

BY-LAW NO. 42-01

OF THE CORPORATION OF THE TOWN OF AYLMER

Being a by-law to provide for licensing, regulating and governing owners/drivers of cabs and motor or other vehicles used for hire and for other purposes within the Town of Aylmer.

WHEREAS s.232 of the *Municipal Act*, R.S.O. 1990, c. M.45, as amended, permits the Council of municipality to pass by-laws for licencing, regulating and governing owners and drivers of cabs, motor or other vehicles used for hire within the Town of Aylmer.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AYLMER ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law:

- a) "**Board**" shall mean the Aylmer Police Services Board.
- b) "**Chief of Police**" shall mean the Chief of Police for the Aylmer Police Service.
- c) "**Town**" shall mean the municipality of the Town of Aylmer.
- d) "**Taxicab**" shall mean a cab, motor or other vehicle, having a normal seating capacity of not more than twelve (12) persons.
- e) "**Cab**" shall include taxicab.
- f) "**Person**" shall mean and include one or more persons, corporations, partnership, associations or other legal entity.
- g) "**Owner**" shall mean the registered owner of a taxicab who is licenced as such under this by-law.
- h) "**Driver**" shall mean a driver of a taxicab who is licenced as such under this by-law.
- i) "**Limousine**" shall mean a motor vehicle which is kept or used for hire for the conveyance of passengers on an hourly basis or for a fixed fee.
- j) "**Licence**" shall mean a permit granted under this by-law by the Aylmer Police Services Board under the provisions of this by-law to own or operate any vehicle used for hire.

AUTHORITIES - CHIEF OF POLICE

2.1 The Chief of Police, with the consent of the Aylmer Police Services Board shall be responsible for the issuance, suspension and revocation of all licences and photo identification pertaining to this by-law.

2.2 The Chief of Police shall be responsible to:

- a) submit to the Board, a report of the performance of his duties under this by-law whenever he shall be required by the Board to do so, and to submit to the Board reports for revoking or cancelling of any licences.

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- b) make all necessary inquiries concerning applications for licences or transfers thereof as may be requisite to secure due observances of the law and this by-law.
- c) make all necessary inquiries concerning the suitability of applicants for licences, and to investigate the applicant's police record.
- d) examine every cab and the necessary equipment thereof of every applicant for a licence under this by-law.
- e) ascertain by inspection and inquiry from time to time and as often as may be required by the Board, whether or not the persons receiving licences continue to comply with the provisions of this by-law.
- f) keep a register of all licences and transfers of licences granted, which shall contain the name or names of the applicants, and the number of cabs kept by each applicant for a licence and the date of the licence, and such further particulars and such other books as the Board may order.
- g) furnish each owner taking out a licence with one copy of this by-law.
- h) prosecute all persons who shall offend against any of the provisions of this by-law.

2.3 Any act authorized or directed to be done under the provisions of this by-law by the Chief of Police may be done by any member of the Aylmer Police Service except as to his power to suspend licences.

PROHIBITION

3.1 No person shall:

- a) Keep a taxicab for hire within the Town without having a current licence to do so issued under the provisions of this by-law and herein referred to as a Taxicab Owner's Licence.
- b) Drive a taxicab within the Town for a person with a Taxicab Owner's Licence without having a current valid licence to do so, issued under the provisions of this by-law and herein referred to as a Taxicab Driver's Licence.

3.2 Every licence issued under the provisions of this by-law shall, unless sooner revoked or cancelled, expire after one (1) year of the date of issue thereof.

3.3 a) All licences shall be put into operation within one hundred and twenty (120) days after notification to the applicant of the approval of issue; otherwise they shall be revoked.

b) All licences which remain inoperative for a period of one hundred and twenty (120) days shall be revoked unless otherwise directed by the Chief of Police.

c) No holder of a licence issued under this by-law shall have any property rights in the said licence and no such licence shall be transferred, except under the provisions provided for herein.

d) Every owner licenced under the provisions of this by-law who intends to withdraw or terminate services pursuant to such licence, will give forty-eight (48) hours notice in writing to the Chief of Police of such intention. Upon the expiration of forty-eight (48) hours, the owner or broker will surrender such licence to the Chief of Police forthwith.

APPLICATION FOR LICENCES

4. In this by-law:

- a) Application for a licence, or for the renewal of a licence shall be addressed to the Chief of Police and delivered upon such forms as may be prescribed by the Board together with payment of the appropriate licence fee, as per Schedule "A", attached hereto, and proof of the requirements of this by-law.
- b) All licence fees as prescribed in this by-law shall be payable to the Aylmer Police Service, who in turn shall transmit such monies to the Town's Director of Finance.

REQUIREMENTS FOR LICENCE

5. a) Approval of the Chief of Police.

