

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 29/2013

Being a By-law to provide for the licensing, regulating and governing of Owners of Taxi Cabs and Limousines and Drivers of Taxi Cabs and Limousines for hire in the Municipality of Port Hope and to repeal By-laws 125/2007, 92/2008, 75/2010 and 86/2010.

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides a municipality with the sphere of jurisdiction for Business licensing of Owners and Drivers of taxicabs, buses and vehicles (other than motor vehicles) for hire;

WHEREAS Section 151(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended in part provides that a municipality may provide for a system of licenses with respect to a business wholly or in part, carried on within the municipality;

AND WHEREAS Section 156 of the Municipal Act, 2001, S.O. 2001, c.25 as amended provides that a local municipality, in 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; provide for the collection of the rates or fares charged for the conveyance; and limit the number of taxicabs or any class of them;

AND WHEREAS Council of the Corporation of the Municipality of Port Hope deems it to be in the public interest to license and regulate the Owners and Drivers of Taxi Cabs and Limousines;

AND WHEREAS the Municipality of Port Hope convened an open house and extended invitation to all taxi Owner /Operators in Northumberland County and the Port Hope Police Service inviting feedback on the Municipality's Taxi Licensing By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE ENACTS THE FOLLOWING:

1. DEFINITIONS

In this By-law:

“Applicant” shall mean a person, association, organization or corporation making an application for a license.

“Business Office” shall mean a designated office located in a permitted zoning under the Municipality's Zoning By-law, identified with a sign stating the business name as it appears on the Municipal business license and having a waiting area accessible to the public.

"Clerk" shall mean the Clerk of the Municipality of Port Hope and shall include any person designated as “Acting Clerk” in the Clerk's absence, by Statute or by By-law.

“Council” shall mean the Municipal Council of the Corporation of the Municipality of Port Hope.

“Chief of Police Service” shall mean the Chief or Administrative Head of the Police Service for the Corporation of the Municipality of Port Hope.

“Driver” shall mean a driver of a Taxicab or Limousine and shall include any person engaged in driving or operating any Taxicab or Limousine for himself or herself or on behalf of any person and shall include an Owner (as hereinafter defined) who drives or operates his own car as a Taxicab or Limousine.

“Limousine” shall mean any motor vehicle, other than a taxicab, seating seven passengers or less, used for hire to transport the general public but does not include a bus, ambulance or hearse.

“Owner” shall mean any person owning a Taxicab or Taxicabs or Limousine or Limousines licensed as such or required to be licensed as such under this By-law and includes a person having the possession or control of a taxicab or limousine under a conditional sale agreement, rental, leasing agreement or arrangement.

“Municipality” shall mean the Corporation of the Municipality of Port Hope.

“Person” shall mean and include every natural person, firm, partnership, society, association or corporation and the legal representative of such.

“Police Service” shall mean the Police Force providing Police Services for the Corporation of the Municipality of Port Hope.

“Taxicab” shall mean any motor vehicle, other than a limousine, seating seven passengers or less, used for hire to transport the general public but does not include a bus, ambulance or hearse.

“Taximeter” shall mean a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

“Taxi stand” shall mean a public parking space which has been lawfully designated and identified by means of a sign and reserved exclusively for the use of taxicabs (Schedule “A”).

2. TYPES OF LICENSES REQUIRED

- 2.1 No person shall drive or operate a Taxicab or Limousine within the Municipality without having a current and valid “Taxicab Driver’s License” or “Limousine Driver’s License” as the case may be, issued pursuant to this By-law.
- 2.2 No person, being the owner of a motor vehicle, shall permit such motor vehicle to be driven or operated as a Taxicab or Limousine within the Municipality without having a current and valid “Taxicab Owner’s License” or “Limousine Owner’s License” issued pursuant to this By-law for such motor vehicle.

