

Corporation of the Town of Moosonee

BY-LAW No. 18-13

Being a by-law to license, regulate and govern owners and drivers of taxicabs within the Town of Moosonee

WHEREAS Section 151 of the Municipal Act, S.O. 2001, C 25 provides that a municipality may establish a system of licenses with respect to taxicabs;

AND WHEREAS Section 156 of the Municipal Act, S.O. 2001 C. 25. provides that a municipality may establish rates of fare for conveyance of passengers or property either wholly within or from any point in the municipality to any point outside the municipality. The section also provides that the municipality may limit the number taxicabs or any class of them;

AND WHEREAS Section 251(1) of the Insurance Act R.S.O. 1990 provides that the owners of a taxicab company shall have \$2,000,000 dollars in general commercial liability insurance;

AND WHEREAS Council of the Town of Moosonee finds it desirable to enact a bylaw to regulate, govern and license taxicabs within the Town of Moosonee for public safety.

AND WHEREAS Ontario Regulation 191/11 of the Accessibility for Ontarians with Disabilities Act, 2005 establishes the accessibility standards for each of information and communications, employment and transportation;

THEREFORE The Corporation of the Town of Moosonee enacts as follows:

SECTION 1: DEFINITIONS

Administration Staff: An employee of the Town of Moosonee who is employed to work within the municipal office and is authorized to issue licenses and permits.

Applicant : Any person who applies for a permit or license.

Council: Means the council of the Town of Moosonee

License: A photo identification operator's license issued by the town of Moosonee administration staff for the purpose of operating a taxicab.

Officer: Shall mean an employee appointed by the Town of Moosonee for enforcement of municipal by-laws, or a peace officer

Operator: Shall mean the driver of the taxicab, and any owner while they are operating his or her taxicab.

Owner : A person who has lawful ownership of property or motor vehicle.

Passenger: means any person in the taxicab other than the driver.

Permit: A metal or plastic plate with a numerical sequenced number issued by the Town of Moosonee for the purpose of licensing taxicabs.

Policy: means an insurance policy that names the owner of the taxicab company, the amount of commercial general liability insurance that is insured against, which shall also include a 6-A Permission to carry paying passenger's endorsement attached to the policy.

Rubbish: means consumer waste that has been placed into the taxicab and not into a proper waste receptacle also includes dirt and mud.

Smoking: The act of placing a tobacco product or device of delivery within a person's mouth, then inhaling on the product or device and exhaling the air, and or smoke that is produced from the act of inhaling on the product or device.

Taxicab: A motor vehicle as defined in the Highway traffic act R.S.O. 1990 as amended, and used for the purpose of carrying passengers for hire on a one time basis, with a seating capacity not exceeding 7 passengers excluding the operator of the taxicab.

Tobacco products: The leaves of cultivated tobacco prepared for use in smoking, chewing or as snuff.

SECTION 2: LICENSES

A taxicab permit plate, or driver's operator license may be issued and the applicant shall comply with the licensing regulations:

1. The owner of taxicab company shall provide proof of insurance of at **least** 2,000,000 dollars in general commercial liability insurance with an endorsement 6A Permission to carry paying passengers for compensation, including any other business insurance policies that owner may have in place for insuring his or her taxicab business.
2. The owner of a taxicab shall provide to the town administration staff, a copy of all drivers who operate the licensed taxicabs, and shall provide written notice to the town administration staff when there is a change of staffing to any taxicab operators.
3. The owner of a taxicab or the taxicab company shall supply the administration staff with a copy of a valid vehicle safety certificate for each taxicab that is licensed to operate, with the 'Application for a Taxicab Permit', annually. The vehicle safety certificate shall not be older than 30 days, from the date of application.
4. The total number of four taxicab companies shall be eligible to apply for licenses to operate within the Town of Moosonee.
5. The maximum amount of 5 motor vehicles that may be licensed for use as a taxicab for every taxicab company.
6. Every license unless revoked shall be renewable on the 31st of January of every year.
7. Any applicant applying for a license to operate a taxicab shall be at **LEAST 25** years of age and submit at their own expense;
 - a) a driver's abstract
 - b) a criminal records check (CPIC)
8. Any applicant applying for a license shall have in their possession a full class "G" driver's license or higher with full driving privileges.
9. All license and permit fees shall be listed in Schedule "A" of this bylaw.
10. No holder of a valid license shall transfer their license to another person.
11. The administration staff shall provide a copy of this taxi by-law with every license or permit issued to any applicants who successfully obtain a license or permit.
12. Any license or permit may be revoked upon finding an offence under this by-law by any officer
 - a) If any applicant is found to be in violation of 3 or more offences under the Highway Traffic Act, the Town of Moosonee reserves the right to deny renewal or revoke that person's permit or operator's license.
 - b) If any applicant is found to be in violation of an "Offence" as stated in Section 4 of this By-Law, or if 3 or more public complaints regarding an operator or company are received by the Town of Moosonee, the Town of Moosonee reserves the right to deny renewal or revoke a permit or operator's license.

