

Consolidation – March, 2016

This consolidation is prepared for convenience only. For accurate reference please refer to the original by-law and corresponding amendments.

THE CORPORATION OF HALDIMAND COUNTY

By-law No.1369/13

Being a by-law to Licence, regulate and govern the Owners and Drivers of vehicles used for hire in Haldimand County and to repeal By-laws 942/08 and 1226/11

WHEREAS Section 151 of the *Municipal Act*, 2001 S.O. 2001, c. 25, as amended (“The Act”), provides that a local municipality may provide for a system of licences with respect to a business, wholly or partly carried on within the municipality;

WHEREAS Section 156(1) of the Act provides that a by-law passed under Section 151 for licensing, regulating and governing the owners and drivers of Taxicabs 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 may provide for the collection of the rates or fares charged for the conveyance;

AND WHEREAS the Council of the Corporation of Haldimand County considers it in the public interest to pass a by-law to license, regulate and govern Owners and Drivers of vehicles used for hire in Haldimand County;

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

PART 1 – GENERAL ADMINISTRATION

1. DEFINITIONS:

For the purposes of this by-law:

“**Accessible Taxicab**” means a vehicle that is designed or modified to be used for the purpose of transporting persons who are disabled and that is licenced as a Taxicab by the municipality;

“**Applicant**” means a person applying for a licence under this by-law;

“**Clerk**” means the Clerk of the Corporation of Haldimand County;

“**Council**” means the municipal Council of the Corporation of Haldimand County;

“**County**” means The Corporation of Haldimand County;

“**Disabled**” means

- (i) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or

- speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- (ii) a condition of mental impairment or a developmental disability,
 - (iii) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
 - (iv) a mental disorder, or
 - (v) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*;

“Driver” means any person Licenced or required to be licenced under this by-law to drive, or operate as a Driver of a Taxicab or other vehicle under the control of this by-law, including an Accessible Taxicab;

“Driver’s Licence” shall mean the Licensed Vehicle Driver’s Licence granted by the Issuer or Council to any person to act as or Operate as a Driver of said Vehicle licenced under this by-law, including an Accessible Taxicab;

“Fare” means the rates set out in Schedule “A” of this by-law;

“Fare Card” means a card issued by the Issuer for display in a Taxicab or Accessible Taxicab Vehicle that sets out in full the rates authorized by this by-law;

“Issuer” means the Clerk of the Corporation or his or her designate;

“Licencee” means a Person who has been issued and maintains a valid Licence pursuant to the terms of this by-law;

“Licensed Vehicle” means a Taxicab or Specialty Vehicle of which the owner has obtained a Licence pursuant to this by-law;

“Limousine” shall mean any vehicle, other than a *Taxicab, Bus* or rental vehicle without a driver, which is kept or used for hire for the conveyance of *Passengers* solely on an hourly basis, which has an extended wheel base and a seating capacity greater than 5 persons and is not equipped with a *Taximeter*, a top light or a roof sign of any kind;

“Municipality” means the geographic area of Haldimand County;

“Municipal Law Enforcement Officer” shall mean a Municipal Law Enforcement Officer appointed by Council;

“Operate” when used in reference to a Taxicab, means to drive a licensed taxicab and/or to make the taxicab available to the public for the conveyance of passengers for a minimum of eight (8) hours per day for at least eight (8) occasions per calendar month throughout the calendar year;

“Operator” includes a driver of a licenced vehicle;

“Owner” includes any person, proprietorship, limited partnership, corporation or other entity, including a lessee of a vehicle, which carries on the business of transporting passengers in Haldimand County;

“Owner’s Licence” shall mean a Licence granted by the Issuer or Council to any person to own, keep, or use any Vehicle licenced under this by-law, and does not include a Driver’s Licence;

“Owner’s Plate” shall mean the licence plate issued to an Owner by the Issuer under this by-law including a Plate issued to the Owner of an Accessible Taxicab and “Plate” shall have the same meaning;

“Person” shall mean an individual, association, firm, partnership, corporation, trust, organization or other entity;

“Priority List” means the list of applicants for a taxicab owner’s licence maintained by the Issuer with names set out in chronological order as to the date and time of receipt of application, as set out in section 21 of this by-law;

“Rural Area” means the lands located outside the Urban Area and as mapped within the County’s Official Plan;

“Service Animal” means an animal used by a person with a disability where it is readily apparent that the animal is used by the person for reasons relating to their disability or where the person has provided a letter from a physician or nurse confirming that they require the animal for reasons relating to the disability;

“Specialty Vehicle” means a vehicle, including, but not limited to, a limousine which is hired for the conveyance of passengers by reservation only and solely on an hourly basis, which has seating for no more than the manufacturer’s specified number of passengers and a sufficient number of seatbelts for each Driver and passenger, and shall not include a Taxicab;

