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(Consolidated Version)

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****Consolidated By-law No. 94-2004 as amended by By-law No. 001-2006, 143-2009, 078-2010, 042-2011, 050-2011****

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW No. 94-2004

A BY-LAW TO LICENSE, GOVERN AND REGULATE THE OWNERS AND DRIVERS OF TAXICABS, LIMOUSINES, MOTOR OR OTHER VEHICLES USED FOR HIRE, AND TO REPEAL BY-LAW NO. 52-89, AS AMENDED

WHEREAS Section 150 of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, (the "Act") authorizes councils of all municipalities to license, regulate and govern certain businesses wholly or partly carried on within the municipality;

AND WHEREAS subsection 155(1) of the Act provides that a by-law passed under Section 150 of the Act 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, may provide for the collection of the rates or *Fares* charged for the conveyance and may limit the number of *Taxicabs* or any class of them;

AND WHEREAS the Council of the Town of Milton deems it desirable to enact a by-law to license, regulate and govern *Owners* and *Drivers* of *Taxicabs* or other *Vehicles* used for hire, and the business of *Taxicab* or *Limousine Brokers*;

AND WHEREAS it is the desire of the Council of The Corporation of the Town of Milton to repeal By-law No. 52-89, as amended, and to enact a new by-law to license, regulate and govern the *Owners* and *Drivers* of *Taxicabs*, *Limousines*, motor or other *Vehicles* used for hire.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MILTON HEREBY ENACTS AS FOLLOWS:

PART 1 – ADMINISTRATION

1. Deleted {Amended by By-law 143-2009}
2. **DEFINITIONS:**
 - 2.1 For the purposes of this By-law:

- (1) “*Accessible Taxicab*” shall mean a van that is designed and intended to be used for the purpose of transporting persons who are disabled and that is licensed as a *Taxicab* by a municipality; {Amended by By-law 143-2009}
- (1.2) “*Ambulance*” means a conveyance used or intended to be used for the transportation of persons who,
 - (a) have suffered a trauma or an acute onset of illness either of which could endanger their life, limb or function, or
 - (b) have been judged by a physician or a health care provider designated by a physician to be in an unstable medical condition and to require, while being transported, the care of a physician, nurse, other health care provider, emergency medical attendant or paramedic, and the use of a stretcher; {Amended by By-law 143-2009}
- (2) “*Appeal Committee*” shall mean Access Paralegal Services, as delegated by Council; {Amended by By-law 143-2009}
- (3) “*Applicant*” shall mean any person applying for a *License* under this By-law;
- (3.1) “*Application fee*” shall mean the administrative fee to process a *License* application; {Amended by By-law 143-2009}
- (4) “*Broker*” shall mean any person who accepts calls in any manner for *Taxicabs, Accessible Taxicabs, or Limousines* that are used for hire; {Amended by By-law 143-2009}
- (5) “*Broker’s License*” shall mean a license granted by the *Licensing Officer, or Council*, to any person to act or *operate* as a *Broker* under this By-law.
- (6) “*Bus*” shall mean a motor vehicle designed for carrying ten or more *Passengers* and used for the transportation of persons;
- (6.1) “*Certificate of Sensitivity Training*” shall mean a certificate provided to the *Licensing Officer* by the *Broker* as proof that the *Driver* to be licensed to drive an *Accessible Taxicab* has successfully completed sensitivity training; {Amended by By-law 143-2009}
- (7) “*Chief Constable*” shall mean the Chief of Police for the Halton Regional Police Service, or his or her designate;
- (7.1) “*Compliance Label*” shall mean the label required to be applied to a vehicle under Regulation C.R.C., c. 1038 of the *Motor Vehicle Safety Act*; {Amended by By-law 143-2009}
- (8) “*Council*” shall mean the *Council* of The Corporation of the *Town* of Milton;

- (8.1) "*Dangerous*" respecting a *Vehicle* shall mean a vehicle with a critical defect(s) as outlined on Schedule "J" of this By-law; {Amended by By-law 050-2011}
- (8)(a) "*Dispatcher*" shall mean an individual employed by the *Broker* for the purpose of receiving all calls for service from members of the public and assigning the said request for service directly to the *Driver* from the *Broker's* office. (Amended by By-law No. 001-2006)
- (8)(b) "Dispatch Sheet" shall mean a written form detailing the dispatching of *Trips* as shown on Schedule "G" and Schedule "G-1" to this By-law; {Amended by By-law 143-2009}
- (9) "*Driver*" shall mean any person licensed or required to be licensed under this By-law to drive, or *Operate* as a *Driver* of a *Taxicab* or *Limousine* under the control of this By-law, including an *Accessible Taxicab* unless otherwise specified; {Amended by By-law 143-2009}
- (10) "*Driver's License*" shall mean a *Taxicab Driver's License* or *Limousine Driver's License*, as the case may be, granted by the *Licensing Officer* or *Council* to any person to act as or *Operate* as a *Driver* of any *Taxicab* or *Limousine* under this By-law, including an *Accessible Taxicab* unless otherwise specified; {Amended by By-law 143-2009}
- (11) "*Fare*" shall mean the amount displayed on the *Taximeter* at the conclusion of a *Trip*, together with any additional charges allowed pursuant to this By-law;
- (12) "*Grossly Unclean Person*" shall mean any person covered in an amount of dirt and/or other material so excessive that if transported by the *Driver*, the state of the person could leave the interior of the *Vehicle* unclean;
- (13) "*License*" shall mean a "*Taxicab or Limousine Driver's License*", "*Owner's License*" or a "*Broker's License*" issued under this By-law;
- (14) "*Licensee*" shall mean any person licensed under this By-law.
- (15) "*Licensing Officer*" shall mean the Supervisor, Licensing & Enforcement, or his or her designate; {Amended by By-law 050-2011}
- (16) "*Limousine*" shall mean any vehicle, other than a *Taxicab*, *Bus*, ambulance, hearse, or rental vehicle without a driver, which is kept or used for hire for the conveyance of *Passengers*, and is not equipped with a *Taximeter*, a top light or a roof sign of any kind;
- (17) "*Municipal Law Enforcement Officer*" shall mean a Municipal By-law Enforcement Officer appointed by *Council*;

- (18) “*Operate*” when used in reference to a *Taxicab* or *Limousine* shall include to drive the said *Vehicle* and to make it available to the public for use as a *Taxicab* or *Limousine*;
- (19) “*Order*” shall mean a request for *Taxicab* or *Limousine* service through dispatch;
- (20) “*Owner*” shall mean any person licensed, or required to be licensed to own or keep or lease or use any *Taxicab* or *Limousine* under the control of this By-law, and does not include a *Driver*;
- (21) “*Owner’s License*” shall mean a *Licence* granted by the *Licensing Officer* or *Council* to any person to own or keep or lease or use any *Taxicab* or *Limousine* under this By-law, and does not include a *Driver’s License*;
- (22) “*Owner’s Plate*” shall mean the license plate issued to an *Owner* by the *Licensing Officer* under this By-law, including a *Plate* issued to the *Owner* of an *Accessible Taxicab* and “*Plate*” shall have the same meaning; {Amended by By-law 143-2009}
- (22.1) “*Paratransit Taxicab Service*” involves the use of *Accessible Taxicabs* to provide for the conveyance of persons who are eligible under the Town of Milton’s Paratransit Program; {Amended by By-law No. 042-2011}
- (23) “*Passenger*” shall mean any person waiting for a *Taxicab*, or for whom the *Driver* is waiting in accordance with section 26.2(xviii) or waiting for a *Limousine* other than the *Driver*;
- (23.1) “*Person*” shall mean an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors or legal representation of the *person* to whom the context can apply according to law; {Amended by By-law 143-2009}
- (23.2) “*Schedule F*” shall mean the *Trip Record for Taxicabs*; {Amended by By-law 143-2009}
- (23.3) “*Schedule F-1*” shall mean the *Trip Record for Limousines*; {Amended by By-law 143-2009}
- (23.4) “*Service Animal*”, for the purposes of this by-law - an *animal* is a *service animal* for a person with a disability if it is readily apparent that the *animal* is used by the person for reasons relating to his or her disability, or if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability; {Amended by By-law 143-2009}
- (24) “*Tariff Card*” shall mean a card that sets out in full the *Fares* authorized by this By-law, bearing the name of the *Owner* of the *Taxicab* and the number of

the *Owner's Plate*. This card is to be affixed to the *Vehicle* in such a manner that it is visible to *Passengers* in the back seat of the *Taxicab*;

- (25) "*Taximeter*" shall mean a meter, instrument or device attached to a *Taxicab* which mechanically or electronically measures the distance driven and waiting time upon which *Fares* are based, and which computes the amount of a *Fare* chargeable for any *Trip*;
- (26) "*Taxicab*" shall mean a motor vehicle kept or used for hire for the conveyance of *Passenger(s)* and goods when accompanied by *Passenger(s)*, within the *Town* of Milton or from any point within the *Town* of Milton to any point outside the municipality, but shall not include a *Limousine*, *Bus*, *Ambulance*, hearse, or rental vehicle without a driver, but includes an *Accessible Taxicab* unless otherwise specified; **{Amended by By-law No. 001-2006 & 143-2009}**
- (27) "*Taxicab Stand*" shall mean the area set aside and designated by the *Town* to be used by a *Taxicab* while it is waiting for, or picking up, goods or *Passengers*, and which is located in an area permitted under the *Town's* Official Plan and Zoning By-law;
- (28) "Town" shall mean The Corporation of the Town of Milton;
- (28.1) "*Trans-Cab Service*" involves the use of shared-ride *Taxicabs* to provide an extension of Milton Transit routes and transfer-points from designated low-density/low transit demand areas; **{Amended by By-law No. 042-2011}**
- (29) "*Trip*" shall mean the distance and time travelled or the distance and time to be travelled, measured from the time and point at which the *Passenger* first enters the *Taxicab* or *Limousine* or when the *Taximeter* is first engaged, whichever comes first, to the time and point at which the *Passenger* finally leaves the *Taxicab* or *Limousine*, or the *Taximeter* is disengaged, whichever comes last;
- (30) "*Trip Record*" shall mean the daily written record of the details of each *Trip*, completed by the *Driver*, as shown on Schedule F or F-1 of this By-law; **{Amended by By-law 143-2009}**
- (30.1) "*Unsafe*" respecting a *Vehicle* shall mean a *Vehicle* with a major defect(s) as outlined on Schedule "J" of this By-law; **{Amended by By-law 050-2011}**
- (31) "*Vehicle*" shall mean a *Taxicab* or *Limousine*;
- (32) "*Waiting List*" shall mean the *waiting list* of *Applicants* for *Taxicab Owner's Licenses*, that is maintained by the *Town*, a copy of which list is available through the office of the *Licensing Officer* in accordance with section 43.1,

and which list was established under the previous By-law No. 52-89 and is closed, such that no further names shall be added to the list.

3. LICENSING OFFICER

3.1 The *Licensing Officer* shall:

- (i) receive and process all applications for *Licenses* and for renewal of *Licenses* to be issued under this By-law;
- (ii) issue *Licenses* to and renew *Licenses* for persons who meet the requirements of this By-law;
- (iii) be responsible for enforcement of the provisions of this By-law;
- (iv) provide every *Owner* with a *Tariff Card*, a copy of the By-law, and any amendments to the By-law;
- (v) generally perform all the administrative functions conferred upon the *Licensing Officer* by this By-law.
- (vi) ensure that effective January 1, 2007, the number of *Taxicabs* to be licensed under this By-law shall be one for every 2,000 (1:2,000) inhabitants of the *Town*, based on the annual population figures provided by the *Town's* Planning and Development Department. These plates shall be released concurrent with the annual licensing renewals for *taxi owners*. (As amended by By-law No. 001-2006)

4. REPLACEMENT OF LICENSE, PLATE OR CARD

4.1 When a *License*, *Owner's Plate* or *Tariff Card* is defaced, lost or destroyed, the *Licensee* shall apply to the *Licensing Officer* for a replacement and shall pay the appropriate fee as described in the *Town's* User Fee By-law, as amended from time to time, and the *Licensing Officer* shall issue a replacement. A *Licensee* shall return his or her damaged *Owner's Plate*, *License* or *Tariff Card*, if not lost, to the *Licensing Officer* or *Municipal Law Enforcement Officer* before a replacement will be issued.

5. LICENSE REQUIRED

5.1 No person shall:

- (i) drive or *Operate* a *Taxicab* or *Limousine* unless licensed as a *Driver* under this By-law;
- (ii) act as or be an *Owner* of a *Taxicab* and/or *Limousine* unless licensed as an *Owner* under this By-law;

(iii) act as or be a *Broker* unless licensed as a *Broker* under this By-law.

5.1 NO VESTED INTEREST OR BINDING EFFECT {Amended by By-law 143-2009}

5.1.1 No person, by virtue of the submission of an application for an *Owner's License* and *Plate* shall obtain a vested right to an *Owner's License* and *Plate*.

5.1.2 The *Waiting List* shall not oblige the *Town* to issue a *License* to any person on it, regardless of he or she being at the top of the list. Further, the *Waiting List* does not give any such person a vested interest in an *Owner's License* and its use shall be solely for establishing the order of priority of *Persons* seeking an *Owner's License*.

5.1.3 The value of an *Owner's Plate*, if any, shall remain at all times the property of the *Town*.

5.2 No *Vehicle* licensed as a *Taxicab* or *Limousine* shall be licensed or used for any other commercial purpose.

5.3 No person shall hold ownership or part ownership of a *Taxicab* or *Limousine*, or *Operate* a *Taxicab* or *Limousine*, advertise or promote in any manner a *Taxicab* or *Limousine* operation, under any name other than that name under which the *Taxicab* or *Limousine* operation is licensed or the name of the licensed *Broker* in association with whom, the *Licensing Officer* has been duly notified he or she will be *Operating*.

6. REPRESENTATION OF LICENSING

6.1 Deleted. {Amended by By-law 143-2009}

6.1(a) Deleted. {Amended by By-law 143-2009}

6.2 No person shall publish or represent in any manner, or cause to be published or represented in any manner, that they have a *License* under this By-law, if they do not hold a valid *License* under this By-law.

6.3 By virtue of obtaining an *Owner's License* or a *Broker's License*, the *Owner* or *Broker* shall ensure that *Taxicab* or *Limousine* service is provided to all areas within the municipal boundaries of the *Town*.

