

THE CORPORATION OF THE COUNTY OF WELLINGTON

**BY-LAW NUMBER 5287 – 12
(herein referred to as By-Law 12 - 12)**

Being a by-law to Licence, Regulate and Govern Accessible Taxicabs,
Taxicabs and Limousines and owners and drivers of Accessible
Taxicabs, Taxicabs and Limousines

WHEREAS section 151 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "Act"), provides that a municipality may provide for a system of licences with respect to a business;

AND WHEREAS subsection 156(1) of the *Act* provides that a by-law under section 151 with respect to the owners and drivers of taxicabs, may establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality and for the collection of the rates or fares charged for the conveyance, and for limiting the number of taxicabs or any class of them; in addition to any provisions the municipality may enact pursuant to its general powers enumerated in sections 9, 10, and 11 of the *Act*;

AND WHEREAS subsection 157(1) of the *Act* provides that, if a municipality and the police services board of the municipality agree to enforce a by-law providing for a system of licences with respect to a business on behalf of each other, the municipality or police services board, as the case may be, may designate one or more persons as officers to enforce the licensing by-laws;

AND WHEREAS subsection 157(2) of the *Act* provides that a municipality may delegate to another municipality, with the consent of the other municipality, the power to provide for a system of licences with respect to a business specified in the by-law;

AND WHEREAS the Council of The Corporation of the County of Wellington passed by-law number 5105-09 being a by-law to authorize the execution of a Reciprocal Licensing Arrangement and Delegation Agreement to delegate the power to license, regulate and govern Accessible Taxicabs, Taxicabs and Limousines and Owners and Drivers of Accessible Taxicabs, Taxicabs and Limousines and the enforcement thereof to the Corporation of the County of Wellington and such Reciprocal Licensing Arrangement and Delegation Agreement has been entered into between the Police Services Board for the Corporation of the County of Wellington, The Corporation of the County of Wellington, and the lower-tier municipalities within The Corporation of the County of Wellington, being The Corporation of the Township of Centre Wellington, The Corporation of the Township of Guelph/Eramosa, the Corporation of the Township of Mapleton, The Corporation of the Town of Minto, The Corporation of the Township of Puslinch, and The Corporation of the Township of Wellington North, and The Corporation of the Town of Erin (hereinafter referred to collectively as the "Lower-Tier Municipalities");

NOW THEREFORE the Corporation of the Town of Erin (hereinafter referred to as the "Town") hereby enacts as follows:

SECTION 1: SHORT TITLE

1. This by-law may be cited as the "Taxi and Limousine by-law".

SECTION 2: SCOPE

2. This by-law applies in the County of Wellington, where the Lower-Tier Municipalities have delegated to the County the power to provide for a system of licences for accessible taxicabs, taxicabs and limousines and owners and drivers of accessible taxicabs, taxicabs and limousines and the enforcement thereof pursuant to a Reciprocal Licensing Arrangement and Delegation Agreement between the County and the Lower-tier Municipalities.

SECTION 3: SEVERABILITY

3. If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

SECTION 4: GENDER AND NUMBER

4. In this by-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and a corporation or vice versa where applicable.

SECTION 5: DEFINITIONS

5. (1) For the purpose of interpreting the provisions set forth in this by-law, the following definitions shall apply:
 - (a) "Accessible Taxicab" shall mean a class of Taxicab which is designed or modified to be used for the purpose of transporting persons with disabilities and is used for that purpose, whether or not the vehicle is also used to transport persons without disabilities and that is licensed as an Accessible Taxicab by the Corporation of the County of Wellington;
 - (b) "Accessible Taxicab Driver's Licence" shall mean an Accessible Taxicab Driver's Licence as issued to any individual to drive or act as a driver of any accessible taxicab licensed pursuant to this by-law;
 - (c) "Accessible Taxicab Service" shall mean the use of an Accessible Taxicab, for the conveyance of one or more Passengers for a fee or compensation that is commenced within the boundaries of the County of Wellington, and does not include Accessible Taxicabs that are under written contract with a health care facility;
 - (d) "Accessible Taxicab Vehicle Plate" shall mean a Licence to provide an Accessible Taxicab Service;
 - (e) "Applicant" shall mean a person who makes application for a Licence issued hereunder;
 - (f) "Board" shall mean The County of Wellington Police Services Board;
 - (g) "County" shall mean The Corporation of the County of Wellington;