3. DUTIES OF THE CLERK

3.1 The duties of the Clerk under this By-law are:

- 3.1.1 To receive and process all applications for Taxicab Owners' Licenses, Taxicab Drivers' Licenses and for Limousine Owners' Licenses and Limousine Drivers' Licenses, and for renewals of such Licenses pursuant to this By-law;
- 3.1.2 To issue Taxicab Owners' Licenses, Taxicab Drivers' Licenses and Limousine Owners' Licenses and Limousine Drivers' Licenses and to renew such Licenses for persons who meet the requirements of this By-law;
- 3.1.3 To keep a register of all Taxicab Owners' Licenses, Taxicab Drivers' Licenses, and Limousine Owners' Licenses and Limousine Drivers' Licenses granted pursuant to this By-law;
- 3.1.4 To furnish application forms to all applicants for Taxicab Owners' Licenses, Taxicab Drivers' Licenses, Limousine Owners' Licenses and Limousine Drivers' Licenses and to provide each person licensed under this By-law with a copy of this By-law;
- 3.1.5 To receive all License fees for Taxicab Owners' Licenses, Taxicab Drivers' Licenses, Limousine Owners' Licenses and Limousine Drivers' Licenses, in accordance with the Municipality's By-law prescribing Fees for Services, to provide a receipt to the applicant; and
- 3.1.6 To perform all administrative functions conferred upon the Clerk in this By-law.

3.2 The duties of the Clerk under this By-law may be performed by any other employee of the Municipality designated by the Clerk.

4. DUTIES OF THE POLICE SERVICE

4.1 The duties of the Chief of Police Service under this By-law are:

- 4.1.1 To review applications, licenses issued and any other pertinent information provided by the Municipality pertaining to Taxicab Owners' Licenses, Taxicab Drivers' Licenses and for Limousine Owners' Licenses and Limousine Drivers' Licenses including renewals of such Licenses pursuant to this By-law; and
- 4.1.2 To perform all administrative and enforcement functions conferred upon the Police Service by this By-law.

4.2 The duties of the Chief of the Police Service under this By-law may be performed by any other employee of the Police Service of the Municipality designated by the Chief of the Police Service so to do.

5. LICENSE REQUIREMENTS

- 5.1 Applications for any type of License to be issued pursuant to this By-law or any renewal thereof shall be upon such form or forms as shall be provided by the Clerk or Chief of Police Service together with the required fee in accordance with the Municipality's By-law prescribing Fees for Services and such other material and information as is required by this By-law.
- 5.2 No person shall be licensed for any type of License under this By-law unless he or she is at least eighteen years of age and either a citizen of Canada, a landed immigrant or in possession of and produces a work permit issued by the Government of Canada.
- 5.3 The provisions of subsection 5.2 do not apply to a corporation.
- 5.4 No person shall be licensed as a Taxicab Driver or Limousine Driver unless he or she holds, issued in his or her name, a current Class G driver's License issued by the Province of Ontario which is not under suspension according to the records of the Ontario Ministry of Transportation.
- 5.5 When an application for a License is made in accordance with the provisions of this By-law and the applicant meets all the requirements of this By-law, the Clerk shall issue a License and the applicant shall thereupon be licensed.
- 5.6 The term of each license for a Taxicab Owners' License or a Limousine Owners' License shall, unless otherwise prescribed in the license, be valid for a period of one year from the first day of April in the year of issuance or renewal, up to and including the 31st day of March of the following year, unless the said license is revoked, amended, suspended or voluntarily relinquished to the Corporation sooner.
 - 5.6.1 No License issued under this By-law is assignable or transferable. Notwithstanding the foregoing, a Taxicab Owners' License or a Limousine Owners' License may, with the consent of the Clerk, be assigned or transferred only in circumstances where the ownership of an existing taxicab business is being purchased and the purchaser of the business has agreed to purchase all of the Taxicab Owners' Licenses or Limousine Owners' Licenses belonging to such businesses. Any person wishing to transfer a Taxicab Owners' License or Limousine Owners' License in the circumstances described in this subsection, shall apply to the Clerk for consent to such transfer and in considering such application the Clerk shall have regard to the matters set out in Section 8 of this By-law and the provisions of Section 10 of this By-law shall apply.
- 5.7 The term of each license for a Taxicab Driver or Limousine Driver shall, unless otherwise prescribed in the license, be valid for a period of one (1) year (365 days) from the date of issuance, unless the said license is revoked, amended, suspended or voluntarily relinquished to the Corporation sooner.

