicle* safety deficiencies to the *owner* of the *vehicle*;
- (2) when operating a *cab*, carry at all times and produce on the request of an *Officer*, the *taxicab driver identification card*, *trip sheet* and *fare card* issued under this by-law;
- (3) when operating a *cab*,
 - (a) keep a daily *trip sheet* showing:
 - (i) the name of the *driver*, the date, start shift time, end shift time and the *owner's plate* number issued under this by-law;
 - (ii) the time and the municipal address at the beginning and end of every *trip* made;
 - (iii) the amount of the *fare* collected for each *trip*;
 - (b) provide the *owner* of the *vehicle* with a copy of the *trip sheets* daily;
- (4) when operating a *cab* give a *passenger* a receipt showing the *driver's* initials and *license* number and an identifying number of the *vehicle*, when requested, or whenever there is a dispute over the *fare*;
- (5)
 - (1) Subject to subsection 2, except when he has a previous *order* or engagement, when operating a *cab*, serve any *person* requiring the service of his *vehicle* at any place within the municipality, except when the *person*:
 - (a) is intoxicated or disorderly; or
 - (b) refuses to give his destination; or
 - (c) is in possession of an animal other than a guide dog; or
 - (d) is eating or drinking any food or beverage; or
 - (e) has not paid a previous *fare* or cancellation fee; or
 - (f) is, in the opinion of the *driver*, unable or unwilling to pay the *fare* and has been unable or unwilling to satisfy the *driver* that he has the funds to pay the *fare*; or
 - (g) is a *grossly unclean person*;

- (2) The provisions of subsection (1) do not apply to a *licensed driver* who has a disability, impairment or allergy and has filed with the *Licensing Officer* a certificate from his doctor evidencing such disability, impairment or allergy and is unable to service the *fare* by reason of the disability, impairment or allergy, provided he shall make proper arrangement for the servicing of that *fare* before proceeding to his next engagement;
- (6) when a *passenger* enters the *cab* and gives the *driver* the desired destination, shall take the shortest practicable route to the destination desired, unless the *passenger* designates otherwise;
- (7) For *trips* beginning and ending within the *County*, engage the *meter* when the *passenger* first enters the *taxicab* at the commencement of the *trip* and keep the *meter* engaged until the *taxicab* is stopped at the location where the *passenger* exits the *taxicab*;
- (8) Report to the *taxicab owner* any *meter* that is not in proper working order;
- (9) Keep the *fare* card issued by the *Licensing Officer* in plain view of *passengers* at all times.
- (10) Ensure that the *Vehicle Identification Card* is affixed to the dash directly in front of the passenger seat and attached to the back of the driver's seat in such a manner that the information is readily accessible to any passenger.
- (11) Report forthwith any missing or damaged *Vehicle Identification Sticker, Fare Card or Vehicle Identification Card*.

33. **OWNER DUTIES**

Every *licensed owner* shall:

- (1) keep at all times in the *cab*, the current *owner's license* issued for the *cab*;
- (2) ensure that the *owner's plate* is attached and remains attached to the rear, exterior of the *vehicle*;
- (3) maintain the *taxicab* in compliance with the *Highway Traffic Act* – R.R.O. 1990, Reg. 611 and 629;
- (4) Unless using the service of a *licensed taxicab broker*,
 - (a) Accept and *dispatch* calls for *taxicabs*, 24 hours daily each and every day of the year;
 - (b) keep a record of each *taxicab dispatched* on a *trip*, indicating the *taxicab* plate number, name of the *licensed taxicab driver*, the time and date of receipt of the *order*, and the municipal address of the pick-up and drop off location, and retain these records for a six (6) month period and provide these records to the *Licensing Officer* or an *Officer* upon request;
 - (c) upon request, inform any customer of the anticipated length of time required for a *taxicab* to arrive at the pick-up location;
 - (d) *dispatch* a *taxicab* to any *person* requesting service within the municipality, unless the *person* requesting service has not paid for a previous *trip*;
 - (e) retain copies of the daily *trip* sheet submitted by the *licensed driver* of the *cab* for at least six (6) months and make them available for inspection at the request of an *Officer*;