- (h) "Driver" shall mean the individual who has care and control of an Accessible Taxicab, Taxicab or Limousine;
- (i) "Licensee" shall mean the person holding a Licence as issued under the provisions of this by-law;
- (j) "Licensing Officer" shall mean the Chief Administrative Officer of the County of Wellington or his designate;
- (k) "Limousine" shall mean a stretch or longer than usual, luxury motor vehicle that is not licensed under the *Public Vehicles Act* R.S.O. 1990 Chapter P. 54 or any successor legislation;
- (l) "Limousine Driver's Licence" shall mean a Limousine Driver's Licence as issued to any individual to drive or act as a driver of any limousine licensed pursuant to this by-law;
- (m) "Limousine Service" shall mean the use of a Limousine for the conveyance of one or more Passengers for a fee or compensation that is commenced within the boundaries of the County of Wellington;
- (n) "Limousine Vehicle Plate" shall mean a Licence to provide a Limousine Service;
- (o) "Owner" shall mean the person who holds the Ontario licence plate, as issued by the Ministry of Transportation, for the Accessible Taxicab, Taxicab or Limousine. For the purposes of this by-law, where the motor vehicle is leased, the owner shall be the lessee;
- (p) "Passenger" shall mean any individual in an Accessible Taxicab, Taxicab or Limousine other than the Driver;
- (q) "Person" shall include an individual, a business entity, a partnership or a corporation;
- (r) "service animal" means an animal that is a service animal for a person with a disability,
 - (a) if it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or
 - (b) if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability;
 and shall include a guide dog as defined in section 1 of the *Blind Persons Rights' Act*.
- (s) "Tariff Card" shall mean the card prescribed in Schedule "B" attached to this by-law and shall contain the schedule of fares to be charged for providing an Accessible Taxicab or Taxicab Service;
- (t) "Taxicab" shall mean a motor vehicle which is used for the conveyance of Passengers with a seating capacity of no more than (9) nine, but does not include a public vehicle as defined under the *Public Vehicles Act*, or successor legislation;
- (u) "Taxicab Driver's Licence" shall mean a Taxicab Driver's Licence as issued to any individual to drive or act as a driver of any Taxicab licensed pursuant to this by-law;
- (v) "Taxicab Meter" shall mean a mechanical or electronic device used to measure time and distance for the purpose of calculating a fare;
- (w) "Taxicab Service" shall mean the use of a Taxicab for the conveyance of

Passengers for a fee or compensation that is commenced within the boundaries of The County of Wellington;

- (x) "Taxicab Vehicle Plate" shall mean a Licence to provide a Taxicab Service as defined in this by-law;
- (y) "Trip Record" shall mean a book containing the particulars of each Accessible Taxicab Service, Taxicab Service, and Limousine Service and shall include:
 - (i) the Ontario licence plate number of the Accessible Taxicab, Taxicab and Limousine issued by the Ministry of Transportation and the number of the Accessible Taxicab Plate, Taxicab Vehicle Plate and Limousine Vehicle Plate as issued under the provisions of this by-law;
 - (ii) the name, address and Licence number of the Driver;
 - (iii) the amount of fare collected for each trip; and
 - (iv) date, time, origin and destination of each trip.

SECTION 6: DUTIES OF THE LICENSING OFFICER

6. (1) The Licensing Officer shall have the responsibility of supervision of all persons licensed under this by-law and over all Accessible Taxicabs, Taxicabs and Limousines together with the equipment used by them in connection with the provisions of this by-law and such responsibilities include compliance with the following requirements:
- (a) to submit to the Board, a report each year on the performance of his/her duties in accordance with this by-law;
 - (b) to make necessary inquiries concerning applications for Licences, renewals or transfers thereof as may be required to secure due observance of the law and of this by-law;
 - (c) to make all necessary inquiries concerning the police record of an Applicant for a Licence or renewal of same, under this by-law;
 - (d) to make all necessary inquiries concerning the driving record of an Applicant for a Licence or renewal of same, under this by-law;
 - (e) to examine and approve every Accessible Taxicab, Taxicab, and Limousine and the necessary equipment thereof of every Applicant for a licence or renewal of same, under this by-law;
 - (f) to keep a record of all Licences and transfers of Licences, such record shall contain the name or names of the Licensee, the number of Accessible Taxicab, Taxicabs and Limousine Licences kept by each Licensee, the amount paid for the same and the date of the Licence, and further particulars shall be kept as the Board may order;
 - (g) to provide each Applicant with one copy of this by-law;
 - (h) to issue each Applicant for a Licence with a Licence or transfer of Licence providing they have satisfied all the requirements of this by-law;
 - (i) to ascertain by inspection and inquiry from time to time and as often as may be required by the Licensing Officer whether or not the Licensee continues to comply with the provisions of this by-law;

- (j) to refuse to grant a Licence, renew a Licence or transfer a Licence under this by-law and suspend a Licence and to recommend a revocation of a Licence to the Board where an Applicant or Licensee fails to satisfy all of the requirements of this by-law or is in contravention of this by-law; and
 - (k) to approve fares for Accessible Taxicab Service and Taxicab Service as may be submitted from time to time.
- (2) The Licensing Officer or the Board shall not be obliged under any circumstances to grant or renew a licence issued under this by-law to any Applicant.