5.8 The provisions of Section 8.1, 8.2, 9.1 and 9.2 of this By-law shall be considered by the Chief of the Police Service, when applicable, in considering an application for a Taxicab Drivers' License to be issued pursuant to this By-law or any renewal thereof.

6. FEES FOR LICENSES

6.1 The fee to be paid to the Municipality for Licenses to be issued pursuant to the provisions of this By-law shall be in the amounts as established by the Municipality's By-law prescribing Fees for Services, as amended from time to time.

7. RENEWAL OF LICENSES

7.1 Every application for renewal of any Taxicab Driver's License, Taxicab Owners' License, Limousine Driver's License or Limousine Owners' License shall be submitted to the Clerk a minimum of 30 days prior to the expiry date of the License.

7.2 When such License can be renewed because it meets the requirements of this By-law, the Clerk shall issue a License which shall set out the new expiry date of the License and the License is thereupon renewed.

8. GROUNDS FOR REFUSAL TO ISSUE OR TO RENEW A LICENSE

8.1 A Police Background check which is dated not more than 1 year prior to the date of the application is mandatory for every applicant for any type of License applied for pursuant to this By-law. The Police Background check includes a Criminal Information Records Check and Driver's Abstract.

8.2 An applicant for any type of License issued pursuant to this By-law is entitled to be Licensed and a Licensee is entitled to have this License renewed except where:

8.2.1 The current and past conduct of the applicant or Licensee affords reasonable grounds for the belief that the applicant or Licensee will not carry on the activity for which he or she is to be Licensed or to continue to be Licensed in accordance with the law and in a careful, reasonable and prudent manner with integrity and honesty; and where the Criminal Records Information reflects a criminal conviction within the three years of the date of application subject to Section 8.2.4;

8.2.2 The issuance of the License or renewal of the License would be contrary to the public interest as determined by the Clerk in his or her sole and absolute discretion; and/or

8.2.3 The applicant or Licensee is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this By-law or any law; and/or

8.2.4 The applicant has been convicted of a criminal offence within the past 3 years. Where the conviction of the criminal offence was more than 3 years, the License may be issued at the discretion of the Municipal Clerk or designate.

9. REVOCATION OF LICENSE

9.1 A Taxicab Drivers' License or a Limousine Drivers' License issued under this By-law shall be automatically revoked upon the Licensee being disqualified or prohibited from driving a motor vehicle by reason of the legal suspension or cancellation of his or her License to drive a motor vehicle in Ontario or by reason of an order or judgement made under the Criminal Code prohibiting him or her from driving a motor vehicle on any highway in Canada. In such event, the Licensee shall forthwith surrender his or her License to the Chief of Police and he or she shall not be entitled to again apply for a Taxicab Drivers' License or Limousine Drivers' License until such satisfactory evidence is filed with the Chief of the Police Service that such disqualification or prohibition has been terminated.

9.1.1 No Owner shall fail to notify the Municipality of any conviction of a criminal offence of the Owner and no Owner shall knowingly fail to notify the Municipality of any conviction of a criminal offence of a Taxicab Driver or Limousine Driver in the Owner's employ. The Municipality reserves the right to revoke such Owner's Taxicab or Limousine License, or Taxicab or Limousine Driver's License pursuant to Section 8.2.4 of this By-law.

