

# **THE CORPORATION OF THE TOWN OF AJAX**

## **BY-LAW NUMBER 63-2005**

Being a By-law for the licensing, regulating and governing of taxicab drivers and taxicab owners, and for limiting the number of taxicabs.

WHEREAS pursuant to the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "Act"), a by-law may be passed to provide for the licensing, regulating and governing of taxicab drivers and taxicab owners;

AND WHEREAS pursuant to the provisions of the Act, a By-law passed for licensing of owners and drivers of taxicabs, may provide that the by-law applies to the owners and drivers of taxicabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside it;

AND WHEREAS the Council of the Town of Ajax considers it desirable and necessary to license, regulate and govern owners and drivers of taxicabs for the purposes of health and safety, consumer protection and nuisance control;

AND WHEREAS a public information meeting was held in Council Chambers of the Town of Ajax to discuss the proposed By-law on May 16, 2005.

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

### **1. SHORT TITLE**

1.1 This By-law may be cited as the "Taxicab Licensing By-law".

### **2. DEFINITIONS**

2.1 In this by-law,

- (a) "accessible taxicab" means a taxicab for hire or reward which is equipped for the transportation of passengers unable to board regular vehicles without assistance due to a physical disability;
- (b) "authorized vehicle inspection station" for the purpose of this By-Law shall be a designated place as determined by a Licencing Officer to conduct vehicle safety inspections."
- (c) "Clerk" means the Clerk of the Town of Ajax, or his designate;
- (d) "Committee" means the Committee of Council to which Council has delegated the responsibility of handling licensing matters;
- (e) "Council" means the Council of the Town;
- (f) "driver" means the individual who has care and control of a taxicab or accessible taxicab and is licensed or required to be licensed under this By-law;
- (g) "dispatch" means the communication of an order or information relating to the provision of a taxicab;
- (h) "fare" means the amount charged to a person for a trip;

- (i) “grossly unclean person” means 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 taxicab in an unclean state;
- (j) "license" means a license issued by the Town under the provisions of this By-law;
- (k) “licensee” means any person licensed under this By-law;
- (l) “Licensing Officer” means a person appointed by the Town to issue licenses, and includes a person appointed by Council for the express purpose of issuing licenses under this By-law;
- (m) “limousine” which, without limiting the following, includes stretched limousine, executive limousine, and van limousine, means a motor vehicle which does not bear any identification other than the Provincial motor vehicle licence, which does not have a taximeter, rooflight, or two-way radio (or similar device) and which is kept or used for hire for the conveyance of passengers pursuant to a written contract or invoice solely on an hourly or fixed fee basis with a minimum fee or charge of not less than twenty-five dollars for a single conveyance;
- (n) “maintenance log” means a record of written information relating to the repair of a taxicab including the Ontario License plate number, Town plate number, make, model and year of the taxicab, the nature of the repair, the date of the repair, the name of the person performing the repair, and confirmation that the owner of the taxicab was notified of the repair;
- (o) “mechanical defect” means damage to, failure of, or excessive wear of any component or feature of a motor vehicle or part thereof;
- (p) “motor vehicle” includes any automobile or any other device for the transportation of persons or goods propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, a motorized snow vehicle, a traction engine, a farm tractor, a self propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act;
- (q) “operate” when used in reference to a taxicab includes to drive the said vehicle or to be in the care and control of said vehicle or to make it available to the public for service as a taxicab and operated and operation have corresponding meanings;
- (r) "owner" means the person who holds a taxicab owner’s license under this By-Law.
- (s) “person” includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, and a body corporate;
- (t) "passenger" means any person in a taxicab other than the driver;
- (u) “rate” means a charge per unit of freight or passenger service;
- (v) "tariff card" means the original card issued by the Town displaying the rates or fares to be charged under this by-law for the conveyance of goods and passengers;
- (w) "taxicab" means a motor vehicle kept or used for hire for conveyance of goods and passengers, which vehicle has seating for not more than seven persons (including the driver), but does not include a limousine, a bus, an ambulance, or a hearse;
- (x) "taxicab plate" means a metal plate issued by the Town bearing a number to identify a taxicab in respect of which a license has been issued;
- (y) "taxicab plate number" means the number on a taxicab plate;

- (z) "taxi stand" means a public place which has been lawfully designated and identified by means of a sign and, reserved exclusively for the use of taxicabs.
- (aa) "taximeter" means an instrument or device attached to a taxicab which measures mechanically or electronically the distance driven and the waiting time upon which a fare may be charged and which computes the amount of the fare that may be charged for any trip for which such a fare is chargeable;
- (bb) "Town" means the Corporation of the Town of Ajax;
- (cc) "trip" means the transportation of passengers from one place to another.
- (dd) "trip record" means an electronic or handwritten daily record of the following information;
  - (i) the provincial motor vehicle permit number of the taxicab;
  - (ii) the Town taxicab plate number of the taxicab;
  - (iii) the name, address and the Town taxicab license number of the driver;
  - (iv) the taximeter readings at the start and finish of a taxicab driver's working period;
  - (v) the date, time and location of the beginning and the final destination of each trip, including any stops requested by a passenger en route;
  - (vi) the amount of the rates and fares collected for each trip; and
  - (vii) any mechanical defects and interior or exterior damage.

