

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2002-75

**Being a By-law to licence, regulate and govern cabs,
cab owners, and drivers**

WHEREAS S. 232(1) of the Municipal Act, R.S.O. 1990, Ch. M-45 authorizes the Council of a Town to pass by-laws to licence, regulate and govern the owners and drivers of cabs;

AND WHEREAS said S. 232(1) further authorizes Council to establish cab rates or fares within the municipality or to any point not more than five kilometres beyond such limits;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg deems it expedient to exercise such power

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:-**

1. For the purpose of this by-law:-
 - (a) "Council" shall mean the Municipal Council of the Town of Amherstburg;
 - (b) "Cab" means a motor vehicle as defined in The Highway Traffic Act, other than a car pool vehicle, having a seating capacity of not more than seven (7) persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip;
 - (c) "Cab Driver's Licence" shall mean a licence or permit to drive or operate a cab issued under the provisions of this by-law;
 - (d) "Chief of Police" shall mean the Chief of Police for the time being of the Town of Amherstburg;
 - (e) "Clerk" shall mean the Clerk of the Town of Amherstburg or the Deputy Clerk;
 - (f) "Town" shall mean the Corporation of the Town of Amherstburg;
 - (g) "Owner" shall include any person having any beneficial interest in the cab or having the custody and control thereof;
 - (h) "Owner's Licence" shall mean a licence to use a cab for hire issued under the provisions of this by-law;
 - (i) "Person" shall include any firm or corporation or any group or association of persons.
2. The owner of any cab shall not use or operate the same or allow the same to be used and operated for the conveyance of goods or passengers for hire, within or from the Town unless he has obtained and holds an owner's licence under the provisions of this by-law authorizing him so to do, which licence may be in the form attached to this by-law marked Form "A".
3. No owner's licence shall be issued to any person unless such person is eighteen (18) years of age or over.

4. No owner's licence shall be issued for any cab until the following have been filed with the Clerk:-
 - (a) An application for an owner's licence, completed and executed by the owner;
 - (b) Evidence of ownership of such cab by the applicant;
 - (c) Evidence of insurance coverage in the form and amount provided in this by-law;
 - (d) A Safety Standards Certificate;
 - (e) The fees prescribed by this by-law.
5. The Clerk shall refer each application for an owner's licence to the Chief of Police, and to such other persons as he deems advisable, for comment, and then shall refer such application and the comments received to Council for action.
6. If authorized so to do by resolution of Council, the Clerk shall issue an owner's licence to the owner who applied therefore, and shall sign the same on behalf of the Town.
7. Every owner of more than one cab required to be licenced under this by-law shall apply for and obtain a separate owner's licence for each such cab.
8. Each owner's licence shall expire one year from the date thereof.
9. The Clerk shall renew an owner's licence, if before the expiry thereof, there is filed with him:-
 - (a) An application for renewal, completed and executed by the owner;
 - (b) Evidence of continued ownership of such cab by the applicant;
 - (c) Evidence of continued insurance coverage in the form and amount provided in this by-law;
 - (d) An unexpired Safety Standards Certificate.
10. No owner's licence issued under the provisions of this by-law shall be transferable, but the owner of any cab desiring to obtain an owner's licence for any new vehicle in substitution for a vehicle duly licenced hereunder shall make an application in writing for such exchange to the Clerk, giving a full description of the cab intended to be retired from service, and a full description of the cab to be placed in service in substitution therefore, and the Clerk, on receipt of such application, and of the other material provided in Paragraph 4 hereof, may permit the substitution of the said new vehicle upon payment of a transfer fee in the sum of twenty-five dollars (\$25.00). In the balance of the current year in respect of each such new or substituted vehicle, and the original owner's licence shall be deemed to be revoked.
11. Every holder of an owner's licence issued under this schedule shall have affixed to each cab in respect of which an owner's licence has been issued, a taxi meter for registering distances travelled and computing fares to be paid.
12. It shall be the duty of the Chief of Police at frequent intervals throughout the year to cause to be made a careful inspection of all taxi-meters in use on taxicabs, and to have the same sealed or take such other precautions as he may deem necessary to prevent interference or tampering with the said meters or their registrations.

