

# The Corporation of the City of Kenora

## By-law Number 19 - 2022

### A By-Law to License and Regulate Taxi Cabs/ Limousines and Drays Operating within and from the City of Kenora

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**Whereas** subsection 10(1) of the Municipal Act, 2001 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

**Whereas** subsection 10(2) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing; and

**Whereas** subsection 151(1) of the Municipal Act, 2001 provides that, without limiting sections 9 and 10 of the Act, a municipality may: provide for a system of licences with respect to a business and may;

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and,
- (g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality; and

**Whereas** subsection 151(5) of the Municipal Act, 2001 provides that subsection 151(1) applies with necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of licences with respect to a business; and

**Whereas** subsection 156(1) of the Municipal Act, 2001 provides that without limiting sections 9, 10 and 11, a local municipality, in a by-law under section 151 with respect to the owners and drivers of taxicabs, may:

- (a) establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality;

(b) provide for the collection of the rates or fares charged for the conveyance; and

(c) limit the number of taxicabs or any class of them; and

**Whereas** the Council for the City of Kenora considers it necessary and desirable for the public to regulate Vehicles for Hire for the purposes of health and safety, consumer protection and service quality to ensure an efficient Vehicle for Hire service is available to all persons including the travelling public in the City of Kenora and that such Vehicle for Hire service is provided in a manner that provides a safe environment for both passengers and drivers; and

**Whereas** section 23.2 of the Municipal Act, 2001 permits a municipality to delegate certain legislative and quasi-judicial powers; and

**Whereas** Council for the City of Kenora is of the opinion that the delegation of legislative powers under this by-law to the City Clerk, including without limitation the power to issue and impose conditions on a licence, prescribe vehicle, operational and reporting standards to be imposed on licensees as being powers of a minor nature having regard to the number of people, licensing matters and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the Municipal Act, 2001; and

**Whereas** subsection 391(1) of the Municipal Act, 2001 provides that a municipality may impose fees and charges on persons;

(a) for services or activities provided or done by or on behalf of it;

(b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and,

(c) for the use of its property including property under its control; and

**Whereas** Section 444 of the Municipal Act, 2001 provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence; and

**Whereas** it is deemed expedient to pass this by-law;

**NOW THEREFORE** the Council of The Corporation of the City of Kenora hereby enacts as follows:

1 **Definitions:** In this By-law, the following terms have the following meanings:

1.1 “Broker” means any person who owns a hired vehicle business, operates his/her own hired vehicle(s) and/or dispatches hired vehicles owned by other;

1.2 “Brokerage” means the business of a Broker and shall be deemed to include the premises where the business is carried on;

1.3 “By-Law Enforcement Officer” means a person employed by the City of Kenora as a By-Law Enforcement Officer or a Municipal Law Enforcement Officer under section 15.(1) of the Police Services Act RSO 1990 Chapter P15 s 15.(1) for the purpose of enforcing Municipal By Laws.

- 1.4 “Cab Driver” means a person who holds a Cab Driver Licence;
- 1.5 “Cab Owner” means a person who holds a Cab Owner Licence and corresponding Owner Plate or a Cab Owner Licence and corresponding Owner Plate;
- 1.6 “Cab Meter” means an independent self-contained measuring device approved by the City Fleet Manager and used in a Cab or Accessible Cab to calculate, amongst other things, the rate payable for a Trip;
- 1.7 “City” means the Corporation of the City of Kenora.
- 1.8 “City Fleet Manager” means the Manager that oversees the City of Kenora’s Fleet Division and is authorized on behalf of the Corporation of the City of Kenora to inspect taxi cabs, limousines and drays as required, place official seals on the taxi meters and recommend safety matters of any vehicle to the driver and broker.
- 1.9 “Clerk” means the City Clerk of the City of Kenora, and includes his or her designate.
- 1.10 “Council” means the Council for The Corporation of the City of Kenora.
- 1.11 “Dispatch” means the sending of a Vehicle for Hire to a location for the purpose of offering or providing transportation to a Passenger, and includes but is not limited to:
- (i) receiving telephone or radio calls from prospective Passengers and directing a person operating a Vehicle for Hire to attend at the Passenger’s requested location;
  - (ii) offering or operating any part of a mobile application or other electronic service that receives requests for transportation services from prospective Passengers and connects such requests to a person operating a Vehicle for Hire; or
  - (iii) any other action that results in a Passenger and Vehicle for Hire being in the same place at the same time for the purpose of providing the Passenger with Vehicle for Hire services, regardless of whether the Vehicle for Hire services are actually provided to the Passenger.
- 1.12 “Dray” means a horse drawn carriage or cart which is used for hire for the conveyance of passengers on an hourly basis or for a fixed fee between any two given locations.
- 1.13 “Driver” means the individual who has care and control of a Cab, Accessible Cab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle;
- 1.14 “Fare” means the amount charged to a Passenger for transportation provided in a Vehicle for Hire;
- 1.15 “License” means a license issued under this By-law.
- 1.16 “Licensee” means a person to whom License has been granted under this By-Law.