2.2 Whenever a word importing the singular number only is used in this By-Law, such word shall include the plural. Words importing either gender, firms or corporations shall include the other gender and individuals, firms or corporations, if applicable.

### **3. GENERAL PROHIBITIONS**

- 3.1 No person shall operate a taxicab in the Town as a driver unless that person has obtained a taxicab driver's license issued by the Town and said license has not been suspended, revoked or expired.
- 3.2 No owner shall operate or permit to be operated a taxicab in the Town unless that owner has obtained a taxicab owner's license and said license has not been suspended, revoked or expired.

### **4. DUTIES OF DRIVERS**

- 4.1. Every driver shall;
  - (a) at all times when operating a taxicab have his Town taxicab driver's license affixed to the rear of the front seat or in a position and in such a manner to be plainly visible to and readable by passengers in the back seat;
  - (b) at all times when driving a taxicab have the Town tariff card affixed to the rear of the front seat or in a position and in such a manner to be plainly visible to and readable by passengers in the back seat;

- (c) have and maintain in good standing, at all times, a driver's license issued by the Province of Ontario that does not prohibit him from operating a motor vehicle for hire or reward;
- (d) be civil, courteous, and refrain from using profanity;
- (e) offer to assist a passenger when it is evident that the passenger is a disabled person, is elderly, or is in need of assistance;
- (f) before operating the taxicab on any day, examine it for mechanical defects and interior or exterior damage and report forthwith, and prior to the operation of the taxicab, any defects or damage found to the owner;
- (g) keep a daily trip record of all trips made by him in any taxicab and submit said trip record at the request of a Licensing Officer forthwith for inspection;
- (h) completely record the trip record of each trip prior to the commencement of the next following trip;
- (i) upon completion of discharging his last passenger,
  - (i) return the taxicab to the owner and report all accidents and any apparent mechanical defects or damage to the owner; and
  - (ii) deliver to the owner the trip record;
- (j) take position at the end of any line formed by taxicabs when entering a taxi stand; and
  - (i) while waiting at a taxi stand or at any public place,
    - (A) not obstruct or interfere in any way with the normal use of the taxi stand or public place, or interfere with the surrounding traffic patterns,
    - (B) not make any loud noise or disturbance,
    - (C) not wash the taxicab,
    - (D) not make repairs to the taxicab, unless the repairs are immediately necessary;
    - (E) not overcrowd a taxi stand.
  - (ii) while his taxicab is in any taxi stand, be sufficiently close to his taxicab to have it under constant observation;
- (k) produce his taxicab driver's license and/or Ontario Driver's License at the request of a Licensing Officer;
- (l) upon termination of work as a driver, surrender his taxicab driver's license to the Town forthwith.

4.2 No driver shall;

- (a) operate a taxicab without first ensuring that the Town taxicab owner's plate is affixed to the rear of the taxicab as approved by the Licensing Officer;
- (b) carry in any taxicab a greater number of passengers than the manufacturer's rating of seating capacity of such taxicab;
- (c) drive a taxicab with luggage or other material piled or placed in or on the taxicab in a manner that obstructs his view;

- (d) obstruct or allow to be obstructed, by any thing, the view of the taximeter flag or light from the outside of the taxicab;
  - (e) drive any taxicab unless the owner has been issued a license;
  - (f) pick up any passenger within 30 metres of a taxi stand when there are one or more taxicabs in the taxi stand, except where an arrangement has been previously made with the passenger to pick him up at that location;
  - (g) smoke in a taxicab;
  - (h) engage in cellular phone conversations while the taxicab is being driven;
  - (i) transport a child under the age of twelve years old in the front seat of the taxicab, without first disengaging the front seat passenger air bag.
- 4.3 When a driver uses a taxicab for transportation of passengers for no gain or reward or the taxicab is being tested or inspected, he shall;
- (a) remove the roof light from the taxicab; and
  - (b) place the taximeter in a non-recording position.
- 4.4 No driver shall take on any additional passengers after the taxicab has departed with one or more passengers from any one starting point except at the specific request of;
- (a) the passenger or passengers in the taxicab; or
  - (b) the person who hired the taxicab if he is not a passenger in the taxicab.
- 4.5 Every driver, where a taxicab is equipped with a two (2) way radio pursuant to an arrangement with the owner for the obtaining of trips, shall activate the said radio when he first enters the taxicab and maintain it in full operation so as to permit him to receive calls from the owner throughout the period in which he is operating the taxicab.
- 4.6. Subject to Section 4.5 of this By-law, every driver shall turn off any radio, tape player or any other sound producing device in his taxicab upon being requested to do so by any passenger, and having done so pursuant to such request shall leave such device or devices in the off position until that passenger's trip has been completed.
- 4.7 When a passenger first enters a taxicab, the driver shall immediately place the taximeter in a recording position and keep it in a recording position throughout the trip.
- 4.8 Every driver shall take the shortest possible route to the destination desired by the passenger unless the passenger designates another route.
- 4.9 If a passenger designates a route other than the shortest possible route, the driver shall, prior to moving the taxicab advise the passenger of the shortest route and obtain the passenger's approval before taking any route other than the shortest route.
- 4.10 If the destination of a trip extends beyond the corporate limits of the Town, the driver and the passenger may agree before the start of the trip to a flat rate, but in the case of a taxicab, the meter must be in a recording position at all times, during that part of the trip, within the Town.
- 4.11. At the conclusion of a trip, the driver shall call the passenger's attention to the amount of the fare registered on the taximeter and then place the taximeter in a non-recording position.
- 4.12 When requested by a passenger to do so, a driver shall give the passenger a receipt for the rate or fare, showing the amount of the rate or fare, the taxi company's name, the driver's name, date and time and taxicab plate numbers, and ensure that the receipt is legible.

