

THE CORPORATION OF THE TOWN OF SMITHS FALLS

**THE TAXI BY-LAW
NUMBER 7739-03**

*A BY-LAW FOR LICENCING, REGULATING AND GOVERNING
BROKERS, OWNERS AND DRIVERS OF TAXI CABS*

OFFICE CONSOLIDATION

Amended by:
8154-2008
8720-2014

THE CORPORATION OF THE TOWN OF SMITHS FALLS
BY-LAW NO. 7739-03

A By-law for licencing, regulating and governing brokers, owners and drivers of Taxi Cabs.

WHEREAS pursuant to the Municipal Act, Chapter M.45, R.S.O. 1990 by-laws may be passed by the Councils of Towns for licencing, regulating and governing owners and drivers of cabs motor or other vehicles used for hire or any class or classes thereof; for establishing the rates and fees to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than five (5) kilometres beyond its limits and for providing for the collection of such rates or fares; for limiting the number of cabs ... used for hire ... and for revoking any such licence; and

WHEREAS pursuant to Section 232(6) of the said Municipal Act, by-laws may be passed by Councils of Towns for licencing, regulating and governing taxi-cab brokers and for revoking any such licence and for requiring taxi-cab brokers to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law;

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. For the purposes of this by-law,
 - (A) Chief of Police shall mean the Chief of Police of the Town of Smiths Falls as appointed by by-law and any Police Services personnel designated by him to enforce or administer the provisions of this by-law.
 - (B) Driver shall mean and include any person engaged in driving or operating any taxi cab or other vehicle on behalf of the owner.
 - (C) Licence shall mean a licence granted by the Town pursuant to this by-law and shall include a licence to own (Owner's Licence), to drive (Driver's Licence) or to act as a broker (Broker's Licence).
 - (D) Owner shall include any person having possession or control of any taxicab or other vehicle under an installment purchase or lease agreement and all such owners shall operate under the control and management of a taxi cab broker. In the case of an installment purchase or lease agreement, the person having control over the use of the vehicle shall be considered the owner for the purposes of this by-law and shall provide to the Chief of Police a copy of such agreement upon application for a licence.

- (E) Taxi cab shall mean a motor vehicle as defined in the Highway Traffic Act, other than a car pool vehicle, regularly used for profitable hire through the conveyance of goods or passengers within the municipal boundaries of the Town of Smiths Falls only. Such definition of taxi cab shall exclude those vehicles used as an extension of a business for the delivery of goods made, manufactured or produced by that business or its parent company. Such definition shall also exclude transportation vehicles used by not-for-profit agencies, funeral hearses, ambulances, busses, limousines used on an irregular basis for special events only and contracted out on a per event or per hour basis.
- (F) Taxi cab broker shall mean any person who maintains a stand where calls are accepted in any manner for taxi cabs used for hire and who owns, controls or dispatches a minimum of two (2) taxi cabs.
2. No person shall offer for hire, gain or reward use of any motor vehicle, other than those types of vehicles specifically excluded from the definition of taxi cab above, for the conveyance of goods or passengers within the municipal boundaries of the Town of Smiths Falls without first obtaining a licence under this by-law entitling him to do so.
 3. No person, being the owner of a taxi cab, shall carry on the business of conveyance of goods or passengers for hire, gain or reward, without first obtaining a licence under this by-law entitling him to do so.
 4. No person shall engage in the occupation of a driver of a taxi cab without first obtaining a licence under this by-law entitling him to do so.
 5. No person shall carry on the business of a taxi cab broker without first obtaining a licence under this by-law entitling him to do so.
 6. No licenced taxi cab owner or broker shall employ any person as a taxi cab driver other than a person licenced under this by-law to drive a taxi cab. No taxi cab broker shall operate or permit to be operated any taxi cab for which a taxi owner's licence has not been issued.
 7. Every applicant for a licence issued under this by-law must make application, in writing, to the Chief of Police of the Town of Smiths Falls, and such licence may or may not be granted, provided however, that no licence shall be granted until the Chief of Police has made an enquiry or investigation as to the good character and competence of the applicant. Council retains the right to amend a decision to grant or refuse any licence.
 8. (A) All taxi cab brokers shall control or dispatch not less than two (2) taxi cabs. One person may not hold more than one broker's licence at a time. Every broker is required to operate a cab stand within the boundaries of the Town of Smiths Falls for