7. LICENSING PREREQUISITES

- 7.1 Every *Owner* and every *Driver* shall be able to converse and write in the English language, to the extent necessary to perform the duties of an *Owner* and *Driver* as defined in this By-law.
- 7.2 No person shall be licensed unless he or she is at least eighteen (18) years of age and either a citizen of Canada, or a landed immigrant, or produces a valid work permit to work as a *Driver*, issued by the Government of Canada.
- 7.3 The provisions of subsection 7.1 and 7.2 do not apply to a corporation.
- 7.4 No person shall be licensed as a *Driver* unless the person:
- (i) holds, in his or her name, a current, valid Class “G” driver’s license issued by the Province of Ontario, which is in good standing according to the records of the Ministry of Transportation;
 - (ii) Deleted. {Amended by By-law 143-2009}
 - (iii) demonstrates knowledge of the geography of the *Town* and the responsibilities of a *Driver* to the satisfaction of the *Licensing Officer* by successfully writing the *Town’s Driver Test* as described in section 8 of this By-law. The *Driver Test* will not be required upon the renewal of a *Driver’s License*. Subsection 7.4(iii) does not apply to *Limousine Drivers*; {Amended by By-law 143-2009}
 - (iv) provides to the *Licensing Officer* the original of a criminal records check issued by the Halton Regional Police Service, or by the Police Service located in the municipality in which the *Driver* resides. Such criminal records check shall be dated within sixty (60) days of the date of the application for a *Driver’s License* under this By-law. The Applicant shall also disclose any convictions that have not yet been recorded on his or her criminal records check. The *Licensing Officer* shall refuse to issue a *License* if the *Applicant* has been convicted of any of the charges listed in Schedule “E” to this By-law, or whether these convictions, if any, afford reasonable cause to believe that the person will not *Operate* the *Taxicab* or *Limousine* in accordance with the law or with honesty or integrity. {Amended by By-law 143-2009}
 - (v) provides to the *Licensing Officer* his or her 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 License* under this By-law. The *Licensing Officer* shall refuse to issue a *License* if the *Applicant* has been convicted of any of the charges listed in Schedule “E” to this By-law, or whether the driver’s abstract affords reasonable cause to believe that the person will not *Operate* the *Taxicab* or *Limousine* in accordance with the law or with honesty or integrity;

- (vi) presents the original of either his or her Canadian birth certificate or valid Canadian passport to the *Licensing Officer*, or proof of landed immigrant status or a work permit approved by the Government of Canada;
- (vii) provides a completed employee information form, as set out in Schedule “B” to this By-law, signed by the licensed *Owner* or *Broker* for whom he or she proposes to drive;
- (viii) provides certification from a medical doctor that the *Driver* is fit and able to *operate* a motor vehicle dated within sixty (60) days of the date of the application for a *Driver’s License* under this By-law; and
- (ix) completes the prescribed application form and pays the fee set out in the *Town’s User Fee By-law*, as amended from time to time.

7.4.1 The *Licensing Officer* may request that the *Driver* provide a *criminal records check* and/or certification of fitness to drive from a medical doctor at any time. {Amended by By-law No. 143-2009}

7.4.2 In addition to all requirements of section 7.4 (i) to (ix), no person shall be licensed as a *Driver* of an *Accessible Taxicab* unless he or she provides the *Licensing Officer* with a *Certificate of Sensitivity Training*, as shown on Schedule “H” to this By-law. {Amended by By-law No. 143-2009}

7.5 No person shall be licensed as an *Owner* unless the person:

- (i) holds a current Ontario driver’s license which is in good standing and was issued in the *Applicant’s* name by the Ministry of Transportation for the motor vehicle(s) for which he or she is the *Owner*;
- (ii) produces and files with the *Licensing Officer* a valid copy of a current Ontario Standard Automobile Insurance Policy, which insurance policy shall be endorsed to the effect that notice in writing at least ten (10) days prior to cancellation, expiration or variation thereof will be given to the *Licensing Officer* and certifying that the *Owner* and any *Driver* are insured in the case of bodily injury or death, to a limit of at least \$2,000,000 (exclusive of interest and costs) against all claims for personal injury, including injury resulting in death, and property damage, with an inclusive limit of not less than \$2,000,000;
- (ii.1) ensures that his/her insurance company files with the *Licensing Officer* a list of *Drivers* covered under the *Applicant’s* current Ontario Standard Automobile Insurance Policy; {Amended by By-law No. 143-2009}

- (iii) meets the requirements of Part 3 of this By-law relating to the *Vehicle(s)*;
- (iv) completes the prescribed application form and pays the fee set out in the *Town's User Fee By-law*, as amended from time to time.
- (v) provides proof of ownership of the *Vehicle(s)* and in the case of a leased *Vehicle(s)*, the *Owner* shall provide the *Licensing Officer* with an original copy of a lease agreement between himself or herself and the *Vehicle's* owner, all subject to the approval of the *Licensing Officer*;
- (vi) provides a safety standards certificate of mechanical fitness issued under the Highway Traffic Act with respect to the *Vehicle(s)*;
- (vii) obtains a passing inspection of the *Vehicle(s)* by a *Municipal Law Enforcement Officer*.
- (viii) provides the *Licensing Officer* with a copy of his/her business registration documents. This subsection only applies on the initial application for an *Owner's License* or if the information initially provided changes. (Amended by By-law No. 001-2006)

7.5.1 *Owners* whose *Taxicabs* run on propane must include, at the time of *License* application, a copy of a propane safety check certificate issued by a licensed propane fitter. {Amended by By-law No. 143-2009}

7.6 An *Owner* that is a corporation shall designate one individual as manager, and shall keep the *Licensing Officer* informed as to who is so designated. The individual designated as manager shall make an application for an *Owner's License* under this By-law.

7.7 No person shall be licensed as a *Broker* unless the person:

- (i) provides adequate telephone and radio facilities in a suitable office within the *Town* for the carrying on of the business;
- (ii) provides confirmation from the *Town* that the location of the office and all facilities comply with the *Town's Zoning By-law*;
- (iii) provides for off-street parking within the *Town* for every *Vehicle* serviced by the *Broker* and for each on-duty *Vehicle* operating from the dispatch
- (iv) provides the *Licensing Officer* with a list of all *Vehicles* in respect of which the *Broker* has any arrangement or agreement for the accepting

of calls for services, identifying such *Vehicle* by the name of the *Owner*, and the number of the *Owner's Plate*;

- (v) provides the *Licensing Officer* with a list, showing in numerical order by *Owner's Plate* number, the name of every *Driver* operating any *Vehicle* with which the *Broker* has entered into any arrangement for the provision of Brokerage services;
- (vi) completes the prescribed application form and pays the fee set out in the *Town's User Fee By-law*, as amended from time to time.
- (vii) provides the *Licensing Officer* with a copy of his/her business registration documents. This subsection only applies on the initial application for a *Broker's License* or if the information initially provided changes. (Amended by By-law No. 001-2006)
- (viii) produces and files with the *Licensing Officer* a valid copy of general liability insurance applying to all operations of the *Broker*, to a limit of at least \$2,000,000 (exclusive of interest and costs) against all claims for personal injury, including injury resulting in death, and property damage, with an inclusive limit of not less than \$2,000,000; (Amended by By-law No. 001-2006)

7.8 A *Broker* that is a corporation shall designate one individual as manager, who is the person in control of the Brokerage and shall keep the *Licensing Officer* informed as to who is so designated. The individual designated as manager shall make an application for a *Broker's License* under this By-law.

7.9 No *License* shall be issued under this By-law if *Council*, or the *Licensing Officer* acting on behalf of *Council* determines that there are grounds 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 comply with the requirements of this By-law, and/or carry on or engage in the business which is the subject of the *License* in accordance with the law or with honesty and integrity.

7.10 Notwithstanding section 7.1 to 7.9 of this By-law, the *Licensing Officer* shall refuse to issue a *license* under this By-law to a *person* if: {Amended by By-law No. 143-2009}

- (i) the *person* has submitted false information filed in support of a *license* or *license* renewal application;
- (ii) the issuance of the *License* or renewal of the *License* would contravene any of the provisions of this By-law;

- (iii) the Applicant is carrying on activities that are, or will be, if the Applicant is licensed, in contravention of this By-law;
- (iv) the Applicant fails to successfully complete any testing, training, educational or sensitivity training required by the *Licensing Officer*.

7.11 The *Licensing Officer* may refuse to issue a *License* under this By-law to a *person* if he or she has failed to disclose any criminal or *Highway Traffic Act* convictions for which a pardon has not been received. {Amended by By-law No. 143-2009}

8. DRIVER TEST

8.1 In addition to any other requirements under this By-law, in order to receive a *Driver's License* under this By-law, an *Applicant* must pass a written test demonstrating his or her knowledge of the streets of the *Town*, the location of major points of origin and destination of trips within the *Town*, and the most effective routes to travel by motor vehicle to reach those points. The Test will only be required upon initial application for a *Driver's License* under this By-law. Applicants for a *License* to drive a Limousine are exempt from the requirements of section 8 of this By-law. {Amended by By-law No. 143-2009}

8.2 The *Licensing Officer* shall prepare a minimum of two versions of the Test stipulated in section 8.1, and shall administer the Test as follows:

- (i) an *Applicant* who fails the first Test may rewrite a second version of the Test no earlier than the day following the first Test, and no later than fourteen (14) days following the first Test. For the purposes of this By-law, a failing grade will be considered to be less than 75%;
- (ii) The *Applicant* shall have a maximum of one (1) hour to complete the *Driver Test* and shall present himself or herself to the *Licensing Officer* without a cellular telephone. If the *Applicant* is seen to possess a cellular telephone, the *Licensing Officer* shall immediately give the *Applicant* a failing grade on the *Driver Test*. {Amended by By-law No. 143-2009}
- (iii) The *Applicant* shall have a maximum of one (1) hour to complete the *Driver Test*. (Amended by By-law No. 001-2006)

8.3 Where a complaint has been received by the *Licensing Officer* relating to a *Driver's* conduct or performance, the *Licensing Officer* may require the *Licensee* to successfully complete a further written test approved and set by the *Licensing Officer*, as well as attend an interview with the *Licensing Officer*. Where the *Driver* is licensed as a *Driver* of an *Accessible Taxicab*, the *Licensing Officer* may require that the *Driver* attend sensitivity training at his or her own expense. {Amended by By-law No. 143-2009}

9. SUBMISSION OF LICENSE APPLICATION TO LICENSING OFFICER

- 9.1 An Application for a *Driver's License*, an *Owner's License* and/or a *Broker's License* shall be completed on the forms provided by the *Licensing Officer*.
- 9.2 A completed application for a *Driver's License*, an *Owner's License* and/or a *Broker's License* shall be delivered in person to the *Licensing Officer* and shall be accompanied by:
- (i) the fee in the appropriate amount as set out in the *Town's User Fee By-law*, as amended from time to time;
 - (ii) any other documentation required by section 7 or any other provision of this By-law;
 - (iii) if the *Applicant* is a corporation, a copy of the incorporating document and a copy of the last annual information return which was filed with the appropriate government department.
- 9.3 Acceptance of the application and/or the license fee by the *Town* shall not represent the approval of the application for the issuance of a *License*, nor shall it obligate the *Town* to issue such *License*. {Amended by By-law No. 143-2009}
- 9.4 The *application fee* is non-refundable. {Amended by By-law No. 143-2009}
- 9.5 Personal information collected as part of the application process for *Licenses* is subject to release to the *Chief Constable* as and when requested by him or her. {Amended by By-law No. 143-2009}

10. AUTOMOBILE INSURANCE

- 10.1 All renewal insurance policies shall be filed with the *Licensing Officer* five (5) days prior to the expiry date of the current insurance policy.
- 10.2 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 subsection 7.5(ii) of this By-law, the *License* shall be deemed to be suspended as of the date of the cessation of the insurance, and the *License* shall only be reinstated on there being delivered to the *Licensing Officer*, written proof of insurance in accordance with the provisions of this By-law.
- 10.3 When a licensed *Owner* cancels his or her current insurance policy before the expiry date of the policy, the *Owner* must produce a copy of the newly acquired insurance policy, properly endorsed in accordance with section

7.5(ii), or return the *Owner's Plate* to the *Licensing Officer* or a *Municipal Law Enforcement Officer* on the date and time of the cancellation.

11. ISSUE OF LICENSE

- 11.1 When an application for a *Driver's License* is made in accordance with the provisions of this By-law and the *Applicant* meets all of the requirements of this By-law, the *Licensing Officer* shall issue a *Driver's License* that shall set out the expiry date in accordance with subsection 19.1 of this By-law, and the *Driver* shall thereby be licensed.
- 11.2 When an application for an *Owner's License* is made in accordance with the provisions of this By-law and the *Applicant* meets all of the requirements of this By-law, the *Licensing Officer* shall issue an *Owner's License* and an *Owner's Plate*, all of which shall set out the expiry date of the License in accordance with subsection 19.2 of this By-law, and the *Owner* shall thereby be *Licensed*.
- 11.3 When an application for a *Broker's License* is made in accordance with the provisions of this By-law and the *Applicant* meets all of the requirements of this By-law, the *Licensing Officer* shall issue a *Broker's License*, which shall set out the expiry date of the *License* in accordance with subsection 19.3 of this By-law, and the *Broker* shall thereby be *Licensed*.
- 11.4 Unless provided otherwise in this By-law, a person who is the *Owner* of more than one *Vehicle* must have a separate *Owner's License* for each *Vehicle*.
- 11.5 In addition to every requirement imposed by this By-law, every *License* issued under this By-law is issued subject to the condition that all federal and provincial laws, and *Town* by-laws, including this By-law, are complied with in the operation of the business as licensed. {Amended by By-law No. 143-2009}

12. RENEWAL OF LICENSE

- 12.1 Every application for renewal of a *Driver's License*, an *Owner's License* or a *Broker's License* shall be delivered in person to the *Licensing Officer* before the expiry date of the current *License*.
- 12.2 Every *Applicant* for renewal of a *Driver's License* shall resubmit to the *Licensing Officer* and again satisfy the requirements of sections 7.2, 7.4(i), (iv), (v), (vi), (vii), (viii) and (ix). {Amended by By-law No. 143-2009}
- 12.3 When a *Driver's License* can be renewed because it meets the requirements of this By-law, the *Licensing Officer* shall issue a *Driver's License*, which shall set out the expiry date of the *License* in accordance with 19.1 of this By-law, and the *Driver's License* is thereby renewed.

- 12.4 Every *Applicant* for renewal of an *Owner's License* shall resubmit to the *Licensing Officer* and again satisfy the requirements of section 7.5.
- 12.5 When an *Owner's License* can be renewed because it meets the requirements of this By-law, the *Licensing Officer* shall issue an *Owner's License* and an *Owner's Plate*, both of which shall set out the expiry date of the *License* in accordance with subsection 19.2, and the *Owner's License* is thereby renewed.
- 12.6 Every *Applicant* for renewal of a *Broker's License* shall resubmit to the *Licensing Officer* and again satisfy the requirements of section 7.7(i), (ii), (iii), (iv), (v), and (vi).
- 12.7 When a *Broker's License* can be renewed because it meets the requirements of this By-law, the *Licensing Officer* shall issue a *Broker's License*, which shall set out the expiry date of the *License* in accordance with subsection 19.3, and the *Broker's License* is thereby renewed.
- 12.8 In addition to the provisions of section 12, on an application for renewal of a *License*, the *Owner's Plate* shall be returned to the *Licensing Officer* before the new *Owner's Plate* will be issued.
- 12.9 A *License* shall not be renewed by the *Licensing Officer* if *Council*, or the *Licensing Officer* acting on behalf of *Council*, determines that there are grounds 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 comply with the requirements of this By-law, and/or will not carry on or engage in the business which is the subject of the *License* in accordance with the law or with honesty and integrity.

13. SUSPENSION AND REVOCATION

- 13.1 In addition to any other penalty which may be imposed pursuant to this By-law, the *Licensing Officer* may suspend or revoke a *License*:
- (i) for failure to comply with any provision of this By-law;
 - (ii) on grounds that it is in the public interest to do so, including, but not limited to, public health and safety reasons; and or
 - (iii) upon grounds 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 for which the *License* was received in accordance with the law or with honesty and integrity.

