

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2005-40

Consolidated on July 9, 2010

Passed by Council on March 8, 2005

Amendments:

- | | | |
|--------------------|------------------|--|
| 1) By-law 2006-309 | October 24, 2006 | Section 8.01(f), (k) and (l)
Sections 9.02, 9.04, 9.05
Schedule A and Schedule B |
| 2) By-law 2007-235 | October 30, 2007 | Schedule A |
| 3) By-law 2008-134 | August 19, 2008 | Schedule "A" and Schedule "B" |
| 4) By-law 2010-120 | June 29, 2010 | Schedule "A" and Schedule "B" |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2005 - 40

**A BY-LAW TO LICENCE, REGULATE AND GOVERN TAXICAB AND
LIMOUSINE BUSINESSES AND THEIR OWNERS, OPERATORS,
BROKERS AND TAXI DRIVERS IN KAWARTHA LAKES**

Recitals

1. Section 150 of the *Municipal Act, 2001*, S.O. c.25 authorizes Council to licence, regulate and govern businesses and events.
2. This authority includes but is not limited to the power to issue Licences, to issue Licenses on condition, to revoke Licences, to suspend Licences, to regulate or govern the place used in the carrying on of such business, and to prevent the carrying on of such businesses without a licence.
3. Council considers it appropriate, in accordance with Section 150, to Licence certain businesses carried on in Kawartha Lakes to promote the health and safety of residents, provide nuisance control and ensure consumer protection.

Explanation

Taxicab and Limousine Businesses are regulated in Kawartha Lakes for the purposes of providing health and safety protection, consumer protection, and nuisance control for the Owners, Operators, Taxi Drivers and Patrons. It is for these reasons, Taxicab and Limousine Businesses be operated and maintained in a safe, equitable and sanitary fashion.

Therefore, for the purpose of ensuring the health and safety of Patrons, Taxi Drivers, Owners, Operators and Brokers, as contemplated under Section 150(2).1 of the *Municipal Act, 2001*, S. O. c.25 Council deems it necessary and appropriate to licence, regulate and govern Taxicab and Limousine Businesses as hereinafter set forth.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2005-40.

Article 1.00: Definitions and Interpretation

- 1.01 **Definitions**: Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section 1.01, or, alternatively, in the Section of the appropriate Schedule which defines terms. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

“Applicant” includes a Person seeking a Licence, or renewal of a Licence or a Person whose Licence is being considered for revocation or suspension.

“Broker” means the Owner of a licensed Taxicab or Limousine, who is not a Taxicab or Limousine Business Owner and operates through a licensed Taxicab or Limousine Business.

“Business” means a Trade that requires a Licence pursuant to this By-law, whether or not a Licence has been issued or maintained for that business.

“By-law” means this By-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.

“City” means The Corporation of the City of Kawartha Lakes.

A **“City Facility”** means any property owned by the City that is not a Highway.

“Clerk” means the Person within the administration of the City who fulfils the function of the City Clerk as required by the *Municipal Act, 2001, S. O. c.25* or his or her delegate.

“Committee” means the committee of Council to which Council has delegated the responsibility of handling Licensing matters. Where no delegation has been made, the term refers to the Council itself.

“Council” means the elected municipal council for the City.

“Directors” means all of; the Chief Administrative Officer, the Development Services Director, the Community Services Director, the Public Works Director, the Social Services Director, the Emergency Services Director, Finance Director, Human Resources Director, the Chief of Police, or their delegate.

“Fire Chief” means the person within the City’s administration who fulfills the function of the fire chief as required by the *Fire Protection and Prevention Act, 1997, S. O. c.4* or his or her delegate.

“Health Unit” means the Haliburton, Kawartha, Pine Ridge District Health Unit.

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

“Kawartha Lakes” means the geographic area within the City’s jurisdiction.

“Licence” means a Licence to operate a Trade issued pursuant to this By-law.

“Licensee” means the recipient of any Licence required within this By-law.

“Licensing Officer” means the municipal Licensing Officer for the City, responsible for the issuing, administration and approval of Licences in accordance with provincial legislation and City policies and procedures, or his or her delegate.

“Limousine” means a motor vehicle kept or used for hire for the conveyance of Passengers by reservation only and solely on an hourly basis, which has seating for no more than the manufacturers specified number of Passengers and a sufficient number of seatbelts for each Taxi Driver and Passenger, and shall not include a Taxicab.

“Mechanical Fitness Certificate” means a certificate as defined in the regulation of the *Highway Traffic Act, R.S.O. 1990, c.H.8*.

The “**Medical Officer of Health**” means the Medical Officer of Health of the Health Unit or his or her delegate.

“**Municipal Act**” means the *Municipal Act, 2001*. S. O. c.25

A “**Municipal Law Enforcement Officer**” is a person duly appointed within the City’s administration to enforce the by-laws of the City, and includes the Licensing Officer.

An “**Operator**” is a Person with care and control of a Business at any given point in time, with authorization of the Owner of the Business. The terms “Operate”, “Operation” and words of like import or intent have corresponding meanings.

An “**Owner**” is a Person with legal title to real or personal property of a Taxi or Limousine Business, including a motor vehicle. The terms “Own”, “Ownership”, and words of like import or intent have corresponding meanings.

“**Passenger**” means any Person in a Taxicab or Limousine except the Taxi Driver.

“**Peace Officer**” includes but is not limited to the mayor, sheriff, deputy sheriff, sheriff’s officer, justice of the peace, jailer or keeper of a prison, and a police officer, bailiff, or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process, or any officer appointed for enforcing or carrying out the provisions of this By-law.