“Taxicab” means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended, hired for one specific trip for the conveyance exclusively of passengers or goods, which has seating for no more than the manufacturer’s specified number of passengers and a sufficient number of seatbelts for each Driver and passenger, one fare or charge only being collected or made for the trip, and shall not include a Specialty Vehicle;

“Trip” means the distance and time travelling or the distance and time to be travelled from the point at which the passenger first enters the taxicab to the time and point at which the passenger finally leaves the taxicab;

“Urban Area” means the communities where municipal water and sewage services exist and where the majority of residential and commercial growth in Haldimand County occurs. The Urban Area includes: Caledonia, Cayuga, Dunnville, Hagersville, Jarvis and Townsend;

“Vehicle” means a vehicle as defined under the *Highway Traffic Act*.

2. LICENCE REQUIRED

- 2.1 Every
- a) Owner of a Taxicab
 - b) Driver of a Taxicab
 - c) Owner of a Specialty Vehicle
 - d) Driver of a Specialty Vehicle

shall procure and maintain, in good standing, a Licence from the County authorizing him or her to carry on or engage in any trade, calling, business or occupation listed above within the boundaries of the County.

2.2 Prohibition

No person shall carry on or engage in a trade, calling, business or occupation listed in section 2.1, within the boundaries of the County, unless he or she has a valid and current Licence from the County permitting them to do so.

2.3 For the purposes of this by-law, a Person is carrying on or engaging in any of the trades, callings, businesses or occupations listed in section 2.1 where:

- (a) Passengers are conveyed wholly within the County or from any point in the municipality to any point outside the municipality; or
- (b) if, in respect of the Persons referred to in section 2.1, their usual business address is within the County.

2.4 An application for a Licence or the issuance of a Licence pursuant to the provisions of this by-law does not relieve the applicant or licensee, as the case may be, from the obligation to comply with all other applicable by-laws of the County and laws of the Province of Ontario and the Government of Canada.

PART 2: OWNER'S LICENCES

3. QUOTA

3.1 The maximum number of Taxicab Owners' Licences issued by Haldimand County shall not exceed one (1) Licence for every 1,600 people residing in Haldimand County. Population statistics as provided by the Haldimand County Planning and Economic Development Department shall be used as the official record for the purposes of calculating the population.

4. OWNER'S LICENCE REQUIREMENTS

4.1 Any person wishing to make an application for an Owner's Licence shall file with the Issuer an application package consisting of the following information for each vehicle to be Licensed:

- (a) A fully completed Haldimand County Vehicle application form;
- (b) Proof of ownership of the vehicle to be licensed, or where the vehicle is leased, a copy of the vehicle lease;
- (c) A current Safety Standards Certificate dated not more than thirty-six (36) days prior to the submission of the licence application;
- (d) Proof of insurance in the amounts prescribed in Section 19 of this by-law;
- (e) In respect of an Accessible Taxicab, a certificate dated not more than sixty (60) days prior to the submission of the licence application from a qualified person to the effect that the equipment which renders the vehicle an Accessible Taxicab is safe and in proper working order; and
- (f) The associated Owner's Licence fee prescribed in Haldimand County's User Fee and Service Charges By-law.

- 4.2 A Haldimand County vehicle inspection must be arranged through the Issuer to ensure that the vehicle inspection requirements set out in this by-law are met.

5. ISSUANCE OF OWNER'S LICENCE

- 5.1 When an application for a licence meets the following requirements, a licence will be issued:
- (a) the provisions of Section 4 have been complied with; and
 - (b) any outstanding fines that have been imposed against the applicant pursuant to any provision of this by-law have been paid.

6. OWNER'S DUTIES

- 6.1 Every Licensed Owner of a Vehicle Licensed under this by-law shall:
- (a) engage only the services of Drivers Licensed under this by-law;
 - (b) display the Fare Card on the visor above the front passenger's seat and on the back of the driver's seat or front passenger's seat;
 - (c) where the Vehicle is a Taxicab, affix a suitable sign on the roof of the Taxicab indicating that the vehicle is a Taxicab;
 - (d) where the Vehicle is a Taxicab, affix a suitable sign on the front side doors of the Taxicab indicating the name of the Taxicab company;
 - (e) submit the Licensed Vehicle and the Owner's Licence for examination or inspection at any time by a Municipal Law Enforcement Officer upon demand of that person;
 - (f) maintain every Licensed Vehicle in a safe driving condition and in accordance with the Vehicle inspection requirements of this by-law as to its interior and exterior condition;
 - (g) ~~keep a record of all trips made by the vehicle, showing the name of the driver, the date, time and location of the commencement and termination of the fare, with such records retained for a period of 12 months;~~ *require and ensure that each driver keeps a record of all trips made by the driver, using the form included as Schedule B of this by-law, recording:*
 - i. The name of the driver;*
 - ii. The time available for hire;*
 - iii. The date, time and location of the commencement and termination of the fare;*
 - iv. The total fare collected for each trip;*
 - v. A separate trip record for each day and each driver**and collecting such records from the drivers on a daily basis for each vehicle driven, and retaining such records for a period of 12 months; (By-law amendment 1647/16)*
 - (h) upon request, submit trip records for review by the Issuer or Municipal Law Enforcement Officer;
 - (i) where the Vehicle is a Taxicab, place the numbered Owner's Plate issued by the County for each Licensed Vehicle on the rear bumper of the Vehicle;

