

THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

BY-LAW NO. 1739-13

BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN OWNERS AND DRIVERS OF CABS, MOTOR AND OTHER VEHICLES USED FOR HIRE

WHEREAS *Section 150(1) of the Municipal Act, 2001, as amended*, provides that by-laws may be passed by the Council of local municipalities for licencing, regulating and governing the owners of any business wholly or partly carried out within the municipality; and

WHEREAS *Section 156(1) of the Municipal Act, 2001, as amended*, provides that a municipality, in a by-law under section 151 with respect to the owners and drivers of taxicabs, may, a) 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; b) provide for the collection of the rates or fares charged for the conveyance; and c) limit the number of taxicabs or any class of them;

NOW THEREFORE the Council of The Corporation of the Municipality of Red Lake **HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS

- 1.1 **“By-Law Enforcement Officer”** shall mean the person appointed by the Corporation to perform the duties of the By-Law Enforcement Officer;
- 1.2 **“Cab”** includes a taxi, taxicab and limousine;
- 1.3 **“Cab Stand”** shall mean any place where owner’s or taxicab drivers park their taxicab vehicles to make themselves available for public pick up;
- 1.4 **“Certificate of Mechanical Fitness”** means a certificate issued pursuant to the Highway Traffic Act as amended, and the Regulations passed thereunder;
- 1.5 **“Corporation”** shall mean The Corporation of the Municipality of Red Lake;
- 1.6 **“Council”** shall mean the Council of The Corporation of the Municipality of Red Lake;
- 1.7 **“Designate”** shall mean the person designated, in writing, to have the authority to act under this By-Law in the absence of the By-Law Enforcement Officer;
- 1.8 **“Driver”** shall mean a driver of a cab who is licenced as such or required to be licenced as such under this By-Law, and includes an owner who drives a cab;
- 1.9 **“Driver’s Licence”** shall mean a licence granted by the Province of Ontario to operate a motor vehicle;
- 1.10 **“Fleet”** shall mean any number of cabs in excess of one, owned by the same owner or one or more cabs being dispatched by one broker;
- 1.11 **“His or Her Cab” and “His or Her Taxicab”** shall mean:
 - 1.11.1 when used in reference to an owner, refer to a cab in respect of which such owner is licenced by Council;
 - 1.11.2 when used in reference to a driver, a cab driven or otherwise operated by such driver;
 - 1.11.3 when used in reference to a person operating or exercising rights over a cab pursuant to a lease, the relationship between such person and such cab;

1. DEFINITIONS - Continued

- 1.12 “**Independent Owner**” shall mean an owner of a taxicab who holds a licence from the Council to own and operate no more than two (2) cabs;
- 1.13 “**Limousine**” shall mean a luxury motor vehicle of special quality which is kept or used for hire for the conveyance of passengers on an hourly basis or for a fixed fee between any two given locations, is not equipped with a taximeter, and shall not include an ambulance, bus, street car or a funeral hearse;
- 1.14 “**Owner**” shall mean the owner of a cab, or of cabs, licenced as such, or required to be licenced as such, under this By-Law;
- 1.15 “**Passenger**” shall mean any person in a cab other than the driver;
- 1.16 “**Person**” shall include any individual, corporation or firm to whom the context can apply;
- 1.17 “**Plate**” shall mean the taxi cab vehicle plate issued by the By-Law Enforcement Officer and required to be affixed to the vehicle;
- 1.18 “**Police Officer**” shall mean an Officer of the Red Lake Ontario Provincial Police Detachment;
- 1.19 “**Sale**” shall mean the sale of a taxicab vehicle licence issued by the Council;
- 1.20 “**Taxicab Broker**” shall mean any person who accepts calls in any manner for taxi cabs used for hire, and which are owned by person other than himself or herself, or his or her immediate family or his or her employer;
- 1.21 “**Taxicab**” shall mean a taxi cab, motor or other vehicle kept or used for the conveyance of passengers either wholly within the Municipality or to any distance not more than five (5) kilometers beyond its limits and has a seating capacity of not more than seven (7) persons, exclusive of the driver, for which a single fare is charged but shall not include a street car, an ambulance or a funeral hearse;
- 1.22 “**Taxicab Driver’s Licence**” shall mean a licence approved by the By-Law Enforcement Officer to drive a taxi cab;
- 1.23 “**Taxicab Vehicle Licence**” shall mean a licence approved by the By-Law Enforcement Officer which gives the authority for the operation of one taxicab in the Municipality;
- 1.24 “**Taxi Operator Licence**” shall mean a licence approved by the By-Law Enforcement Officer which gives the authority for the operation of a taxi business in the Municipality;
- 1.25 “**Municipality**” shall mean The Corporation of the Municipality of Red Lake;
- 1.26 “**Vacancy**” when used in reference to a taxicab vehicle licence, shall refer to a taxicab vehicle licence which has been cancelled, revoked, permanently surrendered, or allowed to lapse. Without limiting the generality of the foregoing, it shall not include a licence which has been suspended, temporarily surrendered or surrendered for replacement or transfer;
- 1.27 “**Year Date**” shall mean the figures appearing under the heading “model year” in the description of the “motor vehicle” portion of the current Ministry of Transportation motor vehicle permit for any vehicle.