“**Person**” includes but is not limited to an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, a natural Person.

“**Police**” means the Chief of Police or other designated officer in charge of a police service within the jurisdiction of Kawartha Lakes, or his or her delegate.

“**Public Place**” means any area whether municipally owned or otherwise, which is designated and reserved for use of the general public.

“**Schedule**” means a schedule to this By-law.

“**Tariff Card**” means a card issued by the City to display the rates of a Taxicab and Limousine operating within the City.

“**Taxicab**” means a motor vehicle kept or used for hire for the conveyance of Passengers or goods, which has seating for no more than the manufacturers specified number of Passengers and a sufficient number of seatbelts for each Taxi Driver and Passenger and shall not include a Limousine.

“**Taxi Driver**” means a Taxicab or Limousine Driver licensed or required to be licensed under this By-law and shall include Owners, Operators and Brokers.

“**Taxicab Stand**” means a geographic area or zone designated by Council, as an exclusive stopping place for Taxicabs, at which persons have access to embark or disembark Taxicabs and includes temporary taxicab stands.

“**Taxicab Meter**” means a device or instrument affixed to a Taxicab which measures mechanically or electronically, the distance driven and the time waiting upon which a fare is based, and which computes the amount of the fare chargeable for any trip for which a fare is chargeable.

“**Taxi Plate**” means a metal plate issued by the City to each Taxicab and Limousine.

“**Trade**” includes a business, calling or occupation and “carrying on a trade” includes any act of:

- (a) selling any goods or services; or
- (b) soliciting business or offering or exposing goods or services for sale or hire.

“**Trip Record**” means a form issued by the City, on which to record each fare and shall include the following information:

- a) the Taxi Plate number;
- b) the name of the Taxi Driver and the Owner or Broker of the Vehicle;
- c) the date, time and location each trip began and ended;
- d) the odometer readings of when each trip began and ended; and
- e) the amount collected for each trip.

“**Vehicle**” means a Taxicab or Limousine as defined by this By-law.

1.02 **Interpretation Rules:**

- (a) Wherever this By-law refers to a Person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.

1.03 **Statutes:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the province of Ontario as at the time the By-law was enacted. For provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time or current S. O. edition. References to by-laws are references to the municipal by-laws with force of law in Kawartha Lakes.

1.04 **Severability:** 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 and effect.

Article 2.00: Licensing Requirements

2.01 **Licence Requirement:**

- a) No Person shall permit a motor vehicle to be used as a Taxicab or Limousine in the City for the conveyance of Passengers or goods except under the authority of a Taxicab or Limousine Owner's Licence issued by the City.
- b) No Person shall accept calls or hires in any manner for a Taxicab or Limousine in the City for the conveyance of Passengers or goods except under the authority of a Taxicab or Limousine Broker's Licence issued by the City.
- c) No Person shall operate a Taxicab or Limousine in the City for the conveyance of Passengers or goods except under the authority of a Taxicab or Limousine Driver's Licence issued by the City.
- d) No Taxicab or Limousine Broker shall dispatch a Taxicab or Limousine to commence the conveyance of Passengers or goods unless the Owner of the Taxicab or Limousine holds a valid Licence for his or her Vehicle issued by the City.
- e) Notwithstanding Section 2.01 (a), no such Licences shall be required for the operation of a Taxicab or Limousine or its Driver within the City provided such Taxicab, Limousine and Driver is licensed by another municipality, and operating for the sole purpose of discharging a Passenger who was picked up outside of the City.
- f) Failure to comply with any of the provisions of this Section is an offence.

- 2.02 **Regulations:** A Person who receives a Taxicab or Limousine Owner, Broker or Taxi Driver Licence shall comply with the regulations set out in this By-law. Failure to comply with the regulations is an offence.
- 2.03 **Responsibility of Agents:** An agent, trustee or representative of Persons carrying on a Taxicab or Limousine Business in Kawartha Lakes shall also be personally liable for the compliance of his or her principal, beneficiary or Persons he or she represents in connection with this By-law.
- 2.04 **Locational Requirement:** A Licence shall be obtained for each location from which a Taxicab or Limousine Business is carried on. Failure to comply with this Section or any other provision of this By-law shall be an offence.
- 2.05 **Liability Insurance:** No Person shall be granted or hold a Licence for a Taxicab or Limousine Business unless the Applicant, upon application, or at the request of the Licensing Officer, provide proof of liability insurance and appropriate Vehicle insurance with an endorsement to carry passengers to cover each Vehicle. Failure to maintain insurance as required constitutes an offence.
- 2.06 **Number of Taxi Plates Issued Per Geographic Area:** Not more than the following number of Taxi Plates shall be issued in accordance with Section 9.01 each year per geographic zone:

Zone	Taxis	Limousines	Geographic Location
1	8	3	Wards 1, 2, & 3
2	8	3	Wards 4, 5, 6 & 8
3	8	3	Wards 7, 13, 14 & 15
4	28	6	Wards 9, 10, 11, 12 & 16

- 2.07 **Criminal Charges and Convictions:** Any Persons that have pending criminal charges shall not be eligible for a Licence under this By-law until documented proof of an absolute or conditional discharge of such charges is provided to the Licensing Officer.

Any Persons that have been convicted of a criminal offence, shall not be eligible for a Licence under this By-law until they have completely served their sentence and a waiting period of either three (3) years for summary conviction or five (5) years for an indictable conviction.

The waiting period shall commence the date all fines are paid in full and any court imposed surcharge, restitution or compensation orders, term of imprisonment or probation is completed.