- 13.1.1 If the *Licensing Officer* receives a complaint relating to the *Driver's* conduct or performance under section 8.3 of this By-law, the *Licensing Officer* may suspend the *Driver's License* depending on the severity of the complaint.
{Amended by By-law No. 143-2009}
- 13.2 A suspension shall be and remain in force until such time as the *Licensee* has satisfied the *Licensing Officer* as to the *Licensee's* compliance with this By-law, and where applicable, the *Licensee* has satisfied the *Licensing Officer* that the public interest no longer requires the suspension of such *License* or there is no longer reasonable cause to believe that the *Licensee* will not carry on or engage in the business in accordance with the law or with honesty or integrity.
- 13.3 Upon notification of the suspension or revocation of the *License*, the *Licensee* shall surrender such *License*, and *Owner's Plate*, if applicable, to the *Licensing Officer* or a *Municipal Law Enforcement Officer*.
- 13.4 The *Licensing Officer* shall revoke any *License* that has been under suspension for a period in excess of 120 days.
- 13.5 The decision of the *Licensing Officer* may be appealed to the *Appeal Committee* in accordance with section 16 of this By-law.
- 13.6 Where a *License* has been revoked or suspended, the *Licensee* is not entitled to a refund of any fee paid under this By-law.

14. REVOCATION IF OWNER INACTIVE

- 14.1 Any *Owner's License* may be revoked if such *Owner* fails, for more than sixty (60) days in any six (6) consecutive months to actively *operate* that *Vehicle* for which the *License* was issued.
- 14.2 If an *Owner* fails to actively *operate* the *Vehicle* as required in Section 14.1 due to illness, section 14.1 shall not apply as long as the *Owner* provides the *Licensing Officer* with written confirmation of the illness from his or her medical doctor.

15. TERMS AND CONDITIONS ON LICENSE

- 15.1 (i) The *Licensing Officer* may impose conditions as a requirement of obtaining, continuing to hold or renewing a *License* under this By-law.
- (ii) The *Licensing Officer* may also impose special conditions as a requirement of obtaining, continuing to hold or renewing a *License* under this By-law that have not been imposed on another *Driver*,

Owner or Broker under this By-law, upon such grounds as are set out in subsection 15.2 of this By-law.

- 15.2 The *Licensing Officer* may impose conditions, including special conditions, on the following grounds:
- (i) the *Licensee* has failed to comply with any provision of this By-law;
 - (ii) it is determined to be in the public interest to impose such conditions, including, but not limited to, for public health and safety reasons; and/or
 - (iii) 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 law or with honesty and integrity.

16. OPPORTUNITY TO BE HEARD

- 16.1 In the event the *Licensing Officer* refuses to issue or renew any *License*, or revokes or suspends any *License*, or imposes conditions, including special conditions, the *Licensing Officer* shall notify the *Applicant* or *Licensee* that he or she may request that the *Licensing Officer's* decision be reviewed by the *Appeal Committee*.
- 16.2 The *Licensing Officer's* notice shall state that the *Applicant/Licensee* may appeal the decision of the *Licensing Officer* to the *Appeal Committee* to address the issues and grounds identified in the notice, and by paying the required fee pursuant to the *Town's User Fee By-law*, as amended from time to time. The notice shall also state that if the *Applicant/Licensee* does not notify the *Licensing Officer* that the *Applicant/Licensee* requests an appeal, the application for a *License* or renewal of a *License* may not be granted, conditions, including special conditions, may be imposed, or the *License* may be suspended or revoked and the *Applicant/Licensee* will not be entitled to any further notice with respect to the matter.
- 16.3 If the *Applicant/Licensee* wishes to request an opportunity to be heard before the *Appeal Committee*, the *Applicant/Licensee* must serve a notice in writing to that effect upon the *Licensing Officer* within fifteen (15) days of being served with the *Licensing Officer's* notice, along with the applicable fee required pursuant to the *Town's User Fee By-law*, as amended from time to time.
- 16.4 (i) Where the *Licensing Officer* receives notice from the *Applicant/Licensee* in accordance with subsection 16.3, the *Licensing Officer* shall refer the matter to the *Appeal Committee* and give the *Applicant/Licensee* notice of the date and time when the

Applicant/Licensee will have the opportunity to be heard on the matter by the Committee.

- (ii) Where the *Licensing Officer* does not receive notice from the *Applicant/Licensee* requiring an opportunity to be heard in accordance with subsection 16.3, the *Licensing Officer* need not process the application further and no further notice is required to be served upon the *Applicant/Licensee*, and the *License* or renewal of the *License* may not be granted and *Council* or the *Licensing Officer* may also suspend or revoke the *License* or impose conditions, including special conditions, without hearing from the *Applicant/Licensee*.

16.5 Where the *Applicant/Licensee* has satisfied all requirements under this By-law for the issuance or renewal of a *License* and there are no grounds under this By-law for denying the issuance or renewal of the *License* and the *Licensing Officer* does not seek to have conditions imposed on the *License*, the *Licensing Officer* shall issue or renew the *License*.

17. APPEAL COMMITTEE

17.1 Where a matter has been referred to the *Appeal Committee*, at the *Applicant's/Licensee's* request, for an opportunity to be heard under this By-law, and the *Applicant/Licensee* does not attend the scheduled hearing, the *Appeal Committee* may hold the hearing in the absence of the *Applicant/Licensee* and otherwise proceed in accordance with section 16.4(ii) of the By-law. {Amended by By-law No. 078-2010}

17.2 At any hearing conducted by the *Appeal Committee* under this By-law, the *Appeal Committee* can hear not only from the *Applicant/Licensee*, but also from the *Licensing Officer* involved or other *Town* staff, any governmental or other public agency, or the general public. {Amended by By-law No. 078-2010}

17.2.1 The *Appeal Committee* shall have regard to the following matters where relevant, as may be raised at a hearing:

- (i) Taxicab and Limousine Licensing By-law No. 94-2004 and any other applicable law;
- (ii) circumstances and facts raised by the evidence of the parties;
- (iii) the legitimate business interests of the applicant or licensee;
- (iv) whether the business would put public safety at risk;
- (v) whether the business is or will be carried on in compliance with the law, and whether the conduct of the person, in the case of a

partnership, the conduct of its partners, employees or agents 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 or integrity. {Amended by By-law No. 078-2010}

17.3 Deleted. {Amended by By-law No. 143-2009}

17.4 Deleted. {Amended by By-law No. 143-2009}

17.5 Upon the conclusion of a hearing conducted by the *Appeal Committee* under this By-law, the *Appeal Committee* shall, as soon as practicable, set out the findings of fact and, notwithstanding any other provision provided for within this By-law, the *Appeal Committee* shall have the authority to:

- (i) order a license be granted or renewed; or
- (ii) refuse to issue or renew a license; or
- (iii) revoke a license; or
- (iv) suspend a license, including an interim suspension of a license pending a rescheduling of a hearing; or
- (v) impose conditions on a license;

and the decision of the Appeal Committee shall be final. {Amended by By-law No. 078-2010}

17.6 The *Appeal Committee* shall provide its decision, in writing, to the appellant and to the *Licensing Officer*. {Amended by By-law No. 078-2010}

18. RETURN OF LICENSE

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

19. TERM OF LICENSE

- 19.1 Every *Driver's License* shall be valid for one (1) year, and shall expire by January 1st of the following year, or on a date specified by the *Licensing Officer*, unless otherwise renewed in accordance with this By-law.
- 19.2 Every *Owner's License* shall be valid for one (1) year, and shall expire by January 1st of the following year, or on a date specified by the *Licensing Officer* unless otherwise renewed in accordance with this By-law.
- 19.3 Every *Broker's License* shall be valid for one (1) year, and shall expire by January 1st of the following year, or on a date specified by the *Licensing Officer*, unless otherwise renewed in accordance with this By-law.
- 19.4 Failure to renew a *License* by January 1st of the following year, or by the date specified by the *Licensing Officer* will result in the immediate suspension of all privileges and rights to *Operate* as a *Driver*, *Owner* or *Broker*, as the case may be, which privileges and rights will not be restored until the *License* is renewed in accordance with this By-law.
- 19.5 The *License* issued to a *Driver* or *Broker* under this By-law is not transferable to any other party.
- 19.6 An *Owner's License* is not transferable to any other party. However, the party acquiring the *Owner's Vehicle*, may apply to the *Licensing Officer* to have a new *Owner's License* issued to the party acquiring the *Vehicle*, subject to that party complying with all provisions of this By-law for obtaining a *Owner's License*, save and except for the provisions of section 42.
- 19.7 Subject to section 19.6, the *Licensing Officer* may direct the issuance of an *Owner's License* to a party acquiring a *Taxicab* or *Limousine* from the holder of an existing *Owner's License*. The *Licensing Officer's* decision shall be subject to a right of appeal under section 16 of this By-law.
- 19.8 Where a controlling interest in any corporation holding an *Owner's License* under this By-law is being sold, it shall be deemed that the licensed *Vehicle* is being sold and the purchaser of the shares shall apply for an approval of the purchase by the *Licensing Officer* and shall apply for the issue of any required *License* or *Licenses* in the same manner outlined in section 19.6 and 19.7.

19.1 RE-ISSUANCE OF TAXICAB OWNER'S LICENSE {Amended by By-law No. 143-2009}

- 19.1.1 Notwithstanding Section 19.6, the *Licensing Officer* may not transfer an *Owner's License* upon the sale of a *Taxicab* if said *Owner's License* was issued after October 26, 2009.

19.1.2 A *Taxicab Owner* who has been issued a non-transferable owner's license who discontinues operating the *Taxicab* must surrender the license to the Town.

20. TRANSFER OF OWNER'S VEHICLE WHERE OWNER DECEASED

20.1 Deleted. {Amended by By-law No. 143-2009}

20.2 Deleted. {Amended by By-law No. 143-2009}

20.3 Deleted. {Amended by By-law No. 143-2009}

20.4 Where the *Owner* of an *Owner's License(s)* is deceased, the executor of the estate, or the person with power of attorney for the deceased *Owner* may continue to operate the *Vehicle* through a *Broker* for up to ninety (90) days. After ninety (90) days, unless the *Vehicle* is transferred, the deceased *Owner's License(s)* shall expire and the *Owner's Plate* shall be removed from the *Vehicle* and returned to the *Licensing Officer*. {Amended by By-law No. 143-2009}

20.5 Until the *Waiting List* is cleared, or until November 1, 2014, whichever is later, the transfer of a deceased *Owner's* vehicle by the estate will not be considered a transfer under section 19.1 of this By-law. {Amended by By-law No. 143-2009}

21. LICENSE PRODUCTION

21.1 Every person licensed under this By-law, when requested by a *Municipal Law Enforcement Officer*, the *Licensing Officer*, or a Police Officer, shall immediately produce his Ontario Driver's License, the *License* issued under this By-law, and other relevant documents required under this By-law.

21.2 A *Broker* shall ensure that the *Broker's License* is displayed in a conspicuous place at his or her dispatch office that is open for viewing by the public.

22. NOTIFICATION OF CHANGE OF INFORMATION

22.1 The holder of every *License* issued under this By-law shall, upon changing his or her name, address, or any information relating to the *License*, produce his or her *License* at the office of the *Licensing Officer* within seven (7) working days for a new *License* to be issued by the *Licensing Officer* containing the new information.

22.2 When the *Licensee* is a corporation and there is any change in the relevant information relating to the *License*, namely: names or addresses of officers or directors, location of the corporate head office or change in the ownership of shares, the *Licensee* shall report the change to the *Licensing Officer*, in

writing, within seven (7) working days of the change and, if necessary, the *License* shall be returned immediately to the *Licensing Officer* and subject to sections 19.5, 19.6, 19.7 and 19.8, a new *License* will be issued by the *Licensing Officer* containing the new information.

23. ONTARIO DRIVER'S LICENSE SUSPENDED

23.1 When a licensed *Driver* has had his or her Province of Ontario driver's license cancelled, suspended or revoked, or where the license has expired, the *License* 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 license, and the *Driver* shall immediately return the *License* issued under this By-law to the *Licensing Officer*.

24. REPHOTOGRAPHING OF DRIVERS

24.1 If at any time the *Driver's* photograph required on the application for a *Driver's License* is not a reasonable likeness of the *Driver* because of physical changes, the passage of time or poor quality photography, the *Licensing Officer* may require that another photograph of the *Driver* be taken. {Amended by By-law No. 143-2009}

25. OWNER LEAVES TAXICAB AND/OR LIMOUSINE BROKER

25.1 Every licensed *Owner* who ceases to deal through a *Broker* shall:

- (i) remove from his or her *Vehicle* the roof light, radio crystals and telephone number of the *Broker* he or she is leaving;
- (ii) change and remove from the *Vehicle* the colour scheme and all decals or other Brokerage markings on the *Vehicle*;
- (iii) return to the *Broker* he or she is leaving all business cards and other equipment belonging to that *Broker*.

25.1 ACCIDENT REPORTING

25.1.1 The *Broker*, *Owner* and/or *Driver* shall report, by the next business day, to the *Licensing Officer* all accidents or collisions connected with the operation of the *Vehicle* in which the *Driver* or a *Passenger* was involved, using the form attached as Schedule "I" to this By-law. {Amended by By-law No. 143-2009}

PART 2 – DUTIES AND PROHIBITIONS

26. DRIVER'S DUTIES

- 26.1 No Driver shall drive or act as a Driver of any *Taxicab* and/or Limousine unless the *Owner* of such *Vehicle* is licensed under this By-law as an *Owner* with respect to such *Vehicle*.
- 26.2 Every Driver licensed under this By-law shall:
- (i) at all times while *Operating* a *Vehicle* or working as a *Driver*, carry his or her driver's license issued under the *Highway Traffic Act*, and his or her *License* issued under this By-law, and shall affix the *License* issued under this By-law in a position in the *Vehicle* so that it is plainly visible to and readable by *Passengers* in the back seat of the *Vehicle*, to the satisfaction of the *Licensing Officer* and/or a *Municipal Law Enforcement Officer*;
 - (i.1) display the tariff card so that it is plainly visible to and readable by *Passengers* in the back seat of the *Vehicle*, to the satisfaction of the *Licensing Officer* and/or a *Municipal Law Enforcement Officer*; {Amended by By-law No. 143-2009}
 - (ii) each shift before driving, examine the *Vehicle* for mechanical or other defects and similarly examine it at the end of each shift, and if the *Driver* is not the *Owner*, report any mechanical defects forthwith to the *Owner* and shall enter such defects into a mechanical defect repair log. Such mechanical defect repair log shall be available for inspection by a *Municipal Law Enforcement Officer*, or *Licensing Officer* immediately upon request, during business hours;
 - (iii) at the expiration of the *Driver's* shift, return the *Vehicle* to the *Owner*, if the *Driver* is not the *Owner*, and shall not at any time abandon the *Vehicle* or permit any other person, not licensed with respect to the *Vehicle*, to drive the *Vehicle*;
 - (iv) at all times while *Operating* a *Vehicle* or working as a *Driver*, have available and produce on the request of the *Licensing Officer*, a *Municipal Law Enforcement Officer*, or a *Passenger*, the following:
 - (a) a current *Tariff Card*;
 - (b) a current *Driver's License* issued by the *Licensing Officer*;