the purpose of dispatching the cabs and serving the public. Further that each cab stand business location shall conform to the provisions of the current zoning by laws for the Town of Smiths Falls. Only one broker may operate from a single stand location and the dispatch for all taxi cabs shall emanate from the designated location.

All new applications for taxi cab brokers licences shall be referred to the Council of the Town of Smiths Falls for consideration.

- (B) In all instances where two way radio equipment is being used by the broker to dispatch or communicate with taxi cabs, the required federal radio licence shall be kept valid at all times and a copy of the current radio licence shall be filed with the Chief of Police prior to the renewal of the broker's licence.
 - (C) No more than twenty-eight (28) taxi-cab owner's licences shall be issued and be in force at any one time in the Town of Smiths Falls. Between January 1 and January 31 of each year a number of taxi cab owner's licences, equivalent to the number currently managed by each broker, shall be reserved for each broker. Failure by the broker to submit application for any or all of the reserved owner's licences, by February 1 of each year, shall be deemed to be agreement by the broker to relinquish all rights to reserved owner's licences not yet issued to that broker. On or after February 1, of each year licenced taxi cab brokers may apply in writing for additional taxi cab owner's licences. The excess number of taxi cab owner's licences may be allocated to the taxi-cab brokers on a first come; first served basis at the discretion of the Chief of Police.
 - (D) Notwithstanding section 8(C) above, effective January 1, 1997 the maximum number of taxi cab owner's licences issued by the Town of Smiths Falls shall be nineteen (19). Further, no more that 80% of the total number of owner's licences shall be affiliated with any one taxi cab broker.
 - (E) Every licenced taxi cab broker must provide twenty-four (24) hour a day service to their community. Failure to meet this requirement will be cause for the taxi broker's licence to be revoked by the Chief of Police.
9. Every owner of a taxi cab shall be registered with and be controlled and managed by a taxi cab broker.
10. (A) No licence issued pursuant to this by-law is transferable, except as provided for in section 19 and shall not be sold or otherwise disposed of but when such licence is no longer to be used by the licence holder, the licence shall be forthwith surrendered to the Chief of Police.

- (B) An owner may sell his taxi cab and its equipment to any person and upon such sale the owner's licence in respect of such taxi cab shall be terminated. Subject to subsection (A) hereof the Council, in its discretion, may issue a new licence to the purchaser of such taxi cab vehicle and equipment subject to the following conditions:
 - (i) That the new applicant qualifies under all other provisions of this by-law; and
 - (ii) That the applicant and the vendor file with the Council an executed copy of a written agreement containing all the details of the dealings between the parties in respect to such taxi cab and its equipment.
 - (C) Notwithstanding subsection (B) hereof, the Council may in its discretion refuse to issue a new licence or licences to a purchaser in a transaction under this section when the Council is of the opinion that it is not in the public interest, as determined by the Council, that such new licences should be issued.
11. (A) Any owner who, without good cause, fails to actively operate every taxi cab licensed to him for fifteen consecutive days shall automatically have his licence revoked and cancelled.
- (B) If a taxi cab owner, driver or taxi cab broker is convicted of any offence under;
- (i) The Criminal Code of Canada
 - (ii) The Narcotic Control Act of Canada
 - (iii) The Food and Drug Act of Canada; or
 - (iv) Three (3) times of any other infractions of this by-law or any by-law of the Town of Smiths Falls regulating traffic on the streets, or the Highway Traffic Act or the Liquor Control Act
- his licence may be forthwith revoked.
- (C) The possession of a scanner in any taxi cab, on any driver, owner or shareholder or in any portion of the premises used for receiving or dispatching of calls for taxi cabs is strictly prohibited and is cause for the immediate cancellation and revoking of a taxi brokers licence by the Chief of Police.
- (D) Any taxi cab owner, driver or taxi cab broker shall permit the Chief of Police or his designate to inspect any taxi cab or business premises without prior notice in order to determine that the contents of this by-law are being adhered to. Failure to allow an inspection to take place upon request shall be cause for the Chief of Police to immediately cancel and revoke the taxi broker's licence.