- 4.13 Every driver shall take due care of all property delivered or entrusted to him for conveyance, and immediately upon his termination of any hiring engagement, shall carefully search the taxicab for any property lost or left therein, and all property left in the taxicab shall be forthwith delivered over to the person owning the property.
- 4.14 If the owner of the property cannot at once be found, then the driver shall deliver the property to the nearest Police Station with all information in his possession regarding the property and the owner thereof.
- 4.15 Except as otherwise provided in section 4.10 of this By-law, every driver shall charge for each trip no more than the fare shown on the taximeter, together with any applicable additional rates authorized by Schedule "B" attached to this By-law.

## 5. DUTIES OF OWNERS

- 5.1 Every owner shall obtain and maintain an Automobile Insurance Policy insuring himself in respect of the taxicab owned by him covering public liability and property damage in a minimum amount of \$2,000,000.00 inclusive per occurrence. The owner shall produce annually to the Town a valid Certificate of Insurance issued by the insurer, or the insurer's agent. The policy shall include the Town as an Additional Insured.
- 5.2 Where an owner disposes of his taxicab and acquires a replacement taxicab, he shall, before operating the replacement taxicab or permitting it to be operated as a taxicab:
- (a) submit the replacement taxicab to the Town for inspection and provide the original documentation required under this By-law,
  - (b) produce an original motor vehicle safety standards certificate respecting the replacement taxicab, and;
  - (c) attend at the Town offices to have his owner's license amended by deleting reference to the taxicab disposed of and adding reference to the replacement taxicab.
- 5.3 Every owner shall ensure that the Town taxicab owner's plate is affixed to the rear of the taxicab prior to its operation.
- 5.4 The taxicab license issued to any owner shall be immediately cancelled if the license supplied by the Licensing Officer is found attached to any vehicle other than the vehicle for which the said license was issued and no subsequent application for the said owner shall be accepted for a period of one year following the date of such cancellation.
- 5.5 Every owner shall notify the Town upon termination of work of a taxicab driver forthwith.
- 5.6 Every owner shall;
- (a) submit his taxicab for inspection at any time as required by a Licensing Officer;
  - (b) submit every taxicab owned by him to a vehicle safety lane at an authorized vehicle inspection station upon notification by a Licensing Officer; and
    - (i) Shall forthwith turn over the taxicab plate to a Licensing Officer in the event the taxicab fails to meet any requirements set out in this By-law or any other Provincial Statute.
    - (ii) Shall have all repairs carried out by a licensed mechanic within fourteen (14) days of the removal of the taxicab plate.

- (iii) The taxicab plate shall be returned only when a valid Safety Standards Certificate is produced and shown to a Licensing Officer.
- (c) ensure that the following documents, or mechanically reproduced copies thereof, are kept at all times in his taxicab;
- (i) the current provincial motor vehicle permit for the taxicab;
  - (ii) the current taxicab owner' license issued to the owner for the taxicab;
  - (iii) the current Certificate of Liability Insurance for the taxicab;
  - (iv) the current Town tariff card; and
  - (v) copies of the motor vehicle insurance and registration;
- (d) provide adequate service times to meet customer expectations of appropriate service levels on a 24 hour basis, 7 days a week;
- (e) notify the Town when a taxicab is not expected to be operated for more than five (5) consecutive days, together with the reason, within seventy-two (72) hours of the taxicab owner becoming aware of the reason it will not be operated, and where the reason for not being in operation was a mechanical defect or damage to the taxicab, provide the Town with a Safety Standard Certificate;
- (f) ensure that drivers that are working with him comply with the provisions of this By-Law;
- (g) before allowing his taxicab to be operated on any day, examine it for mechanical defects and interior and exterior damage;
- (h) keep a maintenance log;
- (i) retain copies of trip records , written or electronic, and maintenance logs for a period of time not less than twelve months. These records shall be open to inspection by the Licensing Officer and may be removed and retained by them for a reasonable time;
- (j) retain copies of taxicab daily inspection reports for a period of time not less than twelve months. These records shall be open to inspection by the Licensing Officer and may be removed and retained by them for a reasonable time;
- (k) dispatch calls for only taxicabs which have a taxicab owner's license issued by the Town.
- 5.7 Every owner shall affix to his taxicab a taximeter which shall register distances travelled, record trips and units, and compute fares to be paid, and such taximeter shall be,
- (a) illuminated between dusk and dawn;
  - (b) supported in a raised position clear of the dashboard in plain view of all passengers;
  - (c) adjusted in accordance with the fares prescribed by Schedule "B" of this By-law;
  - (d) tested for distance travelled measurement accuracy and time waiting accuracy and not used as a taxicab until the taxicab has been inspected and sealed by a Licensing Officer;
  - (e) used only when the seals thereon are intact;
  - (f) used for not longer than one year without retesting and resealing;