- (c) daily *Trip Record*, up to and including the *Driver's* last *Passenger*, completed as required by *Schedule "F"* or *Schedule "F-1"* to this By-law. {Amended by By-law No. 143-2009}
- (v) Deleted. {Amended by By-law No. 143-2009}
- (vi) report forthwith to the *Licensing Officer* if he or she is convicted of any of the offenses as described in *Schedule "E"* to this By-law during the tenure of his or her *License*;
- (vii) keep a daily *Trip Record*, on the form attached as *Schedule "F"* or *Schedule "F-1"* to this By-law. The *Trip Record* shall be completed at the conclusion of each *Trip*, and provided to the *Broker* at the end of each shift. {Amended by By-law No. 143-2009}
- (viii) be civil, courteous, refrain from using profanity, and offer to assist a *Passenger* when it is evident that the *Passenger* is a disabled person, is elderly, or is in need of enhanced service;
- (ix) be properly dressed, well groomed, neat and clean in personal appearance;
- (x) give a *Passenger* a receipt, showing the *Driver's* name and *License* number and *Owner's Plate* number for the *Vehicle*, when requested, or whenever there is a dispute over the *Fare*;
- (xi) subject to section 28, and in accordance with section 47.1 of this By-law if the *Vehicle* is an *Accessible Taxicab*, serve the first *person* requiring the service of his or her *Vehicle* at any place within the *Town*, at any time by day or night, except when the *person*: {Amended by By-law No. 143-2009}
- (a) is disorderly; or
- (b) refuses to give his or her destination; or
- (c) has not paid a previous *Fare*; or {Amended by By-law No. 143-2009}
- (d) is, in the reasonable opinion of the *Driver*, unable or unwilling to pay the *Fare* and has been unable or unwilling to satisfy the *Driver* that he or she has the funds to pay the *Fare*; or
- (e) is a *Grossly Unclean Person*.
- (xii) punctually keep all appointments, and not make any appointments if a previous engagement would prevent him or her from fulfilling it;

- (xiii) take due care of all property delivered or entrusted to the *Driver* for conveyance or safekeeping, and immediately on the termination of any hiring engagement, examine the interior of the *Driver's Vehicle* for any property lost or left therein, and all property or money left in the *Vehicle* shall be forthwith delivered to the person owning the property or money, and if the owner of the property or money cannot be found, the *Driver* shall deliver the property or money to the nearest police station with all information in the *Driver's* possession regarding the property or money;
- (xiv) when a *Passenger* enters the *Vehicle* and gives the *Driver* the desired destination, take the shortest possible route to the destination desired, unless the *Passenger* designates otherwise;
- (xv) ensure that the *Vehicle's* seat belts are plainly visible to or may be conveniently used by the *Passenger*;
- (xvi) ensure that the *Passenger* uses the *Vehicle's* seatbelts;
- (xvii) subject to subsections (xviii) and (xix), engage the *Taximeter* at the commencement of the *Trip* and keep it engaged throughout the *Trip*, except when section 40 is applicable. This section is not applicable to *Limousine Drivers*, flat rates and *Trans-Cab Service*; {Amended by By-law No. 042-2011}
- (xviii) be allowed to engage the *Taximeter* before the *Passenger* enters the *Vehicle*, only after the *Driver* has notified the *Passenger* of his or her arrival and has waited five minutes after the pick-up time requested through dispatch. This section is not applicable to *Limousine Drivers*, flat rates and *Trans-Cab Service*; {Amended by By-law No. 042-2011}
- (xix) at the conclusion of the *Trip*, place the *Taximeter* in the time-off position and after payment, place in the vacant position. This section is not applicable to *Limousine Drivers*, flat rates and *Trans-Cab Service*; {Amended by By-law No. 042-2011}
- (xx) keep in his or her *Vehicle* a current street guide or map of the *Town* and surrounding area;
- (xxi) turn off any radio, tape player or any other sound producing mechanical device in the *Vehicle* upon picking up a *Passenger*, unless the *Passenger* requests that the radio, tape player or any other sound producing mechanical device remain on. The *Driver* shall ensure that the *Vehicle's* two-way radio shall remain on;
- (xxii) give his or her name and the name of the *Owner* of the *Taxicab* (if other than the *Driver*) upon the request of any *Passenger* or any

person to whom or to whose property, injury has occurred, which injury was the result of any incident or accident that involved the *Driver*;

- (xxiii) Notwithstanding subsection 28.1 of this By-law, agree to transport a *Passenger* and his or her *service animal* (providing the *Driver* is not allergic to the *service animal*). {Amended by By-law No. 143-2009}
- (xxiv) attend mandatory customer service training provided by the *Broker*. {Amended by By-law No. 143-2009}

27. DRIVER'S PROHIBITIONS

27.1 No *Driver* shall:

- (i) carry in any *Vehicle* a greater number of *Passengers* than is set out in the manufacturer's rating of seating capacity for such *Vehicle*, and for which a fully operational seat belt is available for *Passengers'* use; {Amended by By-law No. 143-2009}
- (ii) drive a *Taxicab* and/or a Limousine with luggage or other material therein obstructing the *Driver's* view;
- (iii) take, consume or have in the *Driver's* possession any alcohol, drugs or intoxicants while *Operating* a *Vehicle* or working as a *Driver* under this By-law, including prescription or non-prescription drugs that may inhibit the *Driver's* ability to safely *operate* the *Vehicle*.
- (iv) use any *Tariff Card*, other than a *Tariff Card* approved by the *Licensing Officer*, or remove, exchange, lend or otherwise dispose of the *Tariff Card*;
- (v) take on additional *Passengers* after the *Vehicle* has departed with one (1) or more *Passengers* from any one starting point, except under the following circumstances:
 - (a) when done at the request and/or permission of a *Passenger* who is sixteen years of age or older and who is already in the *Vehicle*;
 - (b) in an emergency situation;
 - (c) when operating a *Vehicle* which is being used for the transportation of children to and from school in accordance with the requirements of the Halton District School Board and/or the Halton Catholic District School Board.
- (vi) drive a *Vehicle* which does not have an *Owner's Plate* issued under this By-law affixed thereto;

- (vii) drive a *Vehicle* belonging to an *Owner* who is not an *Owner* licensed under this By-law;
- (viii) permit a *Passenger* to stand in a *Taxicab* or *Limousine* while the *Vehicle* is in motion;
- (ix) be required to accept any *Order* when the expenditure of money by the licensed *Driver* is required on behalf of the *Passenger*;
- (x) recommend hotels, restaurants or other like facilities unless asked to do so by the *Passenger*;
- (xi) smoke while *operating* the *Vehicle* and/or while driving a *Passenger* (the interior of a *Taxicab* is considered to be a workplace, and smoking is prohibited in a workplace in accordance with the provisions of the *Smoke Free Ontario Act*); {Amended by By-law No. 143-2009}
- (xii) be required to provide change for any note larger than fifty dollars (\$50.00), unless the *Fare* is at least one-half (1/2) of the value of the said note; (Amended by By-law No. 001-2006)
- (xiii) *operate* a *Taxicab* when the *Taximeter* has not been adjusted in accordance with the existing current rates set out in this By-law, or when the operation has not been approved by the *Licensing Officer* and/or a *Municipal Law Enforcement Officer*;
- (xiv) *operate* a *Taxicab* when the *Taximeter* does not operate properly;
- (xiv.1) *operate* a *Taxicab* where the *Taximeter* seal has been broken or removed; {Amended by By-law No. 143-2009}
- (xv) *operate* a *Taxicab* without an *Owner's Plate*, side numbers and roof light, provided for in accordance with the provisions of subsection 29.2;
- (xvi) obstruct traffic while writing up his *Trip Record*, but each *Trip* shall be completely recorded prior to the commencement of the next following *Trip*;
- (xvii) induce any person to engage his or her *Vehicle* by any misleading or deceiving statement or representation to that person about the location or distance of any destination named by that person;
- (xviii) subject to section 40 and except for a tip, gratuity or credit card service charge, recover or receive any *Fare* or charge from any *Passengers* or

- persons who demand service, which is greater or less than the *Fare* or charge authorized by this By-law;
- (xix) recover or receive any *Fare* or charge from any person to whom the *Driver* has refused to show the *Tariff Card*;
 - (xx) make any charge for time lost through defects or inefficiency of the *Vehicle* or the incompetence of the *Driver*;
 - (xxi) 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;
 - (xxii) charge a *Tariff* which is not in accordance with the appropriate *Tariff* set out in Schedule "A" to this By-law;
 - (xxiii) use or permit to be used a two-way radio or monitoring device in the *Vehicle* that enables the *Driver* to transmit and/or receive any frequency of an individual other than the licensed *Owner* that he/she is employed by on that shift and identified on the *vehicle*, or the *Broker* that he or she has contracted with; (Amended by By-law No. 001-2006 & 143-2009)
 - (xxiv) Deleted. {Amended by By-law No. 143-2009}
 - (xxv) allow or commit any immoral, indecent, or disorderly act in a *Vehicle* under the *Driver's* care;
 - (xxvi) use or accept cellular telephone calls when engaged by a *Passenger*, except in emergency situations.
 - (xxvii) fail to provide exact change to the *Passenger*, subject to Section 27.1 (xii). Gratuities shall be at the discretion of the *Passenger*. (Amended by By-law No. 001-2006)
 - (xxviii) accept *orders* from the public directly via telephone or two-way communication system from the *Taxicab* or *Limousine*. (Amended by By-law No. 001-2006)
 - (xxix) operate a *Taxicab* when he/she has been on duty for more than 15 hours without first taking 8 consecutive hours off duty. (Amended by By-law No. 001-2006)
 - (xxx) operate a *Vehicle* having: {Amended by By-law No. 050-2011}
 - (a) a minor defect (level I) as described in Schedule "J" to this By-law;

- (b) a minor defect (level II) as described in Schedule “J” to this By-law;
- (c) a major defect as described in Schedule “J” to this By-law;
- (d) a critical defect as described in Schedule “J” to this By-law;

28. EXEMPTIONS

- 28.1 The provisions of subsection 26.2(xxiii) do not apply to a licensed *Driver* who has a disability, impairment, or allergy and has filed with the *Licensing Officer* a certificate from his or her medical doctor evidencing such disability, impairment or allergy and is unable to service the *Order* by reason of the disability, impairment or allergy.
- 28.2 When a *Licensed Driver* is unable to service an *Order* for the reasons set out in subsection 28.1, he or she shall make proper arrangements for the servicing of that *Order* before proceeding to the *Driver's* next engagement.
- 28.3 By-law 094-2004 shall not apply in respect of *Taxicabs* conveying property or Passengers from any point within the *Town* to an airport situated outside the municipality if: {Amended by By-law No. 143-2009}
- (i) the airport is owned and operated by the Crown in right of Canada and the *Taxicab* bears a valid and subsisting plate issued in respect of the airport under the Government Airport concession Operations Regulations made under the *Department of Transport Act* (Canada); or
 - (ii) the airport is operated by a corporation or other body designated by the Governor in Council as a designated airport authority under the *Airport Transfer (Miscellaneous Matters) Act* (Canada) and the *Taxicab* bears a valid and subsisting permit or license issued by the designated airport authority. (Mun Act s. 156(3))
- 28.4 Notwithstanding clauses 27.1(xxii) and 32.1(viii) of By-law No. 094-2004, Schedule A to By-law No. 094-2004 shall not apply to *Trans-Cab Service* and *Paratransit Taxicab Service*. {Amended by By-law No. 042-2011}

29. OWNER'S DUTIES

- 29.1 Every *Owner* licensed under this By-law shall:
- (i) keep the original or a photocopy of the original of each of the following documents at all times in the *Vehicle* of which he or she is the *Owner*:

- (a) the current *Owner's License* issued under this By-law;
 - (b) a current Ministry of Transportation Passenger motor vehicle permit issued for that licensed *Vehicle*;
 - (c) the certificate of insurance for the *Vehicle*, obtained in accordance with the requirements of this By-law.
- (ii) Where the *Vehicle* is a *Taxicab*, the *Owner's Plate* number for that *Vehicle* shall be permanently affixed on both sides of the *Vehicle* on the outside, in figures at least 20 centimetres (8") in height and of a contrasting colour to the *Vehicle*, all to the approval of the *Licensing Officer*, or a *Municipal Law Enforcement Officer*. (Amended by By-law No. 001-2006)

29.2 Every *Owner* licensed under this By-law shall have in or on the *Owner's Vehicle*:

- (i) the *Owner's Plate* affixed to the left rear trunk, or at a location and in a manner approved by the *Licensing Officer*, or a *Municipal Law Enforcement Officer*;
- (ii) where the *Vehicle* is a *Taxicab*, the *Owner's Plate* number for that *Vehicle* displayed on both sides of the *Vehicle* on the outside, in figures at least 20 centimetres (8") in height and of a contrasting colour to the *Vehicle*, all to the approval of the *Licensing Officer*, or a *Municipal Law Enforcement Officer*;
- (iii) a holder for the photograph and name of the *Driver* with same inserted or affixed in a position approved by the *Licensing Officer* or a *Municipal Law Enforcement Officer*;
- (iv) a *Tariff Card*, where the *Vehicle* is a *Taxicab*, setting out in full the *Tariff of Fares* authorized by this By-law and bearing the name of the *Owner* and the *Owner's Plate* number, affixed in such a manner that it is visible to *Passengers* in the back seat and approved by the *Licensing Officer*, or a *Municipal Law Enforcement Officer*;
- (v) where the *Vehicle* is a *Taxicab*, a *Taximeter* of a type approved by the *Licensing Officer*, or a *Municipal Law Enforcement Officer* and mounted in a position approved by the *Licensing Officer* or a *Municipal Law Enforcement Officer*, so that it is clearly visible to the *Passengers* in the front and rear seats of the *Taxicab*;
- (vi) where the *Vehicle* is a *Taxicab*, an electrically illuminated roof sign that is securely attached to the top of the *Taxicab* in a manner approved by the *Licensing Officer*, or a *Municipal Law Enforcement Officer*, in

working condition, and wired to the *Taximeter* and working in conjunction with the *Taximeter* so that it is illuminated when the *Taximeter* is in the vacant position. The electric sign shall show the name of the *Owner* and telephone number of the *Dispatcher*, and shall not be controlled by any other switch or mechanism other than the *Taximeter*. The *Licensing Officer* may permit advertising on the electrically illuminated roof sign. {Amended by By-law No. 143-2009}

29.3 Every *Owner* licensed under this By-law shall:

- (i) employ or use only the services of *Drivers* who are licensed by the *Town* under this By-law;
- (ii) maintain knowledge at all times of the identity of any person having custody or control of the *Owner's Vehicle*;
- (iii) provide the *Licensing Officer* and, where applicable, any licensed *Broker* with whom the *Owner* may be associated, with the name of the licensed *Driver* operating the *Vehicle*, within seventy-two (72) hours of the time when the licensed *Driver* has commenced to *operate* said *Vehicle*;
- (iv) maintain an up to date list of all *Drivers* operating *Vehicles* for the *Owner*, which list shall show the name, address, telephone number and current *Town License* number of each *Driver* and shall be furnished to the *Licensing Officer* or *Municipal Law Enforcement Officer* on request;
- (v) report forthwith to the *Licensing Officer* if any of his or her *Drivers* is involved in any accident or collision connected with the operation of the *Vehicle* in which the *Driver* or a *Passenger* was involved;
- (vi) ensure that every person the *Owner* employs as a *Driver* is, during working hours, properly dressed, neat and clean in his or her person, courteous and provides such reasonable assistance to all *Passengers* as is needed to enter or leave the *Vehicle* safely;
- (vii) ensure that *Drivers* enter a record of mechanical defects in a mechanical defects repair log and ensure that the *Owner* and/or *Broker's* mechanic reviews the repair log on a daily basis and effect repairs promptly and that the mechanic signs off on the log when repairs have been effected;
- (viii) keep the interior and exterior of his or her *Vehicle* clean, dry and in good repair, and whenever the *Owner* is informed by either the *Driver*, the *Licensing Officer*, a *Municipal Law Enforcement Officer*, or a Police

Officer that a *Vehicle* is not in a fit or proper condition for use, forthwith remove the *Vehicle* from service, and put the *Vehicle* in a fit and proper condition;

- (ix) retain *Trip Records* for each *Vehicle* licensed as shown on *Schedule "F"* or *Schedule "F-1"* to this By-law. The *Owner*, including *Independent Taxicab Owners*, shall provide a copy of *Trip Records* to the *Broker*. If requested by the *Licensing Officer*, a *Municipal Law Enforcement Officer* or a Police Officer, the *Owner* shall immediately produce the *Trip Record* for inspection and shall give full information to the *Licensing Officer*, *Municipal Law Enforcement Officer* or Police Officer upon being requested to do so as to the place to or from which a *Driver* has driven any *Passenger*, with the description, name, address, if known, and every matter within the *Owner's* knowledge relating to the *Passenger* or the *Trip*; {Amended by By-law No. 143-2009}
- (x) equip each *Vehicle* with a temporary use spare tire, wheel and jack, which are ready for use. The *Owner* and/or the *Driver* shall not allow *Passengers* in the *Vehicle* when a temporary use spare tire is being used. Should the *Vehicle* require the use of a temporary use spare tire, the *Dispatcher* shall immediately dispatch the next available *Vehicle* to the location; {Amended by By-law No. 143-2009}
- (xi) ensure that the *Vehicle* has seatbelts which are plainly visible to a *Passenger* and in good working order;
- (xii) ensure that all *Passengers* under the age of sixteen (16) years and all students use the *Vehicle's* seatbelts;
- (xiii) ensure that the *Vehicle* has a heater in good working order;
- (xiv) ensure that the *Vehicle* has an emergency first aid kit and an emergency road kit;
- (xv) Deleted. {Amended by By-law No. 143-2009}
- (xv.1) if he or she owns more than one *Vehicle* licensed under this By-law, the *Owner* shall: {Amended by By-law No. 143-2009}
 - (i) be affiliated with a brokerage or be licensed as a *Broker*, and comply with the requirements of a brokerage contained in this By-law;
 - (ii) provide telephone and radio dispatching facilities, maintained in proper working condition.