13. Every cab shall have a seating capacity of no less than four or more than seven persons exclusive of the driver. The body style may be the station wagon or sedan type, in each case with four or more doors, or the van or mini van type, in each case with three or more doors for passengers.
14. Every owner shall submit the cab for examination by a certified mechanic duly licenced by the Province of Ontario before an owner's licence is issued therefore. Before the renewal of the owner's licence, the owner shall submit a certificate of mechanical fitness therefore, issued within the preceding 12 months.
15. Whenever any cab is involved in any accident which affects the safe operation of a cab, whether within or outside the limits of the Town of Amherstburg, the owner of such cab shall immediately submit a written report of such accident to the Clerk and Chief of Police.
16.
 - (1) Every applicant for an owner's licence shall deposit a copy of the insurance policy or a certificate of liability insurance for the cab with the Clerk.
 - (2) The insurance policy or certificate of liability insurance shall provide the following:
 - (a) that it is issued by an insurer duly authorized to issue insurance with in the Province of Ontario;
 - (b) that for each cab the liability coverage is in the amount of ONE MILLION DOLLARS (\$1,000,000.00) for personal injury or property damage arising out of any one accident or occurrence;
 - (c) that it will not be cancelled by the insurer until after fifteen (15) days written notice of such cancellation is given to the Clerk;
 - (d) that the owner of the cab is named as the insured, and the cab is the insured vehicle.
 - (3) Where notice of cancellation of the insurance policy or the certificate of liability insurance is given to the Clerk by the insurer, the cab driver's licence shall be deemed to be revoked upon the same date the insurance policy or certificate of liability insurance is cancelled, unless the holder of the owner's licence presents the Clerk with new proof of insurance as required under this schedule.
 - (4) Where the owner's licence has been deemed to be revoked as provided in subparagraph (3) hereof, the Clerk shall forthwith notify, in writing, the holder of the owner's licence of the revocation of the licence.
17. Every licensee will indemnify and save harmless the Corporation of the Town of Amherstburg from any and all demands made against it by reasons of the operation of any cab, motor or other vehicle.
18.
 - (a) No owner of any cab required to be licenced under this by-law shall allow the same to be operated or driven as a cab for hire by any person other than the holder of a valid cab driver's licence under the provisions of this by-law.
 - (b) No person, whether a holder of a cab driver's licence or not, shall drive or operate a cab for hire within the Town of Amherstburg unless the owner of such cab holds a valid owner's licence for the use of such cab for hire under the provisions of this by-law.
 - (c) The Town will limit the number of TAXI CAB OWNER LICENCES to 1 for each 5,000 population.

19. Any person wishing to obtain a cab driver's licence under this by-law shall file with the Clerk:-
 - (a) An application for a cab driver's licence, duly completed and executed by him;
 - (b) Three photographs of the applicant, one to be attached to the cab driver's licence, one for the file of the Clerk and one for the Chief of Police,

and shall submit to, and achieve a mark of at least 66% on a written examination as to knowledge of this by-law, the operation of a cab, and the geography of the Town and of the County of Essex.
20. The Clerk shall refer each application for a cab driver's licence to the Chief of Police and to such other persons as he deems advisable for comment, and then shall refer such application, the comments received, and the results of the examination taken by the applicant to Council for action.
21. If authorized to do so by resolution of Council, the Clerk shall issue a cab driver's licence to the applicant, and shall sign the same on behalf of the Town.
22. Each cab driver's licence shall expire one year from the date thereof.
23. The Clerk shall renew a cab driver's licence, if before the expiry thereof, there shall be filed with him;
 - a) an application for renewal, completed and executed by the owner;
 - b) new photographs, if in the opinion of the Clerk, the photographs on file does not accurately depict the applicant.
24. No cab driver's licence shall be transferable.
25. When any owner of a cab employs a driver, he shall, within two days thereafter, notify the Chief of Police in writing that he has employed such driver, giving such driver's full name and address. When the employment of a driver is terminated, the owner of the cab shall within two days thereafter notify the Chief of Police in writing of such termination.
26. The rates or fares to be charged by the owners or drivers of cabs either wholly within the Town or to any other point not more than 5 kilometres beyond its limits, shall be exactly as shown in Schedule "B" to this by-law, and no higher or lower amount than that contained in such schedule shall be charged or payable. The cab driver's licence and a card not less than six inches by nine inches (6" X 9"), showing the said tariff rates shall be displayed and kept in the cab in a position fully visible to any passenger.
27. When operating on a meter basis, the rates of the fare charged shall be exactly as shown by the taximeter, together with any additional charges authorized by Schedule "B" hereto.
28. No owner or driver licenced under this by-law shall publish or use a tariff, or demand or receive rates and charges other than those authorized by this by-law, whether such rates and charges are determined by distance or by time.
29. No person employing any cab shall refuse, upon demand, to pay the fare or charge authorized by this by-law, but he may require the driver thereof to furnish him with a receipt for charges made and paid which shall include the mileage travelled and the name and licence number of such driver.