SECTION 7: LICENCES

7. (1) No person shall:
- (a) being the owner of an Accessible Taxicab, Taxicab and Limousine , use or operate or permit to be used or operated, any such taxicab without the appropriate class of Vehicle Plate licence issued by the Licensing Officer for that class of taxicab;
 - (b) operate an Accessible Taxicab Service or Taxicab Service without possessing a valid Ontario driver's licence or equivalent and the appropriate current and valid Licence issued under this by-law and herein referred to as an "Accessible Taxicab Driver's Licence" or "Taxicab Driver's Licence" , as may be applicable;
 - (i) Notwithstanding subsection (1) (b) of this section, no Accessible Taxicab Driver's Licence or Taxicab Driver's Licence, as may be applicable, is required when the Accessible Taxicab Driver or Taxicab Driver is operating an Accessible Taxicab Service or Taxicab Service under written contract between the Taxicab Owner and the Federal or Provincial government, government agency or school board.
 - (c) operate a Limousine Service without possessing a valid Ontario driver's licence or equivalent and a current and valid Licence issued under this by-law and herein referred to as a "Limousine Driver's Licence"; and
 - (d) transfer any Licence issued under this by-law, except as permitted by Section 13 of this by-law;
- (2) (a) All Applicants for Licences under this by-law and Licensees applying for renewal or transfer of Licences shall pay the fee or fees as provided in Schedule "A" of this by-law.
- (b) All Applicants for an initial driver's or vehicle licence under this by-law, who were providing service to any part of the County of Wellington immediately prior to the passage of this by-law, shall pay the "renewal" fee rather than the "new application" fee for the initial licence.
- (3) Every Licence, unless sooner revoked or cancelled, shall expire one year after the date of issue.
- (a) Notwithstanding subsection (3) of this section, if the expiry date falls on a Saturday or Sunday, then every licence issued on this by-law shall expire at 5:00 p.m. on the following Monday.

SECTION 8: LICENSING REQUIREMENTS AND SUBMISSION OF APPLICATIONS

8. (1) All Applicants for any Licence under this by-law shall:

- (a) be at least eighteen (18) years of age;
 - (b) be either a citizen of Canada or a permanent resident or hold a work permit to work as a driver issued by the Government of Canada;
 - (c) hold, in his name, a current, valid Class A, B, C, D, E, F or G driver's licence issued by the Province of Ontario, which is in good standing according to the records of the Ministry of Transportation;
 - (d) be familiar with the provisions of this by-law, the laws and regulations relating to traffic, and the geography of that portion of the County of Wellington in which they intend to provide an Accessible Taxicab Service, Taxicab Service or Limousine Service;
 - (e) intend to carry on a regular business under authority of the Licence applied for; and
 - (f) satisfy the Licensing Officer that, if licensed, he/she will operate an Accessible Taxicab, Taxicab Service or Limousine Service solely in compliance with the terms of this by-law.
- (2) No person shall drive, or act as a driver of any Accessible Taxicab without first having completed a Wheelchair and Occupant Restraint System Training Program with respect to the handling, safety restraint, transportation, care and safety of disabled passengers, written proof of which shall be provided prior to the issuance of any Accessible Taxicab Licence.
- (3) An applicant for an Accessible Taxicab Driver's Licence, Taxicab Driver's Licence or a Limousine Driver's Licence shall provide the following documentation to the Licensing Officer:
- (a) a completed application form as may be prescribed by the Licensing Officer together with applicable fees as set out in Schedule "A" of this by-law;
 - (b) a copy of a driver's licence as referred to in 8(1)(c) together with an original driver's abstract from the Ministry of Transportation, dated within sixty (60) days of the date of the application for a licence under this by-law;
 - (c) the original of a criminal records check and a vulnerable sector check issued by the Wellington County Detachment of the Ontario Provincial Police, or by the police service located in the municipality in which the driver resides, such check being dated within sixty (60) days of the application for a licence under this by-law;
 - (d) a certified true copy of either a Canadian birth certificate or valid Canadian passport, or proof of permanent resident status or a work permit approved by the Government of Canada;
 - (e) a completed employee information form, signed by the licensed owner for whom the applicant proposes to drive; and
 - (f) two(2) identical unaltered coloured photos produced from the same film or from the same electronic file capturing the digital image in accordance with the following criteria, taken no more than thirty(30) days prior to the application:
 - (i) eyes must be open and clearly visible;