- (5) Notify the *Licensing Officer* of any change to the *taxicab drivers'* list provided pursuant to Section 10(7);
- (6) have in or on his *vehicle*:
 - (a) a spare tire and jack ready for use for that *vehicle*;
 - (b) decals of at least 15 cm in height, affixed on both front fenders of the *cab* which state the *owner's plate* number for that *taxicab* and the *Vehicle Identification Sticker* affixed to the right side of the rear bumper in such a manner that the information is clearly visible directly from the rear of the *taxicab*;
 - (c) the current *fare* card affixed in plain view of *passengers*;
 - (d) a roof sign which is securely attached to the top of the *taxicab* which shall identify the business name under which the *cab* or *fleet* is being *operated*;
 - (e) the *Vehicle Identification Card* affixed to the dash directly in front of the passenger seat and attached to the back of the driver's seat in such a manner that the information is readily accessible to any passenger.
- (7) ensure at least one *licensed taxicab* is available for service 24 hours daily each and every day of the year;
- (8) have affixed to each *taxicab*, in respect of which such *owner* is *licensed*, a *taxicab meter* and shall ensure that each *taxicab meter* so affixed:
 - (a) is submitted to an *Officer* once annually for testing and inspection and at such other time as directed by an *Officer*;
 - (b) is illuminated between dusk and dawn;
 - (c) is located in a position clearly visible to all *passengers* in the *taxicab*,
 - (d) is set in accordance with the rates prescribed in Schedule A of this by-law;
 - (e) is kept in good and accurate working condition at all times;
- (9) Where a *taxicab meter* is in need of repair or replacement outside of the regular business hours, the *licensed taxicab owner* who has had the *taxicab meter* repaired or replaced, may *operate* the *taxicab* for a period of up to forty-eight (48) hours from the date and time of such repair or replacement, provided that the *licensed taxicab owner* notifies the *Licensing Officer* on the first municipal business day following the repair or replacement of the *taxicab meter* and files a certificate of accuracy.

34. TAXICAB BROKER DUTIES

Every *licensed taxicab broker* shall:

- (1) Accept and *dispatch* calls for *taxicabs*, 24 hours daily each and every day of the year;
- (2) Notify the *Licensing Officer* of any changes to the list of *taxicab owners* provided in Section 11(3);
- (3) Notify the *Licensing Department*, in writing, within ten (10) days of any additions or deletions from the list provided for under subsection (2) of this section;
- (4) Keep a record of each *taxicab dispatched* on a *trip*, indicating the *taxicab plate* number, name of the *licensed taxicab driver*, the time and date of receipt of the *order*, and the municipal address of the pick-up and drop off location, and retain these records for a six month period and provide these records to the *Licensing Officer* or an *Officer* upon request;

- (5) Upon request, inform any customer of the anticipated length of time required for a *taxicab* to arrive at the pick-up location;
- (6) *Dispatch a taxicab* to any *person* requesting service within the municipality, unless the *person* requesting service has not paid for a previous *trip* and these facts are verified by the *taxicab broker*;
- (7) Post the *license* issued under this by-law in a conspicuous location, at the office from which the brokerage is *operated*.

