

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 12-1088

Being a bylaw to licence, regulate and govern the owners and drivers of taxi-cabs in the Municipality of Temagami.

WHEREAS Section 150 (1) of the Municipal Act, S.O., 2001, c.25, as amended, provides a municipality with the authority to pass by-laws for the licensing, regulating and governing of any business wholly or partly carried on within the municipality;

AND WHEREAS Section 150 (2) of the Municipal Act, S.O., 2001, c.25, as amended, provides a municipality with the authority to pass by-laws imposing conditions for health and safety purposes;

AND WHEREAS Section 155 (1) of the Municipal Act, S.O., 2001, c.25, as amended, provides a municipality with the authority to pass by-laws for the licensing, regulating and governing of owners and drivers of taxicabs;

AND WHEREAS the Council of the Corporation of the Municipality of Temagami deems it expedient to licence, regulate and govern the owners and drivers of taxi-cabs in the Municipality of Temagami;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami enacts as follows:

1 DEFINITIONS

Definitions of words, phrases and terms used in this by-law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in this by-law. The words, phrases and terms defined in this section have the following meaning for the purposes of this by-law:

- 1.1 “By-law Enforcement Officer” means the person or persons duly appointed by Council as Municipal Law Enforcement Officers for the purpose of enforcing regulatory by-laws of the Municipality.
- 1.2 “Clerk” means the Clerk of the Municipality of Temagami, or his or her designate;
- 1.3 “Council” means the Council of the corporation of the Municipality of Temagami;
- 1.4 “Licence” means a licence issued under this by-law;
- 1.5 “Operate” means to engage in the business of providing taxi service for profit;
- 1.6 “Taxicab” or “Taxi” means a motor vehicle which is used for the conveyance of passengers and/or property for a fee, having a seating capacity of not more than seven (7) passengers not including the driver, but does not include a bus, a vehicle used solely for a courier service, or an ambulance.
- 1.7 Any reference in this by-law to “he” or “his” shall be interpreted to be gender neutral and the provisions of this by-law shall be interpreted to apply equally to both male and female persons.

2 LICENSING

- 2.1 No person shall operate a taxicab within the boundaries of the Municipality of Temagami without a current licence therefore issued by the Municipality.
- 2.2 No person shall drive a taxicab for a Temagami licensed operator without holding a current taxi driver's licence issued by the Municipality.
- 2.3 Every licence shall expire one year from the date on which it is issued and shall be subject to termination subject to the provisions of section 4 of this by-law.
- 2.4 Licences may be renewed annually pursuant to the provisions of this by-law.
- 2.5 No person shall enjoy a vested right to the continuance of a licence and the value of a licence, if any, shall remain at all times the property of the Municipality.
- 2.6 The person in whose name an operators 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 contained in this by-law.
- 2.7 No person shall transfer any licence to operate a taxicab issued under this by-law unless approved by Council. All transferees shall comply with the provisions of this by-law. Such transfer shall be made by endorsement on the licence signed by the Municipal Clerk.

3 APPLICATION FOR LICENCES

- 3.1 All applicants for licences or renewals under this by-law shall:
 - a) Be 18 years of age or older;
 - b) Submit the required form to the Clerk.
- 3.2 Applications for vehicle licences or renewals shall be accompanied by:
 - a) A copy of the vehicle registration in the name of the applicant;
 - b) A Certificate of Insurance certifying that the vehicle is insured for public liability, property damage and passenger hazard, with a minimum of at least two million dollars (2,000,000.) per incident or occurrence;
 - c) A valid Ontario certificate of mechanical fitness for the vehicle if the vehicle is more than 2 years old.
 - d) Proof that the meter in the cab has been tested within the previous 12 months.
 - e) The applicable fee.
- 3.3 Applications for driver's licences or renewals shall be accompanied by:
 - a) A copy of the applicant's valid Province of Ontario Class "G" driver's licence;
 - b) A current criminal records check for the applicant;
 - c) A current Driver's Abstract from the Ontario Ministry of Transportation;
 - d) Two (2) photographs of passport quality and size;
 - e) The applicable fee.
- 3.4 The Clerk of the Municipality of Temagami shall only issue a new licence under authorization of the Council of the Municipality of Temagami as set out in this by-law. If the Clerk refuses to grant a licence under the terms of this by-law, the applicant may appeal to the Council of the Municipality of Temagami.
- 3.5 The Clerk of the Municipality of Temagami shall only issue a renewal licence provided the applicant has complied with the provisions of this by-law while under the licence to be renewed.
- 3.6 The applicable fees are set out in Schedule "A", attached hereto and forming part of this by-law.