2. APPLICATIONS FOR LICENCES - GENERAL

- 2.1 There shall be taken out by every owner and every driver of a cab or limousine, an annual licence from the By-Law Enforcement Officer authorizing them respectively to carry out their several trades, callings, businesses and occupations in the Municipality. For which said licence the person obtaining the same shall pay to the Municipality at the time of taking out such a licence, the fee set out in the User Fees and Charges By-Law, and no person shall, within the limits of the Municipality carry on or engage in any of the said trades, callings, businesses or occupations until he or she has procured such licences so to do. Such annual licence shall expire on the 31st day of December, in the year of issuance.
- 2.2 Before an annual licence for a limousine owner is granted by the By-Law Enforcement Officer, the type of vehicle used for a limousine and fee structure for a limousine must be approved by Council.
- 2.3 The name, address and the title of all owners and officers of the corporation or firm and the corporation or firm name shall be set out on all application forms for the new licences, renewals or transfers thereof. The owner shall notify the By-Law Enforcement Officer by mail, verbally, or electronically of any changes of address or officers of the company within six (6) days.
- 2.4 Applications for a taxicab vehicle licence or for a transfer of a taxi cab vehicle licence from vehicle to vehicle and premises to premises shall be made to the By-law Enforcement Officer on the application form supplied for such purposes, and in such application, the applicant shall set out any premises from which he or she intends to carry on business with or without his or her taxicab, or stopping place for business with or without his or her taxicab.
- 2.5 Applications shall be in the form outlined in the User Fees and Charges By-Law.
- 2.6 Every owner of one or more taxicabs required to be licenced under this By-Law shall take out a separate taxicab vehicle licence for each taxicab.
- 2.7 No taxi operator licence, or increase in the number of taxi operator licences shall be granted to any owner unless he or she shall have satisfied the By-Law Enforcement Officer that he or she has on lands, adequate off-street parking which shall be maintained at all times during the term of such licence. Upon application for a new licence, the owner shall provide proof of off-street parking and shall notify the By-Law Enforcement Officer of any decrease with respect to his or her off-street parking.
- 2.8 Each applicant for a taxicab vehicle licence, or a transfer of a taxicab vehicle licence, shall submit a photocopy of a current Safety Standards Certificate as prescribed by The Highway Traffic Act of Ontario with respect to the vehicle to be licenced, should said vehicle be in a used condition.
- 2.9 The owner, before the initial licencing of a taxicab, shall submit the taxicab and the necessary equipment thereof, as required by this By-Law, for inspection and testing to the By-Law Enforcement Officer or designate.
- 2.10 Prior to the renewal of a taxicab vehicle licence, or the transfer of a taxicab vehicle licence to another vehicle, the owner shall present the vehicle to the By-Law Enforcement Officer for inspection, together with a photocopy of the Safety Standards Certificate not more than ninety (90) days old.
- 2.11 A motor vehicle whose model year predates the year of application by more than seven (7) years, and which is not already licenced as a taxicab, shall not be licenced as a taxicab.
- 2.12 A motor vehicle which is licenced as a taxicab and whose model year predates the year in which an application for renewal of his or her taxicab vehicle licence is made by more than seven (7) years shall not have said licence renewed, unless the vehicle has passed a Safety Standards Certificate Inspection.

2. APPLICATIONS FOR LICENCES – GENERAL - Continued

- 2.13 Notwithstanding the death of the owner of a cab, the taxi operator licence shall continue and may be transferred to a personal representative.
- 2.13.1 In this section “owner” includes any person who directly or indirectly owns the controlling interest in a corporation holding one or more taxicab vehicle licences and “cab” includes the shares in such corporation owned or controlled by such owner.
- 2.14 Upon receiving notice of the death of the owner of a taxi operator licence, the Council shall transfer the taxi operator licence to the name of the estate for its unexpired term of the said deceased owner, pending disposition of the said taxi operator licence by the personal representative.
- 2.15 Where a taxi operator licence has been issued to the representative of a deceased taxi operator licence owner in accordance with Subsection 2.13, his or her personal representative (executor and / or administrator) shall be deemed to be the owner of the taxi operator licence for the purpose of this By-Law.
- 2.16 Upon the sale or other disposition of a taxi operator licence by the personal representative, the taxi operator licence issued in respect of such licence shall be terminated. The By-Law Enforcement Officer may issue a new taxi operator licence to the person purchasing or otherwise acquiring such licence, and the provisions of this By-Law including but not limited to those provisions relating to the payment of a fee upon the issue of a licence to a purchaser of a cab shall apply mutates mutandis.
- 2.17 Notwithstanding Subsection 2.14 and Subsection 2.15 of this Section, where a taxi operator licence is transferred pursuant to the said Subsections to the personal representative of the estate of a deceased owner of a taxi operator licence, no fee shall be payable.
- 2.18 Application for a taxicab driver’s licence shall be made to the By-Law Enforcement Officer on the application form supplied by the By-Law Enforcement Officer for such purpose, and the By-Law Enforcement Officer may endorse his or her report thereon.
- 2.19 Every driver shall immediately apply for a replacement of any taxicab driver’s licence, which has become obliterated, defaced, altered or lost, and shall pay such fee as prescribed in the User Fees and charges By-Law.
- 2.20 No person, whether the holder of a licence as the owner of the taxi operator licence or not, shall drive or act as a driver of any taxicab without first having obtained a taxicab driver’s licence from the By-Law Enforcement Officer, and such person shall prior to obtaining a licence pay such fee, as may be prescribed in the User Fees and Charges By-Law, to the Municipality.
- 2.21 A taxicab driver’s licence shall:
- 2.21.1 not be issued or re-issued to a person who has had any conviction under The Criminal Code of Canada, The Food and Drug Act, or The Controlled Drugs and Substances Act, during the three (3) years preceding the date of application.
- 2.21.2 nothing in this Section derogates from the general discretion of Council to refuse to grant a taxicab driver’s licence.