- (j) be required to replace any numbered Owner's Plate issued by the County that is defaced, destroyed, stolen or lost;
 - (k) report by the next business day, to the Issuer, all accidents or collisions connected with the operation of the Licensed Vehicle;
 - (l) ensure that vehicle registration and identification information are made available in an accessible format to persons with disabilities who are passengers; and
 - (m) where the Vehicle is a Taxicab *that is not solely operated as an Accessible Taxicab (By-law amendment 1647/16)*, ensure that minimum standards of operating eight (8) hours per day for at least eight (8) occasions per calendar month are met and, where they are not met for a period of 60 consecutive days, return the Licence and Owner's Plate to the Issuer.
- 6.2 The Issuer may require, at any time, that an Owner submit their Vehicle or trip records for inspection at an appointed place.

7. OWNER'S PROHIBITIONS

7.1 No Licensed Owner shall:

- (a) Permit a Licensed Vehicle, in respect of which a mechanical defect has been reported to them, to be operated until they have inspected and ensured that the defect, if any, has been corrected;
- (b) Permit a Vehicle, not owned by them, to be Operated under the authority of their Owner's Plate;
- (c) Permit a Licensed Vehicle, of which they are the Owner, to be Operated unless it is insured as required by this by-law;
- (d) Operate a Licensed Vehicle, or permit a Licensed Vehicle to be Operated under this by-law, without the Owner's Plate attached;
- (e) Operate a Vehicle, or permit a Vehicle to be Operated, that is not Licenced under this by-law;
- (f) Operate a Licenced Vehicle until they have first procured the required Driver's Licence under this by-law.
- (g) Permit any person, other than a Licenced Driver under their engagement, to Operate their Licensed Vehicle;
- (h) Operate a Licensed Vehicle that is not clean and in good repair as to its interior and exterior;
- (i) Prevent or hinder a person authorized by this by-law from entering a Licensed Vehicle owned by them for the purpose of inspecting the Vehicle;
- (j) Permit a Driver to Operate the Licensed Vehicle unless the Driver complies with the provisions of this by-law; or

(k) Where the Vehicle is a Taxicab, put any name, address or telephone number or identification other than that of themselves on their Taxicab roof sign.

(l) Fail to submit to the Issuer or a Municipal Law Enforcement Officer the original trip records, immediately or as otherwise requested. (By-law amendment 1647/16)

PART 3: DRIVER'S LICENCES

8. DRIVER'S LICENCE REQUIREMENTS

8.1 Any person wishing to make an application for a Driver's Licence must:

- (a) Attend in person and provide the Issuer with a completed application for such licence;
- (b) Pay the associated Driver's Licence fee as prescribed in Haldimand County's User Fee and Service Charges By-law;
- (c) Hold in their name, at minimum, a valid Class G licence issued by the Province of Ontario, which is in good standing according to the records of the Ministry of Transportation;
- (d) Provide the Issuer with an original Police Record Check issued by the municipal police force where they reside, dated not more than sixty (60) days prior to the submission of the licence application;
- (e) Provide to the Issuer an original current driver's abstract from the Ministry of Transportation, dated within sixty (60) days of the date of the application for a Driver's Licence under this by-law;
- (f) Be permitted to work in Canada; and
- (g) Be at least eighteen (18) years of age.

9. ISSUANCE OF DRIVER'S LICENCE

9.1 When an application for a Driver's Licence meets the following requirements, a licence can be issued:

- (a) the provisions of Section 8 have been complied with;
- (b) the applicant is not a person who:
 - i. has been convicted of a criminal offence during the preceding five (5) years;
 - ii. ~~has been convicted of an indictable offence at any time under any statute of Canada including, but not limited to, the Criminal Code of Canada, or the Controlled Drugs & Substances Act,~~ *has been convicted of an indictable offence within the past ten years or an indictable offence for which a term of imprisonment is imposed under any statute of Canada including, but not limited to, the Criminal Code of Canada, or the Controlled Drugs & Substance Abuse Act (By-law amendment 1511/15).*
 - iii. has had his driving privileges suspended for any reason during the preceding three (3) years; or
 - iv. is the subject of outstanding criminal charges at the date of the application; and

- (c) any outstanding fines that have been imposed against the applicant, pursuant to any provision of this by-law, have been paid.