4 TERMINATION OF LICENCES

- 4.1 Notwithstanding any other provision in this by-law, the licence to operate any taxicab shall automatically expire and become void upon the lapse, expiration or termination of the insurance policy as per section 3.2(b) of this by-law, unless the operator of the taxicab has supplied to the clerk of the Municipality acceptable evidence that the insurance has been renewed or replaced.
- 4.2 The Council of the Corporation of the Municipality of Temagami may cancel a licence granted under this by-law in case of a conviction of the licensee for any offence under the Criminal Code.
- 4.3 A taxicab operator or driver who fails to operate in accordance with the provisions of this by-law is subject to having his licence(s) suspended or revoked by the Municipality.
- 4.4 Where the Municipality has reason to believe that a licensee has failed to comply with the provisions of this by-law, or is no longer eligible for a licence, the Clerk may notify the licensee in writing of the Clerk's intention to suspend or revoke the licence. The Clerk shall give reasons for such intention to suspend or revoke the licence.
- 4.5 A licensee who receives a notice from the Clerk advising of his or her intent to suspend or revoke a licence may appeal such decision to the Council within fifteen (15) days of the date the notice was mailed or otherwise delivered to the licensee, and failing such appeal to Council, the Clerk's decision is final.

5 DUTIES OF OPERATOR AND DRIVERS

- 5.1 Each licensed taxicab owner shall:
- a) hold a separate operator licence for each vehicle used or kept for hire as a taxicab;
 - b) maintain insurance on each vehicle as required pursuant to section 3.2(b) of this by-law;
 - c) ensure that each vehicle for which he is licensed is, in its interior, neat, clean, dry and in good repair; and, on its exterior, clean and in good repair, free from exterior body damage and has a well-maintained paint finish.
 - d) allow any licensed vehicle to be examined by the Municipal By-law Enforcement Officer upon request.
- 5.2 An operator shall be able to use one (1) temporary taxicab in the event of a mechanical failure of a licensed vehicle for no longer than five (5) business days, provided that the temporary taxicab meets all the requirements for a licensed vehicle under this by-law.
- 5.3 Each licensed taxicab owner shall not:
- a) employ any person to operate his taxicab who does not hold a valid taxicab driver's license issued pursuant to this by-law;
 - b) use, or permit to be used, any taxicab license issued to him pursuant to this by-law for any vehicle other than the vehicle for which the license was issued.
- 5.4 Each taxicab driver shall:
- a) upon request of a passenger, provide a receipt for the fare, or charge made and paid;
 - b) take due care of all property delivered or entrusted to him and accepted by him for conveyance or safe keeping;
 - c) immediately upon discharge of any passengers, search his vehicle for any lost or left property including money and shall forthwith deliver such property to the person who left it, or if the person cannot be found at once, then either to the By-law Enforcement Officer or to the Ontario Provincial Police Detachment together with any information in his possession regarding the person who left it;

- d) maintain the interior and exterior of the taxicab within his control in a clean and tidy condition;
 - e) travel by the most direct route to the point of destination unless otherwise directed by the person engaging the taxicab;
 - f) Operate only a licensed vehicle.
 - g) Display his licence in a place that can be conveniently seen and read by passengers;
 - h) Upon request of any passenger, give in writing his name and taxicab license number;
 - i) Examine the taxicab for mechanical defects before commencing driving and at the conclusion of each shift and if he is not the owner, shall report forthwith to the owner any mechanical defects of which he is or becomes aware;
- 5.5 Each taxicab driver shall not:
- a) be under the influence of any intoxicant or take, consume or have in his possession any intoxicant while in charge of a taxicab, nor shall the use thereof by the driver be apparent while he is in charge of such vehicle;
 - b) take more passengers in the vehicle than there are permanently equipped safety belts for passengers.
 - c) smoke or permit passengers to smoke in the vehicle.
- 5.6 No person shall hinder, obstruct or interfere with an enforcement officer in the execution of his/her duties.