3. LICENCE TRANSFER FEES

- 3.1 The fees payable on transfer of licences and licence changes shall be as follows:
- 3.1.1 Where the holder of a taxi operator licence replaces an existing cab with another cab, a fee prescribed in the User Fees and Charges By-Law shall be paid for the transfer of the taxi cab vehicle licence from one vehicle to another;
 - 3.1.2 Where the holder of a taxicab vehicle licence becomes associated with a different taxicab operator, a fee prescribed in the User Fees and Charges By-Law shall be paid;
 - 3.1.3 Original copies of any licences to be transferred must be submitted to the By-Law Enforcement Officer, otherwise the full licence fee will be applicable.

4. LIMITATION IN NUMBERS OF LICENCES

- 4.1 The maximum number of taxicab licences issued by the Municipality shall not exceed fourteen (14).
- 4.2 No further taxicab vehicle licences shall be issued until such time as the number of issued taxicab vehicle licences falls below those permitted by Subsection 4.1.
- 4.3 No taxicab drivers licence shall be granted except upon application therefore of such persons as are at least eighteen (18) years of age and of good character.
- 4.4 The By-Law Enforcement Officer shall stamp all additional applications for taxicab vehicle licences with the time and date received, and shall number the application in the manner set forth in this Section.
- 4.5 The By-Law Enforcement Officer shall maintain lists of the names of person making application for a taxicab vehicle licence. A number shall be allocated to each name at the time it is entered on the list, which number shall be the next highest number to the last number on the list and shall correspond with the number on the application form.
- 4.6 When a vacancy occurs in the quota of taxicab vehicle licences for the Municipality, notification that a licence is available, together with an "Application Form for Taxicab Vehicle Licence" shall be sent by registered mail, addressed to the address shown on the application, to the person whose name is designated as number one (1) on the list. Such person shall then have ten (10) days, commencing with the date following the date of mailing of such notice, to qualify for a taxicab vehicle licence.
- If the person whose name is designated as number one (1) does not qualify with the specified time period, his or her name and application shall be deleted from the list by the By-Law Enforcement Officer, and the renumbering process shall be carried on in accordance with Subsection 4.5 of this Section, and the taxicab vehicle licence shall be made available to the person whose name is designated as number one (1).
- 4.7 When the application referred to in Subsection 4.6 of this Section is received, and it is approved, the By-Law Enforcement Officer shall return the "Application Form for Taxicab Vehicle Licence" to the applicant by mail or in person for completion, and the applicant shall then have twenty-one (21) days, commencing with the date following the mailing of such form, to obtain their taxicab vehicle licence.
- 4.8 If the applicant fails to obtain the taxicab vehicle licence, or when such licence has been issued to the applicant, the name of the applicant shall be deleted from the list by the By-Law Enforcement Officer and the renumbering process shall be carried on in accordance with Subsection 4.6 of this Section relating to the remaining applications.

4. LIMITATION IN NUMBERS OF LICENCES – Continued

- 4.9 No person whose name is on the list referred to in Subsection 4.5 shall apply to have his or her name placed elsewhere on the same list or on any other similar list.
- 4.10 The list referred to in Subsection 4.5 shall be available for inspection by any person at all reasonable times during the regular business hours of the office of the By-Law Enforcement Officer.
- 4.11 The By-Law Enforcement Officer shall not delete anything from the list other than as provided for in Subsection 4.6 and 4.8. In the event that the By-Law Enforcement Officer is aware of cause for deletion of a name or names, such name or names shall be reported to the Council with stated reasons for the deletion or deletions and the Council may direct that such name or names be deleted accordingly.

5. INACTIVE TAXICABS

- 5.1 Where a taxicab has not been actively operated in providing cab service to the public for at least one (1) day during a sixty (60) day period, or upon receiving notification of the cancellation of the taxicab vehicle insurance, the By-Law Enforcement Officer shall notify the owner that he or she is to appear before Council to show cause why his or her cab vehicle licence should not be revoked or cancelled.
- 5.2 A taxi owner may shelf a maximum of two licences for a period of one (1) to six (6) consecutive months per year. For the six consecutive months of the year the full capacity of their licence(s) must be in service.