10. DRIVER'S DUTIES

10.1 Every Licensed Driver shall:

- (a) Maintain, in good standing, a current Driver's Licence issued by the Province of Ontario;
- (b) Submit the Licensed Vehicle in their care and / or their Driver's Licence and photo identification issued under this by-law for examination or inspection at any time by the Issuer or a Municipal Law Enforcement Officer upon demand of that person;
- (c) Comply with section 18 of this by-law in regards to providing notification of change of information;
- (d) Be civil and behave courteously and professionally, refraining from using profanity, and turn off any radio, CD player or other sound producing device in their vehicle upon the request of a passenger;
- (e) Offer to assist any passenger when it is evident that the Passenger is a Person with a Disability, elderly or in need of assistance;
- (f) Where the Vehicle is a Taxicab, give a Passenger a receipt on an authorized form, showing the Driver's name and Licence number and an identifying number for the Vehicle, when requested, or whenever there is a dispute over the Fare;
- (g) When a passenger enters the Vehicle that is a Taxicab and gives the Driver the desired destination, take the shortest possible route to the destination desired, unless the Passenger designates otherwise;
- (h) Where the Vehicle is a Taxicab, display a current Fare card setting out the rates to be charged in a conspicuous place in the Vehicle;
- (i) Where the Vehicle is a Taxicab, charge rates to passengers in accordance with the rate schedule set out on the Fare card;
- (j) Display the Driver's Licence on the visor above the Driver's seat;
- (k) Ensure that the vehicle registration and identification information are made available in an accessible format to persons with disabilities who are passengers;
- (l) Report, by the next business day, to the Issuer, all accidents or collisions connected with the operation of a Licensed Vehicle in which the Driver or a passenger was involved;
- (m) Transport all passengers who are accompanied by Service Animals;
- (n) Where the Vehicle is a Taxicab, serve the first Person requiring the service of the Vehicle except when the Person;
 - o Is aggressive or disorderly;
 - o Refuses to give their destination;
 - o Has not paid a previous fare; or
 - o Is intending to smoke in the vehicle; and

(o) Keep a record of all trips made, using the form included as Schedule B of the by-law, recording:

- i. The name of the driver;*
- ii. The time available for hire;*
- iii. The date, time and location of the commencement and termination of the fare;*
- iv. The total fare collected for each trip;*

and maintaining a separate trip record for each vehicle driven each day and submitting record to the Owner on a daily basis. (By-law amendment 1647/16)

10.2 When a Licensed Driver has had their Province of Ontario driver's licence cancelled, suspended or revoked, or where the licence has expired, the Licence issued under this by-law shall be deemed to be suspended as of the date of cancellation, suspension or revocation of the Province of Ontario driver's licence, and the Driver shall immediately return the Licence issued under this by-law to the Issuer.

11. DRIVER'S PROHIBITIONS

11.1 No Licensed Driver shall:

- (a) Operate any Vehicle required to be a Licensed Vehicle unless it is a Licensed Vehicle;
- (b) While having care and control of a Licensed Vehicle, permit any person other than another Driver Licensed under this by-law, to Operate the Vehicle;
- (c) Operate a Licensed Vehicle unless the Licence issued by the Issuer containing their name and photograph is affixed to the visor above the Driver's seat and in such manner that the same is plainly visible to and readable by passengers;
- (d) Operate a Licensed Vehicle unless the Vehicle is in a state of good repair;
- (e) Operate a Licensed Vehicle that is not insured as required by this by-law;
- (f) Prevent or hinder the Issuer or a Municipal Law Enforcement Officer from entering the Licensed Vehicle, in the care and control of the Driver, for the purpose of inspecting the Vehicle or its equipment;
- (g) Carry a greater number of passengers than is set out in the manufacturer's rating of seating capacity for such vehicle and for which the corresponding number of seat belts have been provided;
- (h) Drive with luggage or any object placed in, hung on or attached to the Vehicle in such a manner as to obstruct the Driver's view of the road.;
- (i) Take, consume or have in their possession any alcohol, drugs prohibited by law, prescription or non-prescription drugs or intoxicants which impair the Driver's ability to Operate a Vehicle;
- (j) Where the Vehicle is a Taxicab, use any Fare card, other than that obtained from the Issuer, or remove, exchange, lend or otherwise dispose of the Fare card;
- (k) Where the Vehicle is a Taxicab, take on any additional passengers after the Licensed Vehicle has departed with one or more passengers from any one starting point, except under the following circumstances:

