

THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER ...58-73.....

Amended by 71-88

A BY-LAW TO LICENSE, REGULATE AND GOVERN
TAXI-CAB BROKERS AND THE OWNERS AND DRIVERS
OF CABS, MOTOR OR OTHER VEHICLES USED FOR HIRE

THE CORPORATION OF THE TOWN OF ORANGEVILLE
BY THE MUNICIPAL COUNCIL THEREOF ENACTS AS
FOLLOWS:-

1. SHORT TITLE

This by-law may be known and referred to as the "Cab By-law".

2. INTERPRETATION

In this by-law,

- (1) "Corporation" means The Corporation of the Town of Orangeville.
- (2) "Council" means the Council of The Corporation of the Town of Orangeville.
- (3) "Licence Issuer" means the person or persons appointed as such by Council.
- (4) "Licence Inspector" means the person or persons appointed as such by Council.
- (5) "Owner" means any person licensed or required to be licensed under this by-law.
- (6) "Regulated Vehicle" means a cab, taxi-cab, motor or other vehicle kept for hire for the conveyance of persons but does not include a cab, taxi-cab, motor or other vehicle which may be hired and driven by the hirer.
- (7) "Taxi-cab Broker" means a Taxi-cab Broker as defined in clause a in paragraph 6 of Section 377 of The Municipal Act, R.S.O. 1970, chapter 284.

3. ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this by-law shall be the

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duty and responsibility of the licence inspector.

4. APPLICATION OF BY-LAW

The provisions of this by-law apply to

- (1) every owner of a regulated vehicle who carries on business in the Corporation;
- (2) every taxi-cab broker who carries on business in the Corporation;
- (3) every driver of a regulated vehicle used for hire in the Corporation;
- (4) every regulated vehicle used for hire in the Corporation;
- (5) the rates or fares to be charged for the conveyance of passengers either wholly within the Corporation or to any point not more than 3 miles beyond its limits in a regulated vehicle operated by an owner or taxi-cab broker carrying on business in the Corporation.

5. LICENCE REQUIRED

- (1) No owner of any regulated vehicle shall carry on business without an owner's licence entitling him so to do;
- (2) No taxi-cab broker shall carry on business without a taxi-cab broker's licence entitling him so to do;
- (3) No person shall engage in the calling of a driver of a regulated vehicle without a driver's licence entitling him so to do.

6. APPLICATION FOR LICENCE

(1) DRIVERS

Every application for a driver's licence shall

- (a) be in writing and show the applicant's name and address;
- (b) be made to Council by delivering it to the

licence issuer;

- (c) be accompanied by proof that the applicant is the holder of a chauffeur's licence issued by the Province of Ontario; and
- (d) be accompanied by three satisfactory prints of a recent photograph provided that no new photographs need be furnished by an applicant who held a driver's licence for the previous year unless requested by the issuer of licences.

(2) OWNERS

Every application for an owner's licence shall

- (a) be in writing and show the applicant's name and address;
- (b) be made to the Council by delivering it to the licence issuer; and
- (c) contain particulars of the arrangements proposed for complying with the requirements of this by-law for the carrying on of the business if the licence is granted.

(3) TAXI-CAB BROKERS

Every application for a taxi-cab broker's licence shall

- (a) be in writing and shall show the applicant's name and address;
- (b) be made to the Council by delivering it to the licence issuer; and
- (c) contain particulars of the arrangements proposed for complying with the requirements of this by-law for the carrying on of the business if the licence is granted.

7. DUTIES OF LICENCE ISSUER

- (1) Before consideration by the Council of an application by any person who was not the holder of a licence for the previous year, the licence issuer shall obtain from the Chief of Police a report upon the applicant
 - (a) as to the age of the applicant;
 - (b) as to whether the applicant speaks English fluently and reads English;
 - (c) as to whether the applicant is reasonably familiar with the geography of the Corporation;
 - (d) as to all readily ascertainable facts bearing upon the question of the character and fitness of the applicant to hold the licence applied for;
 - (e) in the case of an owner, as to whether he is registered as owner of the vehicle with the Ministry of Transportation and Communications; and
 - (f) in the case of the driver, owner or taxi-cab broker as to any other information requested by the Council including, if requested, the certificate of a physician practising in the Corporation as to the mental and physical fitness of the applicant.
- (2) The licence issuer shall notify the applicant or cause him to be notified of the time and place of the hearing of his application and that the applicant may attend and be heard.
- (3) No licence shall be issued after the approval of Council until the applicant has paid the licence fee prescribed by this by-law and deposited with the licence issuer the insurance policies or certificates thereof required by

the provisions of this by-law.