- c) If any applicant is found to have a criminal record related to the sale or possession of an illegal substance, or a driving related criminal offence, the Town of Moosonee reserves the right to deny renewal or revoke that person's permit or operator's license.
- 13. In the event of a license or permit revocation, the license or permit holder may appeal to the Town Council of Moosonee for reinstatement.
- 14. All taxicabs shall have a numbered circular decal affixed to the taxicab that is matching to the vehicle permit number.
- 15. Permit Fees for Owners and Operators are established and set out in 'Schedule A' of this By-Law as amended.
- 16. Any taxicab operator or owner whom has grievance regarding a license or permit revocation may appeal to the Town Council of Moosonee.

SECTION 3: ENFORCEMENT

This by-law shall be enforceable by a municipal law enforcement officer appointed by the Town of Moosonee, or a peace officer.

- 1. That every offence shall be considered a separate offence and be punishable under this by-law and the provisions under the provincial offences act as amended;
- 2. Upon finding an offence, the offending operator or owner shall be subject to:
 - a) A fine against that person and/or,
 - b) The offending persons license or permit being revoked and/or;
 - c) The taxicab owner/company's operating license or permit being revoked;
- 3. No person shall obstruct any officer in the performance of his or her duties under this bylaw.
- 4. Any taxicab operator or owner who has grievance regarding a license or permit revocation may appeal, in writing, to the Town Council of Moosonee.

SECTION 4: OFFENCES

- 1. Every taxicab owner, operator and/or driver shall comply with the following conditions. Failure to comply shall be considered an Offence and shall be subject to Enforcement:
 - a) A taxicab permit must be affixed to a motor vehicle used for the purpose of carrying paying passengers for hire;
 - b) Every taxicab shall be maintained in a clean condition and be kept free of rubbish;
 - c) There shall be no smoking of tobacco products of any kind within any taxicab;
 - d) Every taxicab upon picking up a paying passenger shall take the most directly travelled route to the requested destination. If additional passengers are picked up en-route, passengers shall be dropped off in order they were picked up, on the most direct route to their destination;
 - e) Every motor vehicle being used for the purpose of carrying paying passengers for hire shall have a taxicab permit;
 - f) Every taxicab operator while operating a taxicab, shall have on their possession at all times a taxicab operator's license to operate a motor vehicle for the purpose of carrying paying passengers for hire;
 - g) Every taxicab company shall ensure their General Commercial Liability Insurance remains fully in effect for all licensed vehicles and permitted drivers, for the duration of their License year;
 - h) Every taxicab company shall provide service during the scheduled hours of operation;
 - i) Every taxicab operator's license shall be prominently displayed within plain view / sight;
 - j) Every taxicab shall be free of having any opened alcoholic beverages within the taxicab;

- k) Every taxicab shall only have alcoholic beverages inside that has been purchased by the passenger, and shall remain unopened for the duration of transport. The passenger then shall be delivered to their requested destination;
- l) Every motor vehicle shall affix numbered decals to every vehicle being used to carry paying passengers;
- m) Every motor vehicle being used as a taxicab with numbered decals, shall have the same number on the decals as the taxicab permit.

SECTION 5: HOURS OF OPERATION

1. A taxicab owner (or jointly with all owners) shall make available taxi service to the public a minimum of one taxicab during the following hours:
 - a) 24 hours service Monday to Saturday from 00:00-23:59
 - b) Sunday hours of operation shall be 08:00 to 23:00

SECTION 6: TAXICAB OPERATION (OWNERS)

1. Every taxicab owner shall comply with these regulations:
 - a) Every taxicab shall be maintained in a mechanically safe condition;
 - b) Every owner when applicable, who operates their taxicab. Shall do so in a safe manner in accordance with the Highway Traffic Act R.S.O 1990 H.8, as amended;
2. Every owner shall provide upon request:
 - a) Taxicab registration;
 - b) Proof of insurance in the required amount under this by-law with a 6-A endorsement, and permission for the municipality to contact the insurance provider;
 - c) A valid motor vehicle safety certificate.
3. Every taxicab must have affixed a numbered decal which shall match the taxicab permit, and shall be placed upon:
 - a) The driver's side of the taxicab,
 - b) The passenger's side of the taxicab,
 - c) The rear side of the taxicab.
4. Each numbered decal shall have numbers in 4-8 inches and be constructed of a magnetic material or 3M SCOTCH brand decals in which it can be affixed to the vehicle and match the taxicab permit number that has been issued by the Town of Moosonee.