Article 3.00: Application Procedures and Requirements

- 3.01 **Application:** An application for any Licence or renewal of a Licence required under this By-law may be obtained from the main administrative offices of the City, or at any of the City's municipal service centres, on the form prescribed by the Licensing Officer.
- 3.02 **Application Requirements:** Each application form will require information to be provided, and other necessary papers to be completed or submitted by the Applicant in conjunction with his or her application, where applicable, in support of the information in the form as outlined below:
1. **Taxicab or Limousine Business Licence:**
 - a) a fully completed application form as supplied by the City;
 - b) a site plan is to accompany the application;
 - c) documentation from the Development Services Director that the property upon which the Business will operate is appropriately zoned;
 - d) A Site Plan Agreement; or an exemption from this requirement from the Development Services Director;

- e) documentation from the City's Chief Building Official that confirms that all buildings, structures and facilities, on site, or the plans for same, are or will be in compliance with the requirements of this By-law, any building permits issued by the City and the provisions of any agreement in effect for the Business;
- f) documentation from the Fire Chief that confirms that all buildings, structures and facilities, or the plan for same, are in compliance with applicable fire safety regulations;
- g) documentation from the District Health Unit and/or the alternate approval authority that confirms that all water supply facilities and sewage disposal facilities, or the plans and documentation for same, are in compliance with applicable potable water supply and sewage treatment regulations and guidelines;
- h) documentation, providing proof that he or she is the property owner of the land at the location or, alternatively, that he or she has the authority of the property owner and/or manager to operate from the site;
- i) a copy of Ontario Business Registration or in the case of a corporation, copy of the Articles of Incorporation;
- j) a copy of business liability insurance policy; and
- k) Personal Information Query (PIQ) for every applicant, partner, shareholder or shareholders of a corporation obtained from the Police.

2. **Taxicab and Limousine Vehicle Licence:**

- a) a completed application form supplied by the City for each Vehicle to be licensed;
- b) a copy of current Ontario Motor Vehicle Permit for each Vehicle to be licensed;
- c) a copy of current Mechanical Fitness Certificate signed by a licensed mechanic for each Vehicle to be licensed;
- d) the original copy of Vehicle/Meter Inspection Report for each Vehicle to be licensed; and
- e) a copy of Insurance Policy with public liability coverage and an endorsement to carry Passengers for compensation for each Vehicle to be licensed.

3. **Taxi Driver's Licence:**

- a) a completed application form supplied by the City;
- b) a Personal Information Query (PIQ) obtained from the Police;
- c) a Driver's Abstract obtained from the Police;
- d) a copy of valid Ontario Driver's Licence.

3.03 **Vehicle Inspection Requirement:** The Licensing Officer or designate shall inspect each Vehicle and its equipment, prior to the issuance of any Licence under Section 3.02 (2).

3.04 **Photograph:** The Licensing Officer or designate shall take a photograph of every Applicant under Section 3.02 (3), which shall be filed with the City and upon application for renewal of Licence, the Applicant shall attend for a new photograph if required to do so by the City.

3.05 **Additional Criteria Considered:** The Licensing Officer may deny a Licence or issue a Licence with specific conditions based on, but not limited to the following criteria:

- a) the Applicant's premises or place of trade are the object of an order to comply made under the Property Standards By-law, or an order made under the Ontario *Building Code Act S. O. 1992, c.23*;
- b) the Applicant's premises (or use of such for the Business requested) is not in compliance with the Zoning By-law or any parking requirements of the City;

- c) the Applicant's premises requires corrective action pursuant to an order of the Medical Officer of Health to ensure the safety or health of the public;
- d) the Applicant's premises requires corrective action pursuant to an order of the Fire Chief;
- e) the Applicant has been found to have discriminated against a member of the public contrary to *The Ontario Human Rights Code R. S. O. 1990 c.H.19*;
- f) the Applicant has been convicted of an offence pursuant to the *Criminal Code of Canada, R.S.C. 1985, c. C.46*;
- g) the Applicant has been convicted of an offence pursuant to *the Highway Traffic Act, R.S.O. 1990, c. H.8*;
- h) the Applicant was previously convicted of an offence pursuant to this or a predecessor by-law;
- i) the Applicant is financially obligated to the City in some manner other than for current taxes; and
- j) the Applicant is in breach of this or some other City by-law or law of Ontario or Canada.

3.06 **Licence Refusal:** The Licensing Officer has the right to deny the issuance of, or revoke a Licence if any of the terms of this By-law are not met. If the application is denied, the Applicant has the right to appeal the decision in accordance with the procedures outlined in Section 5.03.

3.07 **Disclosure of Private Information:** It shall be a condition of every licence that an Owner or Operator shall consent to the disclosure of all records and personal information with respect to any licence application, approval refusal or revocation to any law enforcement agency, provincial ministry, federal department, agency, board or commission thereof or any other municipality, or to the Owner of the Kennel, pursuant to the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990,c.m.56,s.32.

3.08 **Time Limited:** Except as otherwise provided in this By-law, Licences shall be issued for a maximum period of one year and shall come into effect on the date that they are issued, and expire on December 31 of that same year.

Article 4.00: Licence Issue

4.01 **Licence Fee:** The fee for obtaining a Licence or renewal of a Licence shall be as set out in Schedule "A" of this By-law. No fee is refundable except in the event that a Licence is revoked by reason of municipal staff error. In that case the Licensee is entitled to a refund of a part of the Licence fee proportionate to the unexpired part of the term for which it was granted.