- (4) Upon receipt of an application for a driver's licence Council may grant a temporary licence for a period not exceeding 60 days provided that if the application for a driver's licence is refused before the expiration of the said 60 days the temporary licence shall terminate on the date of such refusal.

8. DURATION OF LICENCE

- (1) Unless a shorter period is specified, every licence shall be for the remainder of the calendar year in which it is granted, but shall be subject to suspension or revocation by the Council pursuant to subsections 2 and 3;
- (2) The Council may revoke any licence issued under this by-law and without limiting the generality of the foregoing Council may revoke any and all licences held by a licensee for violation by the licensee of any of the provisions of this by-law (including the provisions of any schedule hereto) but before revoking any such licence the holder thereof shall be given at least 7 days' notice mailed by prepaid registered mail or delivered to the address on the licence and the said licensee shall be permitted either by himself or by his representative to appear before Council to show cause why such licence should not be revoked;
- (3) Upon revocation of a licence issued under this by-law the licensee shall return to the licence issuer all certificates, badges and plates issued with such licence and the licence issuer or any person authorized by him shall have access to any premises, vehicle or other property of the licensee for the purpose of receiving

or taking the certificate, badges or plates and no licensee shall in any manner prevent or hinder such person from receiving or taking;

- (4) Notice of revocation of any licence may be given by prepaid registered letter signed by the licence issuer and mailed to the address on the licence and upon the mailing of such notice the licence revoked shall cease and terminate and be of no further effect.

9. LICENCE CERTIFICATE

Every licence certificate shall be in such form as Council may from time to time provide by resolution.

10. REQUIREMENTS FOR VEHICLES AND EQUIPMENT

Except when the licence inspector has been advised that the use of the vehicle for hire has been suspended until further notice, the owner shall be responsible that

(1) REGULATED VEHICLES

Every regulated vehicle is

- (a) of a suitable type for its purpose;
- (b) in safe driving condition, clean and neat inside and out, and otherwise fit for its purposes; and
- (c) properly equipped, and the equipment maintained in proper condition, and otherwise fit for its purpose.

(2) TAXI-CABS

Every cab except a livery cab is equipped with a suitable sign on the roof, illuminated when no passenger is in the cab, indicating that the vehicle is a taxi-cab, and with a taxi-meter which shall register the total miles driven, paid miles driven, trips, units and extra units,

and compute fares to be paid according to distance and time, showing the resulting total amount and having a manually operated counter for extras, to indicate the extra amount to be paid for a trip separately

- (a) fixed facing the right-hand front seat where it may readily be seen and read by passengers;
- (b) equipped with a metal plate or flag so activated as to be in a raised position when the meter is not in operation and in a lowered position when it is in operation;
- (c) adjusted to register only according to the schedule of rates or fares established by this by-law and accurate in computing the rate or fare for 1 mile so that the 1 mile rate or fare will not appear earlier than 25 feet before and not later than 25 feet after the correct measured mile;
- (d) illuminated between sunset and sunrise when no passenger is in the cab;
- (e) maintained in proper condition, sealed and not used when defective or when the seal is not intact; and
- (f) used for not longer than 6 months without re-testing and re-sealing at the expense of the owner and at such other times as are required by the licence inspector.

11. DRIVERS' DUTIES

(1) WHETHER OR NOT ENGAGED OR SEEKING ENGAGEMENT

Every driver of a regulated vehicle, whether or not engaged or seeking engagement

- (a) shall notify the licence inspector in writing within 24 hours of any change of address;

- (b) upon request of a police officer, shall furnish such information as he can with respect to any passenger carried;
- (c) shall take all reasonable care that no passenger leaves any property in his cab, and, when any property is left shall restore it at once or deliver it to the officer in charge at the nearest police station with all relevant information within his knowledge; and
- (d) shall not in any street, alley or other public place do any washing or repairing of his vehicle not immediately necessary.

(2) WHILE ENGAGED OR SEEKING ENGAGEMENT

While engaged or seeking engagement, the driver of any regulated vehicle,

- (a) shall have his vehicle in safe driving condition, clean and neat inside and out, properly equipped as required by the provisions of this by-law, and in all other respects fit for the purpose, with the Council's current licence plate prominently displayed on the rear of his vehicle and the driver's identification card and a copy of the schedule of rates and fares prominently displayed inside the vehicle;
- (b) shall wear the current numbered metal badge supplied by the Council in such a place and manner that it may readily be seen and read, and shall be neat and clean in his person and polite in his manner; and

(c) shall not consume or have in his possession any liquor or be under the influence of liquor to such an extent that he cannot properly perform his duties.