SECTION 7: TAXICAB OPERATION (OPERATORS)

1. Every taxicab operators shall comply with these regulations:
 - a) Every taxicab operator shall have his or her license prominently displayed for any person to see;
 - b) Every taxicab operator shall produce their license and insurance for inspection at any time at the request of any officer;
 - c) Every taxicab operator shall maintain the taxicab which they are operating clean and clear condition;
 - d) Every taxicab operator shall only have alcoholic beverages within the taxicab in the circumstance, where the passenger has purchased the alcohol and that passenger is then being delivered to their requested destination, the alcoholic beverage shall not be opened.
 - e) Every taxicab operator whom is found to have within their taxicab, any alcoholic beverages opened or not, which has not been purchased by a paying passenger who is present within the taxicab. Shall be grounds for the immediate license seizure and having his or her operator's license revoked.
 - f) Every taxicab operator shall operate the vehicle in which they are using in a safe manner in accordance with the Highway Traffic Act R.S.O 1990 H.8, as amended;

2. Under no circumstances may a taxi-cab customer be charged a fee for the storage of mobility aids or mobility assistive devices.
3. Taxicabs must ensure that owners and operators of taxicabs do not charge higher fares or additional fees to a passenger with a disability

SECTION 8: GENERAL PENALTY PROVISION

Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for under the Provincial Offences Act R.S.O. 1990, c. P. 33, as amended. Set Fines for Owners and Operators are established and set out in ‘Schedule C’ of this By-Law as amended.

SECTION 9: TAXICAB FARE RATES

All taxicab fare rates are included in schedule B of this bylaw as amended.

THAT this By-Law and attached Schedules “A”, “B”, and “C” shall come into force and take effect on the date it receives its third and final reading

**READ a first and second time
this 22nd day of April 2013**

ORIGINAL SIGNED BY
Deputy Mayor – Robert Gravel

ORIGINAL SIGNED BY
Deputy Clerk – Fawn Etherington

**READ a third time and finally passed
this 22nd day of April 2013**

ORIGINAL SIGNED BY
Deputy Mayor – Robert Gravel

ORIGINAL SIGNED BY
Deputy Clerk – Fawn Etherington

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Schedule A

PERMIT FEES FOR TAXICABS AND OPERATORS LICENSE

Taxicab Permit Fees	
For the first vehicle	\$ 105.00
Per additional vehicle	\$ 22.00

Taxicab Operators License	
Taxicab operator's license	\$20.00

All licenses and permits unless revoked are renewable January 31st of every year.

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Schedule B

TAXICAB FARES

1. Taxicab fares shall be established annually. Following discussion by all owners of every licensed taxicab company, a proposed fare structure must be presented, before February 28th of every year, to the Council of the Corporation of the Town of Moosonee for endorsement.
2. If the Town Council approves of the proposed fare structure, the fares shall be established as part of this bylaw for the period of one calendar year, as an amendment to Schedule B.
3. If the Town council refuses or determines the proposed fare structure to be inadequate, then council shall demand that the fare proposals be revisited for reconsideration.

If such an agreement cannot be made after the revisiting of the fare negotiations the Council of the Town Moosonee shall enact under the authority of the Municipal Act, 2001,c.25 Section 156(1)(a) to establish the fare rates for carrying paying passengers for all taxicab companies operating within the town of Moosonee. This decision shall become part of this by-law until renewal the following year.

SCHEDULE OF TAXICAB FARES

Item	Taxicab fares for one way travel (one person)	Fare amount
1	Adult age 13 and over	\$4.00
2	Children age 12 years of age and under	\$2.00
4	Seniors age 60 and over	\$2.00
5	Each additional stop after the first	\$1.00
6	Travel to/from airport one way (rates to/from Healing Lodge are \$5.00)	\$5.00
7	Transportation of goods (per vehicle load)	\$5.00
Return trips (to destination and return back to the point of original pickup) shall be considered a two way trip and be charged twice the applicable fares.		

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Schedule C

SET FINES

PART 1 PROVINCIAL OFFENCES ACT

Item	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1.	Taxicab permit not affix to vehicle	4.1(a)	\$100.00
2.	Taxicab not maintained in clean condition	4.1(b)	\$100.00
3.	Smoking within taxicab – operator or passenger	4.1(c)	\$100.00
4.	Failure to take most direct route	4.1(d)	\$100.00
5.	Operating a taxicab – no permit	4.1(e)	\$100.00
6.	Operating a taxicab –no license	4.1(f)	\$100.00
7.	Fail to provide service – operating hours	4.1(g)	\$100.00
8.	Obstruct officer	3.3	\$100.00
9.	Taxicab license not in plain view sight	4.1(i)	\$100.00
10.	Posses open alcohol within taxicab	4.1(j)	\$100.00
11.	Possession of alcohol not purchased by - customer	4.1(k)	\$100.00
12.	Numbered decal not affixed to taxicab	4.1(l)	\$100.00
13.	Taxicab decal does not match permit number	4.1(m)	\$100.00

Note: The general penalty provision for the offences listed above is Section 8 of By-Law #18-13, a certified copy of which has been filed.