4.02 **Duplicate Licences and Taxi Plates:** Except as otherwise provided in a Schedule to this By-law, a duplicate Licence or Taxi Plate may be issued by the Licensing Officer to replace any Licence or Taxi Plate previously issued which has been lost, stolen or destroyed, upon written application by the Licensee and upon payment of a fee of fifteen (\$15.00) dollars.

4.03 **Posting & Production of Licences (Fixed Location):** Where a Licensee carries on his or her Business from a fixed location, the Licensee shall post the Licence obtained under this By-law in a publicly conspicuous place at that place of business and be visible to the public at all times. Persons licensed under this By-law shall, when requested by any Person authorized by Council, produce the Licence for inspection. Failure to comply with this Section is an offence.

4.04 **Posting & Production of Licences (No Fixed Location):** Where a Licensee travels from place to place to perform his or her duties within a Taxicab or Limousine Business, he or she shall carry his or her Licence at all times. Persons licensed under this By-law shall, when requested by any Person authorized by Council, produce the Licence for inspection. Failure to comply with this Section is an offence.

4.05 **Posting of Taxi Plates:** Where a Licensee is issued a Taxi Plate obtained under this By-law, the Licensee shall:

- a) securely affix the Taxi Plate to the right rear end of the designated Taxicab at a location clearly visible to any Person located behind the Taxicab; and
- b) Limousines shall securely affix the Taxi Plate to the front of the designated Limousine at a location clearly visible to any Person located in front of the Limousine.

Failure to comply with this Section is an offence.

4.06 **Partnerships and Corporations and Unincorporated Associations:**

- (a) Except as otherwise noted in this By-law, a partnership, a corporation, an association or a combination of Persons is considered as a single Applicant for any one Business.
- (b) On any application by a partnership, the Licence shall be issued in the name under which the business is carried on by the Applicant and all his or her partners. The names and addresses of all partners must be listed on the application form.
- (c) On any application by a corporation, the Licence shall be issued in the name under which the business is carried on by the Applicant and all directors of the corporation. The names and addresses of all directors must be listed on the application form.
- (d) A change in composition of the members of a partnership or in the officers and/or directors of a corporation shall be reported to the Clerk within thirty (30) calendar days. Failure to comply with this Section is an offence.

4.07 **Change of Address:** Every change of mailing address or telephone number of any Licensee shall be reported to the Licensing Officer within fifteen (15) days. Failure to comply with this Section is an offence.

4.08 **No Transfer:** It is an offence to attempt to transfer or assign any Taxi Plate or Licence issued under this By-law except in accordance with Section 4.09.

4.09 **Licence Transfer:** Upon cessation or sale or other transfer of a Business, the Licensee of that Business shall notify the Licensing Officer of the cessation or transfer. Prior to the Business being transferred, and subject to any restrictions in the applicable Schedule, the new potential Owner, Operator or Broker shall be required to submit an application for a Licence transfer, in the form prescribed by the Licensing Officer. The Licensing Officer may, depending upon the circumstances of the request for transfer, require the new potential Owner, Operator or Broker to submit any or all of the same documentation and/or information that would have been required for a new application for the Licence in question. The requirements of Section 3.02 (1) shall apply to applications for a Licence transfer. A Business Licence fee shall be charged as set out in Schedule "A" attached to this By-law.

4.10 **No Vested Right:** No Person enjoys a vested right in the continuance of a Licence and upon issuance, renewal, cancellation or suspension, all Licences remain the property of the City.

4.11 **Licensees to Use Name on Licence:** It is an offence for a Person licensed to carry on any Trade under this By-law, to advertise or carry on that Trade under any other name than the one endorsed on his or her Licence.

4.12 **Inspections:** The Licensing Officer, the Police, the Medical Officer of Health, Municipal Law Enforcement Officer, the Fire Chief or any Person acting under those Persons, or any Person authorized by Council may at reasonable times during business hours and upon producing proper identification, inspect:

- (a) any premises or place where a Business is carried on or where there are reasonable and probable grounds to believe a Business is being carried on;

- (b) any goods, equipment or Vehicles, to be used by the Applicant in connection with the Business.

4.13 **No Obstruction:** It is an offence to obstruct, hinder or interfere in any way with any person designated to enforce this By-law.

Article 5.00: Granting, Refusal and Revocation Of Licenses

5.01 **Grant Licence:** The Licensing Officer shall issue a licence or licence renewal where the applicant is in full compliance with the terms of this By-law and all other applicable By-laws, Provincial and Federal legislation and regulations.

5.02 **Grant Licence With Conditions:** The Licensing Officer may, where the provisions of this By-law have been met, propose in writing to the Applicant to grant the Licence subject to conditions if appropriate. If within five (5) days following the written proposal to grant the Licence with conditions, the Applicant has not indicated an objection to the Licence with conditions, the Licence is deemed to have been issued on the day of the notice of the proposal to grant.

The Licensing Officer shall revoke a licence granted with conditions if the applicant has not met the imposed conditions within the stipulated time frame

5.03 **Refuse Licence:** In the event that the Licensing Officer refuses for any reason to grant a Licence, or suspends or revokes a Licence, and the Applicant requests that the matter be considered by Council, the Licensing Officer shall prepare a report for the consideration of Council and the Applicant shall be provided with at least two (2) weeks written notice of the meeting of Council to consider the refusal to grant, revocation or suspension and shall have the opportunity to address Council prior to Council making a decision.

5.04 **Council Discretion:** Council may in its sole discretion grant, grant with conditions, refuse to grant, or revoke or suspend a Licence.