(3) The driver of a cab required by this by-law to be equipped with a taxi-meter,

(a) shall not drive any passenger or solicit business unless

(i) a suitable illuminated sign as hereinbefore required is displayed on the roof, indicating that the vehicle is a taxi-cab;

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RSL* *DELETE* (ii) the Council's current licence number is shown legibly on both sides of the cab in letters at least 6 inches high, and no other number is displayed except the motor vehicle licence number, the telephone number shown as such, and the driver's licence number on his badge and identification card;

(iii) the meter is installed, in proper working condition, including illumination, and sealed;

(iv) the Council's tariff card and the driver's identification card are prominently displayed on the back of the front seat; and

(v) he and the vehicle are in all respects fit for the purpose;

(b) shall not knowingly carry any passenger suffering from an infectious disease;

- (c) shall
 - (i) not unreasonably refuse any passenger and shall keep his engagements punctually;
 - (ii) not, after leaving a starting point with a passenger, take on any other passenger without the consent of those who have already engaged him;
 - (iii) not accept any engagement to the prejudice of a prior engagement; and
 - (iv) carry a passenger for the regular fare to be paid later by the Chief of Police when so requested by any police constable.
- (d) shall have his meter recording only while a passenger is in his cab or while waiting for a passenger who has engaged him, and shall take the shortest practicable route to his destination except as otherwise requested by his passenger;
- (e) when carrying 2 or more passengers to the same destination shall collect only one fare, and, when the passengers are not companions, shall collect only a proportionate part from each;
- (f) when carrying 2 or more passengers to different destinations shall clear and reset the meter at each destination and shall not charge any passenger more than the proper fare to his destination from the next previous point for resetting of the meter;
- (g) shall upon request furnish a passenger with a receipt showing the fare paid and the mileage travelled;
- (h) shall not allow any indecent or disorderly conduct

in his vehicle; and

- (i) shall, without obstructing traffic, make and keep a written record of all trips made during his shift, showing the Council's licence number for the vehicle, his own name, licence number and address, the time and terminal points of each trip and the amounts collected, and shall deliver it to his employer within 1 hour after the close of his shift, together with, in return for a receipt for the amount, all fares received during his shift, less only the commission, if any, to which his working agreement entitles him.

(4) The driver of a public cab

- (a) shall operate exclusively from a public cab stand assigned for that purpose by By-law of the Corporation; and
- (b) while on a public cab stand shall remain within convenient distance of his cab, and shall not behave in such a way as to create public annoyance by noise, obstruction of traffic or otherwise.

12. OWNERS' DUTIES

- (1) As a condition precedent to the issuing of a licence to the owner of any regulated vehicle, the applicant shall deposit with the Council by delivering to the licence issuer policies of insurance or certificates thereof with respect to the said vehicle issued by a company duly licenced to carry on such business in Ontario for the kinds and amounts of insurance conditioned to be paid upon the judgment of any Court of

competent jurisdiction against the owner, the driver, or the taxi-cab broker, and providing against cancellation until at least 30 days' prior notice has been given to the Council by notice in writing delivered to the licence issuer, as follows, namely:

(a) in the amount of at least \$100,000.00 for physical injury including death of any one or more persons, and

(b) in the amount of at least \$100,000.00 for property damage,

and all such policies and certificates shall be retained by the Council in the custody of the licence issuer while the licence is current and every such licence shall terminate automatically upon the termination of such insurance or any of it.

(2) CHANGE OF ADDRESS

Every owner of a regulated vehicle shall notify the licence issuer in writing within twenty-four hours of any change of address.

(3) NO UNAUTHORIZED VEHICLE

The owner of a regulated vehicle shall not allow any vehicle to be used for hire other than a vehicle authorized by licence under this by-law and with respect to which all the requirements of this by-law as to insurance and otherwise have been complied with except when a vehicle is immobilized due to excessive physical damage or a mechanical breakdown a rental or temporary replacement vehicle may be used for not more than 30 days provided that all other provisions of this by-law are complied with.

(4) CONDITION OF VEHICLE AND EQUIPMENT

The owner of a regulated vehicle shall be responsible that it is not driven for hire when not in safe driving condition, that it is equipped as required by the provisions of this by-law and that the vehicle and equipment in all respects are fit for their purpose.

