

A

BY-LAW # 84-128

BEING A BY-LAW LICENCING, REGULATING AND GOVERNING THE OWNERS AND DRIVERS OF CABS, ESTABLISHING THE RATES TO BE CHARGED. AND PRESCRIBING THE AMOUNTS OF PUBLIC LIABILITY INSURANCE TO BE PROVIDED AND TO RECIND BY-LAW #83-98.

WHEREAS Section 227 (1) (4) of the Municipal Act, R.S.O. 1980 allows the councils of Townships to pass by-laws for regulating licencing, governing the keeping of cabs for hire.

AND WHEREAS the Council of the Corporation of the Township of Temagami deems it expedient to do so.

NOW THEREFORE be it enacted that:

1. (1) No person shall operate a taxi cab within the boundaries of the Township without holding a valid licence therefor issued by the Township, or any other designated municipality, pursuant to the provisions hereof.  
  
(2) For purposes of this section "operate a taxi cab" shall include the providing of transportation for passengers or good upon request for compensation, but shall not include the providing of transportation for:
  - a) Children in attendance at the Temagami Public School or other educational institution;
  - b) Teams, clubs, and the like on an occasional basis on route to competitions or special events;
  - c) Employees to and from the work place and paid for by an employer or bona fide employees association;
  - d) Other individuals for the purpose of sharing transportation costs to or from a place of employment without gain or profit.
2. All drivers of taxi cabs, driving taxi cabs licenced in the Townshp of Temagami, shall be licenced.
3. The fee for a cab drivers' licence shall be the sum of \$5.00 and such licence shall be in force and effect for the calendar year in which it is issued, but subject to cancellation by the Council at any time on 24 hours notice.
4. No person under the age of 18 years shall be granted a licence to drive a taxi cab.
5. All applications for any licence hereunder shall be made in writing to the clerk of the Township of Temagami who shall only issue same under the order of the Council of the Township of Temagami.
6. The Council of the Township of Temagami shall have the right to refuse to grant a licence under the terms of this by-law. notwithstanding there may have been a full compliance with the requirements of this by-law. if in the opinion of the Council the applicant is not a suitable person to be licenced under this by-law.

7. Any owner of a motor vehicle operating as a taxi cab within the Township of Temagami in contravention of the provisions of paragraph 1 hereof shall be deemed to be contravening the provisions of this by-law and shall be liable on conviction to a penalty as provided herein.
8. Where any individual has the care and control of any motor vehicle operating as a taxi cab within the meaning of paragraph 1 hereof and;
  - a) The owner of the vehicle does not hold a valid licence as required by paragraph 1 hereof; or
  - b) The individual does not hold a valid licence as required by paragraph 2 hereof,the individual having care and control of the motor vehicle shall be deemed to be contravening the provisions of this by-law and shall be liable on conviction to a penalty as provided herein.
9. The applicant when making application for a licence to operate a taxi cab<sup>must</sup> file with the Township Clerk proof of insurance covering public liability and property damage with inclusive costs of passenger hazard of at least one million dollars (1,000,000.)
10. The licence to operate any cab shall automatically expire and become void upon lapse, expiration or termination of the said policy or policies unless the owner of the cab or cabs has supplied to the clerk of the Township acceptable evidence that the insurance has been renewed or replaced.
11. The fees to be hereafter paid for licences to operate a taxi cab issued under this by-law shall be as follows:

For the first motor vehicle	\$50.00
For each additional motor vehicle	30.00
For each transfer of licence	5.00
12. The person in whose name a licence is taken out shall be considered as the keeper of the motor vehicles operated under such licence and shall be liable for the penalties in this by-law contained.
13. Cars over two (2) years old, must produce vehicle inspection certificate, mechanical fitness yearly.
14. Any licence to operate a taxi cab issued under this by-law may be transferred to any other person approved by the said Council, the transferee complying with the provisions of this by-law and such transfer shall be made by endorsement on the licence signed by the Township Clerk.
15. The following maximum rates may be charged for the use of taxi cabs to passengers or other persons:
  - a) Two Dollars (\$2.00) for the first mile or fraction thereof, or trips within the hamlet of Temagami.
  - b) One Dollar (\$1.00) for each additional mile or fraction thereof.

16. That no adjustments in the amount of the fare shall be made in regard to the number of occupants or the number of stops.
17. That written contracts with various organizations, schools, etc. shall not be affected by this taxi fare schedule.
18. That in the event of a breakdown, accident, or replacement of a taxi cab, or for any unforeseen reason, the owner shall be allowed to run a substitute vehicle until the actual vehicle is repaired. This shall be done in the shortest time possible, any delay that is excessive shall be reported to the Council.
19. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting Magistrate or Justice of the Peace, penalties as follows:
  - a) For a first offence; a fine of not less than \$25.00 and not more than \$50.00
  - b) For a second offence; a fine of not less than \$50.00 and not more than \$100.00, and any licence held by the offender shall be reviewed by Council and may be revoked or suspended.
  - c) For a third offence; any licence held by the offender shall be suspended by Council for a period of three months.
  - d) For a fourth offence; any licence held by the offender shall be revoked by Council with no right to re-apply.

And in default of payment of said penalty and costs forthwith, said penalty and costs may be levied by distress and sale of the goods and chattels of the offender.

In addition to the aforesaid penalty in case of a conviction for any offence under the Criminal Code, the licence granted by this by-law to the offender may be cancelled by Council of the Municipal Corporation of the Township of Temagami.

20. That all previous Township of Temagami by-laws licensing, regulating and governing the owners and drivers of taxi cabs be hereby repealed.
21. That this by-law shall take effect on the day it is passed.

READ A FIRST AND SECOND TIME this 12th day of <4/^/ 1984

READ A THIRD TIME AND FINALLY PASSED this 12th day of June 1984.

  
Reeve

  
Clerk-Treasurer

84-128