In the exercise of its discretion under Section 5.03 such discretion shall be exercised,

- i. upon such grounds as are set out in this By-law, or
- ii. upon the grounds of the conduct of a person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the Person will not carry on or engage in the business in accordance with the law or with honesty and integrity.

5.05 **Consideration to Matters Raised:** Council may, in exercising its discretion pursuant to this By-law, consider any matter raised under Section 3.05 or any other matter that relates to the general welfare, health or safety of the public, the control of nuisances within Kawartha Lakes, or the protection of consumers.

5.06 **Surrender of Licence:** It shall be an offence for any Owner, Operator, Broker or Taxi Driver to fail to deliver or surrender to the Licensing Officer, a Licence or Taxi Plate issued by the City, upon suspension or revocation.

Article 6.00: Vehicle Requirements and Inspections:

6.01 **Age of Vehicle:** It shall be an offence for any Owner, Operator or Broker to permit any vehicle to be used as a Taxicab or Limousine within the City unless the the Vehicle is in proper working order, meets all provincial safety certification standards and has a current licence issued by the Province of Ontario.

6.02 **Roof Signs:** It shall be an offence for any Owner, Operator or Broker to permit a licensed Taxicab to operate within the City without being equipped with a roof sign placed on the roof of the Taxicab, which shall:

- a) be electric;
- b) display only the Taxicab Business's identification with lettering which is visible to the public;

- c) be connected to the Taxicab Meter in such manner as to be extinguished when the Taxicab Meter is turned on;
- d) be connected to the Taxicab Meter in such manner as to be illuminated when the Taxicab Meter is in the off position, except where the Taxicab is not available to convey passengers or goods.
- e) Roof signs are not required for Limousines.

6.03 **Taxicab Meters:** It shall be an offence for any Owner, Operator or Broker to permit a licensed Taxicab to operate within the City without being equipped with a Taxi Meter, which shall:

- a) be attached in a position that is in plain view of the Passengers and illuminated between dusk and dawn;
- b) be equipped with a flag, or light indicating when an electronic meter is engaged ;
- c) adjusted in accordance with the rates prescribed in Schedule "A", and inspected and sealed by the Licensing Officer or designate; and
- d) be kept in good working condition at all times and not used when defective in any way or when the inspection seal has been broken

6.04 **Serviceable Tires:** It shall be an offence for any Owner, Operator or Broker to permit a licensed Vehicle to operate within the City without being equipped with serviceable tires, one of which shall be available as a spare and each of which shall comply with the Tire Standards and Specifications, O. Reg. 741/811 as amended, under the *Highway Traffic Act R. S. O. 1990 c.H.8.*

6.05 **Taxi Driver's Identification:** It shall be an offence for any Owner Operator, Broker or Taxi Driver to operate a licensed Vehicle not equipped with the appropriate Taxi Driver identification card contained in a holder provided by the City, which shall be attached to the interior of the Vehicle in such a position as to be fully visible to all Passengers at all times;

6.06 **Taxi Plate:** It shall be an offence for any Owner, Operator or Broker to permit a licensed Vehicle to operate within the City without being equipped with a Taxi Plate, affixed in accordance with Section 4.05.

6.07 **Tariff Cards:** It shall be an offence for any Owner, Operator or Broker to permit a licensed Vehicle to operate within the City without being equipped with a current Tariff Card, issued by the City, with rates set out in Schedule "A", affixed to the interior of the Vehicle so as to be visible to all Passengers.

6.08 **Advertisement:** It shall be an offence for any Owner, Operator or Broker to permit any form of advertising, either in the interior or exterior of a Taxicab or Limousine other than the name and telephone number of their licensed Taxicab or Limousine Business.

6.09 **Vehicle and Equipment Inspections:** If any inspection, at any time, results in a Taxicab or Limousine being found to be in an unsafe or hazardous condition, the inspector shall immediately remove the Taxi Plate from the Vehicle. A replacement Taxi Plate may only be issued in accordance with Section 3.02 (2) (a) through (f) inclusive.

Article 7.00: Taxicab & Limousine Owner, Operator and Broker Requirements:
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7.01 **Owner, Operator and Broker Requirements:** A Taxicab or Limousine Owner, Operator and Broker licensed under this by-law shall:

- (a) ensure that all Taxi Drivers, Vehicles and equipment conform to the requirements of all Sections of this By-law; and any other applicable Municipal By-laws and or Provincial or Federal Laws.
- (b) ensure that any Person operating their Vehicles, is a licensed Taxi Driver;
- (c) maintain insurance conforming to the requirements prescribed by this By-law;

- (d) keep, at all times in each Vehicle, the original or a photocopy of the original of each of the following documents:
 - i) the appropriate current Ontario Motor Vehicle Permit
 - ii) the appropriate Vehicle Owner's Business Licence issued under this by-law; and,
 - iii) the appropriate certificate of liability insurance as required under this By-law.
- (e) maintain and retain for not less than four (4) years, original copies of all Trip Records;
- (f) maintain and retain for not less than four (4) years, lists of all Vehicles and Taxi Drivers in their employ;
- (g) provide, on request of the Licensing Officer or a Municipal Law Enforcement Officer, original copies of any or all Trip Records requested; and
- (h) provide, on request of the Licensing Officer or a Municipal Law Enforcement Officer, a list of all Vehicles and Taxi Drivers under their employ;

7.02 **Failure to Comply:** Failure to comply with this Section is an offence.