- (ii) glasses, including tinted ones with prescription, may be worn as long as the eyes are clearly visible; sunglasses are unacceptable;
 - (iii) photos must show both edges of the face clearly;
 - (iv) photos must show a full front view of face and shoulders squared to the camera;
 - (v) the image must be clear, sharp and in focus;
 - (vi) hats or head coverings are not permitted except when worn for religious reasons and only if the full facial features are clearly visible;
 - (vii) the photo size must be 50 mm wide x 70 mm long.
- (g) In respect of an application for an Accessible Taxicab Driver's licence only, proof of completion of a Wheelchair and Occupant Restraint System Training Programme referred to in subsection (2).
- (4) Every Applicant for an Accessible Taxicab Vehicle Plate, Taxicab Vehicle Plate or Limousine Vehicle Plate shall provide the following documentation to the Licensing Officer:
- (a) a completed application form as may be prescribed by the Licensing Officer together with applicable fees as set out in Schedule "A" of this by-law;
 - (b) a copy of a valid motor vehicle permit in the Applicant's name for each Accessible Taxicab, Taxicab or Limousine as issued by the Ministry of Transportation;
 - (i) notwithstanding subsection (4) (a) of this section, in the case of a leased vehicle, the vehicle portion of the permit shall bear the name of the lessor of the motor vehicle and the Ontario Licence plate portion of the permit shall bear the name of the lessee of the motor vehicle;
 - (c) proof of insurance confirming that each Accessible Taxicab, Taxicab and Limousine for which an Accessible Taxicab Vehicle Plate, Taxicab Vehicle Plate and Limousine Vehicle Plate is being applied, is insured for public liability property damage and passenger hazard, with a minimum of three (\$3,000,000) million dollars in coverage per incident or occurrence and written confirmation from the insurer that the Board will receive at least fifteen (15) days written notice prior to any cancellation, expiration or variation thereof;
 - (d) if the Applicant is a corporation, a certified copy of the Certificate of Status showing that the corporation is validly in existence within 30 days of the time of the application and a list of all current directors and shareholders certified as true, correct and complete by a Notary Public for the Province of Ontario who has examined the corporate documents; and
 - (i) if the Licensee is incorporated under the laws of Ontario or any other jurisdiction, the Licensee shall not effect or permit the transfer of shares, which would have the effect of changing control of the corporation, without approval of the Licensing Officer;
 - (e) if the Applicant is a partnership or sole proprietor, a certified copy of a

Business Names Report;

- (f) the original of a valid Province of Ontario Safety Standards Certificate, for each Accessible Taxicab, Taxicab and Limousine greater than one (1) year of age, based on the year appearing on the motor vehicle permit, showing that the Accessible Taxicab, Taxicab or Limousine has passed the applicable safety inspection; and
 - (g) the original of a valid certificate showing that the Accessible Taxicab, Taxicab or Limousine has passed all applicable propane safety inspections, where the Accessible Taxicab, Taxicab or Limousine operates with propane as its primary or secondary fuel source;
- (5) Every Applicant for an Accessible Taxicab Vehicle Plate, Taxicab Vehicle Plate or Limousine Vehicle Plate shall also submit each Accessible Taxicab, Taxicab or Limousine owned by him/her for examination prior to providing an Accessible Taxicab Service, Taxicab Service or Limousine Service, as may be required by the Licensing Officer, prior to the issuance of a licence.

SECTION 9: RENEWAL OF LICENCES

9. (1) Every Licence issued under this by-law shall be renewed yearly prior to the expiry of the licence.
- (2) Every Licensee under this by-law who applies for a renewal of a licence shall provide the Licensing Officer with such information and documentation as required.
- (3) All provisions under Sections 7 and 8 of this by-law shall apply to any application for renewal, with necessary modification as determined by the Licensing Officer.
- (4) The fee for each renewal of a licence issued under this by-law shall be in accordance with Schedule "A" attached to this by-law.