PART IV - PROHIBITIONS

35. GENERAL PROHIBITIONS

- (1) No *person* shall *operate* a *taxicab* within the *County of Brant*, unless *licensed* as a *taxicab driver* under this by-law, except as permitted pursuant to section 3 of this by-law.
- (2) No *registered owner* of a *motor vehicle* shall hold that *motor vehicle* out to be a *taxicab*, or *operate* or permit the *operation* of that *vehicle* as a *taxicab*, within the *County of Brant*, unless that *vehicle* is a *licensed taxicab*. For greater certainty, in this section *licensed taxicab* means that the *registered owner* of the *motor vehicle* has been issued an *owner's license* and an *owner's plate* for that *vehicle*.
- (3) No *person* shall act as or hold oneself out to be a *taxicab broker* unless *licensed* as a *taxicab broker* under this by-law.
- (4) No *person* shall *operate* a *taxicab*, within the *County of Brant*, unless an *owner's license* and *owner's plate* have been issued for that *taxicab*, except as permitted pursuant to section 3 of this by-law.
- (5) No *person* shall publish or cause to be published any representation or advertisement that he is *licensed* if he is not *licensed* under this by-law.
- (6) No *person licensed* under this by-law, when requested to do so by an *Officer* shall fail to produce or deliver his *license* and/or any other relevant documents or thing required by this by-law.
- (7) No *person licensed* under this by-law, shall fail to return or surrender any *license*, *owner's plate*, *drivers identification card*, *vehicle identification card*, *vehicle identification sticker* or *fare card* issued under this by-law, when requested by an *Officer*.
- (8) No *person* shall obstruct an *Officer* while engaged in duties under this by-law.
- (9) No *licensee* shall *carry on* business in the *County of Brant* in any name other than the name that is set out on the *license*.
- (10) No *licensed taxicab broker*, *owner* or *driver* shall charge an additional amount for loading, unloading, securing, storing or otherwise handling *mobility aids* or *mobility assistive devices*.

36. DRIVER PROHIBITIONS

No *licensed driver* shall:

- (1) smoke in the *taxicab* in contravention of the *Smoke-Free Ontario Act*, S.O. 1994, c. 10;
- (2) use any *fare card* while *operating* a *cab* other than the card issued by the *County*;
- (3) remove, exchange, lend or otherwise dispose of a *fare card* issued by the *County*;

- (4) while *operating a cab* take on any additional *passengers* after the *vehicle* has departed from any one starting point, except under the following circumstances:
 - (a) when done at the request of a *passenger* already in the *cab*;
 - (b) in an emergency situation;
- (5) Except for a tip or gratuity, receive any *fare* that is greater than the maximum *fare* as set out in Schedule A to this by-law;
- (6) when *operating a cab* refuse to show the *fare card* or *vehicle identification card* to any passenger on request;
- (7) be employed by more than one *licensed taxicab owner*, at any one time.

37. OWNER PROHIBITIONS:

No *licensed owner* shall:

- (1) *lease* an *owner's license* issued under this by-law or a *vehicle* approved for use as a *cab*;
- (2) fail to submit the *vehicle* for inspection when required to do so by the *Licensing Officer* or an *Officer* under Section 21 of this by-law;
- (3) permit his *owner's plate*, *vehicle identification card* or *vehicle identification sticker* to be displayed on a vehicle other than the vehicle for which it was issued;
- (4) obtain a *taxicab owner's license* or display any *owner's plate* from the licensing authority of any other municipality, on a *vehicle licensed* as a *cab* pursuant to this by-law;
- (5) accept *orders* from a *taxicab broker* who is not *licensed* under this by-law;
- (6) employ or use the services of a *driver* who is not *licensed* under this by-law;
- (7) Charge a *fare* or enter into an agreement to charge a *fare* that is greater than the *fare* set out in Schedule "A" to this by-law.

38. TAXICAB BROKER PROHIBITIONS:

No *licensed taxicab broker* shall:

- (1) accept *orders* for, or in any way *dispatch* or direct *orders* for a *trip* wholly within the boundaries of the *County of Brant*, to a *taxicab* where the *owner* is not *licensed* under this by-law;
- (2) charge a *fare* or enter into an agreement to charge a *fare* that is greater than the *fare* set out in Schedule "A" to this by-law.

PART V - ENFORCEMENT PROVISIONS

39. ENFORCEMENT

The provisions of this by-law shall be enforced by the Police Officers and *Municipal Law Enforcement Officers* appointed by the *County*.

40. PENALTY SECTION

Every *person* who contravenes any of the provisions of this by-law or an order issued pursuant to section 47 of this by-law, and every director or Officer of a corporation who concurs in such contravention by the corporation, pursuant to section 425 of the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, is guilty of an offence and upon conviction is liable to a fine pursuant to S. 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33.