- b) The Board may, in its discretion, authorize the issuing of any licence with such stipulations and conditions as may be deemed proper.
- c) No person shall be granted a taxicab driver's licence until the applicant has attended at the Aylmer Police Station for the purpose of having a photograph taken for the driver's photo identification card.
- d) No person shall be granted a taxi driver's licence unless the applicant is the holder of a valid applicable driver's licence for the Province of Ontario and is of the age of majority.
- e) No person or company shall be licensed as an owner of a taxicab unless they or their vehicle is registered with and licensed by the Ontario Ministry of Transportation as the owner or licensee.
- f) Every owner of more than one cab is required to be licenced under this by-law, shall obtain a separate licence for each cab.
- g) Every person licenced as an owner shall:
 - (i) Keep a record of calls received and dispatched giving date, time, origin, vehicle licence number and driver. Records to be retained in an orderly manner for twelve (12) months, and open for inspection by the Chief of Police or any police officer designated by him/her.
 - (ii) Ensure that all vehicles and drivers dispatched are properly licenced under this by-law.
- h) Every applicant shall submit, with the application, a certificate of mechanical fitness with respect to any vehicle to be licenced, certifying the said vehicle is in satisfactory condition of mechanical repair and suitable for use as a taxicab.
- i) No person shall be granted or hold a taxicab owner's licence unless the applicant establishes and maintains in effect, proof of insurance covering each vehicle in respect of which a licence is applied for or held by such applicant. Proof of insurance requirement shall be made by depositing with the Chief of Police, a certified copy of a current valid policy of insurance issued by a company authorized to do business in Ontario. Such insurance shall apply to the vehicle or vehicles in respect of which the licence is sought, and shall indemnify and protect the owner and the public, including passengers carried in such vehicle or vehicles as follows: \$2,000,000.00 – Liability Coverage; \$50,000.00 – Bodily Injury or Death; \$5,000.00 – Legal Liability of Property of Others; \$2,000.00 – Legal Liability of Property of one person. The required policy of insurance shall be endorsed with the condition that neither the insurer nor the insured shall cancel the policy unless thirty (30) days' prior notice in writing is delivered to the Chief of Police.

RESPONSIBILITIES OF TAXICAB OWNER

6. Every person licenced as a taxicab owner shall:

- a) Keep a record of calls answered by all vehicles licenced showing date, time, origin, destination, vehicle licence number and driver; records to be kept in an orderly manner for a period of twelve (12) months and open for inspection by the Chief of Police or any officer designated by him/her.
- b) Equip each vehicle licenced as a taxicab with a suitable frame to hold the driver's photo identification card and taxi tariff and so place them in the vehicle as to be seen and read by any person engaging the taxicab.
- c) Submit each vehicle for examination prior to a licence being issued, or any other time as required by the Chief of Police. A valid Safety Standards Certificate issued in accordance with the *Highway Traffic Act of Ontario* will be required annually at time of licence renewal or transfer.
- d) Upon disposing of or replacing any vehicle licenced under this by-law, within forty-eight (48) hours, attend at the office of the Chief of Police and surrender the licence or transfer it to a new vehicle.
- e) Require that drivers employed by the owner have been approved by the company providing the insurance coverage.
- f) Require that persons engaged as taxicab drivers be properly licenced under this by-law.
- g) Check daily trip records kept by drivers and require an entry for each trip.
- h) Prominently display on the rear exterior of the taxicab the numbered licence provided by the Board.
- i) Hold a separate taxicab owner licence for each vehicle used or kept for hire as a taxicab.
- j) Maintain insurance on each vehicle as required by this by-law.
- k) Maintain each vehicle in a good state of repair.
- l) Notify the Chief of Police, in writing, within six (6) days of a change of address.

A taxicab owner shall not:

- a) Use or permit to be used any taxicab licence issued to him pursuant to this by-law on any vehicle other than the vehicle for which the licence was issued.

GENERAL PROVISIONS

- 7. a) Every person licenced under this by-law shall, upon changing their address, notify the Chief of Police within forty-eight (48) hours, giving their new address.

REVOCATION OR SUSPENSION OF LICENCES

- 8. a) The Chief of Police may at any time, for any cause appearing to him sufficient, suspend any licence and in such event shall report such suspensions to the Board within seventy-two (72) hours and the Board may either continue such suspension for such period of time as it shall determine or may reinstate such licence or if the circumstances appear to warrant such action, may revoke such licence. No suspension of a licence by the Chief of Police is effective after the expiration of two (2) weeks from the date of the suspension or the time of the next meeting of the Board after the suspension, whichever occurs first.

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- b) If the holder of a licence is convicted of any infraction of this by-law or any by-law of the Town regulating traffic or any of the provisions of the *Highway Traffic Act of Ontario*, the *Liquor Licence Act of Ontario*, or the *Criminal Code of Canada*, the licence may be forthwith revoked by the Board.
- c) At a meeting of the Board where the suspension or revocation of a licence is being considered, the owner of that licence shall be notified of the date, time and place of the meeting and shall have the opportunity to speak and give evidence on the licensee's own behalf.
- d) Where a licence is revoked, the licensee is entitled to a refund of that part of the licence fee proportionate to the unexpired part of the term for which it was granted.

APPEAL

- 9. a) Any act done by or by authority of the Chief of Police under any of the provisions of this by-law, shall be subject to an appeal to the Board by any person feeling so aggrieved.
- 10. Any person who contravenes any of the provisions of this by-law shall be guilty of an offence and upon conviction shall be liable to the penalties as provided for under the *Provincial Offences Act*, R.S.O. 1990, as amended from time to time.
- 11. That By-Law No. 70-92, and any other By-Law inconsistent with the provisions of this By-Law are hereby repealed.
- 12. This By-Law shall come into force and take effect on the date of the final passing thereof.

READ a First and Second time this 9th day of July, 2001.

MAYOR

CLERK

READ a Third time and finally passed this 26th day of November, 2001.

MAYOR

CLERK

SCHEDULE "A" to By-Law No. 42-01

TOWN OF AYLMER

SCHEDULE OF LICENCE FEES

Annually from Date of Issue:

- i) A taxicab broker or owner, a fee of \$125.00 plus G.S.T., will be levied for the first vehicle.

- ii) Licences issued for additional vehicles to enlarge a company fleet shall be \$35.00 plus G.S.T. per vehicle or unit.

- iii) Licence fees for a taxicab driver is established at \$20.00 plus G.S.T.