6. TRANSFER OF TAXICAB VEHICLE LICENCE

- 6.1 Except as otherwise provided in this By-Law, no taxicab vehicle licence shall be transferred by subject to Subsections 6.3 and 6.4 and to any other provisions of this By-Law, a holder of a taxi operator licence may sell his or her cab and equipment to any person and upon such sale the taxicab vehicle licence issued in respect of such cab shall be terminated.
- 6.2 For purposes of this By-Law, “sale of a taxicab” includes the sale by one or more transactions and any transaction by which controlling interest is acquired, and “purchaser” includes any person purchasing or otherwise acquiring such interest.
- 6.3 Any holder of a taxi operator licence approved under this By-Law may sell his or her cab and equipment to any person approved of by the Council and Council may, in its discretion, issue a new taxicab vehicle licence to the purchaser of such cab and equipment notwithstanding that the purchaser is not in the first position on the list maintained under Subsection 4.5, provided that the purchaser;
 - 6.3.1 qualifies under all other provisions of this By-Law;
 - 6.3.2 satisfies the Council that he or she has provided parking facilities as required by this By-Law;
 - 6.3.3 provides such further information as Council may require;
 - 6.3.4 satisfies Council that such new licence should be issued.

7. EXPIRY OF LICENCES

- 7.1 All licences issued under the provisions of the By-Law shall expire on the 31st day of December in each year, and any person or firm not having renewed a licence by such date shall be in breach of this By-Law.
- 7.2 Where a taxicab vehicle licence or licences have not been renewed within sixty (60) days following the date specified in Subsection 7.1, the authorized quota assigned to the owner or owners shall accordingly be reduced, and the By-Law Enforcement Officer shall fill the resultant vacancy or vacancies by instituting the notification procedures in accordance with Subsection 4.6 hereof subject to the provisions of Subsection 4.1 relating to the maximum number of licences permissible.

8. TARIFFS

- 8.1 The rates or fares to be charged by the holder of the taxi operator licences or drivers of taxicabs to which this By-Law applies for the conveyance of passengers either wholly within The Municipality's limits or to any other point not more than five (5) kilometers beyond its limits shall be exactly as shown in the tariff approved by the Council, and no higher or lower amount than that contained in the said tariff shall be charged or payable as shown on Schedule "A".
- 8.2 No owner or driver licenced under this By-Law shall be entitled to recover or receive any fare or charge, from any person or persons from whom he shall have demanded any fare or charge higher or lower than those authorized by this By-law, excepting that any taxicab owner may charge a bonified tender price for transporting of passengers on a specified trip. A copy of the signed bonified tender must be carried by the taxicab driver and must be produced upon demand of a Police Officer or By-Law Enforcement Officer. The signed contract must state where and when the contract is valid, the period of time the contract covers, and the amount of the contract.
- 8.3 Any person hiring any taxicab may require the driver thereof furnish him or her with a receipt for charges made and paid indicating thereon the destination traveled, and the driver shall promptly furnish such receipt upon request together with the name of the company, his or her licence number and the taxi plate number.
- 8.4 The tariff cards furnished by the By-Law Enforcement Officer, showing the tariffs as set out in Schedule "A", shall be posted in the car.
- 8.5 No person licenced under this By-Law shall use any tariff card or exhibit on or about his or her taxicab any tariff other than that shown on the said tariff card.
- 8.6 Defaced or lost tariff cards may be replaced by the By-Law Enforcement Officer.
- 8.7 No owner or driver shall publish or use a tariff other than that authorized by the By-Law Enforcement Officer.
- 8.8 No owner or driver of a taxicab shall:
- 8.8.1 Charge a higher fare or an additional fee for persons with disabilities than for person without disabilities for the same trip; and
- 8.8.2 Charge a fee for the storage of mobility aids or mobility assistive devices.