9.2 Applications for Taxicab Drivers' Licenses or Limousine Drivers' Licenses will not be accepted for reinstatement or issuing in the first instance, for a period of three years following the reinstatement of a person's Ontario Driver's License that has been suspended or cancelled as the result of a conviction for a breach of any one or more of the driving sections of the Criminal Code.

9.3 Any Licensee who contravenes any provision of this By-law shall, in addition to any other remedy available to the Municipality, be liable to have such License revoked by the Municipality.

10. NOTICE BY THE CLERK OF REFUSAL TO ISSUE OR RENEW LICENSE

10.1 When it appears to the Clerk or the Chief of the Police Service that an applicant or Licensee should have his or her application or renewal refused or License revoked for any of the grounds set out in this By-law, the Clerk shall not issue or renew the License, or shall revoke the License, as the case may be.

10.2 When the Clerk refuses to issue or refuses to renew a License or revokes a License, a written notice shall be given advising the applicant or Licensee.

10.3 The written notice to be given under subsection 10.2 shall:

- 10.3.1 Set out the grounds for the refusal to license, renewal of license, or revoking of license;
- 10.3.2 Give reasonable particulars of the grounds; and
- 10.3.3 Be signed by the Clerk.

11. DUTIES OF TAXICAB AND LIMOUSINE OWNERS

- 11.1 Every Owner shall, in respect of each Taxicab and Limousine which he or she owns, obtain insurance in the amount of \$2,000,000.00 or more per occurrence (exclusive of interest and costs) against loss or damage resulting in bodily injury to or the death of one or more persons or from loss or damage to property resulting from any one incident; and the said policy shall make provision for passenger hazard in an amount not less than \$2,000,000.00. The said policies shall clearly acknowledge that the vehicle is being used for purposes of a Taxicab or Limousine service and shall include all necessary coverage as are reasonable for the transportation of persons and/or property. The policy or policies of insurance shall be endorsed to provide that the policy or policies shall not be altered, cancelled or allowed to lapse without 30 days written notice to the Municipality. No person shall be granted a Taxicab Owner's license or a Limousine Owner's license or renewal thereof unless and until a letter from the Owner's insurance company(ies) addressed to the Municipality is provided to the Clerk for each vehicle which certifies that the policy or policies of insurance obtained by the Owner are in full force and effect and in accordance with all of the requirements of this By-law. The Municipality shall be entitled to rely on the said letter from the Owner's insurance company(ies). Every Taxicab Owner's license and Limousine Owner's license shall automatically be revoked upon the cancellation, suspension or termination of the relevant policy(cies) of insurance unless the taxicab or limousine has been taken out of service in accordance with Section 9.3 of this By-law.
- 11.2 Every Owner shall, in respect to each Taxicab or Limousine as the case may be, which he or she owns, produce to the Clerk a current letter of certification for each Taxicab or Limousine (in accordance with the requirements of Section 11.1 of this By-law) at the time of application and shall be endorsed by the issuer that the Municipality shall receive written notice prior to any cancellation as provided in Section 11.1 of this By-law. In addition to the foregoing, the Clerk shall be entitled at any time and from time to time to request an Owner to produce a letter of certification (as aforesaid) in respect to each Taxicab and Limousine owned by him or her and such Owner shall comply with such request forthwith on demand.
- 11.3 Every Owner shall supply the Clerk with a Safety Standards Certificate, issued pursuant to the Highway Traffic Act and regulations for every vehicle licensed under this By-law, when applying for a Taxicab Owner's license or Limousine Owner's license and every six months thereafter and more often when required by the Municipality as a result of concerns with respect to public health and safety and motor vehicle fitness.
- 11.4 Every Owner shall notify the Clerk forthwith when any vehicle licensed to him/her under this By-law is involved in any collision or other accident, and shall supply a new Safety Standard Certificate prior to any further use of the vehicle as a Taxicab or Limousine.