Article 8.00: Taxi Driver Requirements:

8.01 **Taxi Driver Conduct Requirements:** Every Taxi Driver, while in operation of a Taxicab or Limousine shall:

- (a) conform to the requirements of all Sections of this By-law;
- (b) carry his or her Taxi Driver's Licence issued under this By-law and his or her Ontario Driver's licence issued under the *Highway Traffic Act R. S. O. 1990, c.H.8*;
- (c) produce for inspection, any Licence or required documentation referred to in this By-law, when requested to do so by the Licensing Officer or Municipal Law Enforcement Officer;
- (d) be properly dressed, well groomed, neat and clean in personal appearance;
- (e) behave civilly and courteously;
- (f) (2006-309, effective October 24, 2006)**
- (g) not use the horn of a Vehicle to notify the caller of arrival, unless an adult person cannot be found by knocking on the door of the residence to which the Taxi Driver has been called, or when the Taxi Driver is unable or feels it is not safe to exit the Vehicle;
- (h) not carry more Passengers in their Vehicles than is set out in the manufacturer's rating of seating capacity for the Vehicle;
- (i) not drive a Taxicab or Limousine with luggage or any object placed in, hung on or attached to the Vehicle in such a manner as may obstruct the Taxi Driver's view;
- (j) not operate a Taxicab for hire while carrying a Passenger or goods without keeping the Taxicab Meter in operation at all times, unless providing Taxicab service pursuant to Section 9.04 of this By-law;
- (k) not request or charge any fare for the use of a Taxicab other than that recorded on the Taxicab Meter, unless providing Taxicab service pursuant to Sections 9.04 and 9.05; (2006-309, effective Oct. 24/ 06)**

- (l) not request or receive any higher fare or charge other than the charge specified in a current Tariff Card as prescribed in Schedule "A" or any surcharge as prescribed in Appendix "B"; (2006-309, effective Oct. 24/06)
- (m) not charge any fare for the use of a Limousine other than that previously arranged between the Owner, Operator, Broker or Taxi Driver and Passenger and in accordance with Schedule "A";
- (n) not charge for time lost through defects or inefficiency of the Vehicle or incompetence in driving;
- (o) not charge for time consumed by the early arrival of the Taxi Driver in response to an appointment made in advance;
- (p) be permitted, where an appointment for service is made in advance, to charge for time consumed in waiting for a Passenger following the appointed time for arrival of the Taxi Driver;
- (q) not charge for time consumed in providing service to a Person who has not made an appointment for service in advance until the Passenger and the Taxi Driver are seated in the Vehicle;
- (r) not charge a Passenger for the cost of proceeding to an establishment for change or for waiting time while a Passenger obtains change when the amount tendered in payment for the fare is of greater value than the sum due and is in the amount of twenty dollars (\$20.00) or less;
- (s) keep all appointments and engagements punctually;
- (t) take proper care of all baggage and other personal property placed in the Taxi Driver's care for conveyance;
- (u) deliver all property, goods or money left in error by any Passenger in the Vehicle to such Passenger, or notify such Passenger where such property, goods or money may be recovered, or, if such Passenger is unknown, deliver the property, goods or money to the City of Kawartha Lakes Police Station;
- (v) not pick up any additional Passengers once the Vehicle has been hired and currently in use by another Passenger or group of Passengers;
- (w) take the most direct route possible to the requested destination unless directed otherwise by a Passenger;
- (x) examine the Vehicle for mechanical defects or interior and exterior damage each day before commencing the operation of the Vehicle;
- (y) ensure that the Vehicle which he or she is driving is maintained:
 - i) in a clean condition as to its exterior;
 - ii) in a clean, dry and odour-free condition as to its interior;
 - iii) free of articles or debris left by Passengers; and,
 - iv) free of personal effects of the Taxi Driver not required in the conduct of normal driving duties, while it is in his or her possession;
- (z) report any detected defects in the Vehicle, or damage occasioned to the Vehicle, forthwith to the Owner, Operator or Broker;
- (aa) if requested, give a Passenger a receipt showing:
 - i) the Taxi Driver's name;
 - ii) the Taxi Driver's Licence number;
 - iii) the Taxi Plate number;
 - iv) the date and time of the trip;
 - v) the points of origin and destination of the trip;

- vi) the cost of the trip, indicating the Goods and Services Tax (GST) included in the fare;
 - vii) the registration number supplied by the Minister of National Revenue pursuant to which the Goods and Services Tax collected for the trip will be remitted to the Receiver General of Canada;
- (bb) display his or her Taxi Driver photograph identification card issued by the City, in accordance with Section 6.05;
- (cc) ensure that the light of the roof sign of the Taxicab is illuminated when the Taxicab is available for hire, and extinguished when the Taxicab Meter is engaged;
- (dd) take a position at the end of any line formed by Taxicabs already in a Taxicab Stand when entering a Taxicab Stand;
- (ee) not enter or attempt to enter a Taxicab Stand where there is insufficient place for the Taxicab within the Taxicab Stand;
- (ff) not enter or attempt to enter a Taxicab Stand where the Taxicab Owner's, Operator's or Broker's Licence does not permit the commencement of the conveyance of Passengers or goods in which the Taxicab Stand is located;
- (gg) not obstruct or interfere with:
- i) the use of a Taxicab Stand;
 - ii) the use of a Public Place; or
 - iii) the surrounding traffic patterns, while waiting in a Vehicle or at a Taxicab Stand or at any public parking place;
- (hh) be sufficiently close to the Taxicab to have it under constant observation while parked in a Taxicab Stand or Public Place while waiting for hire;
- (ii) not refuse to serve the first Person requesting the service of his or her Taxicab except as provided by Section 8.01 (kk);
- (jj) not refuse to permit a dog while serving as a guide for a visually or hearing impaired Person;
- (kk) have the right to refuse to serve any Person requesting the services of any Vehicle if:
- i) the Vehicle is engaged for other service;
 - ii) the Person requesting the service owes the Taxi Driver for a previous fare or service;
 - iii) the Person requesting the service refuses to pay in a form of remuneration acceptable to the Owner, Operator or Broker;
 - iv) the Person requesting service, upon being requested by the Taxi Driver refuses to disclose the final destination immediately after entering the Vehicle;
 - v) the Person requesting service asks the Taxi Driver to drive to any place in circumstances which the Taxi Driver reasonably believes to be unsafe;
 - vi) the Person requesting service has an excessive number of items that will not fit within the Vehicle, or will obstruct the Taxi Driver's vision or ability to operate the Vehicle in a safe manner;
 - vii) the Person requesting service demands to be accompanied by a number of Passengers which exceeds the number of seat belt assemblies available for Passengers;
 - viii) the Person requesting service is unduly obnoxious or abusive, in which event such Taxi Driver shall immediately record in writing the reasons for such refusal and shall retain the record for a period of ninety (90) days;