9. DUTIES OF A HOLDER OF A TAXI OPERATOR LICENCE

- 9.1 Whenever any owner disposes of a licenced taxicab and acquires another taxicab in its stead, he or she shall prior to using same as a taxicab, submit the taxicab together with the necessary equipment thereof, as required by this By-Law, to the By-Law Enforcement Officer for inspection and approval, and apply for and obtain a taxicab vehicle licence to cover the newly acquired taxicab.
- 9.2 Every owner shall, for each taxicab for which he or she holds a licence, provide and maintain therein and thereon while such vehicle is operated as a cab, the following equipment and markings:
- 9.2.1 a plate supplied by the Municipality and bearing a identifying number, securely affixed to the rear bumper of the taxicab vehicle.
- 9.2.2 ensure that vehicle registration and identification information is available in an accessible format to persons with disabilities who are passengers.
- 9.3 A plate defaced, lost or destroyed may be replaced by the By-Law Enforcement Officer upon the original plate being satisfactorily accounted for and, upon payment of the cost of a duplicate plate as set out in the User Fees and Charges By-Law.
- 9.4 No person shall use a plate in place of which a duplicate has been issued.
- 9.5 No duplicate plate shall be replaced except on order of the By-Law Enforcement Officer.
- 9.6 There shall be on the top of the cab, other than a limousine, an electric sign permanently and securely affixed, to be submitted for inspection and approval by the By-Law Enforcement Officer, indicating that the vehicle is a taxicab.
- 9.7 No owner shall change the location of his or her existing business premises without prior consent of the Council.
- 9.8 Every owner licenced or liable to be licenced hereunder shall permit the By-Law Enforcement Officer or designate to inspect all vehicles licenced or liable to be licenced hereunder and, where the premises used in the taxi business is other than the owner's home, to inspect those premises used in the operation of the taxi business.
- 9.9 Every owner shall be responsible for keeping a daily record containing the following information with respect to every trip upon which each of his or her cabs is dispatched:
- 9.9.1 the vehicle;
- 9.9.2 name of the driver;
- 9.9.3 the date, and location; and
- 9.9.4 the amount of the fare collected for each trip.
- Upon the request of the By-Law Enforcement Officer, a Trip Record, shall be forthwith completed by the owner and given to the By-Law Enforcement Officer, who shall be entitled to retain same.
- 9.10 No owner shall use as a cab stand or stopping place for business, with or without his or her taxicab, any location on a public highway other than such as has been authorized and assigned by the Council, and shall use no business premises other than those designated in his or her licence.
- 9.11 The records hereinbefore referred to shall be kept by the owner for at least twelve (12) months and for such longer period as Council may require.

9. DUTIES OF A HOLDER OF A TAXI OPERATOR LICENCE - Continued

- 9.12 Every owner licenced under this By-Law shall render all reasonable assistance to any Police Officer (on being required so to do) with reference to the address of the house or place to and from which he or she has driven any passenger, with the description, name and address of such person, if known to him or her. This Section shall only apply when reasonable and probable grounds exist that an unlawful act has been committed and/or a complaint has been registered with the Police Department, and this inquiry shall be restricted to the particular act.
- 9.13 Every owner licenced under this By-Law shall take due care of all property delivered or entrusted to and accepted by him or her for conveyance or safekeeping.
- 9.14 No owner shall permit a driver to operate a taxicab of such owner without such driver having a valid taxicab driver's licence, nor shall an owner drive or operate a taxicab without having a taxicab driver's licence, issued pursuant to this By-Law.
- 9.15 No person shall operate a taxicab without a valid taxicab drivers licence.
- 9.16 No owner of any taxicab shall use or operate or permit the use or operation of any taxicab unless insurance as required by The Public Vehicles Act and The Highway Traffic Act and the regulations thereunder, or by any other Act, By-Law, Statute or Regulation is in force in respect of such taxicab and the operation thereof.
- 9.17 A taxicab owner, driver or other employee shall not:
- 9.17.1 wash, clean or make repairs to the vehicle while upon a cab stand except for emergency repairs to such vehicle;
 - 9.17.2 solicit any person to take or use his or her taxicab by calling or shouting out, so that a person wishing to use or engage a taxicab shall be left to choose without interruption or solicitation.
- 9.18 The owner shall notify the By-Law Enforcement Officer within forty-eight (48) hours of obtaining new or replacement Provincial Licence Plates for any taxicab.
- 9.19 At such time as a vehicle ceases to be used and licenced as a taxicab hereunder, for any reason whatsoever, the business name, the roof sign, and any other sign, language or display stating or implying that such vehicle is a taxicab shall be removed from the vehicle prior to being operated.
- 9.20 Whenever any licenced owner disposes of his or her vehicle without acquiring another vehicle in its stead, he or she shall within seven (7) days of such disposition notify the By-Law Enforcement Officer and surrender the taxicab vehicle licence to the By-Law Enforcement Officer.
- 9.21 No driver or owner shall operate or permit to be operated any unsafe taxicab. All cabs shall be:
- 9.21.1 equipped with a spare tire and wheel ready for use;
 - 9.21.2 clean and in good repair as to its exterior;
 - 9.21.3 dry and in good repair as to its interior, and not contain any refuse;
 - 9.21.4 free from mechanical defects; and
 - 9.21.5 equipped with a plate supplied by the By-Law Enforcement Officer securely affixed as required by Subsection 9.2.

9. DUTIES OF A HOLDER OF A TAXI OPERATOR LICENCE – Continued

- 9.22 Every owner and driver shall, on each work shift before commencing driving examine for mechanical defects any taxicab which he or she is to drive during the shift, and shall similarly examine the same at the end of the shift, and if he or she is not the owner of the cab, shall report forthwith to such owner any mechanical defects of which he or she is or becomes aware.
- 9.23 Every owner shall check immediately any mechanical defects in his or her taxicab reported to him or her by a driver, and shall not in any case operate or permit to be operated as a taxicab, any vehicle not in good mechanical condition.
- 9.24 Every owner licenced under this By-law shall submit, or have submitted by his or her Insurance Broker and/or Company, a copy of his or her insurance policy and endorsements issued during the term of the policy, to the By-Law Enforcement Officer. The policy must list each vehicle to be licenced and contain an endorsement to the effect the Insurance Company shall provide fifteen (15) days written notice to the Municipality in the event of any change or cancellation by the insured or insurer.