- (i) when done at the request of a passenger already in the Vehicle; or
 - (ii) In an emergency situation;
- (l) Where the Vehicle is a Taxicab, operate a Licensed Vehicle without an Owner's Plate, roof and front door signs affixed in the required locations per this by-law;
- (m) Contravene or permit the contravention of the *Smoke Free Ontario Act*;
- (n) Where the Vehicle is a Taxicab, Operate such Licensed Vehicle unless:
 - (i) It is equipped with a spare tire and jack, ready for use for that vehicle;
 - (ii) It meets the standards required for the issue of an acceptance under the Ontario Ministry of Transportation regulations, as well as the standards for the issue of a Safety Standard Certificate of mechanical fitness;
 - (iii) It is in good repair as to its interior and exterior per this by-law;
- (o) Induce any Person to engage their Licensed Vehicle by any misleading or deceiving statement or representation to that Person about the location or distance of any destination named by that Person;
- (p) Recover or receive any Fare or charge from any passenger who had demanded their services, which is greater or less than the Fare or charge authorized by this by-law except for a tip, gratuity, or toll highway charge;
- (q) Where the Vehicle is a Taxicab, recover or receive any Fare or charge from any Person from whom the Driver has refused to show the Fare card;
- (r) Make any charge for time lost through defects or inefficiency of the Vehicle or the incompetence of the Driver;
- (s) Make any charge for the time elapsed due to early arrival of the Vehicle in response to a call for the Vehicle to arrive at a fixed time;
- (t) Fail to submit trip records to the Owner on a daily basis. (By-law amendment 1647/16)*
- (u) Fail to submit to the Issuer or a Municipal Law Enforcement Officer the original trip records, immediately or as otherwise requested. (By-law amendment 1647/16)*

PART 4: GENERAL PROVISIONS

12. CONDITIONS ON LICENCE

- 12.1 The Issuer may impose conditions as a requirement of obtaining or continuing to hold a Licence under this by-law.
- 12.2 The Issuer may impose special conditions, as a requirement of obtaining or continuing to hold a Licence under this by-law, that have not been imposed on another Driver or Owner, upon such grounds as are set out in this by-law.

- 12.3 The Issuer may impose conditions, including special conditions, on the following grounds:
- (a) the Licencee has failed to comply with any provision of this by-law;
 - (b) it is determined to be in the public interest to impose such conditions, including, but not limited to, for public health and safety reasons; or
 - (c) it is determined that the conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the by-law.

13. SUSPENSION AND REVOCATION

- 13.1 In addition to any other penalty which may be imposed pursuant to this by-law, the Issuer may suspend or revoke a licence:
- (a) for failure to comply with any provision of this by-law; or
 - (b) if, during the term of a Licence, the Issuer becomes aware of any fact or facts which, if known at the time of the application, may have resulted in the Licence not being issued to the Licencee.
- 13.2 Upon notification of the suspension or revocation of the Licence, the Licencee shall surrender such Licence, and Owner's Plate, if applicable, to the Issuer or a Municipal Law Enforcement Officer.
- 13.3 Where a Licence has been revoked or suspended, the Licencee is not entitled to a refund of any fee paid under this by-law.

14. APPEAL OF ISSUER'S DECISION

- 14.1 Where the Issuer refuses to issue, suspends or revokes a Licence, the Issuer shall notify the Applicant or Licencee that they may request that the Issuer's decision be reviewed by Council.
- 14.2 The Issuer's notice shall set out the grounds upon which the issue of the said Licence is refused, suspended or revoked and shall state that the Applicant or Licencee may appeal such decision to Council.
- 14.3 If the Applicant/Licencee wishes to request an opportunity to be heard before Council, they must provide notice in writing to the Issuer within 15 days from the date of the Issuer's notice.
- 14.4 Where the Issuer does not receive notice from the Applicant/Licencee requesting an opportunity to be heard in accordance with subsection 14.3, the Issuer need not process the application further and no further notice is required to be served upon the Applicant/Licencee
- 14.5 Where the Issuer has revoked a Licence and where the Applicant or Licencee has appealed such decision to Council, the Licence shall automatically be suspended until such time as a determination on the issue has been made by Council.

- 14.6 Where the Issuer receives notice from the Applicant/Licencee in accordance with subsection 14.3, the Issuer shall refer the matter to Council and give the Applicant /Licencee notice of the date and time when they will have the opportunity to be heard on the matter.
- 14.7 At the meeting, Council can hear, not only from the Applicant/Licencee, but also from the Issuer, other County staff, any governmental or public agency, or the general public.
- 14.8 Council, after consideration of all evidence and all submissions made at the meeting, shall have the authority to:
- (a) order a Licence be granted;
 - (b) refuse to issue a Licence;
 - (c) revoke a Licence;
 - (d) suspend a Licence, including an interim suspension of a Licence pending a rescheduling of a meeting before Council; or
 - (e) impose conditions on a Licence.
- 14.9 The decision of Council shall be final.
- 14.10 Where a Licence has been revoked upon an unsuccessful appeal by the Applicant, no refund of any payment of fees paid by the Applicant shall be made.