- (g) kept in good working condition at all times and not used when defective in any way;
  - (h) equipped with a metal plate or flag, or a light when an electronic meter is used, attached to the top thereof and the plate or flag shall be in a lowered position or the light shall be extinguished when the taximeter is in operation, and in a raised position or lighted when the meter is not in operation.
- 5.8 Every owner shall maintain in or on his taxicab while it is operated as a taxicab, the following equipment and markings;
- (a) the taxicab plate, affixed to the rear of the vehicle;
  - (b) the tariff card supplied by the Town and bearing the name of the owner and the taxicab plate number, affixed to the rear of the driver's seat in such a manner that the card is plainly visible to passengers in the back seat;
  - (c) a holder for the taxicab driver's license affixed to the rear of front seat and plainly visible to and readable by passengers in the back seat;
  - (d) on the top of the taxicab, an electric sign indicating that the vehicle is a taxicab, but not showing a name or telephone number of any person other than the name and telephone number of the owner or the name under which the owner carries on business; and
  - (e) the taxicab plate number, prefixed by the letter 'A', displayed on the front fenders of the taxicab, in a manner approved by a Licensing Officer, in figures of a colour contrasting with that of the taxicab, and of a height of at least fifteen centimetres.
- 5.9 (a) Every owner shall ensure that every taxicab registered for the first time on or after July 1<sup>st</sup>, 2006 shall be equipped with two (2) emergency lights conforming to the following standards:
- (i) equipped with an intermittent flasher to continuously flash until reset or disengaged;
  - (ii) amber in colour;
  - (iii) a minimum of five (5) centimetres in diameter;
  - (iv) shock resistant;
  - (v) wired on a circuit dependent from all other equipment in or on the taxicab;
  - (vi) visible, upon activation, from the front and rear of the taxicab from a distance no less than fifteen (15) metres during daylight and evening hours;
  - (vii) installed at opposite ends (front and back) of the taxicab with one located on the roof facing toward the front of the taxicab and one located on the truck or rear of the taxicab, facing to the rear of the vehicle; and
  - (viii) situated such that the lights, when activated, are not visible to occupants of the taxicab.
- (b) Every taxicab shall be equipped with:
- (i) a silent activation switch to activate the emergency lights located as approved by a Licensing Officer;
  - (ii) an illuminated activation switch for the emergency lights located in the trunk of the taxicab, located out of plain view, and protected from accidental activation;

- (iii) a reset/disengage switch for the emergency lights located only in the trunk of the taxicab, located out of plain view, that remains illuminated so long as the emergency lights are activated.

5.10 No owner shall;

- (a) permit any taxicab not owned by him to be driven under the authority of a Town taxicab owner's license issued to him;
- (b) permit any person to drive his taxicab other than a Town licensed driver or a person inspecting or testing it;
- (c) cause or permit any taxicab or taxicab plate to be rented, leased, or hired, whether for value or not, except pursuant to the terms and conditions of this By-law;
- (d) operate or permit to be operated any taxicab that is not in good mechanical condition;
- (e) permit the display of any advertisement on the interior or exterior of a taxicab unless such advertisement has been approved by a Licensing Officer;
- (f) be compelled to accept a request for service from any person who is indebted to him for the cost of a previous trip.
- (g) accept for or in any way dispatch or direct orders to a taxicab licensed under this By-law when the activity would be illegal under another municipal taxicab by-law or similar licensing by-law or provincial statute.
- (h) permit any additional Town tariff cards to be affixed in or on the vehicle unless approved by a Licensing Officer.

5.11 Notwithstanding anything in this By-Law, where a taxicab cannot be operated because of a mechanical defect or damage to the taxicab, an owner may, for a temporary period not exceeding 28 consecutive days, affix an owner's plate to a vehicle for which that same owner plate is not registered where:

- (a) that vehicle has been registered by a Licensing Officer as a spare taxicab for the current year by the owner;
- (b) that vehicle has met all of the requirements under this By-Law;
- (c) a valid Safety Standard Certificate not more than 6 months old for that vehicle is on file with the Town and the vehicle has passed the most recent semi-annual inspection by the Town;
- (d) the owner has reported the use of the spare taxicab to a Licensing Officer immediately upon commencement of its use and has included notification of the taxicab being replaced and that the owner's plate has been affixed to the spare taxicab. The report may be made by deposit of written notification or by facsimile transmission to a Licensing Officer;
- (e) the owner shall report the return to service of the replaced taxicab to a Licensing Officer immediately upon recommencement of its use and confirm that the owner's plate has been re-affixed to such vehicle and that the spare vehicle is no longer in use as a taxicab;
- (f) the vehicle is equipped as a taxicab and operated in strict accordance with this By-Law while used as a spare taxicab; and
- (g) if the taxicab being replaced is an accessible taxicab, the vehicle so replacing it is also an accessible taxicab.