- (xvi) if the *Owner* owns one *Vehicle*, he or she shall maintain a telephone answering service in proper working order; {Amended by By-law No. 143-2009}
- (xvii) Deleted. {Amended by By-law No. 143-2009}
- (xviii) accept calls only in the name under which the *Owner* holds a *License* or in the name of the *Broker* if the *Owner Operates* out of a Brokerage licensed under this By-law;
- (xix) ensure that the *Taximeter* seal required by section 38 of this By-law is not removed or tampered with in any fashion.
- (xx) attend mandatory customer service training provided by the *Broker*. {Amended by By-law No. 143-2009}

30. OWNER'S PROHIBITIONS

30.1 No *Owner* licensed under this By-law, shall:

- (i) permit his or her *Owner's Plate* to be used with respect to any other motor vehicle or *Vehicle*, other than the *Vehicle* for which the *Owner's Plate* was issued;
- (i)(a) purport to assign his/her licence so as to detract or derogate from his/her obligations under this by-law. (Amended by by-law 001-2006)
- (ii) employ as a *Driver* any person who, in the opinion of the *Chief Constable*, the *Licensing Officer*, a *Municipal Law Enforcement Officer* or the *Owner*, has become for any reason unfit to perform the functions of a *Driver*;
- (iii) require or permit a *Driver* of the *Owner's Vehicle*, to work when that person's ability to perform his or her duties is impaired by fatigue, illness or otherwise;
- (iii)(a) require or permit a *Driver* to operate the *Owner's Vehicle* when the *Driver* has been on duty for more than 15 hours without first taking 8 consecutive hours off duty; (Amended by by-law 001-2006)
- (iv) permit a *Vehicle* of which he or she is the *Owner*, to be *operated* with mechanical defects of which the *Owner* is aware;
- (v) *operate* a *Vehicle* or permit the *Owner's Vehicle* to be *operated*, without an *Owner's Plate* for that *Vehicle* having been issued under this By-law;

- (vi) exhibit on or about the *Vehicle* any number, sign or card except one authorized under this By-law and his Provincial motor vehicle license plate;
- (vii) put any name, address or telephone number or identification other than that of the *Owner* or the *Broker* with whom the *Owner* is affiliated, on the *Vehicle* roof sign;
- (viii) use or permit to be used on the *Vehicle*, any emblem, decal, roof sign or other markings which are the same shape and/or colour or similar to any distinctive emblem, decal, roof sign or other markings being used by any other *Owner*, *Broker*, or emergency services vehicle unless the approval of the *Licensing Officer* is first obtained;
- (ix) *operate* or permit the *Vehicle* to be *operated* in affiliation with a *Broker* who is not licensed under this By-law;
- (x) display or permit the display of any advertisement on or in the *Vehicle* except:
 - (a) one permanently attached exterior advertising sign not exceeding 36 cm x 51 cm (14" X 20") in size on each of the side panels of the front doors of the *Vehicle* and on the rear trunk lid of the *Vehicle*, such sign relating solely to the *Taxicab* and/or *Limousine* business of the *Owner*, or affiliated *Broker*;
 - (b) the roof sign as required under subsection 29.2(vi); and
 - (c) one exterior advertising poster only, not exceeding 41 cm x 122 cm (16" X 48") in size placed at the rear end of the *Vehicle* in such a way as not to obscure the *Vehicle's* license plate or *Owner's Plate*, vision of the *Driver*, such poster to be carried in a suitable rust and corrosion resistant frame.
 - (d) no advertisement shall be displayed on or about any *Vehicle* until it has first been submitted to and approved by the *Licensing Officer*, or *Municipal Law Enforcement Officer*;
 - (e) advertising may appear on the roof sign, or on the trunk of the *Vehicle* as described in subsection 30.1(x)(c), but not on both.
{Amended by By-law No. 143-2009}
- (xi) permit any person to drive a *Taxicab* or *Limousine* unless that person is licensed as a *Driver* under this By-law;
- (xii) operate a *Taxicab* with missing hubcaps.

- (xiii) permit the transportation, in a *Taxicab*, of *Passengers* who are confined to wheelchairs unless that *Taxicab* is an *Accessible Taxicab*; {Amended by By-law No. 143-2009}
- (xiv) permit the transportation of *Passengers* who are confined to wheelchairs by *Drivers* who are not licensed by the *Town* to drive an *Accessible Taxicab*; {Amended by By-law No. 143-2009}
- (xv) use or permit to be used a two-way radio or monitoring device in the *Vehicle* that enables the *Driver* to transmit and/or receive any frequency of an individual other than the licensed *Owner* that he/she is employed by on that shift and identified on the *vehicle*, or the *Broker* that he or she has contracted with; {Amended by By-law No. 143-2009}
- (xvi) where the *Vehicle* is a *Taxicab*, permit an electrically illuminated roof sign to be operated by a toggle switch; {Amended by By-law No. 143-2009}
- (xvii) permit the operation of a *Taxicab* where the *Taximeter* seal has been broken and/or removed. {Amended by By-law No. 143-2009}
- (xviii) operate or permit a *Vehicle* to be operated that has: {Amended by By-law No. 050-2011}
 - (a) a minor defect (level I) as described in Schedule “J” to this By-law;
 - (b) a minor defect (level II) as described in Schedule “J” to this By-law;
 - (c) a major defect as described in Schedule “J” to this By-law;
 - (d) a critical defect as described in Schedule “J” to this By-law;

31. BROKER’S DUTIES

31.1 Every *Broker* licensed under this By-law shall:

- (i) provide adequate telephone facilities in the brokerage office; (Amended by By-law 001-2006)
- (i)(a) provide two-way communications between the brokerage office and the *Driver*; (Amended by By-law 001-2006)
- (i)(b) maintain telephone and two-way communications in proper order in a suitable office within the *Town* for the carrying on of that business and shall keep the same orderly, clean and neat; (Amended by By-law 001-2006)

- (i)(c) require that any two-way communications device used for dispatch purposes must be mounted on the dashboard of the *Taxicab*, within easy access of the *Driver*; (Amended by By-law 001-2006)
- (ii) provide for off-street parking within the *Town* for every *Vehicle* for which the *Broker* provides services and for each on-duty *Vehicle* operating from the *Broker's* dispatch;
- (iii) require all *Owners* who have entered into arrangements with the *Broker* for the provision of Brokerage services to use the same design, shape and colour scheme of roof sign, and to attach to each front door of the *Vehicle* an identifying decal which shall include the name of the *Broker*, in a form approved by the *Licensing Officer*, and shall produce and file a sample of the roof sign and identifying decal with the *Licensing Officer*;
- (iv) give to the *Licensing Officer* a list of all *Vehicles* in respect of which the *Broker* has any arrangement or agreement for the accepting of calls for service, identifying such *Vehicle* by the name of the *Owner* and the number of the *Owner's Plate* and shall, within forty-eight (48) hours of any addition to or deletion from such list, advise the *Licensing Officer* in writing thereof;
- (v) provide the *Licensing Officer* with a list, showing in numerical order by *Owner's Plate* number, the name of every *Driver* operating any *Vehicle* with which the *Broker* has entered into any arrangement for the provision of Brokerage services;
- (vi) in the case where a *Driver* described in subsection 31.1(v) ceases to drive a *Vehicle* due to the termination of any contract, agreement or arrangement, the *Broker* and/or *Owner* shall notify the *Licensing Officer* within seventy-two (72) hours of the said termination;
- (vii) ensure that the Brokerage service will be available and staffed by a *Dispatcher* on a continuous 24-hour basis; (Amended by By-law 001-2006)
- (viii) file a copy of the *Drivers' daily Trip Record*. This *Trip Record* shall be retained at the brokerage office for the current year and the previous year and the *Broker* shall immediately produce said *Trip Record* for inspection upon request by the *Licensing Officer*, a *Municipal Law Enforcement Officer* or a *Police Officer*. The *Broker* shall give full information to the *Licensing Officer*, a *Municipal Law Enforcement Officer* or any *Police Officer* upon being requested to do so as to the place from which any person was driven and every matter within the *Broker's* knowledge relating to the *Passenger* or the *Trip*; {Amended by By-law No. 143-2009}

- (viii.1) keep a daily *Dispatch Sheet* of each *Vehicle* dispatched, on the form attached as *Schedule G* or Schedule G-1 to this By-law, and shall enter the call on the appropriate schedule immediately upon receiving the request; {Amended by By-law No. 143-2009}
- (ix) Deleted. {Amended by By-law No. 143-2009}
- (x) upon request, inform any customer of the anticipated length of time required for a *Vehicle* to arrive at the pick-up location;
- (xi) when volume of business is such that service will be delayed to a prospective *Passenger*, the *Broker* shall inform the *Passenger* of the approximate length of the delay before accepting the *Order*;
- (xii) dispatch a *Vehicle* to any person requesting service within the *Town*, unless the person requesting service has not paid for a previous *Trip* and these facts are verified by the *Broker*;
- (xiii) file a list of the Brokerage rules and procedures, including but not limited to, the terms and conditions of payment of *Drivers*, dispatch order, brokerage fees, vacation, method of reporting accidents/collisions, method of reporting complaints and compliments, with the *Licensing Officer*, and abide by them, and display the same list prominently in the Brokerage office; {Amended by By-law No. 143-2009}
- (xiv) carry on business only in the name in which the *Broker* is licensed;
- (xv) maintain a log of all complaints and compliments received concerning *Taxicab* and/or *Limousine* service provided through that *Broker* including, with respect to each complaint or compliment, the following information:
 - (a) name and *Driver's License* number of the *Driver* involved;
 - (b) name of the person from whom it was received; and
 - (c) a brief description of the complaint or compliment made.

The *Broker* shall make an entry into the log of complaints and compliments that explains how the complaint was dealt with. {Amended by By-law No. 143-2009}

- (xvi) ensure that *Independent Taxicab Owners* have their *Broker's* name and telephone number included on the *Taxicab's* roof light. If the *Independent Taxicab Owner* is not associated with a *Broker*, the

Taxicab's roof light shall contain the *Independent Taxicab Owner's* operating name and telephone number; {Amended by By-law No. 143-2009}

- (xvii) keep a copy of *Independent Taxicab Owners' Trip Records* in the *Broker's Office*, for the current year and the previous year. {Amended by By-law No. 143-2009}
- (xviii) ensure that pre-arranged *trips* are honoured and that a *Taxicab* is dispatched, as ordered; {Amended by By-law No. 143-2009}
- (xix) where an *Accessible Taxicab* is dispatched, and service is requested by a *person with a disability*, provide priority service for such *person*, subject to prior requests for service by other *persons with disabilities*; {Amended by By-law No. 143-2009}
- (xx) where a *person with a disability* requests service, and the *Broker* is unable to provide such service, the *Broker* shall direct the *person* requesting such service to another *Broker* who can provide such service; {Amended by By-law No. 143-2009}
- (xxi) ensure that the *Dispatcher* completes a dispatch sheet as shown on Schedule "G" or Schedule "G-1" to this By-law for each shift; {Amended by By-law No. 143-2009}
- (xxii) provide sensitivity training, to be approved by the *Licensing Officer*, to all *Drivers* to be licensed to drive *Accessible Taxicabs*. {Amended by By-law No. 143-2009}
- (xxiii) provide mandatory customer service training, on an annual basis, to *Owners* and *Drivers* who use their brokerage services and shall ensure that these *Owners* and *Brokers* attend said training. {Amended by By-law No. 143-2009}

31.2 No *License* shall be issued for a *Broker* on premises where the *Town's Zoning By-law* does not permit the use of those premises for such purpose.