- (ll) open the trunk of the Vehicle whenever a Passenger has articles to be placed in the trunk of the Vehicle;
- (mm) open the door of the Vehicle for any Passenger requesting the services of a Taxicab or Limousine;
- (nn) not terminate a trip on the left side of a one-way street;
- (oo) not induce any Person to engage a Vehicle through any misleading or deceiving statement or representations to that Person about:
 - i) the location of any destination named by that Person;
 - ii) the distance to any destination named by that Person; or,
 - iii) the approximate charge for conveyance to any destination named by that Person.

8.02 **Failure to Comply:** Failure to comply with any of the provisions of this Section is an offence.

Article 9.00: Administration of Business and Fares
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- 9.01 **Place of Business:** Every Owner, Operator, or Broker must provide and maintain a place of business within the City limits, and in at least one (1) of the geographic zones defined in Section 2.06, which will accommodate the number of Vehicles proposed to operate such Business, and have an office with a telephone and any other facilities required for the convenience of the general public. It is also required that every Owner, Operator or Broker have a sufficient number of licensed Taxi Drivers and staff to enable him or her to operate the number of Taxicabs and or Limousines to be licensed, available for service in transporting Passengers.
- 9.02 **Fares:** It shall be an offence for any Owner, Operator, Broker or Taxi Driver to charge any fare or fee other than prescribed in Schedules "A" and "B"
(2006-309, effective Oct. 24/06)
- 9.03 **Taxicab Meter to be Engaged:** Notwithstanding the provisions of Section 9.04, it shall be an offence to operate a Taxicab within the City boundaries without activating the Taxicab Meter as soon as a Passenger enters a Taxicab and ensuring that it remain activated until such trip is completed.
- 9.04 **Flat Rate Charges:** In conjunction with the provisions of Section 9.03, a Flat Rate charge, at an amount agreed upon by the taxi company and the passenger(s), may be applied only for the portion of the distance traveled beyond the city boundaries.
(2006-309, effective Oct. 24/06)
- 9.05 **Taxicab Surcharge Rates:** Taxicab Surcharge Rates, only as prescribed in Appendix "B" shall be added to the total taxicab meter fare. All customers must be advised on the surcharge prior to pickup.
(2006-309, effective Oct. 24/06)

Article 10.00: Licences Issued for the Purpose of Compliance with the Regulations of the Greater Toronto Airport Authority
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- 10.01 **Additional Licences to be Permitted:** Two (2) additional Taxicab Business Licences and Two (2) Taxi Plates may be issued for the express purpose of compliance with the regulations of the Greater Toronto Airport Authority to allow operation of these Taxicabs at Lester B. Pearson Airport in Toronto, and shall be issued in accordance with this By-law. Taxi Drivers of the Taxicabs to whom these additional Licences are issued may apply for a Taxi Driver Licence in accordance with the provisions of this By-law.
- 10.02 **Conditions:** All Licences issued under Section 10.01 are owned by the City of Kawartha Lakes and cannot be transferred or assigned by any Licensee to whom they are issued. When and if they are no longer required or are expired, revoked or suspended, such licences must be surrendered to the City of Kawartha Lakes.

Article 11.00: Enforcement and Penalties

- 11.01 **Schedules Shall Apply**: Every Applicant and Licensee shall be subject to all of the provisions and relevant regulations contained in the Schedules to this By-law.
- 11.02 **Enforcement**: Municipal Law Enforcement Officers, Licensing Officer, Peace Officers, Police or any other Person designated by Council may enforce this By-law.
- 11.03 **Administration of the By-law**: Unless otherwise indicated in this By-law, the administration of this By-law is assigned to the City Clerk, who may delegate the performance of any of the City Clerk's functions under this By-law from time to time as occasion requires.
- 11.04 **Offence and Penalty**: It is an offence for any person to violate any of the provisions of this By-law. Every person who contravenes this By-law, and every director or officer of a corporation who concurs in the contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00. Where a corporation is convicted of an offence, the maximum penalty that may be imposed on the corporation is \$50,000.00.
- 11.05 **Multiple Offences**: The conviction of an offender for the breach of any provision of this By-law shall not operate as a bar to a prosecution against the same offender upon any subsequent or continued breach of any provision of this By-law.