10. DUTIES OF A TAXICAB DRIVER

- 10.1 Every driver licenced under this By-law, and every owner, while driving his or her taxicab shall be properly dressed, neat and clean in his or her person, and be civil and well-behaved.
- 10.2 The driver shall punctually keep all his or her appointments and engagements and shall, while on duty, unless his or her taxicab has been previously engaged, serve at any place within the Municipality and at any specified time, whether by day or night, any person who may require his or her taxicab, and he or she shall not neglect to fulfill his or her appointment or engagement except for reasons beyond his or her control, or not be punctual to the time of his or her appointment.
- 10.3 Every driver licenced hereunder shall drive the taxicab operated by him or her by the most direct traveled route to the point of destination unless otherwise directed by the passenger.
- 10.4 The driver of any taxicab shall upon request of any passenger give in writing his or her taxicab driver's name, and the name and address of the taxicab company.
- 10.5 Every driver shall have fair knowledge of the Municipality and the duties of a taxicab driver as set out in this By-Law.
- 10.6 Every driver shall issue receipts upon request.
- 10.7 Every driver shall take due care of all property delivered or entrusted to and accepted by him or her for conveyance or safekeeping, and every driver of a taxicab immediately upon termination or any hiring or engagement shall search his or her taxicab for any property lost or left therein, and all property or money left in his or her taxicab shall be forthwith delivered over to the person owning same, or if the owner cannot at once be found, may deliver the goods to the police station for safekeeping, but in any event a report with full information regarding the property shall forthwith be made a the police station.
- 10.8 Every driver and every owner driving his or her own taxicab shall turn off any radio, (except for the taxicab's two-way radio) tape player or any other sound-producing mechanical device in his or her taxicab upon being requested so to do by any passenger, and having done so pursuant to such a request shall leave such device in the "off" position, until that passenger's trip has been completed.
- 10.9 No person licenced under this By-Law shall carry in any cab used for hire, a greater number of occupants or persons than the manufacturer's rating of seating capacity of such vehicle, inclusive of the driver.

10. DUTIES OF A TAXICAB DRIVER - Continued

10.10 The driver of any taxicab shall have his or her taxicab driver's licence posted in the vehicle at all times while operating a taxicab and shall produce his or her taxicab driver's licence upon demand of a Police Officer or By-Law Enforcement Officer.

10.11 A taxicab driver shall not:

10.11.1 knowingly frequent any disorderly house as defined by The Criminal Code, or any place where liquor is illegally kept for sale;

10.11.2 while on any cab stand or at any airport, bus terminal or other public place, so place his or her taxicab so as to obstruct traffic in any way;

10.11.3 induce any person to employ him or her by either knowingly, wantonly, or willfully misinforming, misleading or deceiving such person as to the time or place of the arrival or departure of any public conveyance or the distance from any part of the Municipality to the intended destination of such person;

10.11.4 carry any passenger other than paying passengers while such vehicle is being used as a taxicab or while on duty subject to call.

10.11.5 carry any passenger who is under the influence of liquor or any narcotic drug while said cab is occupied by other passengers not forming part of the same party or passengers accompanying the paying passenger;

10.11.6 smoke while driving any passenger or passengers.

11. CONDITIONS OF TAXI CABS

11.1 No person shall operate, or permit the operations of a cab which does not meet the following standards of repair and cleanliness:

11.1.1 where the exterior of a cab has been damaged the owner shall make immediate arrangements for its repair and prove such arrangements have been made and the approximate date of such repair when required by the By-Law Enforcement Officer. This clause does not apply to minor damage that would not affect the mechanical fitness of the taxicab vehicle.

11.1.2 no owner shall permit the operation of his or her taxicab, nor shall any driver operate a taxicab, which is not equipped with seat belts;

11.1.3 no owner shall permit the operation of his or her taxicab, nor shall any driver operate a taxicab that is equipped with seat belts without ensuring that such seat belts are plainly visible to or may be conveniently used by a passenger;

11.1.4 every taxicab shall have an interior dome light which shall be in good working order;

11.1.5 Where a taxicab is found by a peace officer to be in an unsafe condition, it shall be the duty of the owner and driver of such taxicab to surrender the licence plate therefore to such peace officer and in default of his or her doing so, the same may be seized by the peace officer who shall immediately thereafter deliver them to the By-Law Enforcement Officer and such plate shall be retained by him or her until the taxicab has been restored to a safe condition.