32. BROKER'S PROHIBITIONS

32.1 No *Broker* licensed under this By-law shall:

- (i) charge fees or increase his or her fees unless the *Broker* has first:
 - (a) submitted a notice of intent, in writing, to the *Licensing Officer*, at least one (1) month prior to the proposed effective date of any increase; and

- (b) prominently displayed a copy of the notice of intent in the brokerage office for at least one (1) month prior to the proposed effective date of any increase.
- (ii) implement any changes in the rules and procedures outlined in section 31.1(xiii) until the said change is filed with the *Licensing Officer* and displayed prominently in the brokerage office;
- (iii) accept *Orders* for, or in any way dispatch or direct *Orders* to a *Vehicle* licensed under this By-law:
 - (a) when the activity would be illegal under another municipal by-law or other legislation;
 - (b) where the *Fare* is less or more than that permitted under this By-law.
- (iv) accept *Orders* for, or in any way dispatch or direct *Orders* to a *Vehicle*, the owner of which is not licensed under this By-law, for a pick-up location within the boundaries of the *Town*.
- (v) dispatch or direct *Orders* for a parcel delivery to a *Driver* unless the *Driver* first consents to make the parcel delivery;
- (vi) require any *Driver* to accept any *Order* necessitating the expenditure of money, by the *Driver*, on behalf of the *Passenger*;
- (vii) enter into an agreement for the provision of Brokerage services with a *Driver* or *Owner* who is already affiliated with another *Broker*;
- (viii) charge a *Fare* or enter into any agreement to charge a *Fare*, which is not in accordance with the appropriate *Fare* set out in Schedule "A" to this By-law;
- (ix) permit any person to drive a *Taxicab* unless that person is licensed as a *Driver* under this By-law.
- (x) having as the *Broker's* sole intent the prevention of the reception of incoming calls from the public for *Taxicab* or *Limousine* service, remove or permit the removal of the receiver from the hook of any telephone normally used by him or her for the accepting of such calls, and no *Broker* shall with such intent agree to arrange with any other person to prevent or interfere in any way with the reception of such calls; {Amended by By-law No. 143-2009}

- (xi) possess or use, either in the brokerage office, garage, a *Vehicle*, or anywhere else on the premises, or have anywhere in their possession, a scanner or radio that is capable of monitoring a *Broker's* radio frequency other than their own. {Amended by By-law No. 143-2009}
- (xii) operate or permit a *Vehicle* to be operated that has: {Amended by By-law No. 050-2011}
 - (a) a minor defect (level I) as described in Schedule "J" to this By-law;
 - (b) a minor defect (level II) as described in Schedule "J" to this By-law;
 - (c) a major defect as described in Schedule "J" to this By-law;
 - (d) a critical defect as described in Schedule "J" to this By-law;

PART 3 – PREMISES AND VEHICLES

33. SEATING CAPACITY & NUMBER OF DOORS

- 33.1 A *Taxicab* under this By-law shall have a manufacturer's rated seating capacity of not less than five (5) adult persons, and a minimum of four doors. Section 33.1 does not apply to *Accessible Taxicabs*. {Amended by By-law No. 143-2009}
- 33.2 A *Limousine* under this By-law shall have a manufacturer's rated seating capacity of not less than six (6) adult persons, shall have a minimum of four doors and a wheelbase of not less than 2.92 metres (114 inches).
- 33.3 *Accessible Taxicabs* shall comply with the requirements of Ontario Regulation 629 – Vehicles for the Transportation of Physically Disabled Passengers, made under the *Highway Traffic Act*, as amended. {Amended by By-law No. 143-2009}

34. MODEL YEAR RESTRICTION & REPLACEMENT TAXICAB {Amended by By-law No. 143-2009}

- 34.1 No motor vehicle more than eight (8) years old (based on date of manufacture) shall be used as a *Taxicab* or *Limousine* but the *Licensing Officer* or a *Municipal Law Enforcement Officer* may approve of the continued use of an eight (8) year old motor vehicle which the Officer has inspected and found to be satisfactory for an additional period not exceeding one (1) year where the *Officer* has received from the *Owner*.

- (a) a written request giving a reasonable explanation for the extension;
- (b) payment of the appropriate fee as set in the *Town's User Fee By-law*, as amended from time to time; and
- (c) an up to date Safety Standards Certificate of mechanical fitness issued under the *Highway Traffic Act*.

Starting in the 2010 licensing term, the continued use of an eight (8) year old motor vehicle for an additional period not exceeding one (1) year shall be discontinued by the *Licensing Officer*. {Amended by By-law No. 143-2009}

- 34.2 Notwithstanding section 34.1, no motor vehicle more than five (5) years old (based on date of manufacture) shall be used as an *Accessible Taxicab*. {Amended by By-law No. 143-2009}
- 34.3 All *Vehicles* shall display, and all *Owners* shall ensure that their *Vehicles* display, a *Compliance Label* as required by Regulation C.R.C., c. 1038 to the *Motor Vehicle Safety Act*, and any other applicable law. *Owners* shall comply with the requirements of said Regulation, and any other applicable law. {Amended by By-law No. 143-2009}
- 34.4 An *Owner* shall notify the *Licensing Officer* when he or she wants to replace a licensed *Taxicab*, and shall: {Amended by By-law No. 143-2009}
 - (i) remove the *Taximeter*, roof light, and decals;
 - (ii) return the *Plate* to the *Licensing Officer*;
 - (iii) pay the applicable fee as set out in the *User Fee By-law*;
 - (iv) new vehicle must meet the requirements of the By-law.
- 34.5 If the new *Taxicab* meets all of the requirements of this By-law, the *Licensing Officer* shall issue a *Plate*. {Amended by By-law No. 143-2009}

35. HISTORIC MOTOR VEHICLE

- 35.1 Notwithstanding subsection 34.1, the *Licensing Officer* or a *Municipal Law Enforcement Officer* may approve the use of an historic motor vehicle as a *Taxicab* or a *Limousine*. Such historic motor vehicle must be at least 30 years old and must be substantially unchanged or unmodified from the original manufacturer's product.
- 35.2 In order to license an historic motor vehicle, the *Owner* must provide:

- (a) proof sufficient to the *Licensing Officer* or a *Municipal Law Enforcement Officer* that the historic motor vehicle meets all of the requirements of the *Highway Traffic Act*;
- (b) payment of the appropriate fee as set in the *Town's User Fee By-law*, as amended from time to time;
- (c) an up to date Safety Standards Certificate of mechanical fitness issued under the *Highway Traffic Act*; and
- (d) comply with all other requirements of this By-law

36. INSPECTION OF PREMISES OR VEHICLES

- 36.1 The *Licensing Officer* and/or a *Municipal Law Enforcement Officer* may, at any reasonable time, enter upon and inspect the business premises of any *Licensee* to ensure that the provisions of this By-law have been complied with, and, on completion of such inspection, shall complete and file a written report on the inspection. {Amended by By-law No. 143-2009}
- 36.2 Upon an inspection under subsection 36.1, the person inspecting is entitled to request, and the *Broker* or his or her employee shall immediately produce, all relevant Licenses and permits and to have access to all invoices, vouchers, appointment books and *Trip Records* or like documents of the person being inspected, provided such documents are relevant for the purposes of the inspection. The person inspecting may remove any of the aforementioned documents for the purpose of photocopying, provided a receipt is given to the *Licensee* and the documents are returned to the *Licensee* within forty-eight (48) hours of removal. {Amended by By-law No. 143-2009}
- 36.3 Every *Licensee* shall, immediately on request of the *Licensing Officer* and/or a *Municipal Law Enforcement Officer*, produce the *Licensee's License* issued under this By-law and such other documentation required to be maintained under this By-law. Electronic systems must be able to immediately produce a copy of any documentation required to be maintained under this By-law. {Amended by By-law No. 143-2009}
- 36.3(i) No *Driver* shall refuse to permit a random inspection of a *Taxicab* under his/her control by the *Licensing Officer*, a Police Officer or a *Municipal Law Enforcement Officer*. {Amended by By-law No. 143-2009}
- 36.4 The *Licensing Officer* or a *Municipal Law Enforcement Officer* shall give notice to the licensed *Owner* of one (1) mandatory inspection a year for each *Vehicle* that is *Licensed* to ensure that the provisions of this By-law have been complied with, and, on completion of such inspection, shall complete and file a written report on the inspection.

- 36.4(i) The *Licensing Officer's* or *Municipal Law Enforcement Officer's* inspection of the *Vehicle* shall be in accordance with Schedule "J" of this By-law. {Amended by By-law 050-2011}
- 36.4(a) The *Licensing Officer* and/or a *Municipal Law Enforcement Officer* may require that the *Owner* or *Driver* submit the *Vehicle* for a random inspection at a time and place specified by the *Licensing Officer* and/or a *Municipal Law Enforcement Officer* to ensure that the provisions of this By-law are being complied with. (Amended by By-law 001-2006)
- 36.5 The *Licensing Officer* and/or a *Municipal Law Enforcement Officer* may require, and the *Owner* or *Driver* shall, submit the *Vehicle* at any time for inspection by a designated mechanic as defined in section 37.2 of this By-law.
- 36.5(a) In the event the *Owner* or *Driver* does not attend a mandatory inspection, a random inspection or an inspection by a designated mechanic as described in this By-law, the *Owner* or *Driver* shall pay the late inspection fee as set out in the *Town's User Fee By-law*, as amended from time to time. Further, the *Owner's License* or *Driver's License* shall be suspended by the *Licensing Officer* until the fee is paid and the *Vehicle* has passed said mandatory inspection, random inspection or inspection by a designated mechanic. (Amended by by-law 001-2006)
- 36.6 For the purpose of the inspection required under subsections 36.4 and 36.5, the *Vehicle* to be used shall be submitted for inspection by the *Licensing Officer* and/or a *Municipal Law Enforcement Officer* during normal business hours and shall not be used until the inspection has taken place, the approval given as to the condition of the *Vehicle*, and the provisions of subsections 36.4 and 36.5 have been satisfied.
- 36.7 If the inspection and approval provided for under section 36.6 cannot be completed during normal business hours, the *Vehicle* may be used upon the discretion of the *Licensing Officer* or *Municipal Law Enforcement Officer*, provided the *Owner* returns the *Vehicle* for inspection on the date and time specified by the *Licensing Officer* and/or a *Municipal Law Enforcement Officer*.

37. UNSAFE AND/OR DANGEROUS VEHICLES

- 37.1 Where there are reasonable grounds to believe that a *Vehicle* is unsafe or dangerous, the *Owner's Plate* shall be removed forthwith by a *Municipal Law Enforcement Officer*, or removed by the *Owner*, and returned to the *Licensing Officer* or *Municipal Law Enforcement Officer*, and the *Owner* or *Driver* shall submit the *Vehicle* for examination by one of the *Town's* designated mechanics forthwith. {Amended by By-law No. 143-2009}

- 37.1.1 If the condition of the *Vehicle* is considered to be unsafe or dangerous, the *Owner* shall take precautionary measures in the interest of public safety and have the *Vehicle* towed for inspection or repair. {Amended by By-law No. 143-2009}
- 37.2 For the purpose of this section, “designated mechanic” means one of the mechanics designated by the *Licensing Officer* to conduct examinations of *Vehicles* under this By-law.
- 37.3 (i) When a *Vehicle* is examined by one of the Town’s designated mechanics pursuant to this section who reports in writing that the *Vehicle* is mechanically defective, the *Owner* shall not *operate* or permit to be *operated* such *Vehicle* until the designated mechanic certifies in writing that the mechanical defect(s) so reported is corrected;
- (ii) for the purpose of this subsection, “mechanical defect” includes, but is not limited to, mechanical defects directly or indirectly related to any part or parts of the *Vehicle* involving or affecting:
- (a) its brakes or braking system;
 - (b) its steering system;
 - (c) its suspension system;
 - (d) its under body;
 - (e) its exhaust system;
 - (f) the condition of its tires;
 - (g) its lighting;
 - (h) its glass
 - (i) its seat belt operation;
 - (j) its wheelchair restraints, if applicable;
 - (k) its heating system; or
 - (l) the condition of the *Vehicle*’s body.
- 37.4 When the *Vehicle* has been in an accident for which there is a duty to report under the *Highway Traffic Act*, the *Owner* shall:
- (i) immediately remove the *Vehicle* from service; and

- (ii) notify the *Licensing Officer* of the collision; and
 - (iii) notify the *Licensing Officer* of the details of the *Vehicle's* repairs.
- 37.5 Once the repairs to the *Vehicle* have been effected, the *Owner* shall provide the *Licensing Officer* and/or a *Municipal Law Enforcement Officer* with a current safety standards certificate of motor vehicle fitness issued under the *Highway Traffic Act*, and the *Licensing Officer* and/or a *Municipal Law Enforcement Officer* shall inspect the *Vehicle*.
- 37.6 Except when an *Owner* submits the *Vehicle* for examination by one of the designated mechanics before a *License* is issued therefor, every *Owner* whose *Vehicle* is reported by one of the designated mechanics as being dangerous or unsafe pursuant to subsection 37.1, or whose *Vehicle* is reported by one of the designated mechanics to have mechanical defects as set out in subsection 37.3, may be required to attend before the *Licensing Officer* to determine whether or not his or her *License* should be suspended, revoked or have conditions imposed on it.

38. TAXIMETER

- 38.1 Every *Owner* shall have affixed to each *Taxicab* in respect of which such *Owner* is licensed, a *Taximeter* which shall register distances travelled, record *Trips* and compute *Fares* to be paid, and each *Taximeter* shall be:
- (i) identified with a serial number;
 - (ii) inspected and tested over a measured distance when required by the *Licensing Officer* or a *Municipal Law Enforcement Officer*;
 - (iii) sealed by the *Licensing Officer* or a *Municipal Law Enforcement Officer*. The *Owner* shall ensure that the *Taximeter* in any *Vehicle* that he or she licenses as a *Taxicab* can be sealed by the *Licensing Officer* or a *Municipal Law Enforcement Officer*; {Amended by By-law No. 143-2009}
 - (iv) illuminated between dusk and dawn;
 - (v) supported in a raised position on the dashboard and in plain view of the *Passengers*;
 - (vi) adjusted in accordance with the *Fare* as set out in Schedule "A" to this By-law, to an accuracy within 100 meters on a measured kilometre and within 10 seconds over 3 minutes on waiting time charges and approved by the *Licensing Officer* or a *Municipal Law Enforcement Officer*;

- (vii) kept in good working condition at all times and not used when defective in any way;
- (viii) if a *Taximeter* breaks down, the *Taximeter* seal shall not be removed by the *Owner*, *Broker* or *Driver*, and the *Owner* and *Driver* shall immediately report such fact to the *Licensing Officer*. The *Taxicab* may be *operated* for a period of eighteen (18) hours succeeding such breakdown and *Fares* at the rates in Schedule "A" hereto may be computed and charged from the odometer reading, and such odometer reading and *Fare* charged shall be recorded on the *Trip Record*; {Amended by By-law No. 143-2009}
- (ix) Subject to (viii) above, no *Taxicab* will *operate* without a *Taximeter* that has not been sealed by the *Licensing Officer* or by a *Municipal Law Enforcement Officer*. *Taximeter* seals shall only be removed by the *Licensing Officer* or by a *Municipal Law Enforcement Officer*. {Amended by By-law No. 143-2009}

39. DISPOSAL OF VEHICLE

- 39.1 When the licensed *Owner* disposes of or otherwise ceases to use as a *Taxicab* or *Limousine* the *Vehicle* registered, the *Owner* shall immediately remove from the said *Vehicle* being disposed of:
- (i) the roof light;
 - (ii) the *Taximeter*;
 - (iii) all identifying decals or markings;
 - (iv) the *Owner's Plate* and any corresponding numbers related thereto that are displayed on the *Vehicle*. The *Owner's Plate* shall be returned to the *Licensing Officer* or a *Municipal Law Enforcement Officer*, and
 - (v) all other items that make the *Vehicle* appear to the public to be a *Taxicab* and/or *Limousine*.