(5) EMPLOY ONLY LICENSED DRIVERS

The owner of a regulated vehicle shall not employ any driver except a licensed driver and shall within 48 hours of the commencement or termination of such employment, give written notice thereof to the Council by delivering it to the licence issuer.

(6) WORKMEN'S COMPENSATION AND UNEMPLOYMENT INSURANCE

The owner of every regulated vehicle shall from time to time upon request, furnish the Council with evidence that every driver employed by him is covered by Workmen's Compensation under The Workmen's Compensation Act, and for unemployment insurance under The Unemployment Insurance Act.

(7) OTHER DUTIES

The owner of a regulated vehicle shall when acting as driver be responsible for observance of all applicable duties of a driver and when employing drivers shall be responsible for all applicable duties of a taxi-cab broker as herein provided including the keeping of records.

13. TAXI-CAB BROKERS' DUTIES

(1) Every taxi-cab broker

- (a) shall provide a suitable office for the carrying on of business and keep such

- office orderly, clean and neat;
- (b) shall provide telephone or central radio transmitter facilities, and where such transmitter is used, shall maintain it in proper condition;
 - (c) shall provide off-street parking for every taxi-cab for which he receives calls, except when that is provided by the owner;
 - (d) shall accept calls for only those owners whose name he has furnished to the Council by delivering notice in writing to the licence issuer;
 - (e) shall keep a trip record showing the number of the owner's licence which covers the cab used, the name and licence number of the driver, the date and time of dispatch and the points of beginning and ending of each trip and all such records shall be kept available for inspection by the licence issuer for at least 6 months, and
 - (f) shall notify the licence issuer in writing within a reasonable time of any accident which may not have been reported by a driver, and of any other happening or other fact relevant to the administration and enforcement of this by-law.

14. MEDICAL EXAMINATION

Upon demand by the Council, every person holding a licence under this by-law shall, without delay, have a physical or mental examination by a physician and

procure and furnish, or cause to be furnished to the Council a written report from the physician, of the results of such examination or, in the alternative, if so required by the Council, shall submit to such examination by a physician designated by the Council and, in such case, at the expense of the Council.

15. RATES OR FARES TO BE CHARGED

Every owner and driver shall charge only the rates or fares established and set forth in Schedule "A" attached and forming part of this by-law, for the conveyance of passengers either wholly within the Corporation or to any point not more than 3 miles beyond its limits.

16. COLLECTION OF FARES (CABS)

- (1) Every person who has engaged a cab shall, without delay upon performance of the engagement, pay the driver his lawful fare as established by this by-law and every person who has been conveyed in a cab ordered by some other person shall for the purpose of this section be deemed to be a person who has engaged it.
- (2) Upon any dispute arising between a cab-driver and a passenger as to the amount of the lawful fare or as to the payment of it, either party shall upon request accompany the other to the nearest police station when it shall be the duty of the officer in charge to produce for inspection a true copy of this by-law and make any explanation which may be requested.

17. PENALTIES

- (1) Every person who contravenes any provision of this by-law shall upon conviction be liable to a penalty of not more than \$1,000.00 exclusive of costs for each offence which penalty is recoverable under The Summary Convictions Act.
- (2) The owner of a regulated vehicle shall incur the penalties for violation of any provision of this by-law except violations by taxi-cab brokers unless at the time of the violation the vehicle was in the possession of some person without the owner's consent.

18. IMPLEMENTATION OF BY-LAW

By-law Number 2008 and By-law Number 9-73 are hereby repealed provided that every licence issued under By-law Number 2008 and By-law Number 9-73 shall remain in full force and effect during the period for which it was issued subject to being revoked under the provisions of this By-law.

PASSED IN OPEN COUNCIL THIS 17th DAY OF SEPTEMBER , A.D., 1973.


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C L E R K


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H E A D O F C O U N C I L

By-law read a 1st and 2nd time this 17th day of September , A.D., 1973.

By-law read a 3rd time this 17th day of September , A.D., 1973.

SCHEDULE "A"

MINIMUM CHARGE

METER TARIFFS BY DISTANCE

1 to 4 Passengers

For the first 1/5 mile or part thereof	\$.60
For each additional 1/5 mile or part thereof	.10
For waiting time while under engagement, for each 1 minute	.10
For each additional passenger in excess of 4	25% of fare
Boxes, bags or parcels, each item	.10

HOURLY RATE

If agreed to by the driver, at the request of the passenger, for the first hour or any part thereof	\$6.00
For each additional 15 minutes	1.50
Between the hours of 12:00 a.m. to 6:00 a.m.	
minimum charge	1.50