15. REQUIREMENT TO RETURN A LICENCE

- 15.1 Where a Licence has been suspended or revoked, the holder of the Licence shall return the Licence, and Owner's Plate, where applicable, to the Issuer or a Municipal Law Enforcement Officer within twenty-four (24) hours of receipt of written notification of the suspension or revocation. The Issuer or a Municipal Law Enforcement Officer may enter upon the premises of the Owner for the purpose of receiving or taking the said Licence and Owner's Plate, where applicable, and no person shall refuse to deliver or in any way obstruct or prevent the Issuer or a Municipal Law Enforcement Officer from obtaining the Licence and Owner's Plate.

16. VALIDITY OF LICENCE

- 16.1 Every Licence issued under this by-law shall be valid for no more than one (1) year, and shall expire on February 15th of the following year, or on a date specified by the Issuer.
- 16.2 Failure to apply for a Licence by February 15th of the following year, or by the date specified by the Issuer, will result in the immediate suspension of all privileges and rights to Operate as a Driver or Owner, which privileges and rights will not be restored until the Licence is applied for in accordance with this by-law.
- 16.3 A Licence is valid only in respect of the person named on the licence.

17. LOST, DAMAGED OR STOLEN LICENCES AND PLATES

- 17.1 When a Licence or Owner's Plate is defaced, damaged, stolen or lost, the Licencee shall:
- (a) apply to the Issuer for a replacement;

- (b) pay the required fee as set out in the Haldimand County User Fee and Service Charges By-law; and
- (c) return their damaged Owner's Licence or Plate to the Issuer, if applicable.

18. DUTY TO NOTIFY

- 18.1 When a Licencee changes their name or address or any information relating to their Licence, they shall:
- (a) notify the Issuer within seven (7) business days of the change of address or any other information relating to their Licence;
 - (b) in the case of an Owner, return the Licence within seven (7) business days to the Issuer for amendment;
 - (c) when there is a change of location of a business, complete an application for a new Licence including submission of all documentation required for a new licence as outlined in this by-law;
 - (d) all Licencees are required to notify the Issuer within twenty-four (24) hours of convictions under the *Criminal Code of Canada*, the *Narcotic Control Act*, the *Food and Drug Act*, the *Controlled Drug and Substances Act*, or the *Highway Traffic Act*.

19. INSURANCE

- 19.1 The Owner of a vehicle Licensed under this by-law shall not permit the vehicle to be operated unless:
- (a) They have procured and maintained in good standing, a Standard Automobile Insurance Policy providing for third party liability of at least \$2,000,000 insurance coverage for the use designated in the Licence; and
 - (b) The policy of insurance contains an endorsement requiring that the insurer give to the Issuer at least ten (10) days notice of any proposed cancellation or variation of the policy.
- 19.2 All insurance renewal policies or certificates of insurance shall be filed with the Issuer ten (10) days prior to the expiry date of the current insurance policy.
- 19.3 When a Licensed Owner ceases to have a current and valid Ontario standard automobile insurance policy in good standing and properly endorsed in accordance with the provisions of this by-law, the Licence shall be deemed to be suspended and the Licence shall only be reinstated when written proof of insurance, in accordance with the provisions of this by-law, is delivered to the Issuer.
- 19.4 A Licensed Owner and a Licensed Driver engaged by them shall produce, in respect of every Licensed vehicle being operated by the Driver, evidence of insurance as required under this by-law immediately upon demand of any individual authorized to enforce this by-law.
- 19.5 If a Licensed Owner or a Licensed Driver engaged by them does not produce evidence of insurance when demanded pursuant to this section, the Issuer shall suspend the Licence immediately.

19.6 When a Licensed Owner has had their Licence suspended under Section 19 of this by-law, they shall immediately remove the Owner's Plate from the vehicle and return it to the Issuer.

20. PLATE NON-TRANSFERABLE

20.1 No owner shall permit any Licence issued under this by-law to be used on a vehicle where ownership of the vehicle is retained by another party, except in the case of a vehicle leased through a leasing firm, in which case a copy of the lease shall be filed with the Issuer.

20.2 Where the holder of an Owner's Licence becomes deceased, the executor of the estate, or the person with power of attorney for the deceased Owner may continue to operate the vehicle for up to ninety (90) days. After ninety (90) days, the deceased Owner's Licence shall expire. Notwithstanding any priority list that is in existence at the end of the 90-day period, the estate may apply for an Owner's Licence for said Vehicle. If the estate does not initiate an application for a new Licence, the Owner's Plate(s) shall be removed from the vehicle and returned to the Issuer.