SECTION 10: DUTIES OF DRIVERS AND OWNERS

10. (1) Every Accessible Taxicab Driver, Taxicab Driver and Limousine Driver licensed under this by-law shall:
- (a) keep a Trip Record of all Accessible Taxicab Services, Taxicab Services and Limousine Services provided by him/her;
 - (b) deliver to the Owner the Trip Record for each day he/she drives;
 - (c) produce Trip Records upon the request of any Police Officer of the Ontario Provincial Police of the County of Wellington Detachment and/or the Licensing Officer;
 - (d) place an Accessible Taxicab Driver's Licence, Taxicab Driver's Licence or Limousine Driver's Licence as prescribed in a transparent folder in such a manner in the Accessible Taxicab, Taxicab or Limousine so as to be conveniently seen and read by Passengers;
 - (e) place a Tariff Card in a location within the Accessible Taxicab or Taxicab so as to be conveniently seen and read by Passengers;
 - (i) Notwithstanding Section 10, subsection (1) (e) shall not apply to Limousines.
 - (f) upon request of any Passenger, give in writing his/her name and Accessible

Taxicab Driver's Licence number, Taxicab Driver's Licence number or Limousine Driver's Licence number as issued to him/her under the provisions of this by-law, such information to be provided in an accessible format for persons with disabilities;

- (g) take due care of all property delivered or entrusted to him/her and accepted by him/her for conveyance or safe keeping and immediately upon termination of any hiring or engagement, shall search his/her Accessible Taxicab, Taxicab or Limousine for any property lost or left therein and all property or money left in the Accessible Taxicab, Taxicab or Limousine shall be forthwith delivered over to the person owning the same, or if the person cannot be found at once, then to a Police Officer on duty at the Ontario Provincial Police, County of Wellington Detachment with all information in his/her possession regarding same;
 - (h) travel by the most direct route to the point of destination unless otherwise directed by the person engaging the Accessible Taxicab, Taxicab or Limousine;
 - (i) not solicit any person to take or use the Accessible Taxicab, Taxicab or Limousine he/she is driving by calling out or shouting while in charge of an Accessible Taxicab, Taxicab or Limousine for hire;
 - (j) not obstruct the use of any sidewalk;
 - (k) not use any abusive language, molest, annoy or insult any person whatsoever;
 - (l) if a person with a disability is accompanied by a service animal, permit the person to use the Accessible Taxicab, Taxicab or Limousine he/she is driving with the service animal and to keep the service animal with him or her.
 - (m) not charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip; and
 - (n) not charge a fee for the storage of mobility aids or mobility assistive devices.
- (2) Every Person issued an Accessible Taxicab Vehicle Plate, Taxicab Vehicle Plate or Limousine Vehicle Plate under this by-law shall:
- (a) keep the Trip Record in good condition for a period of not less than (6) six months;
 - (b) make available the Trip Record to a Police Officer of the Ontario Provincial Police, County of Wellington Detachment and/or the Licensing officer;
 - (c) submit each Accessible Taxicab, Taxicab and Limousine owned by him/her for examination at any time as required by the Licensing Officer;
 - (d) provide the Licensing officer, on licence renewal with a valid Province of Ontario Safety Standards Certificate by an independent Ontario licensed mechanic, for every Accessible Taxicab, Taxicab and Limousine, greater than one (1) year in age from the date of manufacture; and
 - (i) submit to the Licensing Officer same every six (6) months thereafter for Accessible Taxicabs and Taxicabs greater than three (3) years of age; and

- (ii) submit to the Licensing Officer same every six (6) months thereafter for Limousines greater than five (5) years of age;
- (e) provide the Licensing Officer, on renewal with a valid certificate showing that the Accessible Taxicab, Taxicab or Limousine has passed all applicable propane safety inspections where the Accessible Taxicab, Taxicab or Limousine operates with propane as its primary or secondary fuel source; and
 - (i) submit to the Licensing Officer same every six (6) months thereafter for Accessible Taxicabs and Taxicabs greater than three (3) years of age;
 - (ii) submit to the Licensing Officer same every six (6) months thereafter for Limousines greater than five (5) years of age;
- (f) not provide an Accessible Taxicab Service, Taxicab Service or Limousine Service with a vehicle that is ten (10) years of age or older;
- (g) attend at the Ontario Provincial Police, County of Wellington Detachment as directed forthwith to surrender any Accessible Taxicab Vehicle Plate, Taxicab Vehicle Plate or Limousine Vehicle Plate no longer being used;
- (h) ensure that all Persons providing an Accessible Taxicab Service, Taxicab Service and Limousine Service with the Owner's Accessible Taxicab, Taxicab and Limousine are properly licensed under this by-law;
- (i) prominently display on the driver's side rear bumper area of each Accessible Taxicab, Taxicab and Limousine owned by him/her, the Accessible Taxicab Vehicle Plate, Taxicab Vehicle Plate or Limousine Vehicle Plate for each as provided by the Licensing Officer and such validation or renewal stickers, as applicable ;

Notwithstanding, subsection (i) shall not apply to Licensees of a Limousine Vehicle Plate.