40. FLAT RATE

- 40.1 When a *Taxicab Driver* picks up a *Passenger* in a *Taxicab* within the *Town* with a destination beyond 5 kilometers (3 miles) of the municipality, the *Driver* and the *Passenger* may agree on a flat rate before the commencement of the *Trip*, but the *Driver* shall otherwise engage the *Taximeter* while the *Taxicab* is within the bounds of the *Town* and charge the meter rate. (Amended by by-law 001-2006)

- 40.2 Notwithstanding Section 40.1 and Section 26.2(xvii) to this By-law, *Drivers, Owners and/or Brokers* shall charge a minimum flat rate of \$45 to the Toronto Pearson International Airport. {Amended by By-law 143-2009}
- 40.3 Notwithstanding Section 40.1 and Section 26.2(xvii) to this By-law, *Drivers* may negotiate a flat rate, which shall not be higher than what the metered rate for the Trip would have been, within the boundary of the *Town* as shown on Schedule “C” for the conveyance of persons with disabilities in a *Taxicab*. {Amended by By-law 143-2009}

41. TAXICAB STANDS

- 41.1 No *Taxicab*, while waiting for hire or engagement, shall be parked in any road except at a *Stand* authorized and assigned for *Taxicabs* by section 41.3 of this By-law and marked as a *Taxicab Stand* by authorized signs.
- 41.2 No vehicle, other than a *Taxicab* waiting for hire or engagement and licensed under this By-law, shall be parked at any *Taxicab Stand* permitted under subsection 41.3 of this By-law.
- 41.3 *Taxicab Stands* are only permitted at the locations specified in the *Town’s* Official Plan and Zoning By-law.
- 41.4 No *Driver* shall overcrowd a *Taxicab Stand*, nor back onto same, nor push or displace any *Taxicab* already at the *Stand*.
- 41.5 Any *Driver* who wishes to enter a *Taxicab Stand* with his or her *Taxicab* shall do so by taking his or her position at the end of any line created by other *Taxicabs* already at the *Stand*, and when a *Driver* is either first or second in line at such *Stand*, the *Driver* shall remain in the driver’s seat of the *Taxicab* ready to be hired.
- 41.6 No *Owner* or *Driver* shall wash or clean any *Taxicab* while same is located at any *Taxicab Stand* or adjacent to any public street.
- 41.7 No *Owner* or *Driver* shall make repairs to a *Taxicab* while it is at a *Taxicab Stand* on or adjacent to any public street unless such repairs are immediately required to render the *Taxicab* operable.

PART 4 – WAITING LIST

42. THE WAITING LIST (As amended by By-law 001-2006)

- 42.1 Notwithstanding any other provision of this By-law, save and except section 19 and 20, no other *Owner’s License* shall be issued to any person until all *Applicants* on the *Waiting List* who meet the requirements of this By-law, have been issued an *Owner’s License* subject to section 3.1(vi) of this By-law. Notwithstanding Part 4, the renewal or transfer of an existing *Owner’s*

License may still be permitted pursuant to sections 19 and 20. Section 42.1 of this By-law does not apply to *Limousine Owner's Licenses*.

- 42.2 Starting in January 2007, and continuing while this By-law is in force, the *Licensing Officer* shall manage the *Waiting List* pursuant to section 3.1(vi) of this By-law.
- 42.3 When the ratio described in section 3.1(vi) permits an *Owner's License* to be issued, the *Licensing Officer* shall contact the first *Applicant* on the *Waiting List* (by letter) to ascertain whether each *Applicant* is still interested in applying for an *Owner's License*. Such letter shall be sent by registered mail and addressed to the *Applicant* at the address shown on the *Waiting List*, and no further notice shall be required to be given to the *Applicant* by the *Licensing Officer*.
- 42.4 The letter described in section 42.3 shall include a request that the *Applicant*:
- i. attend at the office of the *Licensing Officer* or provide written notice to the *Licensing Officer* within forty-five (45) calendar days of the date of the letter to complete an application for an *Owner's License*, and pay the required licensing fee; and
 - ii. if a corporation, provide the *Licensing Officer* with copies of Letters Patent or Articles of Incorporation and a current certificate of good standing demonstrating that the company is in good standing with the Province of Ontario.
- 42.5 If any of the *Applicants* contacted by the *Licensing Officer* fail to attend at the office of the *Licensing Officer* or provide written notice within forty-five (45) calendar days of the date of the letter and complete the application, pay the fee and submit any documentation as required in the letter forwarded by the *Licensing Officer* under section 42.4, all within the forty-five (45) calendar day period specified, then such person's name shall be struck from the *Waiting List* by the *Licensing Officer* and there shall be no right of appeal under section 16.
- 42.6 The *Applicants* who complied with section 42.4 and 42.5, and were not struck from the *Waiting List* shall then have a further sixty (60) calendar days (a total of one hundred and five (105) calendar days from the date of the letter described in section 42.3) to submit any further documentation required under this By-law when applying for an *Owner's License* and to otherwise satisfy all other requirements of this By-law for the issuance of an *Owner's License*.
- 42.7 If any of the *Applicants* contacted under this process do not comply with the requirements of section 42.6 within the time period specified, then such *Applicant* shall be struck from the *Waiting List*.

- 42.8 If any of the *Applicants* contacted in accordance with section 42.3 are struck from the *Waiting List* in accordance with Part 4, then the *Licensing Officer* shall commence and complete the process under Part 4 again until the requisite number of *Owner's Licenses* have been issued.
- 42.9 An *Owner's License* shall only be issued to those *Applicants* who meet all of the requirements of this By-law. The fact that an *Applicant's* name is included on the *Waiting List* does not ensure that an *Owner's License* will be issued to the *Applicant*.
- 42.10 There shall be no further names added to the *Waiting List* by the *Licensing Officer*.
- 42.11 The one hundred and fifty dollar (\$150) fee that was paid by each party to enter his or her name on the *Waiting List* is non-refundable.
- 42.12 It shall be the responsibility of any *Applicant* on the *Waiting List* to advise the *Licensing Officer* immediately upon any change of the *Applicant's* contact information.
- 42.13 By November 1, 2014 or once the *Waiting List* has been cleared of all individuals named on the *List*, whichever is later, the taxi ratio shall be discontinued, and *Owner's Licenses* shall be issued to persons who can meet all the requirements of the By-law. {Amended by By-law 143-2009}

~~42(a) THE WAITING LIST – ACCESSIBLE TAXICABS~~ Section Deleted {Amended by By-law 143-2009}

43. INSPECTION OF WAITING LIST

- 43.1 The *Waiting List* shall be available for inspection by the public during normal business hours at the office of the *Licensing Officer*, in accordance with the requirements of the *Municipal Freedom of Information & Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended.

PART 5 – ACCESSIBLE TAXICABS

44. ACCESSIBLE TAXICABS

- 44.1 Deleted. {Amended by By-law No. 143-2009}
- 44.2 *Accessible Taxicab Owner's Licenses* and *Accessible Plates* may be issued to any *person* who meets the requirements of a *Broker* under this By-law. {Amended by By-law No. 143-2009}
- 44.3 *Owners* of *Accessible Taxicabs* shall comply with all applicable federal and provincial legislation, transportation accessibility standards, and safety standards. {Amended by By-law No. 143-2009}

- 44.4 Every person to whom an *Accessible Taxicab Owner's License* and *Owner's Plate* is to be issued, prior to the issuance of that *License* and *Plate*, shall provide the *Licensing Officer* with proof, as prescribed by him or her, that the *Accessible Taxicab* meets the requirements of Ontario Regulation 629 under the *Highway Traffic Act*, as amended, or its successor. {Amended by By-law No. 143-2009}
- 44.5 As of the date of passage of this By-law, at least one (1) *Owner's Plate* for an *Accessible Taxicab* will be released to each *Broker*. *Said Plates* will be issued without regard to the *Waiting List* and notwithstanding that the issuance of these *Licenses* and *Plates* may cause the maximums established by section 3.1(vi) to be exceeded for 2009 only. {Amended by By-law No. 143-2009}
- 44.6 A *Broker* with 5 or more *Taxicabs* in his or her fleet must have an *Accessible Taxicab* in service at all times. {Amended by By-law No. 143-2009}
- 44.7 *Owner's Plates for Accessible Taxicabs* will be issued to eligible *Brokers* free of charge, however, a renewal fee will apply as outlined in the User Fee By-law. If the *Taxicab* ceases to be used as an *Accessible Taxicab*, the *Owner's Plate* is forfeit and must immediately be returned to the *Licensing Officer*. {Amended by By-law No. 143-2009}
- 44.8 If the *Owner's Plate* for an *Accessible Taxicab* is forfeit as described in section 44.7 to this By-law, the *Licensing Officer* may offer said *Plate* to a *person* who qualifies for the *Plate*, notwithstanding the *Waiting List*. {Amended by By-law No. 143-2009}
- ~~45. VEHICLE APPROVAL Section Deleted~~ {Amended by By-law No. 143-2009}
- ~~46. DRIVERS Section Deleted~~ {Amended by By-law No. 143-2009}
- 47. ACCESSIBLE TAXICAB DRIVER'S DUTIES**
- 47.1 Every *Driver* licensed to drive an *Accessible Taxicab* shall serve the first *person with a disability* requesting the service of his or her *Accessible Taxicab* at any place within the *Town*, at any time of day or night, except where the provisions of section 28 of this By-law apply. {Amended by By-law No. 143-2009}
- 47.2 When not engaged as an *Accessible Taxicab*, the *Vehicle* may operate as a regular *Taxicab*.
- 47.3 Every *Driver* licensed to drive an *Accessible Taxicab* shall: {Amended by By-law No. 143-2009}
- (i) notify the *Passenger* that he or she has arrived at the pick up point;

- (ii) offer such assistance as required to facilitate the entry or exit of a *person with a disability* into or out of an *Accessible Taxicab*;
- (iii) 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;
- (iv) ensure that the seatbelt is properly secured; and
- (v) comply with all other requirements of a *Driver* under this By-law.

PART 6 - GENERAL

48. SEVERABILITY

- 48.1 When a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

49. SHORT TITLE

- 49.1 This by-law shall be known as the *Taxicab and Limousine Licensing By-law*.

50. PENALTY

- 50.1 Every person who contravenes any provision of 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.
- 50.2 Notwithstanding section 50.1, a corporation who contravenes any provision of this By-law, is guilty of an offence and on conviction is liable to a fine not exceeding \$50,000.00.

51. REPEAL OF BY-LAW

- 51.1 That Town of Milton By-law 52-89, as amended, is hereby repealed.
- 51.2 This By-law shall come into effect on the date it is passed.

52. OBSTRUCTION

- 52.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, the *Licensing Officer*, a *Municipal Law Enforcement Officer* or a *Police Officer*

who is exercising a power or performing a duty under this By-law. {Amended by By-law No. 143-2009}

53. DELEGATED AUTHORITY

53.1 The Town Clerk is delegated authority to make minor modifications to the forms attached as Schedules B, F, F-1, G, G-1, H, I and J to this By-law. {Amended by By-law No. 050-2011}

READ A FIRST and SECOND TIME on the 25th day of October, 2004 and **READ A THIRD TIME and FINALLY PASSED** this 22nd day November, 2004.

Gordon A. Krantz Mayor

Troy McHarg Town Clerk

SCHEDULE "A" TO BY-LAW NO. 94-2004

TARIFF RATES (As amended by By-law 001-2006, 143-2009, 050-2011)

1. By Distance:

Drop Rate (first 100m)	\$4.00
For each additional 150m or part thereof	\$0.25

2. Waiting Time:

For every 38 (thirty-eight) seconds of waiting time while engaged \$0.25

3. Baggage:

Trunk - .85 cu.m – 81cm x 46cm x 23cm (if loaded/unloaded by the Driver)	\$0.50 each
Hand baggage or groceries (if loaded/unloaded by the Driver)	\$0.10 each
Wheelchairs, walkers, etc. accompanying passengers	No Charge

4. Reduction for Senior Citizens:

10% upon proof of age (60 years of age or older) on fares over \$5.00. Flat rate trips not included. Does not apply to Limousine tariffs.

5. Limousine Fares:

Minimum Hourly Rate	\$40.00
Minimum 1 hour Fare (\$40.00) must be charged for each engagement.	

Please contact the Licensing Officer at 905-878-7252, extension 2133 if you want to discuss the taxi service you have received.

SCHEDULE "B" TO BY-LAW NO. 94-2004

EMPLOYEE INFORMATION FORM

{This form to be copied onto Owner's/Broker's letterhead}

Date

I _____ do hereby certify
(Owner's/Broker's Name)

that _____, Ontario Driver's
(Driver's Name)

License No. _____ is employed as a taxicab driver

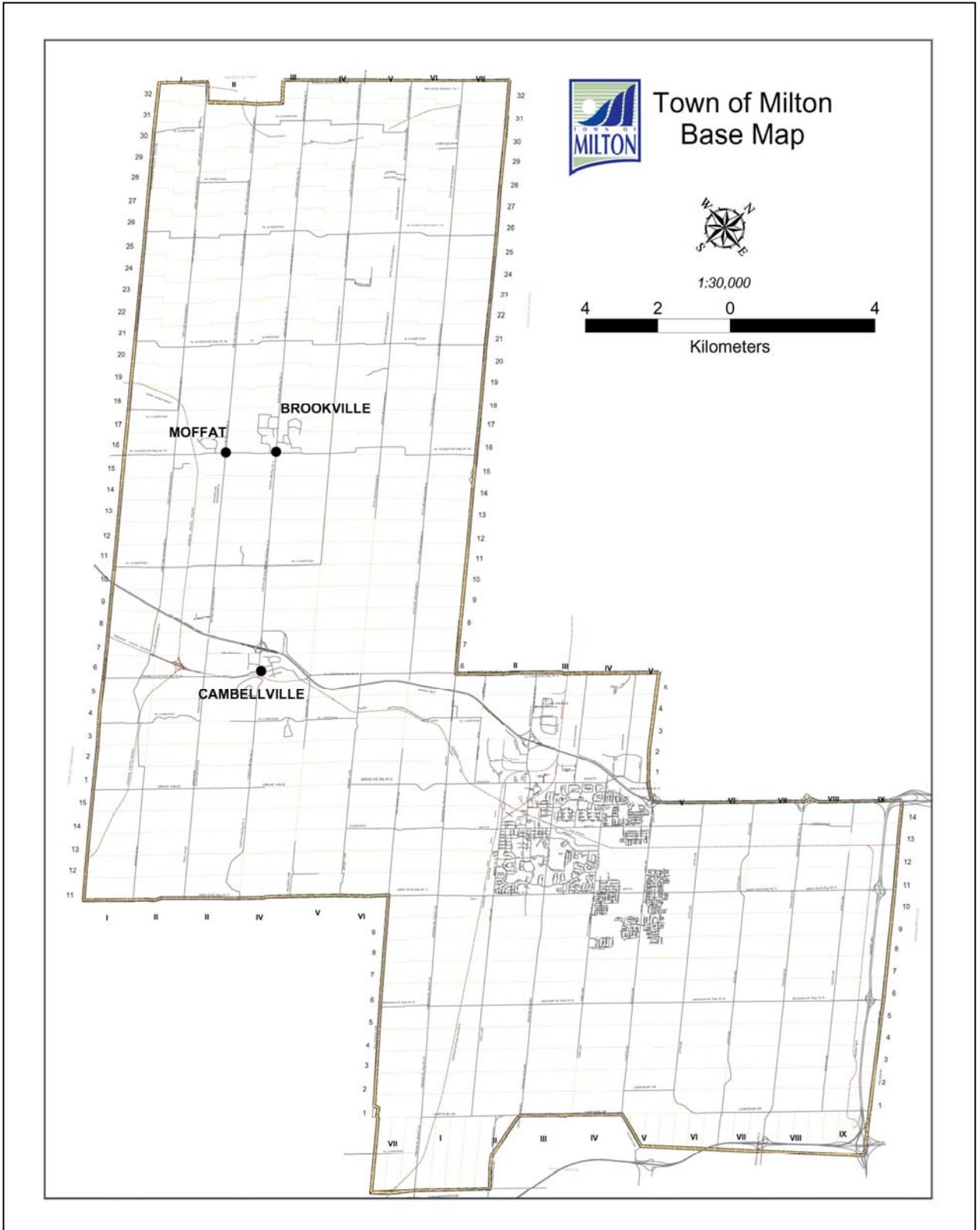
by _____ .
(Owner's/Broker's Business Name)

Owner's/Broker's Signature

* an original of this document, with an original signature, must be submitted to the *Licensing Officer*; no photocopies or faxes will be accepted.