20.3 Where a Licensed Owner wishes to transfer ownership of a Licensed Vehicle to another Person, an affidavit in a form satisfactory to the Issuer, shall be sworn in the presence of the Issuer by both the Transferor and the Transferee. Once the affidavit is complete, the transferee will need to fulfill the requirements of Sections 4 and 5 of this by-law in order to complete the application process.

21. PRIORITY LIST

21.1 Persons whose names are on the Priority List shall renew their entry on the list, on or before February 15th of each year, by paying the prescribed fee and attending before the Issuer to confirm his or her entry on the Priority List as accurate.

21.2 A person who fails to renew their entry on the Priority List, as required by subsection 21.1 has until March 15 to pay the prescribed renewal fee together with a late filing fee, failing which the person's name and entry shall be struck from the Priority List.

21.3 Persons submitting their names to the Priority List must be at least 18 years of age.

21.4 Upon a transfer of a Licence or a change in ownership of a Licence or interest thereof being approved pursuant to subsection 20.3 of this By-law, the name of the transferee shall be struck off the Priority List.

21.5 When an Owner's Licence becomes available, the Issuer may send a notice to the Person whose name appears first on the Priority List.

21.6 The Priority List Applicant who received notification shall file an Owner's application and the required fee as prescribed in Haldimand County's User Fee and Service Charges By-law with the Issuer within twenty (20) days from the sending of the notice. The Priority List Applicant then has ninety (90) days to satisfy the balance of requirements of Section 4 of this by-law.

21.7 Subsection 20.3 is not applicable to any Licence issued under Subsection 21.6 for a period of five (5) years.

22. SUBSTITUTE VEHICLES

- 22.1 An Owner may apply for permission to maintain a substitute Taxicab to temporarily replace vehicles which are in need of significant repair; removed from service by the Issuer, a Municipal Law Enforcement Officer, Police Officer, or a Provincial Offences Officer; **or**, are seriously damaged, during the period of repair or replacement. Authorization to operate a substitute vehicle may be granted subject to the following conditions:
- (a) The Owner shall attend at the County office and provide the Issuer verification that the substitute vehicle meets all requirements of this By-law regarding insurance and mechanical fitness prior to the use of the substitute vehicle;
 - (b) The Owner shall be required to advise the Issuer when the substitute vehicle has been activated and is in service, the vehicle for which the substitution is made and when the service has ceased;
 - (c) The temporary transfer of an Owner's Licence to a substitute vehicle shall not exceed sixty (60) days;
 - (d) The fee for the temporary transfer of an Owner's Licence to a substitute vehicle, as set out in Haldimand County's User Fee and Service Charges By-law, shall be paid prior to the use of the substitute vehicle.
- 22.2 The number of spare taxicabs that may be approved by the Issuer under subsection 22.1 is limited to one spare taxicab were the owner is licensed to operate 5 or less Taxicabs and if the Owner owns more than 5 Taxicabs than one spare Taxicab per five taxicabs licensed under this by-law.
- 22.3 No Owner shall operate a substitute Taxicab unless it is to temporarily replace an existing licensed Taxicab during the period of repair or replacement.
- 22.4 The issuer may inspect any Taxicab removed from service or temporarily substituted by a spare Taxicab before permitting the original taxicab to return to service.

23. DISPOSAL OF VEHICLES

- 23.1 When the Licensed Owner disposes or otherwise ceases to use, as a Taxicab Vehicle, the Vehicle registered, the Owner shall immediately:
- (a) remove the roof light;
 - (b) return the Haldimand County issued Fare Card;
 - (c) remove all identifying decals or markings;
 - (d) return the Owner's Plate; and
 - (e) remove any corresponding numbers and items displayed on the Vehicle that identify it to the public as a Taxicab.

24. INSPECTION OF VEHICLES

- 24.1 The inspection of the Vehicle may include, but not be limited to:
- a) ensuring the doors are operational;
 - b) ensuring the seatbelts are operational;
 - c) ensuring the heat and air conditioning systems are operational; or
 - d) ensuring the windows are operational.

- 24.2 The Issuer may require and the Owner or Driver shall submit the Vehicle at any time for inspection by a licensed mechanic.
- 24.3 In the event the Owner or Driver does not attend a random inspection or an inspection by a mechanic as described in this by-law, the Owner's Licence or Driver's Licence shall be suspended by the Issuer until the Vehicle has passed said inspections.
- 24.4 For the purposes of the inspection required under subsection 23.1, the Vehicle shall be submitted for inspection during normal business hours and shall not be used again until approval is given as to the condition of the Vehicle.