- 11.5 Every Owner of more than one Taxicab or Limousine shall provide the Municipality with a list containing all the information which the Municipality requires for each Taxicab or Limousine and such list shall be updated by the Owner to the Municipality forthwith upon any additions and/or deletions to the Owners' fleet.
- 11.6 Every Owner shall display, in a prominent place in the interior of each Taxicab or Limousine, a copy of the Taxicab Owner's License or Limousine Owner's License and of the Taxicab Driver's license or the Limousine Driver's License showing a current photograph of the Taxicab Driver or Limousine Driver.
- 11.7 Every Owner shall display in a prominent place in the interior of each Taxicab or Limousine, a copy of the current fares to be charged for the conveyance of passengers or goods calculated in accordance with the provisions of this By-law and in accordance with the fees established by the Municipality as set out in the Municipality of Port Hope By-law prescribing Fees for Services.
- 11.8 Every Owner shall ensure that there is a display on the exterior of every Taxicab and Limousine owned by him or her which denotes that the vehicle is used for purposes of a Taxicab or Limousine and states the name of the taxi or limousine business or company and affix securely in the position approved by the Municipality, the vehicle license identification number/Plate supplied by the Municipality. The vehicle identification number/Plate shall be returned by the Owner to the Municipality within 24 hours of the license being revoked or not renewed, or within 24 hours of the time that the vehicle ceases operation as a Taxicab or Limousine licensed under this By-law.
- 11.9 Every Owner of a Taxicab licensed under this By-law shall install and maintain security lights "call 911 when flashing" on each taxicab in a location on each taxicab satisfactory to the Clerk or Chief of Police Service.
- 11.10 Every Owner shall keep a record of the date, time, origin and destination of each trip, the name of the Driver and the Taxicab or Limousine motor vehicle license number of the Taxicab or Limousine. Every Owner shall ensure records are maintained in a secure location in the business office for a period of 5 years and are open for inspection by any police officer of the Municipality and/or the Clerk from time to time and such records may be removed and retained for a reasonable time by any such police officer and/or the Clerk.
- 11.11 No Owner shall permit any person to drive or operate a Taxicab or Limousine unless such person holds a Taxicab Driver's License or a Limousine Driver's License issued to him or her under this By-law.

12. Every Owner shall:

- 12.1 Operate in accordance with the provisions of this By-law and all applicable legislation;

- 12.2 Keep an up-to-date record of all persons employed by him or her as Drivers;
- 12.3 Advise the Clerk and the Chief of Police Service in writing within twenty-four hours of any person becoming employed by him or her as a Driver or of the termination of the employment of any person as a Driver;
- 12.4 Operate out of a retail commercial location as permitted in the Municipality's Zoning By-law which shall include a dedicated business office with a waiting area for passengers and shall provide proof of sufficient off street parking spaces to accommodate every vehicle licensed under this By-law and such parking spaces shall not be located on Municipal owned lands;
- 12.5 Every Owner and Driver, shall at all-time keep his/her Taxicab or Taxicabs, and Limousine or Limousines and business office, in clean and sanitary condition and in good repair;
- 12.6 Every Owner shall notify the Municipality in writing when a taxicab or limousine licensed under this By-law ceases operation, identifying the Taxicab or Limousine by the Vehicle Identification Number. Every Owner shall notify the Municipality in writing when a taxicab or limousine licensed under this By-law returns to operation and provide an up to date insurance certificate for such vehicle in a form and amount as required by this By-law;
- 12.7 Every Owner and Driver shall only park or stand a taxicab or limousine licensed under this By-law while not in operation of conveying passengers or goods, in the off street parking space provided by the Owner in accordance with Section 12.4 of this By-law;
 - 12.7.1 Notwithstanding Section 12.6, an Owner or Driver of a Taxicab licensed under this By-law may stand a licensed taxicab in a lawfully designed taxi stand providing that each such taxi stand location is limited to 1 taxicab per taxi company and that the Driver shall be in attendance at his or her vehicle at all times while the taxicab is standing in the lawfully designated taxi stand, that the Owner and Driver are subject to compliance with all applicable By-laws of the Municipality; and
- 12.8 Parking shall be prohibited in Municipally owned property and in accordance with Section 12.4, Taxicab Owners shall ensure there are sufficient parking spaces to house each of the taxicabs currently not in service and be stored in Taxicab Owner's facility and not on Municipal property.