SCHEDULE "C" TO BY-LAW NO. 94-2004

BOUNDARY MAP



SCHEDULE "D" TO BY-LAW NO. 94-2004
SCHEDULE DELETED BY BY- LAW 143-2009

SCHEDULE “E” TO BY-LAW NO. 94-2004

THRESHOLDS FOR TAXICAB AND LIMOUSINE DRIVERS {Amended by By-law 143-2009}

1. The Licensing Officer shall not issue or renew or shall revoke a License if the Applicant has:
 - any criminal offence convictions involving minors;
 - any convictions for violent offences resulting in death within the last 10 years;
 - any convictions for violent and sexual offences within the last 2 years;
 - 2 or more convictions for violent and sexual offences within the last 5 years;
 - any convictions for property and negligence offences or narcotics offences within the last year;
 - 2 or more convictions for property and negligence offences or narcotics offences, or combinations thereof, within the last 5 years;
 - any convictions for Highway Traffic Act offences within the last 2 years;
 - accumulation of 9 demerit points;
 - outstanding or unpaid by-law fines.
 - been placed on a recognizance order, pending disposition of charges by the courts.
 - any conviction for driving while impaired within the last 2 years.

2. The Licensing Officer shall suspend a License if, during the current tenure of the License, the Licensee is:
 - placed on a recognizance order, pending disposition of charges by the courts.
 - convicted of any criminal offence involving minors;
 - convicted of any violent offences resulting in death charges;
 - convicted of any violent and sexual charges;
 - convicted of any property and negligence offences or narcotics charges, or a combination thereof;
 - convicted of any Highway Traffic Act charges;
 - accumulation of 9 demerit points;
 - outstanding or unpaid by-law fines.
 - convicted of driving while impaired

Definitions:

- Violent Offences Resulting in Death = accessory after the fact to murder, attempt to commit murder, manslaughter, murder

- Violent and Sexual Offences = acquisition of firearms without firearms certificate, assault, causing bodily harm with intent – firearm, criminal negligence, dangerous operation of motor vehicles, vessels and aircraft,

indecent acts, kidnapping, procuring, sexual offences, use and possession of firearms, using explosives

- Property and Negligence Offences = criminal harassment, failure to stop at scene of an accident, driving while ability impaired, theft, theft, forgery, etc. of a credit card
- Narcotics Offences = importing and exporting, laundering proceeds of crime, possession, possession of property obtained by proceeds of crime, production, trafficking
- Highway Traffic Act Offences = careless driving, exceeding speed limit by 50 km/hr, failing to remain at the scene of an accident, failing to stop for a school bus, failing to stop when signalled or requested by a police officer, accumulation of 9 demerit points, racing



SCHEDULE 'F' TO BY-LAW NO. 94-2004

TAXICAB TRIP RECORD

Date _____	Cab No. _____		
Shift Start Time _____	Odometer Reading _____	Meter Reading \$ _____	# Trips _____
Shift End Time _____	Odometer Reading _____	Meter Reading \$ _____	# Trips _____

Pick Up Time	From	To	Arrival Time	Senior's Discount	Person with Disabilities	Flat Rate - \$	Metered Rate - \$	
TOTALS								

VEHICLE & EQUIPMENT	State of Vehicle		Description of Problem	Entered in Report Log		Dispatch Notified	
	OK	Needs Repair		YES	NO	YES	NO
Brakes							
Steering							
Lights							
Exhaust System							
Radio							
Meter							
Jack, Spare Tire, Tire Iron							
First Aid Kit							
Working Horn							
Seat Belt							
Tire Condition							
Child Restraint Anchors							
Exterior Damage							
Interior Damage							

CLEANLINESS	Is Vehicle Clean		Dispatch Notified	
	YES	NO	YES	NO
Exterior				
Interior				

Other Remarks: _____

Driver's Signature _____

- ❖ All damage must be recorded in a mechanical deficiency log and reported to dispatch at the end of each shift
- ❖ Accidents must be immediately reported to the Licensing Officer and dispatch



SCHEDULE 'F-1' TO BY-LAW NO. 94-2004

LIMOUSINE TRIP RECORD

Date _____ Limousine No. _____
 Shift Start Time _____ Odometer Reading _____
 Shift End Time _____ Odometer Reading _____

Pick Up Time	From	To	Arrival Time	Charges

VEHICLE & EQUIPMENT	State of Vehicle		Description of Problem	Entered in Report		Dispatch Notified	
	OK	Needs Repair		Log YES	NO	YES	NO
Brakes							
Steering							
Lights							
Exhaust System							
Jack, Spare Tire, Tire Iron							
First Aid Kit							
Working Horn							
Seat Belt							
Tire Condition							
Child Restraint Anchors							
Exterior Damage							
Interior Damage							

CLEANLINESS	Is Vehicle Clean		Dispatch Notified	
	YES	NO	YES	NO
Exterior				
Interior				

Other Remarks: _____

Driver's Signature _____

- ❖ All damage must be recorded in a mechanical deficiency log and reported to dispatch, if applicable
- ❖ Accidents must be immediately reported to the Licensing Officer and dispatch, if applicable



SCHEDULE 'G' TO BY-LAW NO. 94-2004

DISPATCH SHEET - TAXICAB

SHIFT TIME _____		SHIFT DATE _____	
CAR #		DRIVER NAME	

DATE	TIME CALL RECEIVED	CAR #	TO	FROM

PRE-BOOKED TRIP DISPATCH SHEET

DATE BOOKED	AGREED PICK UP TIME	CAR #	TIME DISPATCHED	DRIVER NAME	TO	FROM



SCHEDULE 'G' TO BY-LAW NO. 94-2004

DISPATCH SHEET - LIMOUSINE

SHIFT TIME _____		SHIFT DATE _____	
CAR #		DRIVER NAME	

DATE BOOKED	AGREED PICK UP TIME	CAR #	TIME DISPATCHED	DRIVER NAME	TO	FROM



SCHEDULE 'H' TO BY-LAW NO. 94-2004
CERTIFICATE OF SENSITIVITY TRAINING

{This form to be copied onto Broker's letterhead}

Date

I _____ do hereby certify
(Broker's Name)

that _____, successfully completed
(Driver's Name)

sensitivity training on _____. Said training was provided by
(Date)

(Name of who provided training)

Broker's Signature

* an original of this document, with an original signature, must be submitted to the *Licensing Officer*; no photocopies or faxes will be accepted.



SCHEDULE 'I' TO BY-LAW NO. 94-2004
ACCIDENT/COLLISION REPORTING FORM

DATE OF ACCIDENT: _____

PLATE #: _____

DRIVER NAME: _____

LOCATION OF ACCIDENT: _____

Description of Accident/Collision {include damage to vehicle, injuries to driver}

Were passengers in the vehicle? Yes _____ No _____

If yes, how many passengers? _____

Passenger name, address and telephone #, if applicable:

Age of passengers if applicable _____

Halton Regional Police Service occurrence number: _____

Investigating Officer's Name: _____

SCHEDULE 'J' TO BY-LAW NO. 94-2004

TAXI VEHICLE INSPECTION STANDARDS

DEFINITION OF DEFECTS			
MINOR LEVEL I	MINOR LEVEL II	MAJOR	CRITICAL
<ul style="list-style-type: none"> ▪ up to 30 days to repair and return for re-inspection ▪ must not exceed expiration date for renewal 	<ul style="list-style-type: none"> ▪ up to 14 days to repair and return for a re-inspection and ▪ must not exceed expiration date for renewal 	<ul style="list-style-type: none"> ▪ needs to be repaired immediately ▪ can be driven to repair facility with no passengers on board 	<ul style="list-style-type: none"> ▪ must be removed from service immediately and not driven ▪ taxi plate removed

Accelerator Pedal		
Standard	Defect	Defect Level
Accelerator pedal to be covered with anti-slip material	anti-slip material on accelerator pad is loose, worn smooth or missing	Major

Fuel System		
Standard	Defect	Defect Level
No odours or visible fuel leak	<ul style="list-style-type: none"> a) strong fuel odour inside or immediately outside vehicle b) visible fuel leak 	a) & b) Critical
Vehicle must have correct gas cap	<ul style="list-style-type: none"> a) improper gas cap type b) gas cap missing or allows spillage 	<ul style="list-style-type: none"> a) Minor Level II b) Major
Vehicle must have fuel gauge	fuel gauge missing or inoperative	Minor Level II

Fluid Levels		
Standard	Defect	Defect Level
Fluid level must be at proper levels	brake or power steering Fluid level dangerously low or empty	Critical

Ignition, Interlock & Gear Selector		
Standard	Defect	Defect Level
Engine turns over with key in "P" or "N", shuts down when ignition turned off	a) engine turns over without key b) engine starts in any position other than "P" or "N" c) engine will not shut down when ignition switch is turned off	a) Minor Level II b) & c) Major
Engine starts normally each time turned over	engine fails to start normally each time	Major
Must press brake to shift gears; gear selection indicator aligned with gear selector	a) gear selector can be shifted from "P" position without pressing the brake pedal b) gear selection indicator not aligned with gear selector	a) Minor Level II b) Major
Shift pattern in clear view of driver	Shift pattern not in clear view of driver	Minor Level II

Exhaust System		
Standard	Defect	Defect Level
No exhaust odour or fumes in passenger compartment of vehicle	exhaust odour or fumes in the passenger compartment	Critical

Parking Brake		
Standard	Defect	Defect Level
Parking brake must hold vehicle during test	parking brake fails to hold vehicle during test	Major
Indicator light must illuminate when brake applied	Indicator light fails to illuminate during self test and when brake is applied	Minor Level II
When released parking brake does not hold or drag	parking brake holds or drags when released	Major

Warning & Indicator Lamp		
Standard	Defect	Defect Level
Warning or indicator lamp operational and warning or indicator lamp must be clearly visible	a) any Defect is indicated by a warning or indicator lamp b) warning or indicator lamp is not clearly visible	a) & b) Major

Warning & Indicator Lamp		
Standard	Defect	Defect Level
High beam indicator operational	High beam indicator inoperative	Major
Turn signal indicator operation and indicates correct direction	Turn signal indicator inoperative, incorrect direction is indicated	Major
Hazard warning lamp indicator operational	Hazard warning lamp indicator inoperative	Major

Speedometer & Odometer		
Standard	Defect	Defect Level
Odometer operational and accurate within measured km. Speedometer operational	a) odometer is inoperative or not accurate within a measured km. b) speedometer is inoperative	a) & b) Minor Level II
Speedometer illuminated and visible from driver's position	a) speedometer not clearly visible from driver's position b) speedometer not illuminated	a) & b) Major

Horn		
Standard	Defect	Defect Level
Horn control operational	horn is inoperative	Minor Level II

Window Wiper & Washer		
Standard	Defect	Defect Level
Window Wiper & Washer control system operational	a) control or system fails to operate normally in all speeds and positions b) control or system fails to operate in at least one speed or position	a) & b) Major
Windshield properly wiped by wiper	a) portion of windshield wiped by blades blocks visibility of driver b) rear window wiper inoperative or fails to clear glass c) wipers fail to 'park'	a) Major b) & c) Minor Level II
Wiper arm whole	Wiper arm bent, loose or missing	Major
Wiper blade whole	a) Wiper blade missing b) Wiper blade worn out (fails to clear water from glass)	a) & b) Major

Window Wiper & Washer		
Standard	Defect	Defect Level
Windshield washer operational and delivers fluid properly	a) Windshield washer inoperative b) Windshield washer fails to deliver adequate volume of fluid/directs fluid improperly	a) & b) Major

Heater & Defroster		
Standard	Defect	Defect Level
Heater and defroster operates as intended	Heater and defroster fails to operate as intended	Major
Windshield defroster is operational	a) Windshield defroster inoperative b) Windshield defroster inoperative in winter conditions	a) & b) Major
Rear defroster is operational	a) inoperative b) inoperative in winter conditions	a) & b) Major

Air Conditioning		
Standard	Defect	Defect Level
Air conditioning is operational	a) Air conditioning inoperative b) Air conditioning inoperative in summer conditions	a) & b) Major

Vehicle Identification/Certification		
Standard	Defect	Defect Level
VIN (serial number) is on the vehicle	VIN (serial number) is missing, damaged, obscured, defaced, mismatched at different vehicle locations	Major

Lamp Operation		
Standard	Defect	Defect Level
Required lamps on vehicle	a) any required lamp is missing b) any non-approved lamp is installed on vehicle	a) Major b) Minor Level II
Required lamps are operational	a) any required lamp fails to illuminate b) moisture is visible inside any lamp	a) Major b) Minor Level II

Lamp Operation		
Standard	Defect	Defect Level
Headlights are operational	a) both low beams headlights are inoperative b) both low beams headlights are inoperative anytime between one-half hour before sunset and one-half hour after sunrise	Critical
Daytime running lamps are operational	Daytime running lamps are inoperative	Major
Tail lamps are operational	a) all lights must operate as intended b) Tail lamps all are inoperative anytime between one-half hour before sunset and one half hour after sunrise	a) Minor Level II b) Critical
Stop lamps are operational	Stop lamps all are inoperative	Critical
Turn signals are operational	a) Turn signals inoperative at rear b) Turn signals all are inoperative between one-half hour before sunset and one-half hour after sunrise	a) & b) Major
Manufacturer's installed lights	all lights must operate as intended	Minor Level II

Lamp Controls & Switches		
Standard	Defect	Defect Level
Headlamp control/dimmer is operational	Headlamp control/dimmer missing, broken or inoperative	Major
Lamp Controls & Switches		
Standard	Defect	Defect Level
Turn signal control is operational	Turn signal missing, broken or inoperative or otherwise defective	Major
Hazard warning control is operational	Hazard warning missing, broken or inoperative	Major
White license plate light	license plate colour other than white	Minor Level II

Damage		
Standard	Defect	Defect Level
No interior damage	a) torn, worn or holes in seats or carpet b) cracks or other damage to dash c) interior not clean d) seatbelts missing or damaged e) child restraint anchors missing or damaged	a), b) & c) Minor Level II d) & e) Major
No exterior damage	a) scratches, dents or rust on exterior body of vehicle b) handles on doors inoperable or loose	a) Minor Level I b) Minor Level II

Miscellaneous		
Standard	Defect	Defect Level
Tires or spare tires must not be worn or bald. Must be jack or tire iron in vehicle	a) tire worn or bald b) no spare tire or inadequate spare c) no jack or tire iron	a) Major b) and c) Minor Level I
Must be first aid kit in vehicle	no first aid kit	Minor Level I
Meter must be set according to by-law. Tariff card must be displayed	a) Meter run time not in compliance with by-law b) Meter standing not in compliance with by-law c) Tariff card not displayed	a) & b) Major c) Minor Level I
Roof light operates with meter	Roof light inoperable or damaged	Minor Level I
Numbers and plate installed	a) numbers not installed or wrong b) plate not affixed or wrong	a) & b) Minor Level I
Manufacture date in vehicle	Manufacture date missing or damaged manufacturing date sticker	Minor Level I
Issues resulting from Ministry of Transportation inspection	a) orders immediate repairs to vehicle b) removes Ontario license plate	a) Major b) Critical
Ramps operational in accessible taxicab. Driver know how to use accessible seat belts	a) ramps do not operate or are defective b) driver can not demonstrate proper use of assessable seat belts	a) & b) Major