25. ACCESSIBLE TAXICABS

- 25.1 Every person to whom a Taxicab Owner's Licence and Owner's Plate is to be issued for the purposes of providing an Accessible Taxicab service, shall provide the Issuer with proof that the Accessible Taxicab meets the requirements of Ontario Regulation 629 – Accessible Vehicles under the *Highway Traffic Act*, as amended.

26. ACCESSIBLE TAXICAB DRIVER'S DUTIES

- 26.1 Every Driver of an Accessible Taxicab shall serve the first Person with a Disability requesting the serve of their Accessible Taxicab at any place within the County, except where the provisions of subsection 10.1(n) of this by-law apply.
- 26.2 When not engaged as an Accessible Taxicab, the Licensed Vehicle may Operate as a regular Taxicab.
- 26.3 Every Licensed Driver operating an Accessible Taxicab shall:
- (a) notify the passenger upon arrival at the pick up point;
 - (b) offer such assistance as required to facilitate the entry or exist of a Person with a Disability into or out of an Accessible Taxicab;
 - (c) properly and safely handle passenger mobility aids and, where a wheelchair is being used by a Passenger, secure the wheelchair in the area so provided so that the wheelchair is prevented from moving when the Accessible Taxicab is in motion;
 - (d) ensure that the seatbelt is properly secured; and
 - (e) comply with all other requirements of a Driver under this by-law.

27. LIMOUSINES

- 27.1 A Limousine, as defined under this By-law, shall have a manufacturer's rated seating capacity of not less than six (6) adult persons, a minimum of four doors and a wheelbase of not less than 2.92 metres (114 inches).

28. NOTICE REQUIREMENTS OF BY-LAW

- 28.1 Any notice required by this by-law to be given to the Applicant or Licencee may be given, unless otherwise provided in this by-law by:
- (a) mailing a copy of the notice by ordinary mail addressed to the address of the Applicant or Licencee, as the case may be, listed on the most recent application for a Licence;
 - (b) delivering a copy of the notice personally to the Applicant or Licencee;
 - (c) leaving a copy of the notice at the address of the Applicant or the Licencee as listed on the most recent application for a Licence; or
 - (d) leaving a copy of the notice at the business address of the Applicant or Licencee.
 - (e) providing notice of pending application through the mail, with such service by the County being discretionary and not a requirement under this by-law.

29. PENALTY

- 29.1 Every person who contravenes any of the provisions of this by-law and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable:
- (a) On a first conviction, to a fine of not more than \$25,000; and
 - (b) On a subsequent conviction, to a fine of not more than \$10,000 for each day, or part thereof, upon which the contravention has continued after the day on which the person was first convicted.
- 29.2 If the person referenced in subsection 28.1 is a corporation, the maximum penalty that may be imposed is:
- (a) On a first conviction, a fine of not more than \$50,000; and
 - (b) On a subsequent conviction, a fine of not more than \$25,000 for each day, or part thereof, upon which the contravention has continued after the day on which the corporation was first convicted, and not as provided in subsection (1).

30. FARES

- 30.1 The fares applying to Taxicabs operating within Haldimand County are set out in Schedule "A", attached to, and forming part of this by-law.

31. EXEMPTIONS

- 31.1 Vehicles utilized by the Haldimand Norfolk Community Senior Support Services for the transportation of residents aged 60 and over and disabled adults for medical and social appointments are exempt from this by-law.

32. SEVERABILITY

32.1 If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law will be considered to be severed from the balance of the by-law, which will continue to operate in full force.

33. REPEAL OF EXISTING BY-LAWS

33.1 By-laws 942/08 and 1226/11 are hereby repealed.

34. ENACTMENT

34.1 This by-law shall be referred to as the "Hired Vehicle Licensing By-law".

34.2 This by-law comes into force and takes full effect on the date of its passage.

READ a first and second time this 21st day of May, 2013.

READ a third time and finally passed this 21st day of May, 2013.

MAYOR

CLERK

SCHEDULE A TO BY-LAW /13

Fares for Licensed Vehicles

(All fares are inclusive of applicable taxes)

Taxicabs

The following regular tariffs shall apply to Taxicabs operating within Haldimand County:

1. By Area / Location

Urban Area flat rate \$9.00

Rural Area \$5.00 minimum + \$2.30/km
discretionary option of charging
for pickup at the half way point
between where the cab is coming
from and the pickup destination.

2. Standing / Waiting Time \$0.50/minute

3. Handling Luggage or Groceries No Charge

4. Senior's & Students Discount - Discretionary 10%

5. Surcharge - Discretionary \$2.00
(on fares of four (4) or more people at any time)

Specialty Vehicles

The following regular tariff shall apply to Specialty Vehicles operating within Haldimand County:

Minimum rate: \$40.00/hour