- (j) have affixed on top of each Accessible Taxicab or Taxicab, owned by him/her, an electric sign, securely fixed clearly indicating the vehicle is an Accessible Taxicab or Taxicab including the trade name and phone number, such sign shall be illuminated when lights are required according to Section 62 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;

Notwithstanding, subsection (j) shall not apply to Licensees of a Limousine Vehicle Plate.

- (k) equip each Accessible Taxicab or Taxicab owned by him/her with two (2) frames:
 - (i) one suitable to hold the Accessible Taxicab Driver's Licence or Taxicab Driver's Licence;
 - (ii) one suitable to hold the Tariff Card, and
 - (iii) such frames shall be so placed in the Accessible Taxicab or Taxicab, as to be conveniently seen and read by any Passenger.
- (l) ensure that his/her Accessible Taxicab or Taxicab contains on both sides of the vehicle an identifier of the Accessible Taxicab Company name or Taxicab company name which shall be a permanent sign containing:

- (i) the Accessible Taxicab Vehicle Plate Number or Taxicab Vehicle Plate Number as assigned by the Licensing Officer;
 - (ii) the phone number of the company, and
 - (iii) the identifier sign shall be no smaller than four (4) square feet, and the lettering no smaller than ten (10) inches in height;
- (m) comply at all times with the provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended and the *Accessibility for Ontarians with Disabilities Act, 2005*; and
- (n) keep all Accessible Taxicabs, Taxicabs and Limousines owned by him/her that are licensed under this by-law:
- (i) in good repair;
 - (ii) clean on the interior and exterior;
 - (iii) painted in a professional manner on the exterior; and
 - (iv) mechanically safe so as to meet the standard required for the issuance of a Province of Ontario Safety Standards Certificate.
- (3) Every Owner of an Accessible Taxicab or Taxicab shall submit to the Licensing Officer for approval a Tariff Card setting out the proposed fares to be charged to the Passenger for the Accessible Taxicab Service or Taxicab Service. The approved fares shall remain in effect for a minimum of six (6) months from the date of issue of the applicable licence.
- (4) Every Owner shall obtain the approval of the Licensing Officer for any fare changes as set out in the approved Tariff Card at least 30 days before such fare change is to be implemented by submitting to the Licensing Officer a replacement Tariff Card and any new fares approved must remain in effect for a minimum of six (6) months;
- (i) Notwithstanding, subsection 4 of this section shall not apply to Limousine Owners.
- (5) Any Licence issued pursuant to this by-law which is defaced, lost or destroyed, shall be replaced by the Licensing Officer upon payment of the required replacement fee specified in Schedule "A".

SECTION 11: GENERAL PROVISIONS

11. (1) Every Licensee shall notify the Licensing Officer in writing within forty-eight (48) hours of a change in any information provided during his/her application, renewal or transfer of Licence as issued under the provisions of this by-law.
- (2) (a) No Licensee while providing an Accessible Taxicab Service, Taxicab Service or Limousine Service, shall carry any radio equipment, radio scanners or other equipment capable of monitoring radio calls other than the radio equipment used or required to transmit to or receive broadcasts or signals from the radio dispatcher for whom the Driver is working; and
- (b) any Person found guilty of contravening the provisions set out in section 11(2) (a) will be liable for a fine, suspension or revocation of their licence

or licences as issued under this by-law.

- (3) No Accessible Taxicab Driver, Taxicab Driver or Limousine Driver shall use any space made available by the municipality for public parking, without the express written approval of the municipality.
- (4) Every Accessible Taxicab Driver shall give priority service to the public who are using the Accessible Taxicab for the purpose of providing transportation for the Disabled over those members of the public that are requiring only a Taxicab Service.
- (5) No Owner of an Accessible Taxicab, Taxicab or Limousine shall cause or permit same to be used for an Accessible Taxicab Service, Taxicab Service or Limousine Service, without first having lawfully obtained and installed an Accessible Taxicab Vehicle Plate on his/her Accessible Taxicab; Taxicab Vehicle Plate on his/her Taxicab; or Limousine Vehicle Plate on his/her Limousine in accordance with this by-law.
- (6) Any notice required to be given under this by-law may be given by personal service or by registered letter mailed to the proposed recipient of such notice at his/her last known address or his/her place of business and if given by registered letter, shall be deemed to have been received on the fifth (5th) day after mailing.