13. DUTIES OF TAXICAB DRIVERS AND LIMOUSINE DRIVERS

- 13.1 Every Driver shall display in a prominent place in the interior of each Taxicab and Limousine, a copy of the Taxicab or Limousine Driver's License showing a current photograph of the Taxicab or Limousine Driver.

- 13.2 Every Driver while acting as such shall be suitably dressed, civil and well behaved and shall, when receiving or delivering passengers, give such reasonable assistance in opening the door of his or her Taxicab or Limousine as the circumstances may require and shall deposit all luggage as directed, provided such direction is reasonable.
- 13.3 Every Driver when called to a house or other place for the reception of passengers shall notify the person calling the Taxicab or Limousine of his presence by going to the door of the house or other place and informing a grown-up person. A Driver may also signify his or her presence by reasonably sounding the horn of his or her Taxicab or Limousine.
- 13.4 If called upon to do so, a Driver of a Taxicab shall assist any police officer by conveying a prisoner to or from a place of custody and/or by conveying to a hospital or elsewhere as may be required any person who has met with an accident or has been taken suddenly ill, provided such illness is not of an infectious nature and shall be entitled to the usual tariff charge therefore from the Municipality together with the cost of cleaning the Taxicab if necessary.
- 13.5 A Driver shall give his or her Taxi Driver License Number and first name and the name of the Owner of the Taxicab or Limousine (if other than the Driver) upon the request of any passenger or of any person to whom or to whose property injury has been occasioned by the Driver of the Taxicab or Limousine.
- 13.6 Every Driver shall serve the first person offering to hire him, provided that the Driver may request payment of his fare or security for the payment of his fare in advance.
- 13.7 Every Driver shall ensure that no more passengers are transported in a Taxicab or Limousine at any one time than there are seat belts available for.
- 13.8 No Driver operating a Taxicab or Limousine shall pick up any additional passenger or passengers after such Taxicab or Limousine has been engaged by one or more passengers unless the person or persons who originally engaged the Driver specifically agree to picking up such additional passengers.
- 13.9 Every Driver may refuse to serve a person offering to hire him or her if, in the opinion of the Driver, the Driver's personal safety may be at risk or for reasons of sanitation.
- 13.10 Every Owner and Driver shall only park or stand a taxicab or limousine licensed under this By-law while not in operation of conveying passengers or goods, in the off street parking space provided by the Owner in accordance with Section 12.4 of this By-law, and which parking shall be prohibited in Municipally owned property;
- 13.10.1 Notwithstanding Section 13.10, an Owner or Driver of a Taxicab licensed under this By-law may stand a licensed taxicab in a lawfully designed taxi stand providing that such taxi stand location is limited to 1 taxicab per taxi company and that the Driver

shall be in attendance at his or her vehicle at all times while the taxicab is standing in the lawfully designated taxi stand and that the Owner and Driver are subject to compliance with all applicable By-laws of the Municipality.

13.11 Every Owner and Driver providing any pick up or drop services, whether previously scheduled or otherwise, within the Municipality of Port Hope municipal boundaries shall be licensed in accordance with this By-law, and meet and maintain eligibility requirements to operate in the Municipality of Port Hope.