6 FARES:

- 6.1 The Municipality may set maximum fares to be charged by the taxicab operator and such rates shall be as set out in Schedule B, attached hereto and forming part of this by-law.
- 6.2 When the Municipality has set maximum fares, they shall be reviewed at least every three years or more often if deemed necessary by Council.

7 PENALTIES

- 7.1 Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this by-law or any permit or order issued pursuant thereto, commits an offence and, except where specifically provided in Schedule "C" - Set Fines, shall be liable to a fine of not less than \$50.00, but not exceeding \$5,000.00 pursuant to section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.
- 7.2 Where an offense is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

8 VALIDITY

- 8.1 If any section, clause, or provision of this by-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

9 REPEAL

- 9.1 That By-law 84-128 and any other previous by-laws for the licensing, regulating and governing the owners and drivers of taxicabs in the Municipality of Temagami are hereby repealed.

10 SHORT TITLE

- 10.1 This by-law shall be cited as the "Taxicab By-law".

11 FORCE AND EFFECT

- 11.1 That this bylaw shall come into force and take effect upon final passing thereof.

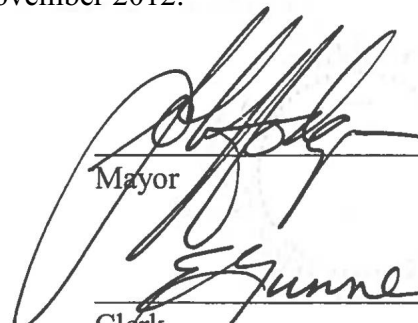
12 CORRECTIONS

- 12.1 That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedules, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

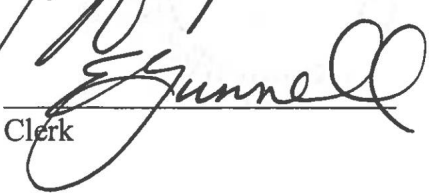
BE TAKEN AS READ A FIRST time on this 1st day of November 2012;

READ A SECOND time on this 28th day of November 2012.

READ A THIRD time and finally passed this 28th day of November 2012.



Mayor



Clerk

**THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI**

**SCHEDULE "A"
TO
BY-LAW NO. 12-1088**

Annual Licence Fees	
Taxicab Owner's Licence	
Original application for first vehicle	\$50.00
Original application per additional vehicle	\$30.00
Renewal application	\$30.00
Replacement of lost or damaged licence or for name/address change	\$15.00
Taxicab Driver's Licence	
Original application	\$25.00
Annual renewal application	\$25.00
Replacement of lost or damaged licence or for name/address change	\$10.00

**THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI**

**SCHEDULE “B”
TO
BY-LAW NO. 12-1088**

Maximum Fares

None Set

**THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI**

**SCHEDULE "C"
TO
BY-LAW NO. 12-1088 - Taxicab By-law
SET FINES**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fines
1	Operate taxicab without owners licence.	Section 2.1	\$150.00
2	Drive taxicab without a taxicab driver's licence.	Section 2.2	\$150.00
3	Unauthorized transfer of licence	Section 2.7	\$150.00
4	Fail to keep vehicle in good state of repair.	Section 5.1(c)	\$150.00
5	Failure to maintain insurance on vehicle	Section 5.1(b)	\$100.00
6	Fail to allow examinations of licensed vehicle	Section 5.1(d)	\$150.00
7	Permit taxicab licence to be used in unlicensed vehicle.	Section 5.3(b)	\$100.00
8	Employ unlicensed driver.	Section 5.3(a)	\$100.00
9	Fail to keep vehicle in clean condition.	Section 5.4(d)	\$50.00
10	Fail to display licence.	Section 5.4(g)	\$50.00
11	Smoke or permit passengers to smoke in vehicle.	Section 5.5(c)	\$50.00
12	Permit excessive passengers in vehicle.	Section 5.5(b)	\$100.00
13	Obstruct Enforcement Officer	Section 5.6	\$150.00

The penalty provision for the offences indicated above is Section 7.1 of By-law 12-1088, a certified copy of which has been filed.