SECTION 12: TAXICAB METERS

12. (1) Every Owner of an Accessible Taxicab or Taxicab that is equipped with a Taxicab Meter shall:
 - (a) submit his/her Accessible Taxicab or Taxicab Meter when required for testing, inspecting and sealing by the Licensing Officer;
 - (b) place the Accessible Taxicab or Taxicab Meter as to be conveniently seen at times by the Passengers;
 - (c) only use the meter when the seal thereon is intact;
 - (d) keep the meter in good working order at all times and not use it when defective in any way;
 - (e) activate the meter when a passenger first enters the Accessible Taxicab or Taxicab and shall keep it operating throughout the Accessible Taxicab service or Taxicab service; and
 - (f) not charge a Passenger an Accessible Taxicab Meter rate or Taxicab Meter rate unless the Accessible Taxicab Meter or Taxicab Meter has been tested and sealed by the Licensing Officer.
- (2) Every Owner of an Accessible Taxicab or Taxicab shall equip each Accessible Taxi- Cab or Taxicab owned by him/her with a meter to be installed by January 1, 2012.

SECTION 13: TRANSFER

13. (1) In the event an Owner replaces an Accessible Taxicab, Taxicab or Limousine as licensed under this By- law with another, the Licence may be transferred to the replacement Accessible Taxicab, Taxicab or Limousine provided:
 - (a) the Owner applies to the Licensing Officer and meets the criteria as set out in Section 8 of this by-law, with necessary modifications as determined by the Licensing Officer; and

- (b) the Owner pays the fee set out in Schedule "A" of this by-law.

SECTION 14: FARES AND PUBLIC SAFETY

14. (1) No Licensee shall charge any fare or compensation for providing an Accessible Taxicab Service or Taxicab Service within the County of Wellington except in accordance with the Tariff Card fares as approved by the Licensing Officer;
- (i) Notwithstanding subsection (1) of this section, this section does not apply to written contract agreements between Owners of Accessible Taxicabs, Taxicabs or Limousines and corporations, school boards, Ontario government, Federal government or government agencies.
- (2) Every holder of an Accessible Taxicab Vehicle Plate or Taxicab Vehicle Plate shall prominently display a Tariff Card setting out the fares.
- (3) The holder of an Accessible Taxicab Driver's Licence, Taxicab Driver's Licence and Limousine Driver's Licence shall furnish to every Passenger where requested a receipt for charges made.
- (4) No Licensee shall carry a greater number of persons than the Accessible Taxicab, Taxicab or Limousine is intended to seat according to manufacturer's rating.
- (5) No Licensee shall smoke or allow any Passenger to smoke tobacco, or any other substance in the Accessible Taxicab, Taxicab or Limousine.
- (6) Every Accessible Taxicab Driver shall ensure wheelchairs are securely strapped down prior to providing an Accessible Taxicab Service.
- (7) Every Licensee shall ensure he/she meets and continues to meet the respective requirements of Sections 8, 9, 10, 11, 12, 13, 14 of this by-law.

SECTION 15: REFUSAL, SUSPENSION AND REVOCATION OF LICENCES

15. (1) The Licensing Officer shall refuse to grant a Licence or renew a Licence if the Applicant has not satisfied all of the requirements of this by-law, or on the grounds of reasonable belief that the person will not carry on or engage in the business in accordance with law or with honesty and integrity.
- (2) The Licensing Officer may, at any time for just cause, including failure to comply with any of the provisions of this bylaw, suspend the licence issued to any person under this by-law. The former licensee shall be informed that they may appeal this decision to the Board. The Board after hearing the appeal may either continue such suspension for such period of time as it shall determine, or may reinstate such licence, or if the circumstances warrant such action, may revoke said licence.
- (3) The Licensing Officer shall refuse to grant a Licence or renew a Licence under this by-law by reason of the grounds that the conduct of the person applying for or holding the licence, or where the person is a corporation, that the conduct of the corporation's officers, directors, employees or agents, affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.
- (4) The Board may suspend or revoke any Licence granted under this by-law for failure to comply with any of the provisions of this by-law or conditions imposed by the Licensing Officer.
- (5) Immediately upon suspension or revocation of a licence, the Licensee shall be

sufficiently notified in writing by the Licensing Officer to ensure a clear understanding of the suspension or revocation.