30. Every licenced person operating a cab shall be permitted to operate on an hourly basis at the request of a passenger, and then only at the rate therefore fixed by Schedule "B" of this by-law.
31. The tariff or rates herein authorized shall be computed from the time or place when or at which the passenger or passengers first enter the cab to the time or place when the cab or at which the passenger or passengers finally discharge the cab, but this section shall not prevent a proper charge for waiting time as prescribed in Schedule "B" hereof.
32. Any licenced person operating a cab may carry two or more passengers from a common starting point to two or more destinations, or from two or more starting points to a common destination, but in such case the fares to be charged for such a trip shall be reckoned as if each stop made for the purpose of taking on or discharging one of more passengers were the end of one trip, and the taximeter shall be cleared and reset after each such stop. Whenever two or more passengers are discharged at the same place, only the fare authorized by this by-law shall be charged, and if such passengers are strangers, the driver shall collect from each his proportionate share of the fare payable.
33. The Chief of Police shall have supervision over all persons holding owner's licences or cab driver's licences under this by-law and over all cabs, together with the equipment used by them. The following shall be the duties of the Chief of Police in connection with the provisions of this by-law:
 - a) To report to the Council on the performance of his duties under this by-law whenever he shall be required to do so;
 - b) To have general supervision over the enforcement of this by-law and to prosecute all persons who shall offend against any of its provisions.
34. Any act or duty to be performed by the Chief of Police under this by-law may be performed by any Constable authorized by such Chief of Police to perform such act or duty.
35. The attached rules and regulations, Schedule "C" hereto shall apply to all owners and operators of cabs holding owner's licences or cab driver's licences hereunder. Breach of any of those provisions shall be a breach of this by-law.
36. The Council by resolution, may in its discretion, whether or not there has been any charge, conviction or penalty against any person for any violation of this by-law, and upon such grounds as the Council deems sufficient, cancel and revoke any owner's licence or cab driver's licence issued to any person under this by-law, or suspend the same for such period as the Council may deem fit, but such action shall be taken only after notice has been given to the person affected, giving him an opportunity to appear before the Council at a time and place specified in such notice and to show cause why such owner's licence or cab driver's licence should not be revoked or suspended, and after hearing and considering the submissions of such person, or such person failing to appear at the time and place so specified. Such notice shall be sent by registered mail to the owner's licence or cab driver's licence holder not less than 48 hours before the time appointed addressed to such person at the address contained in his application for an owner's licence or cab driver's licence.
37. Any person who contravenes this by-law is guilty of an offence and subject to the imposition of a fine or not more than \$2,000.00 on conviction thereof.
38. By-law No. 2128 and Amendments of the Corporation of the Town of Amherstburg are hereby repealed, but all licences issued thereunder shall, during the period for which the same shall have been issued, remain in force unless and until the same are forfeited or cancelled, and all such licences heretofore issued shall be deemed to have been issued under and subject to the provisions of this by-law. Provided however, that the repeal of the said By-laws Number 2128 as amended shall not affect any pending proceedings in respect of anything done or ordered to be done thereunder, prior to the effective date of this by-law.

39. The provisions of this by-law shall come into force and take effect on the sixteenth day of December, 2002.

PASSED THIS SIXTEENTH DAY OF DECEMBER, 2002.



MAYOR



CLERK

1st Reading: December 16, 2002

2nd Reading: December 16, 2002

3rd Reading: December 16, 2002

Certified to be a true copy of By-law
No. 2002-75, passed by the Amherstburg
Municipal Council on December 16, 2002.