## 6. ACCESSIBLE TAXICABS

- 6.1 An owner may utilize an existing taxicab plate issued to him for use on an accessible taxicab.
- 6.2 The owner of an accessible taxicab shall be permitted to operate the vehicle which, in addition to satisfying all conditions set out in this By-law, has received written approval from the Ministry of Transportation.
- 6.3 A sign or decal, as shown, must be placed on an accessible taxicab and ensure:
- (a) such sign or decal does not in excess of 15 cm by 15 cm; and
  - (b) such sign or decal is located at the rear of the vehicle.
- 6.4 Every driver operating an accessible taxicab shall serve a person unable to board regular vehicles due to a physical disability requesting the service of this vehicle at any place within the Town, at any time of day or night prior to serving a person who is able to board vehicles.
- 6.5 Every driver operating an accessible taxicab shall:
- (a) offer such assistance as required to facilitate the entry or exit of a physically disabled person into or out of an accessible taxicab;
  - (b) ensure that the wheelchair is properly secured in the area so provided where a wheelchair is being used by a passenger; and
  - (c) ensure that the seat belt, securing the wheelchair, is properly secured.

## 7. GENERAL PROVISIONS

- 7.1 If a taximeter is repaired or altered, the taxicab to which the taximeter is affixed may be operated without the taximeter having been tested or sealed, for a period of seventy-two hours on weekends or forty-eight hours during the week but only if the owner or driver of the taxicab has in his possession a certificate from the person who made the repairs or alterations, stating the time, date and nature thereof and the place where the work was done. A copy of that certificate must be left in the vehicle that has been repaired.
- 7.2 Taximeters can only be sealed or resealed by a Licensing Officer.
- 7.3 No driver shall and no owner shall permit a driver under his employ to;
- (a) induce any person to engage his taxicab by misleading or deceiving that person about the location of or distance between any point in the Town and any other place, nor by any other false representation;
  - (b) publish or use a tariff, or demand or receive rates or fares other than those authorized by this By-law;
  - (c) be entitled to recover or receive any rate or fare from any person or persons to whom he has refused to show his Town tariff card as provided in this By-law;

- (d) use any tariff card, other than that obtained from the Town, or remove, exchange, lend or otherwise dispose of the tariff card; or
- (e) make any charge for time lost through defects or inefficiency of the taxicab or the incompetence of the driver thereof.

7.4 Every driver shall and every owner shall ensure that a driver under his employ;

- (a) serves the first persons requiring the service of his taxicab at any place in the Town at any specified time by day or night, except when the driver fears for his safety, or the person:
  - (i) refuses to give their destination;
  - (ii) is in the possession of an animal other than a medical aid animal;
  - (iii) has not paid a previous fare;
  - (iv) is, in the opinion of the driver, unable or unwilling to pay the fare and has been unable or unwilling to satisfy the driver that he has the funds to pay the fare; or
  - (v) is a grossly unclean person.
- (b) keeps his engagements, and shall not accept any engagement that a previous engagement would prevent him from fulfilling, but he shall not be compelled to accept any engagement from a person who is indebted to him for the cost of a previous trip.
- (c) ensure that every taxicab is;
  - (i) equipped with an extra tire and wheel ready for use;
  - (ii) as to its interior, including the trunk:
    - (A) free of all dust, dirt, grease, oil, adhesive resin and any other item which can be transferred onto the person, clothing or possessions or a passenger;
    - (B) free of all waste paper, cans, garbage or any other item not intrinsic to the operation of the vehicle;
    - (C) free of noxious substances;
    - (D) dry;
    - (E) in good repair which includes functioning seatbelts, windows, and interior lighting; and
  - (iii) as to its exterior;
    - (A) free from all dust, grease, oil, adhesive resin and any other item which can be transferred onto the person, clothing or possessions of a passenger, except water or snow;
    - (B) is in good repair which includes functioning directional indicators, headlights, horn, and brake lights;
    - (C) is free from exterior body damage;
    - (D) has a well maintained exterior paint finish; and
    - (E) has four matching hubcaps.

- 7.5 Town taxicab plates or Town Tariff Cards defaced, lost or destroyed may be replaced by the Town upon the original plate or card being satisfactorily accounted for and upon the payment of the replacement fee pursuant to Schedule "A" of this By-law.
- 7.6 The rates and fares herein authorized shall be computed from the time and place when and where the passenger first enters the taxicab to the time and place when and where the passenger finally discharges the taxicab.
- 7.7 The rates and fares to be charged by owners and drivers in the Town are shown in Schedule "B"; no owner or driver shall charge or receive in payment any higher or lower amount, except under the provisions of Section 4.10 of this By-law.
- 7.8 No person employing a taxicab shall refuse to pay the rate or fare chargeable under the authority of this By-law for his employment of that taxicab.