- (6) Where the Licensing Officer refuses to issue a Licence under this by-law, or where the Board has suspended or revoked a Licence, the Applicant or Licensee may appeal this decision to the Board by filing with the Board, an appeal in writing, of the said decision within fifteen (15) calendar days of being notified.
- (7) The Board upon receiving an appeal from an Applicant shall conduct a hearing pursuant to the procedures set out in the *Statutory Powers Procedure Act*, R.S.O., 1990, c. S.22, as amended.
- (8) The Board may, after the appropriate hearing is conducted, issue a Licence, refuse to issue a Licence, revoke a Licence, suspend a Licence or place conditions upon holding a licence, and may make any suspension of a Licence subject to such terms or conditions as the Board may prescribe and a decision made pursuant to the exercise of these powers is final and binding upon the applicant or any Licensee.
- (9) When the Province of Ontario driver's licence of an Applicant or Licensee has been cancelled, suspended or revoked, any licence issued under this by-law shall be deemed to be suspended as of the date of the cancellation, suspension or revocation of the Province of Ontario driver's licence.
- (10) When a licence has been suspended or revoked by the Board or the Licensing Officer, the Licensee shall attend at the Ontario Provincial Police, County of Wellington Detachment to return the licence, and/or the applicable vehicle plate within twenty-four (24) hours of receipt of written notification of the suspension or revocation.
- (11) Any Police Officer of the Ontario Provincial Police or Police Cadet of the Ontario Provincial Police may enter upon the business premises or residence of an Owner or Driver for the purpose of receiving or taking the suspended or revoked license and/or vehicle plate, as applicable.
- (12) It shall be an offence to fail to deliver a suspended or revoked licence and/or vehicle plate to the Licensing officer or to obstruct any enforcement officer from retrieving the same.

SECTION 16: ENFORCEMENT

16. (1) The provisions of this by-law may be enforced by any Police Officer of the Ontario Provincial Police or Police Cadet of the Ontario Provincial Police and/or a bylaw officer appointed by the County of Wellington for the administration and enforcement of this by-law.
- (2) Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.

SECTION 17: OFFENCE AND PENALTIES

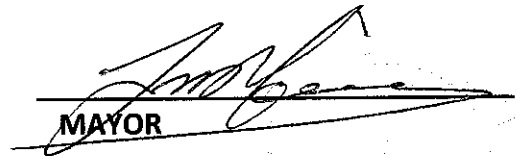
17. (1) Any person who contravenes any provisions of this by-law is guilty of an offence under the *Provincial Offences Act* R.S.O. 1990 c.P.33 as amended.
- (2) Any Officer or Director of a Corporation who knowingly concurs in the contravention of any provision of this by-law is guilty of an offence.
- (3) Any person who is guilty of an offence under this by-law shall be liable to a fine

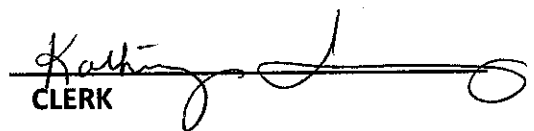
not exceeding \$5,000.00.

SECTION 18: EFFECTIVE DATE AND REPEAL

18. (1) By-Law Number 5200-10 and 5266-11 are hereby repealed.
- (2) This by-law shall come into force and take effect upon being passed.

**READ A FIRST, SECOND AND THIRD TIME
AND PASSED THIS 7TH DAY OF FEBRUARY, 2012**


MAYOR


CLERK

SCHEDULE "A"

| LICENCE | NEW APPLICATION | RENEWAL |
|--|-----------------|---------|
| Accessible Taxicab/Taxicab/Limousine Driver's Licence | \$100.00 | \$75.00 |
| Accessible Taxicab/Taxicab/Limousine Vehicle Plate | \$100.00 | \$75.00 |
| Accessible Taxicab/Taxicab/Limousine Transfer | \$40.00 | N/A |
| Accessible Taxicab/Taxicab/Limousine Plate replacement | \$40.00 | N/A |

SCHEDULE "B"

Tariff Card

THE CORPORATION OF THE COUNTY OF WELLINGTON

Accessible Taxicab, Taxicab Company:

| |
|--|
| |
|--|

Tariff Amount:

| | | |
|---------------|----|--|
| Flat Fare | \$ | Please be advised the Driver has the right to charge an additional amount to assist in the loading and unloading of merchandise except for the storage of or assistance with mobility aids |
| Initial fare | \$ | |
| Per Kilometre | \$ | |
| Per hour | \$ | |

Know your rights:

1. you have the right to a receipt
2. you have the right to know the licence number of your driver
3. you have the right to a clean and mechanically safe vehicle
4. you have the right to a smoke free vehicle
5. you have the right to negotiate a flat fee

If you have any questions or concerns please call the County of Wellington at 519-837-2600
ext. 2510