CLERK

SCHEDULE 'A'

FORM 'A'

(By-law No. 2002-75 of the Municipal Council
of the Corporation of the Town of Amherstburg)

OWNERS' CAB LICENSE

The Municipal Council of the Corporation of the Town of Amherstburg hereby certifies that

(Name of Licensee)

of _____

(Residence or Place of Business)

has been issued a **Cab License** for the year ending _____ for the vehicle(s) listed below:

<u>Make</u>	<u>Year of Manufacture</u>	<u>Body Type</u>	<u>Ontario License No.</u>	<u>Serial No.</u>
_____	_____	_____	_____	_____

License Number _____ License Fee \$ _____

Insurance Policy Number _____ Date _____

THE MUNICIPAL COUNCIL OF THE CORPORATION
OF THE TOWN OF AMHERSTBURG

By _____

Clerk

FORM 'B'

(By-law No. 2002-75 of the Municipal Council of the
Corporation of the Town of Amherstburg)

DRIVERS' LICENSE CABS

The Municipal Council of the Corporation of the Town of Amherstburg hereby certifies that

(Name of Licensee)

of _____ is licensed to operate a cab within the

(Residence or Place of Business)

Town of Amherstburg for the year ending _____

License Number _____

Date _____

(photo)

THE MUNICIPAL COUNCIL OF THE
CORPORATION OF THE TOWN OF AMHERSTBURG

By _____

Clerk

SCHEDULE 'B'

(By-law No. 2002-75 of the Municipal Council of the Town of Amherstburg)

TARIFF OF CHARGES

CABS BY DISTANCE

For one or more passengers:

- (1) Meter Throw, for the first one tenth of a mile or fraction thereof \$2.65
- (2) For each additional one tenth of a mile or fraction thereof \$0.15
- (3) For waiting time under engagement, for each one minute \$0.22
- (4) For each trunk (steamer size or smaller) not less than \$0.25 or more than \$0.50

CABS BY THE HOUR

For the first hour or any part thereof, and thereafter at the same rate per hour for the time actually under hire \$16.50

SCHEDULE 'C'

(By-law No. 2002-75 of the Municipal Council of the Town of Amherstburg)

RULES & REGULATIONS

1. The owner and driver of every cab licenced under this by-law shall keep both the interior and exterior of such cab clean, dry and in good repair, and whenever the owner of any such cab receives notice, given either to him or his driver, signed by the Chief of Police or his designate, stating that such cab is not in a fit or proper condition for use and setting forth briefly the items complained of, such owner shall within the time set forth in such notice, put the same in a fit and proper condition.
2. Every driver licenced under this by-law and the owner, if driving his own cab, shall be properly dressed, neat and clean in his person, and at all times civil and respectful to their passengers and the general public while on duty. No such owner or driver while in charge of any cab shall take, consume or have in possession any intoxicating liquor, as defined in the Liquor Licence Act of Ontario, or any illegal drugs nor shall use of any intoxicating liquor, or any illegal drugs by him be apparent, nor shall he smoke while driving any passenger.
3. No owner or driver licenced under this by-law shall without reasonable excuse, refuse to serve the first person requiring the service of his cab at any place within the Town at any specified time by day or night, and if he placed some previous engagement he shall, upon demand, give the name and address of the person to whom he is so engaged, together with the time and place of such engagement; Provided however, he shall not be compelled to accept any order from a persons who owes him for a previous fare or service, unless and until the same be paid. "Reasonable excuse" under this provision may be that the owner or driver generally limits his hours of operation - e.g. from 8:00 a.m. to 5:00 p.m. - and has advised the Chief of Police of such business hours.
4. Every owner licenced under this by-law or driver employed by him shall take due care of all property delivered or entrusted to him for conveyance or safekeeping. Every driver of a cab, immediately upon termination of any hiring or engagement shall carefully search his cab for any property lost or left therein, and all property or money left in his cab shall be forthwith delivered over to the person owning the same, or if the owner cannot at once be found, then to the nearest police station with all information in his possession regarding the same.
5. No owner or driver licenced under this by-law shall induce any person to employ him by knowingly misleading or deceiving such person in any way.
6. Every licenced driver shall drive the cab operated by him by the most direct travelled route to the point of destination, unless otherwise desired by the passenger.
7. No licenced person shall make any charge under this by-law for time lost through defects or inefficiency of the taxicab or the incompetency of the driver thereof or for time consumed by the arrival of the taxicab in response to a call in advance of the time such cab has been requested by the person calling same.
8. No persons licenced under this by-law shall carry or permit to be carried in any cab used for hire a greater number of occupants than the manufacturer's rating or seating capacity for such cab, inclusive of the driver.

SCHEDULE 'D'

(By-law No. 2002-75 of the Municipal Council of the Town of Amherstburg)

Cab Owner's Licence	\$50.00 per cab (Annual Renewal)
Cab Driver's Licence	\$40.00 per annum (Annual Renewal)