## **8. NATURE OF LICENSE**

- 8.1 The licenses required by this By-law shall, unless they are expressed to be for a shorter or longer time, be for a period up to and including the 31<sup>st</sup> day of December in the year of issuance, unless they are sooner forfeited or revoked.
- 8.2 The number of Town taxicab owner's licenses issued pursuant to this By-law shall be limited to 40, at least four (4) of which must be accessible taxicabs.
- 8.3 When an application for an owner's license has been approved for issuance, the Licensing Officer shall notify the applicant by registered mail addressed to his last residence or business address and the applicant shall have thirty days from the date of mailing to obtain the license, failing which the approval shall be rescinded.
- 8.4 The Council may suspend or revoke for cause any license issued under this By-law. The Licensing Officer shall advise the licensee of the date of any hearing at which such suspension or revocation will be considered and the licensee shall be permitted to make such representation at such hearing to show cause why his license should not be suspended or revoked.
- 8.5 Upon the expiry, revocation or suspension of a license the licensee shall return to the Town the license and, if the license is an owner's license, the taxicab plate.
- 8.6 No person shall refuse to deliver an expired, revoked or suspended license or a taxicab plate to a Licensing Officer.

## **9. APPLICATION, RENEWAL AND REVOCATION OF LICENSE**

- 9.1 Every applicant for a license shall appear in person before a Licensing Officer and shall complete such license application forms as may be provided from time to time by the Licensing Officer in accordance with the requirements of this By-law and shall provide all information requested thereon, such information to include
  - (a) a Canadian Police Clearance Letter dated within thirty (30) days of the date of the application; and
  - (b) current valid photo identification, satisfactory to the Licensing Officer.

In the case of an applicant that is a partnership such appearance shall be made by one of the partners, provided the application shall be signed by all of the partners and in the case of an applicant that is a corporation, such appearance shall be made by an officer of the corporation and not by an agent thereof.

- 9.2 Every applicant for a Town taxicab driver's license shall provide the Licensing Officer with:
- (a) a valid Province of Ontario Driver's License issued to the applicant that does not prohibit him from operating a motor vehicle for hire or reward;
  - (b) a certificate from a duly qualified medical practitioner stating that the applicant is, in the opinion of said practitioner, physically capable of operating a taxicab which is dated within thirty (30) days of the date of the application for taxicab driver license;
  - (c) an Canadian Police Clearance Letter which is dated within thirty (30) days of the date of application for taxicab driver's license;
  - (d) an original statement of driving record as issued by the Ministry of Transportation which is dated within thirty-six (36) days of the date of application for taxicab driver's license;
  - (e) two passport sized colour photographs of himself taken within six months of the date of the application; and
  - (f) written proof from a taxicab company currently licensed as an owner by the Town of potential employment.
- 9.3 Every owner and driver shall notify the Town forthwith in the event of any change to the status of their Ontario Driver's Abstract or criminal record during the term of a license.
- 9.4 All first time applicants for a taxicab driver's license must, in addition to the requirements of this By-law, successfully complete a written exam set by the Town, relating to the following:
- (a) the provisions of this By-law;
  - (b) the geography of the Town; and
  - (c) the location of specific sites, such as public transportation terminals, plazas and hospitals.
- 9.5 All applicants for a taxicab owner's license shall include:
- (a) a motor vehicle safety standards certificate, dated not more than thirty-six days prior to the date of the application, issued by an authorized vehicle inspection station for the taxicab in respect of which the applicant seeks to be licensed;
  - (b) proof of ownership of the taxicab;
  - (c) a Certificate of Insurance as required by section 5 of this By-law in respect of that taxicab; and
  - (d) a list of drivers he has employed to operate the taxicab in respect of which the applicant seeks to be licensed.
- 9.6 At the time of submission of an application, every applicant shall pay to the Town the fee set forth in Schedule "A" provided such fee shall not be reduced in the event that the period for which the License is granted is less than one year. If the Licensee applies to have his License renewed prior to December 31<sup>st</sup> in the calendar year it was issued, the License fee shall be reduced in accordance with the fee set forth in Schedule "A".