14. REGULATION OF FARES

14.1 Every taxicab shall be equipped with a taximeter and fares shall be charged by the Owners or drivers of taxicabs licensed under this By-law, in accordance with the Taxi Fares established by the Municipality as set out in the Municipality of Port Hope By-law prescribing Fees for Services and every Owner shall:

14.1.1 Affix the taximeter in a conspicuous place in the taxicab, such place to be approved by the Clerk or the Chief of Police Service;

14.1.2 Submit the taximeter for testing, inspection, calibration and sealing to the location as the Municipality may designate at the times as may be required by the Municipality;

14.1.3 Ensure that the taximeter is illuminated between sunset and sunrise;

14.1.4 Maintain the taximeter in proper working order with current rates set by Resolution of the Municipality from time to time; and

14.1.5 Provide each passenger who has hired the taxicab with a receipt of the fare paid by the passenger upon the completion of the trip upon request.

14.2 No Taxicab Driver shall publish fares or demand or receive fares other than those authorized by Council.

14.3 Limousine fares shall be charged on an hourly, mileage or lump sum basis, provided that the total trip fare for any trip shall not total an amount less than the applicable fare for Taxicab service for the same trip.

14.4 Every Owner of a Limousine licensed under this By-law shall lodge with the Municipal Clerk a current schedule of fees, and every Driver of a limousine shall display in a prominent place in the interior of each Limousine, such current fee schedule. Any change to the schedule of fees shall be reported forthwith to the Clerk and the new fee schedule shall be prominently displayed in each limousine.

15. ACCESSIBILITY

15.1 Owners and Drivers providing taxi services and limousine services shall:

15.1.1 Provide service to persons with disabilities able to use taxi vehicles and limousines, including those using mobility aids or service animals;

- 15.1.2 Assist passengers with disabilities in boarding/de-boarding vehicles except where drivers have recognized medical exemptions; and
 - 15.1.3 Assist with the safe and careful stowing of mobility aids when requested to do so by the passenger.
- 15.2 Owners and Drivers providing taxi services and limousine services shall not:
- 15.2.1 Refuse to provide service to a person with a disability because the person's disability results in appearance or involuntary behaviour that may offend, annoy, or inconvenience employees or other persons unless the person poses a danger to other passengers, employees or themselves;
 - 15.2.2 Prohibit a person with a disability from traveling with medical aids (e.g. respirator, portable oxygen supply) allowed under relevant health and safety laws and regulations;
 - 15.2.3 Charge a fee for the stowage of assistive devices; and
 - 15.2.4 Charge passengers with a disability a higher fare than passengers without a disability would be charged for the same trip.
- 15.3 That Owners and Drivers of Taxicabs and Limousines licensed under this By-law shall ensure compliance with all applicable Accessible Integrated Standards including Customer Service, Information / Communications and Transportation Standards for Taxi Services and Limousine Services when applicable Regulations under the Accessibility for Ontarians With Disabilities Act 2005 come into force and effect.

16. ENFORCEMENT/INSPECTION/PENALTIES

- 16.1 The Chief of Police Service and/or the Clerk may periodically inspect any Taxicab or Limousine and/or its equipment and every Taxicab or Limousine Owner or Driver shall, when requested, produce a valid license to a police officer and/or the Clerk for inspection.
- 16.2 The Chief of Police Service shall be responsible for the enforcement of the provisions of this By-law provided that the duties of the Chief of Police Service may be performed by any member of the Police Service for the Municipality designated by the Chief of Police Service to do so.
- 16.3 Where the holder of a license issued under this By-law fails to comply with the requirements of this By-law, the Clerk shall suspend the license until the holder has complied with the terms and conditions of the By-law. Where the holder of a license issued under this By-law is found to be non-compliant on a second and subsequent occurrence, the Clerk shall revoke the license.

16.4 Every person who contravenes any provision of this By-law shall be liable to have such License revoked by the Municipality and shall be guilty of an offence and upon conviction is liable to such fines and penalties as are authorized under the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended, and all such fines shall be recoverable pursuant to the provisions of the Provincial Offences Act.