12.
 - (A) Every owner of a taxi cab, before operating or permitting same to be operated for hire, shall obtain an annual licence and shall pay the prescribed fee, as set out in Schedule "A" which will permit the operation of one taxi cab, and he shall pay an additional cost, as prescribed by Schedule "A" for each additional taxi cab to be operated by him.
 - (B) No person shall be licenced as an owner of a taxi cab unless he is registered and licenced as the owner thereof with the Ministry of Transportation (Ontario) or unless he has filed with the Chief of Police an appropriate lease or installment purchase agreement respecting the vehicle to be licenced.
 - (C) A separate owner's licence shall be taken out for each taxi cab to be operated under the provisions of this by-law.
 - (D) No person shall be licenced as an owner of a taxi cab unless he is registered with a licenced broker.
 - (E) No person shall be licenced as a taxi cab driver unless he possesses a valid driver's licence for the current year issued under the provisions of The Highway Traffic Act (Ontario).
13. As a condition to the issuance of a licence under this by-law to the owner of a taxi cab, the owner shall deposit with the Chief of Police a written certificate of an insurer duly licenced under The Insurance Act to carry on in Ontario the business of automobile insurance, that it has issued to the owner of such taxi cab, a motor vehicle liability policy which is on the date of the certificate, in full force and effect, in an amount of not less than 2 million dollars. Every such policy shall be kept in force by such owner during the period for which the taxi cab owners licence issued to him or any renewal thereof is in effect and should he fail to keep such insurance in full force and effect, the taxi cab owner's licence shall be forthwith suspended. The owner shall immediately advise the Chief of Police of any cancellation or expiry of the insurance policy.
14.
 - (A) The owner of every licenced taxi cab shall at all times keep the same in a clean and sanitary condition and in good repair and the Chief of Police may, upon the breach of this provision, notify the owner thereof to cease operation of the same as a licenced taxi cab until such time as the same has been put in a clean and sanitary condition and is in good repair and upon receipt of such notice the owner shall thereupon cease to operate the same.
 - (B) The owner of every taxi cab licenced under this by-law shall produce to the Chief of Police or any one acting in his stead, a certificate of mechanical fitness every six (6) months, before a vehicle is licenced as a taxi cab and at any time when so ordered by

a Police Officer or By-law Enforcement Officer. Such certificate of mechanical fitness shall be signed by a mechanic who is not the owner or employed by the owner.