- 9.7 Receipt of the application and/or the license fee by the Town shall not represent approval of the application for the issuance of a license nor shall it obligate the Town to issue such license.
- 9.8 Without limiting the generality of any other provision in this By-law, persons associated in a partnership applying for a license under this By-law shall file with their application a statutory declaration, in writing, signed by all members of the partnership, which declaration shall state:
- (a) the full name of every partner and the address of his ordinary residence;
  - (b) the name or names under which they carry on or intend to carry on business;
  - (c) that the persons therein named are the only members of the partnership; and
  - (d) the mailing address for the partnership.
- 9.9 Without limiting the generality of any other provision in this By-law, every corporation applying for a license shall file with the Licensing Officer, at the time of making its application, a copy of its articles of incorporation or other incorporating documents and shall file a statutory declaration, in writing signed by an officer of the corporation, which declaration shall state:
- (a) the full name of every shareholder and director and the address of his ordinary residence;
  - (b) the name or names under which it carries on or intends to carry on business;
  - (c) that the persons therein named are the only shareholders of the corporation; and
  - (d) the mailing address for the corporation.
- 9.10 The Licensing Officer shall:
- (a) receive and process all applications for licenses and renewal of licenses to be issued under this By-law;
  - (b) co-ordinate the enforcement of this By-law;
  - (c) generally perform all the administrative functions conferred upon him by this By-law;
  - (d) make or cause to be made all investigations and inspections which he deems necessary to determine whether an applicant meets the requirements of this By-law and all applicable laws;
  - (e) issue licenses to persons who meet the requirements of this By-law and suspend licenses pursuant to the requirements of this By-law; and
  - (f) where a license has been issued pursuant to this By-law and otherwise remains in full force and effect, renew the licenses of persons who meet the requirements of this By-law.
- 9.11 The Licensing Officer shall issue the license only where,
- (a) all the information which the applicant is required to provide under this By-law has been provided, and verified;
  - (b) all the documents which the applicant is required to provide under this By-law have been provided;

- (c) the license fee is paid;
- (d) the investigations do not disclose that the issuing of such License may be adverse to the public interest; and
- (e) the Licensing Officer has no grounds to believe the applicant will not conduct himself in accordance with the law or with honesty and integrity.

9.12 Where the Licensing Officer determines that a license should not be issued as a result of any matter in Section 9.11 of this By-law he shall notify the applicant.

9.13 Where an applicant advises the Licensing Officer in writing, that he disputes the determination made by the Licensing Officer under Section 9.12 of this By-law or submits that the license applied for should be issued despite that determination, the matter shall be referred forthwith by the Licensing Officer to the Committee which shall hear representations from the Licensing Officer and the applicant.

9.14 The Committee may authorize the Licensing Officer to issue the license where it determines that the determination in Section 9.12 of this By-law, is not sufficient to justify refusing to issue the license.

9.15 Where the Committee determines that a license should not be issued the Licensing Officer shall advise the applicant of such determination.

9.16 The Licensing Officer may revoke a license referred to in this By-Law if the licensee has been convicted of an offence which is a contravention of this By-Law.

9.17 The Licensing Officer shall notify a licensee, by registered mail, at his last known address or business address on record when,

- (a) he has cause to believe, on reasonable grounds, that any of the information which the licensee, as an applicant or a licensee, is required to provide, including any verification thereof, is inaccurate;
- (b) the licensee has been convicted of an offence which is a contravention of this By-law;
- (c) his insurer has advised that the insurance required under Section 5 of this By-law has been cancelled or will not be renewed; or
- (d) the taxicab in respect of which he is licensed is no longer roadworthy or has been impounded;

that unless the inaccuracy, conviction, revocation, cancellation, or contravention is corrected, overturned, or reinstated within thirty days, the license shall be revoked.

9.18 Where a licensee advises the Licensing Officer, in writing and within thirty days that he disputes the revocation of the license, the matter shall be referred forthwith, to the Committee, which shall hear representations from the licensee and either confirm the revocation of the license or reinstate the license as it sees fit.

9.19 Unless the matter giving rise to the notice issued under section 9.16 of this By-law has been corrected, overturned or reinstated within the time allotted, the Licensing Officer shall forthwith revoke the license and notify the licensee by registered mail at his last known address or business address on record.

9.20 Any license that has not been renewed as of December 31st in the year of its issuance or renewal shall expire on January 1st in the year following its issuance or renewal.

## **10. OFFENCE, PENALTY AND ENFORCEMENT**

- 10.1 This By-law shall apply to owners and drivers of taxicabs and owners of limousines, engaged in the conveyance of goods or passengers either wholly within the municipality, or from any point within the municipality to any point outside it.
- 10.2 Every person who contravenes any provision of this By-law, except Section 9 of this By-law, is guilty of an offence and upon conviction is liable to a fine or penalty for each offence exclusive of costs as prescribed by the Act.
- 10.3 Every person shall comply with the provisions of this By-law applicable to him whether or not he is licensed under this By-law.
- 10.4 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-Law.

## **11. EXEMPTIONS**

- 11.1 This By-law shall not apply to taxicab companies located beyond the Town boundaries providing services to the Greater Toronto Transit Authority only for the purpose of picking up stranded passengers at a GO Transit station or GO Transit bus stop during a GO rail disruption of service provided that notification of the disruption is given to the Ajax Pickering Transit Authority.

## **12. VALIDITY**

- 12.1 All Schedules referred to in this By-law are deemed to form part of this By-law.
- 12.2 If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

## **13. REPEAL OF BY-LAWS**

- 13.1 By-law 9-2001, "Taxicab By-law" and all amendments thereto are hereby repealed.