Article 12.00: Repeals; Predecessor By-laws; Effective Date

- 12.01 **Repeals**: Subject to Section 12.02, the following by-laws are repealed:

By-Laws Regarding Taxicabs and Limousines

Municipality	By-law Number
City of Kawartha Lakes	2001-88
Town of Lindsay	92-10, 92-57, 92-59, 92-69, 93-50, 95-81, 96-134 & 2000-28
Township of Fenelon	15-95
Township of Mariposa	95-16
Township of Manvers	98-04
Village of Bobcaygeon	14-77, 16-77, 7-81 & 11-99
Village of Omemee	1990-25 & 1991-2

- 12.02 **Ongoing Matters**: Each by-law listed in Section 12.01 shall remain in force and effect for the purpose of conclusion of any legal proceedings commenced under those by-laws prior to the effective date of this By-law, and for the purpose and effect of the validity of any Licence issued pursuant to any of those by-laws for the calendar year 2005.
- 12.03 **References to Predecessor By-laws**: References in other by-laws governing Kawartha Lakes to any historically applicable Licensing by-law are deemed to be references to this By-law.
- 12.04 **Effective Date**: This By-law shall take effect on the date of passage.

By-law read a first, second and third time, and finally passed, this 8th day of March, 2005.

Mayor

Clerk

(2010-120, effective June 29, 2010)

Schedule "A"
By-law 2005-40
Licence Fees and Fare Rates
THE CORPORATION OF THE CITY OF KAWARTHA LAKES

Business Licence Fee:	\$300.00
Vehicle Licence Fee:	\$75.00
Taxi Driver's Licence Fee:	\$50.00
Tariff Cards:	\$2.00 ea.
Taxicab Meter Fare:	<u>Basic Rate – Rate 1</u> \$3.25 start rate plus 22.5¢ per additional 100 metres (\$2.25 per kilometre)
	<u>Senior's Rate (65 years of age or over) –</u> <u>Rate 2</u> \$3.25 start rate plus 20.5¢ per additional 100 metres (\$2.05 per kilometre)
Taxicab Waiting Rate:	53¢ per minute (\$32.00 per hour)
Limousine Fare:	\$100.00 per whole or part hour with a minimum charge of \$200.00.
All Trips to Toronto International Airport:	Taxicab: \$200.00 Limousine: \$275.00
Airport Parking Fees:	Taxicab: \$10.00 Limousine: \$20.00

(Schedule "B" - Destination Surcharge Rates may be added where applicable)

(2010-120, effective June 29, 2010)

Schedule "B"
By-law 2005-40
Destination Surcharge Rates
THE CORPORATION OF THE CITY OF KAWARTHA LAKES

FROM ⇨	Bethany	Fenelon Falls	Lindsay	Little Britain	Woodville
TO ↓					
Argyle	\$52.75	\$21.25	\$28.50	\$23.50	\$5.75
Bethany	\$0.00	\$46.25	\$25.25	\$33.25	\$47.00
Bobcaygeon	\$38.25	\$14.75	\$27.75	\$40.50	\$41.50
Bolsover	\$61.75	\$30.00	\$37.50	\$30.75	\$14.00
Burnt River	\$60.00	\$14.75	\$35.00	\$43.75	\$40.50
Cambray	\$35.75	\$14.75	\$10.75	\$15.50	\$12.25
Cameron	\$36.50	\$9.75	\$10.75	\$19.50	\$17.00
Cannington	\$48.75	\$30.00	\$23.50	\$18.75	\$7.50
Coboconk	\$57.50	\$16.25	\$31.75	\$40.50	\$35.00
Dalrymple	\$56.75	\$26.75	\$48.75	\$43.75	\$25.25
Downeyville	\$18.75	\$30.75	\$11.50	\$23.50	\$33.25
Dunsford	\$26.75	\$28.50	\$15.50	\$27.75	\$37.50
Fenelon Falls	\$46.25	\$0.00	\$20.25	\$29.25	\$26.00
Glenarm	\$46.25	\$14.00	\$22.00	\$19.50	\$14.75
Janetville	\$15.50	\$36.50	\$15.50	\$23.50	\$37.50
Kinmount	\$61.75	\$27.75	\$47.75	\$56.75	\$52.75
Kirkfield	\$56.75	\$24.50	\$31.75	\$26.00	\$18.75
Lindsay	\$26.00	\$20.25	\$0.00	\$13.00	\$22.75
Little Britain	\$34.00	\$29.25	\$13.00	\$0.00	\$17.00
Manilla	\$42.25	\$32.50	\$17.00	\$14.00	\$10.75
Norland	\$64.00	\$23.50	\$38.25	\$47.00	\$40.50
Oakwood	\$35.00	\$25.25	\$9.75	\$5.00	\$13.00
Omeme	\$11.50	\$36.50	\$16.25	\$24.50	\$37.50
Pontypool	\$12.25	\$46.25	\$25.25	\$33.25	\$47.00
Reaboro	\$17.00	\$30.00	\$9.00	\$17.00	\$30.75
Rosedale	\$52.00	\$10.75	\$26.00	\$35.00	\$25.25
Sadowa	\$82.00	\$49.50	\$56.75	\$52.00	\$39.75
Seagrave	\$38.25	\$42.25	\$26.00	\$13.00	\$20.25
Sebright	\$77.75	\$45.50	\$52.75	\$47.75	\$33.25
Sturgeon Point	\$53.50	\$8.25	\$28.50	\$37.50	\$34.00
Valentia	\$34.00	\$30.00	\$13.00	\$5.75	\$24.50
Woodville	\$47.75	\$26.00	\$22.00	\$17.00	\$0.00