- (C) Every owner of one or more licenced taxi cabs operated by others shall file with the Chief of Police the name and address of such licenced drivers employed by him and shall forthwith advise the Chief of Police of all changes in his staff of licenced drivers.
 - (D) Every owner of a licenced taxi cab shall, when required, submit his taxi cab for the inspection of the Chief of Police and no owner or driver shall at any time when his vehicle is not employed prevent or hinder the said Chief of Police or any other officer authorized by him, from entering such vehicle or his garage, or other building for the purpose of inspecting such vehicle or the premises where such vehicle is, or is kept.
 - (E) All buildings and premises used in connection with any taxi cab shall be kept clean at all times.
 - (F) The owner of every taxi cab shall equip the unit with a roof sign, such sign to be installed on the roof of the taxi cab while the vehicle is in use as a taxi cab. The sign shall display the Company name on the front, the telephone number on the rear and the taxi-cab number on either side and the sign shall be illuminated when the vehicle is in operation as a taxi cab between one half hour before sunset and one half hour after sunrise. The sign used will be different colours for each taxi cab company so as not to cause any confusion.
 - (G) Upon issuance of a taxi cab owner's licence, the Chief of Police shall provide a numbered metal plate which shall be displayed at all times **on the rear bumper of the taxi cab or in a comparable location acceptable to the Chief of Police** so as to be readily visible.
15. (A) Every application for a taxi cab drivers licence under this by-law shall be delivered by the applicant to the Chief of Police
- (B) There shall be filed together with every application for a taxi cab drivers licence two (2) signed photographs of the applicant 2" x 2" in size. One of the photographs shall be attached by the Chief of Police to the taxi cab drivers licence which said licence shall be displayed in the interior of his cab in such place and in such manner and form as set out in Section 21.
 - (C) The applicant shall first pay the background check fee as set out in Schedule "A" before the application or renewal of a taxi cab licence will be processed. If the applicant is rejected for a licence they will be notified with the reason why. If the

applicant is approved for a taxi drivers licence they will be required to pay the fees as set out in Schedule “A” prior to the licence being issued. If a taxi drivers licence is issued the background fee will be applied to off set (reduce) the taxi drivers fee as set out in Schedule “A”.

- (D) Every licenced taxi cab driver shall be issued, by the Chief of Police, a numbered disk and shall wear same on the left lapel of the driver’s most exterior clothing at all times while driving a taxi cab. The fee established in Schedule “A” shall be charged for each disc which amount shall be paid by the taxi cab driver.
 - (E) Every owner or broker shall keep a record of the date, time, origin and destination of each trip. Name of the driver, number of the taxi cab and the fare charged for each trip. Such information shall be retained for a period of twelve (12) months at the broker’s place of business and shall be produced immediately at the request of the Chief of Police or his designate.
 - (F) Every person licenced as a taxi cab driver under this by-law shall, when called upon to do so, assist any police officer by conveying in his taxi cab any prisoner to the common jail or police station and convey to a hospital or elsewhere as may be required any person who has been wounded or who has met with an accident or been taken suddenly ill and shall be entitled to the fare or charge specified in the tariff provided by this by-law.
 - (G) Every licenced taxi cab driver shall, before transferring his employment from one taxi cab owner or broker to another, report such change to the Chief of Police and pay such fees as set out in Schedule “A”.
16. (A) Every driver shall be responsible that;
- (i) his vehicle is in safe driving condition, clean and neat inside and out and in all respects fit for the purpose;
 - (ii) he is neat and clean in his person and polite in his manner;
 - (iii) reasonable care is taken that no passenger leaves any property in his vehicle and, when any property is left, shall restore it at once or deliver it to the Police Station with all relevant information in his knowledge about the owner;
 - (iv) his engagements are kept punctually; and
 - (v) his licence certificate is displayed in his vehicle at all times when engaged as a driver.
 - (vi) **complies at all times with the Provisions of the Highway Traffic Act, RSO 1990 as amended and the Accessibility for Ontarians with Disabilities Act, 2005.**