READ a first and second time this Twenty  
Fourth day of May, 2005.

READ a third time passed this Twenty  
Fourth day of May, 2005.

---

Mayor

---

Clerk

**BY-LAW NUMBER 63-2005**

**SCHEDULE "A"**

A By-law licensing, regulating, and governing of taxicab drivers and taxicab owners.

| <b>License</b>           | <b>Cost</b> |
|--------------------------|-------------|
| Taxicab Owner's License  | \$ 250.00   |
| Taxicab Driver's License | \$100.00    |

| <b>License Renewal</b><br>(if renewed prior to expiration on<br>December 31st) | <b>Cost</b> |
|--|-------------|
| Taxicab Owner's License  | \$ 200.00   |

| <b>Additional Services</b>                                 | <b>Fee</b> |
|--|------------|
| Replacement Vehicle Inspection<br>(includes meter seals)   | \$ 30.00   |
| Replacement Fee for lost<br>Taxicab Driver's License       | \$ 15.00   |
| Replacement Fee for lost or<br>defaced Town Taxicab Plates | \$ 40.00   |
| Replacement Fee for lost or<br>defaced Town Tariff Cards   | \$ 10.00   |

**SCHEDULE "B" TO BY-LAW NUMBER 63-2005**

**TARIFF OF RATES AND FARES**

By Distance

|   |                   |
|---|-------------------|
| One to four Passengers<br>For the first one-tenth (1/10)<br>kilometre of part thereof | \$2.50 (incl.GST) |
| For each additional one-fifteenth<br>(1/15) kilometre or part thereof                 | .10 (incl.GST)    |
| For each additional Passenger in<br>excess of four, a flat trip charge of             | .20               |
| Bags and cartons containing groceries<br>** If loaded and unloaded by driver          | .30 (flat rate)   |
| Hand baggage inside the cab   | Free              |
| Wheel Chairs and similar devices  | Free              |

By Time

|  |                 |
|--|-----------------|
| For waiting time while under engagement<br>for each twelve (12) seconds  | .10 (incl. GST) |
| For each additional Passenger in excess of<br>four Passengers, an additional charge of<br>**excludes children 8 years of age and under | .75 (flat rate) |

Senior Citizens

Fares may be subjected to a 10 percent discount on a voluntary basis on the part of the taxi Owner with the following qualifications:

- (a) Such discount shall apply to local trips only.
- (b) All Passengers in the cab must be senior citizens.
- (c) To qualify for discount rate, Senior Citizen must produce a Senior Citizen's Card.

Account and Credit Card Charges

|  |                                  |
|--|----------------------------------|
| Processing charge for debit card transactions  | up to \$1.00                     |
| Processing charge for credit card transactions | up to 3% of the amount of a fare |

IT IS AN OFFENCE TO CHARGE MORE THAN THE ABOVE TARIFF.

**IF YOU HAVE ANY QUESTION OR CONCERNS,  
PLEASE CONTACT AJAX BY-LAW SERVICES AT  
905-619-2529 EXT. 370, OR BY EMAIL AT  
bylawservices@townofajax.com**

## **SCHEDULE “C” TO BY-LAW 63-2005**

### EXPLANATION OF REASONS FOR LICENSING

The Town of Ajax considers it necessary and desirable to license, regulate and govern the businesses of owners and drivers of taxicabs for the following reasons:

#### HEALTH AND SAFETY

The Town of Ajax has chosen to license, regulate and govern taxicab owners and drivers to enhance and encourage safe maintenance and operational practices for drivers and owners, ensure experienced and qualified drivers are providing services, supply passengers with drivers who have proven themselves to be trustworthy to care for their belongings and their person, and ensure accountability of industry participants for health and safety issues.

This reason relates to health and safety as the licensing, regulating and governing provisions aim to protect the health of passengers and those members of the public using the streets in the Town of Ajax by ensuring safe operation of taxicabs providing for safety mechanisms to protect drivers, and ensuring the safety of passengers and other users of the public streets in Ajax.

#### CONSUMER PROTECTION

The Town of Ajax has chosen to license, regulate and govern taxicab owners and drivers to enhance and encourage equal, fair and courteous treatment of passengers, drivers and owners, protect the property of passengers, ensure competence of owners and drivers in providing taxicab services, promote accountability, ensure consistency in the application of fares, and support proper and good business practices.

This reason relates to consumer protection as the licensing, regulating and governing provisions aim to prevent, mitigate or redress losses or harm to, or practices which might negatively impact on, passengers, drivers and owners.

#### NUISANCE CONTROL

The Town of Ajax has chosen to license, regulate and govern taxicab owners and drivers to promote professional behaviour, fair dealing amongst participants in the industry, ensure courteous treatment, and limit or mitigate unsightliness, unnecessary noise, nuisance or disruption for passengers, drivers, owners, and the general public.

This reason relates to nuisance control as the licensing, regulating and governing provisions aim to limit conditions which might reasonably disturb or cause interference to the participants in the industry, the passengers and the general public.