12. TAXIMETERS

- 12.1 Every owner shall have affixed to each cab, other than a limousine, in respect of which such owner is licenced, a taximeter which shall register distances traveled, record trips and units, and compute fares to be paid, and for all cabs so equipped, the following provisions shall apply. Each taximeter shall be:
- 12.1.1 submitted for inspection by the By-Law Enforcement Officer or designate, at such times as required by the By-Law Enforcement Officer;
 - 12.1.2 illuminated between sunset and sunrise;
 - 12.1.3 in plain view of the passengers;
 - 12.1.4 adjusted in accordance with the rate prescribed in Schedule “A” of this By-Law;
 - 12.1.5 tested by running the cab to which it is attached over a measured track or distance, or by such mechanical means as the Council may approve;
 - 12.1.6 while every taximeter should be accurate, the tolerance thereon shall not exceed the following:
 - 12.1.6.1 on mileage tests (road tests) with respect to computed distance actually traveled, a tolerance of thirty (30) meters under a kilometer or sixty (60) meters over a kilometer;
 - 12.1.7 used only when the seal thereon is intact;
 - 12.1.8 kept in good working condition at all times and not used when defective in any way.
- 12.2** No driver or owner of a taxicab equipped with a taximeter shall operate or permit to be operated any such taxicab when the taximeter or the taximeter seal has been changed, repaired, altered, adjusted or broken, and unless and until the taximeter has been tested.
- 12.3 When a fee is amended, a change over period will be given to allow the owners to have all taximeters showing the revised rate by the date that the new rates become effective.

13. CABS LICENCED IN OTHER MUNICIPALITIES

- 13.1 Cabs licenced in municipalities other than The Corporation of the Municipality of Red Lake may drop off passengers in the Municipality provided such passengers were picked up outside of the Municipality.
- 13.2 Cabs licenced by municipalities other than The Corporation of the Municipality of Red Lake may pick up passengers in the Municipality only in response to a telephone request to do so, providing that the destination of the passenger or passengers is outside of the Municipality.
- 13.3 Under no circumstances shall an owner or driver of a cab licenced in a municipality other than The Corporation of the Municipality of Red Lake, permit or solicit fares in the Municipality by parking or standing on the streets of the Municipality.
- 13.4 Under no circumstances is a cab licenced in a municipality other than The Corporation of the Municipality of Red Lake to pick up passengers in the Municipality whose destination is within the Municipality.
- 13.5 The driver and owner of taxicabs which contravene any provision of this Section are subject to such fines and other penalties as are provided in this By-Law.

13. CABS LICENCED IN OTHER MUNICIPALITIES - Continued

13.6 No person who is not licenced by the Municipality or any other municipality shall solicit fares within the Municipality, by any means.

14. REVOCATION OR SUSPENSION

14.1 Every owner who permits a plate supplied to him or her to be affixed to a motor vehicle other than in accordance with this By-Law shall be required to attend before the Council and show cause why his or her licence should not be revoked or cancelled.

14.2 Every owner who uses, or permits to be used, any motor vehicle as a taxicab without:

14.2.1 submitting the motor vehicle to the By-Law Enforcement Officer for approval;

14.2.2 producing to the By-Law Enforcement Officer, a copy of the Safety Standard Certificate with respect to such vehicle;

14.2.2.1 and who is found to be operating more motor vehicles as taxicabs than he or she has taxicab vehicle licences, except as provided in this By-Law, shall be required to attend before the Council and show cause why his or her taxicab licence or taxicab licences, or any one of them should not be revoked or cancelled.

14.3 Every owner whose cab is found to be in a dangerous and unsafe condition may be required to attend before the Council and show cause why his or her taxicab vehicle licence should not be temporarily suspended.

14.4 Every owner who permits an unlicenced taxicab driver to operate a taxicab vehicle may be required to attend before the Council to show cause why his or her taxicab operators licence shall not be suspended.

14.5 Any licence issued pursuant to the provisions of this By-Law may be revoked or cancelled at any time by the Council, subject to the provisions of The Statutory Powers Procedures Act and The Municipal Act. The reference in this By-Law to circumstances where a licence may be revoked or cancelled, or where a person shall show cause why a licence should not be revoked or cancelled shall not be interpreted as derogating from the general power of the Council under this Section.

14.6 Notice of the revocation or cancellation of any licence issued pursuant to the provisions of this By-Law may be delivered personally to the holder thereof or sent by letter, postage prepaid and registered, addressed only to such holder at his or her last known address, and such hold shall surrender such licence to the By-Law Enforcement Officer forthwith after receiving notice of such revocation or cancellation and shall also deliver to the By-Law Enforcement Officer forthwith his or her taxicab driver's licence or his or her taxicab vehicle licence.

15. PENALTIES

15.1 Every person who contravenes any or the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.

15.2 Every person found guilty of any breach of the provisions of this By-Law shall be subject to a fine of not more than one thousand (\$1000.00) dollars exclusive of costs.

15.3 Such fine shall be recovered under the Provincial Offences Act, all the provisions of which apply, except that the imprisonment may be for a term of not more than twenty-one (21) days.

15. PENALTIES - Continued

15.4 In addition to any other penalties herein imposed, the taxicab vehicle of any owner of firm found guilty of any breach of the provisions of this By-Law may be revoked or cancelled by the Council.

16. ENACTMENT

16.1 That By-law Numbers 550-05, 1002-08, 1347-11, and 1511-11 are hereby repealed.

16.2 That this By-law shall come into force and take effect upon the date the Ministry of the Attorney General approves the Set Fines under By-Law No. 1739-13.