- (B) No driver shall;
- (i) take, consume or have in his possession any intoxicating substance while driving a taxi cab;
 - (ii) loiter or solicit business in any street, alley or other public place;
 - (iii) permit any immoral, indecent or disorderly conduct in his vehicle;
 - (iv) make any loud noise or disturbance, such as the unnecessary blowing of the horn or use obscene, impertinent or abusive language or molest, annoy or insult any passenger or other person;
 - (v) carry in any vehicle a larger number of persons or goods than the manufacturer's rating or seating capacity of such vehicle;
 - (vi) knowingly carry any passenger suffering from an infectious disease.
 - (vii) after leaving a starting point with a passenger take on any other passenger without the consent of those who have already engaged him;
 - (viii) accept any engagement to the prejudice of a prior engagement; or
 - (ix) refuse to permit a dog, while servicing as a guide or leader for a blind person, to enter and remain in the taxi cab.
17. Trip fare fees shall be set at the discretion of the Taxi Broker and shall be communicated to the passenger prior to engagement. Such fare shall be paid by the passenger prior to exiting the vehicle or in the case of delivery of goods immediately upon receipt of goods by the person engaging the vehicle. Brokers may enter into contractual agreements for services described in this by-law and may establish fees for such contractual services at their discretion. Charges for like services provided outside the scope of this by-law may also be established by the Broker. **Every owner and operator of a licenced taxi cab shall not charge a higher fare or additional fee to people with a disability than they would normally charge without disabilities for the same trip or charge a fee for storage of mobility aids or mobility assistive devices.**
18. Every licence issued under this by-law shall expire on the thirty-first day of December next after the date of the issue thereof and the annual fee for such licence shall be set out in Schedule "A".
19. Notwithstanding Section 10(a) an owner's licence may be transferred to another taxi cab purchased by the owner, upon approval of such transfer by the Chief of Police and upon payment as set out in Schedule "A".
20. All applications for licences and all licences issued under this by-law shall be in a form provided by the Chief of Police.
21. There shall be displayed, on the front passenger's side sun visor, dropped so as to be in full view of every passenger, in each taxi cab, a tariff card showing that the taxi cab is licenced under the authority of the Council of the Town of Smiths Falls, and

displaying the taxi cab driver's licence. The card shall be not less than 9" x 5" and the photograph of the driver shall be not less than 2" x 2". **Every owner and operator of a licenced taxicab shall make vehicle licencing and identification (as issued under the provisions of this by-law) available in an accessible format to people with disabilities who are passengers.**

- 22. Notwithstanding Section 11(b) the Chief of Police may, at any time, for any other cause appearing to him to be sufficient, suspend the licence issued to any taxi cab broker, owner or driver and shall in such event report such suspension forthwith to the Council and the Council may either continue such suspension for such period of time as it shall determine or may reinstate such licence, or if the circumstances shall appear to warrant such action, may revoke such licence.
- 23. meet annually to discuss fee schedules, complaints, comments and to make suggestions for the betterment of the taxi service in the Town of Smiths Falls
- 24. Any taxi cab broker who changes insurance company's must immediately notify the Chief of Police and file the necessary documents with the Police Service in order that their taxi file is up to date. The broker is also required to pay the fee as set out in Schedule "A" to cover the cost of updating the Police Service taxi file.
- 25. Every person who contravenes any provision of this by-law shall, on conviction, thereof, be liable to a fine not exceeding \$1000.00 inclusive of costs.
- 26. By-law No. 7179-96 as amended by By-law No. 7182-96 and 7493-99 is hereby rescinded.
- 26. This by-law shall come into force and take effect upon the passing thereof.

Read a first and second time this 22nd, day of April 2003

Read a third time and passed this 22nd, day of April 2003

Mayor

Clerk

THE CORPORATION OF THE TOWN OF SMITHS FALLS**SCHEDULE "A" TO
TAXI BY-LAW NO.****LICENCE FEES****EFFECTIVE 01 JANUARY, 2004**

The following licence fees shall be payable to the Chief of Police prior to the issuance of a licence:

Taxi cab Driver	\$50.00
Taxi cab Driver's disc	\$10.00
Taxi cab Owner	\$75.00 per vehicle
Taxi cab Broker	\$200.00
Change of Stand by Driver	\$30.00
Change of Vehicle	\$25.00
Change of Insurance Information	\$25.00
Background Check	\$25.00

Every owner and operator of a licenced taxi cab shall not charge a higher fare or additional fee to people with a disability than they would normally charge without disabilities for the same trip or charge a fee for storage of mobility aids or mobility assistive devices.