16.5 Upon a conviction being entered, the Court in which the conviction was entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this By-law, make an Order prohibiting the continuation or repetition of the offence by the person convicted.

17. EXEMPTIONS

17.1 The provisions and requirements of this By-law shall apply to a motor vehicle used exclusively for conveying passengers or goods pursuant to a written agreement with the Municipality or any School Board or any other public body or agency, but not to School Board transportation vehicles, public transit vehicles or other public conveyance mechanisms.

18. That By-laws 125/2007, 92/2008, 75/2010 and 86/2010 are hereby repealed.

19. In the event that any previous by-law is inconsistent with this By-law, this By-law shall prevail.

20. This By-law shall be read with all changes of gender or number as are required by the context or the circumstances.

21. The headings in this By-law are included solely as a convenience and in no way are intended to modify, alter or detract from the provisions of this By-law.

22. In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

23. This By-law shall come into force and take effect on the date of passage.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 23rd day of April, 2013.

Jeff Gilmer, Deputy Mayor

S.C. Dawe, Municipal Clerk

SCHEDULE "A"
Taxi Stand Locations



THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

By-law 29/2013 Licensing, Regulating and Governing of Owners of Taxi Cabs and Limousines and Drivers of Taxi Cabs and Limousines for hire in the Municipality of Port Hope

Part I Provincial Offences Act

Set Fine Schedule

Set Fine Schedule Item	Column 1 Short Form Wording	Column 2 Provision Creating Or Defining Offence	Column 3 Set Fine
1.	Drive/operate taxicab – no license	Section 2.1	\$110.00
2.	Drive/operate limousine – no license	Section 2.1	\$110.00
3.	Permit person to drive/operate taxicab – no license	Section 2.2	\$110.00
4.	Permit person to drive/operate limousine – no license	Section 2.2	\$110.00
5.	Failure to display copy municipal license in Taxicab or Limousine	Section 11.6	\$110.00
6.	Failure of Owner to display fares in interior of Taxicab or Limousine	Section 11.7	\$110.00
7.	Failure to display identification signage on exterior of taxicab or limousine	Section 11.8	\$110.00
8.	Failure to maintain security lights on exterior of taxicab	Section 11.9	\$110.00
9.	Failure to maintain records for inspection	Section 11.10	\$110.00
10.	Failure to maintain record of persons employed as Drivers	Section 12.2	\$110.00
11.	Failure to maintain clean business office	Section 12.5	\$110.00
12.	Failure to notify municipality when taxicab or limousine ceases operation	Section 12.6	\$110.00
13.	Failure of driver to display copy of Taxicab or Limousine Driver's license	Section 13.1	\$110.00
14.	Publish, demand or receive fares other than authorized by Council	Section 14.2	\$110.00
15.	Failure of Limousine Owner to lodge schedule of fees with Municipal Clerk	Section 14.4	\$110.00

NOTE: The penalty provisions for the offences indicated above is Section 16.4 of By-law 29/2013 and Section 61 of the Provincial Offences Act, R.S.O. 1990, C.p.33. Certified copies of By-law 125/2007 have been filed.

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

**By-law 29/2013 Licensing, Regulating and Governing of Owners of
Taxi Cabs and Limousines and Drivers of Taxi Cabs and Limousines
for hire in the Municipality of Port Hope**

Part II Provincial Offences Act

Set Fine Schedule

Set Fine Schedule Item	Column 1 Short Form Wording	Column 2 Provision Creating Or Defining Offence	Column 3 Set Fine
1.	Park taxicab/limousine other than in off-street parking space	Section 12.7	\$110.00
2.	Stand vehicle in taxi stand while unattended	Section 12.7	\$110.00

NOTE: The penalty provisions for the offences indicated above is Section 16.4 of By-law 29/2013 and Section 61 of the Provincial Offences Act, R.S.O. 1990, C.p.33. Certified copies of By-law 29/2013 have been filed.