41. PROHIBITION ORDER

Pursuant to the provisions of Section 431 of the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, when a *person* has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction thereafter, in addition to any other penalty or order imposed, may make an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the *person* convicted, directed toward the continuation or repetition of the offence.

42. RESTRAINING ORDER

Pursuant to the provisions of section 440 of the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, in addition to any other remedy and to any penalty imposed by the by-law, any such further contraventions may be restrained by action by the *County*.

43. STATEMENT OF THE CLERK

For the purposes of prosecution, under this by-law and pursuant to section 447.6(4) of the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, a statement as to the licensing or non-licensing of any premise or *person* signed by the *Clerk* is, without proof of the office or signature, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein.

44. COURT ORDERS/BANNING OF ENTRY/CLOSING OF PREMISES

The provisions of the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, respecting the issuance of court orders, the banning of entry, and the closing of premises shall apply to this by-law where required.

45. COLLECTION/NOTICE OF UNPAID LICENSING FINE/SEIZURE FOR UNPAID LICENSING FINE

The provisions of section 441 of the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, respecting the collection of unpaid licensing fines, notice of unpaid licensing fines and seizure for unpaid licensing fines shall apply to this by-law where required.

46. PROCEEDS OF FINES

Pursuant to the provisions of section 433 of the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, where a *person* has been convicted of any offense under this by-law, every fine imposed for contravention of this by-law belongs to the *County*.

47. ORDER TO DISCONTINUE

Pursuant to section 444 and 445 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, where a contravention of this by-law has occurred, the municipality may make an order requiring the *person* who contravened or permitted the contravention of the by-law to discontinue the contravening activity, to do work to correct the contravention.

48. REMEDIAL ACTION

Pursuant to section 446 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, where pursuant to this by-law or any other Act, a *person* is required to do a matter or thing, in default of it being done by the *person* so directed, the matter or thing may be done at the *person's* expense, and for that purpose enter upon land at any reasonable time, and the costs including interest calculated at a rate of fifteen percent (15%) from the date the costs were incurred, until the date the costs including interest are paid in full, may be recovered in the same manner as property taxes and may be registered as a lien upon the land.

49. SEVERABILITY

Where a court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

50. SCHEDULES

Schedule "A" attached hereto forms part of this by-law.

51. REPEAL

By-law Number 47-08 as amended is hereby repealed upon the coming into force and effect of this by-law.

52. FORCE AND EFFECT

This by-law shall come into force and take effect upon the receipt of an approved set fine order.

READ a first and second time, this 21st day of April, 2009.

READ a third time and finally passed in Council, this 21st day of April, 2009.

THE CORPORATION OF THE COUNTY OF BRANT

Mayor

Clerk

Schedule "A"

- to -

COUNTY OF BRANT BY-LAW 53-09

FARE CARD



**TAXICAB FARES / FARE CARD
FOR ALL TRIPS WITHIN THE BOUNDARIES OF THE COUNTY**

Base Rate	\$3.10
(amount displayed on meter at commencement of the trip)	
Rate for every additional kilometer charged out in \$0.10 increments	\$1.90 per km
Rate for Waiting time per stop charged out in \$0.10 increments	\$30.00 per hour
Loading of luggage, or parcels accompanying passenger	\$0.00
Loading, unloading, securing, storing or otherwise handling mobility aids or mobility assistive devices.	\$0.00

RATE FOR TRIPS WHERE PICK UP OR DROP OFF IS OUTSIDE OF THE COUNTY OF BRANT TO BE DETERMINED BY THE CAB COMPANY

REGULATIONS

Failure to exhibit this card prominently in the taxicab while carrying on or engaged in the conveyance of passengers will be cause for suspension of the license under the provisions of the Taxicab Licensing By-law of the County of Brant.

No licensed taxicab broker, owner or driver shall charge a higher fare or an additional amount for persons with disabilities than for persons without disabilities for the same trip.

**NOTE THIS CARD IS THE PROPERTY OF THE COUNTY OF BRANT AND
MUST BE RETURNED UPON REQUEST**