READ a FIRST and SECOND TIME this 19th day of February, 2013

Phil T. Vinet, Mayor

Shelly L. Kocis, Clerk

READ a THIRD and FINAL TIME this 19th day of February, 2013

Phil T. Vinet, Mayor

Shelly L. Kocis, Clerk

Schedule “A”

Fees

1. Waiting Time - \$60.00 per hour

2. Meter Rates:

2.1 \$5.00 first 1/15 of a kilometer or part thereof;

2.2 \$0.15 for every 1/15 of a kilometer or part thereof;

2.3 \$8.00 minimum rate for parcel deliver within the Municipality.

These rates include H.S.T

3. Set Rates

| | | | |
|------------|----|------------|---------|
| Red Lake | to | Balmertown | \$25.00 |
| Red Lake | to | Cochenour | \$30.00 |
| Red Lake | to | Madsen | \$25.00 |
| Balmertown | to | Cochenour | \$20.00 |
| Balmertown | to | Madsen | \$45.00 |
| Cochenour | to | Madsen | \$50.00 |

Set Rate same price when locations are reversed.

- An additional \$5.00 is added to the Cochenour trips if the drop off location is in McMarmac or McKenzie Island.

4. Same Townsite Pick-up and drop-off

4.1 A meter shall be used when pick-up and drop-off location is within the same townsite.

4.2 The meter shall not be activated until the passenger is in the taxicab.

5. Courtesy Discount

At the discretion of the taxi cab owner, any person who has attained the age of sixty-five (65) may be entitled to a discount of ten percent (10%) from the metered rate.

6. Fuel Price Increases/Decreases

Due to fuel price fluctuation, a 10% surcharge may be applied to all rates when fuel prices increase to \$1.30/litre or more.

If fuel prices decrease to lower than 1.30/litre, the 10% surcharge shall be removed.

7. Customers shall have the option to pay the metered rate or the set rate.

Schedule “B”
(Page 1 of 2)

Set Fines

“Part 1 Provincial Offences Act”

The Corporation of the Municipality of Red Lake

Municipality of Red Lake By-Law No. 1739-13 Title: Taxicab By-Law

| Item # | Column 1 (Short Form Wording) | Column 2 (Provision Creating or Defining Offence) | Column 3 (Set Fines) |
|--------|---|---|-------------------------|
| 1. | Operate a cab without a licence. | Sec. 2.1 | \$155.00 |
| 2. | Drive a cab without a licence. | Sec. 2.20 | \$155.00 |
| 3. | Charge higher (lower) fare than those authorized. | Sec. 8.2 | \$105.00 |
| 4. | Fail to submit taxi cab for inspection. | Sec. 9.1 | \$55.00 |
| 5. | Fail to affix taxi plate as approved. | Sec. 9.2.1 | \$55.00 |
| 6. | Fail to install electric light on top of cab. | Sec. 9.6 | \$55.00 |
| 7. | Fail to keep proper daily trip records. | Sec. 9.9 | \$55.00 |
| 8. | Fail to produce daily trip records. | Sec. 9.9 | \$55.00 |
| 9. | Owner did allow taxi cab to be driven by person with no taxi drivers licence. | Sec. 9.14 | \$155.00 |
| 10. | Did operate taxi without proper insurance. | Sec. 9.16 | \$155.00 |
| 11. | Did solicit fare by shouting or calling out. | Sec. 9.17.2 | \$55.00 |
| 12. | Fail to notify change of provincial licence plate. | Sec. 9.18 | \$55.00 |
| 13. | Fail to remove taxi insignia from inactive cab. | Sec. 9.19 | \$105.00 |
| 14. | Operate a cab in an unsafe condition. | Sec. 9.21 | \$155.00 |
| 15. | Fail to drive in the most direct route. | Sec. 10.3 | \$30.00 |
| 16. | Fail to issue receipt upon request. | Sec. 10.6 | \$30.00 |

Schedule “B”
(Page 2 of 2)

Set Fines

“Part 1 Provincial Offences Act”

The Corporation of the Municipality of Red Lake

Municipality of Red Lake By-Law No. 1739-13 Title: Taxicab By-Law

| Item # | Column 1 (Short Form Wording) | Column 2 (Provision Creating or Defining Offence) | Column 3 (Set Fines) (Including Costs) |
|--------|---|---|--|
| 17. | Carry greater number of passengers than manufactures rating for seating capacity. | Sec. 10.9 | \$55.00 |
| 18. | Obstruct traffic with cab in public. | Sec. 10.11.2 | \$30.00 |
| 19. | Carry nonpaying passengers while taxi cab is on duty. | Sec. 10.11.4 | \$30.00 |
| 20. | Operate a cab with exterior damage | Sec. 11.1.1 | \$30.00 |
| 21. | Operate a cab without seat belts | Sec. 11.1.2 | \$55.00 |
| 22. | Operate a cab without operating dome light. | Sec 11.1.4 | \$30.00 |
| 23. | Fail to equip cab with taxi meter. | Sec. 12.1 | \$205.00 |
| 24. | Use taximeter with meter seal broken. | Sec. 12.1.7 | \$155.00 |
| 25. | Operate unauthorized taxi cab within Municipality. | Sec. 13.3 | \$155.00 |

“Note: The general penalty provision for the offences listed above is Section 15 of By-Law 1739-13, a certified copy of which has been filed and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33”.