- 1.17 “Limousine” means a motor vehicle which is used for hire for the conveyance of not more than eight (8) passengers exclusive of the driver on an hourly basis or for a fixed fee between any two given locations and is not equipped with a meter, and means a luxury motor vehicle of special quality. The term expressly excludes: taxi cabs, ambulances, buses and funeral hearses.
- 1.18 “Operate” means to engage in the business of providing service within the jurisdiction of the City.
- 1.19 “Police” means the Ontario Provincial Police.
- 1.20 “Passenger” means any individual, not including the Driver, seated in a Cab, Accessible Cab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle for Hire and includes a person engaging or attempting to engage a Cab, Accessible Cab, Limousine, Private Vehicle for Hire Accessible Private Vehicle for Hire to provide a Conveyance Service;
- 1.21 “Plated” means to have the Owner Plate affixed to the Vehicle for Hire for which it was issued;
- 1.22 “Police Record Check” means a criminal information report that is a result of a search of the local police records where the applicant resides and the national databases maintained by the Canadian Police Information Centre; or alternatively, a third party police record check with a grading of Pass, Fail or Concern.
- 1.23 “Restricted Parking Area” shall mean any area within the City, in which parking is controlled by meters or pay stations, all no parking areas, for parking by City of Kenora Traffic Regulation By-Law, as amended.
- 1.24 “Taxi-cab” shall mean a motor vehicle, which is used or being used for hire, for the conveyance of passengers having a seating capacity of not more than seven (7) persons exclusive of the driver.
- 1.25 “Trip” means each journey in a Vehicle for Hire commencing when a passenger enters the vehicle, continuing for the period that the vehicle is occupied, and ending when all passengers exit the vehicle;
- 1.26 “Vehicle Registration Bumper Sticker” shall mean the identification sticker issued by the City of Kenora licensing department, displaying licensing year of issue, taxi broker’s business name, and assigned vehicle registration number.
- 1.27 “Vehicle for Hire” means a motor vehicle that is conveying or available for conveying one or more persons in exchange for a fee or other consideration and includes without limitation a Cab, Accessible Cab, Limousine, Private Vehicle for Hire and Accessible Private Vehicle for Hire;
- 1.28 “Vehicle Registration Number” shall mean a sequential number assigned to vehicles registered with the City of Kenora licensing department for identification purposes.

## **PART 2 - PROHIBITIONS**

### 2.1 No person shall:

- (a) own or Operate a Vehicle for Hire without being licensed or registered with a Broker under this By-law;
- (b) dispatch a Vehicle for Hire without being licensed under this By-law;
- (c) own or Operate a Vehicle for Hire without a valid Owner Plate affixed to the Vehicle for Hire;
- (d) operate a Vehicle for Hire while their licence issued under this By-law is under suspension;
- (e) act as a Broker while their licence issued under this By-law is under suspension;
- (f) advertise the use of a Vehicle for Hire without an Owner or a Broker licence issued under this By-law; or
- (g) publish or cause to be published any representation that they are licensed under this By-law or hold themselves out as being licensed under this By-law if they are not.

## **PART 3 - Application of By-Law Exemptions**

### 3.1 This By-law shall not apply to:

- (a) a motor vehicle with a seating capacity of 11 or more individuals, including the driver;
- (b) an ambulance or funeral hearse;
- (c) a school bus as defined under the Highway Traffic Act that is licensed under the Public Vehicles Act while it conveys students to and from school as defined under the Highway Traffic Act;
- (d) a bus operated under the Public Vehicles Act by the London Transit Commission;
- (g) a motor vehicle used by not for profit organizations registered in the province of Ontario for the purposes of transporting senior citizens or persons with disabilities; designated driver services for which a designated driver drives the customer in the customer's vehicle to at least one destination; or
- (h) courtesy vehicles in association with motor vehicle repair shops where a customer is driven to a predetermined destination.

## **PART 4 - Administration of By-Law**

4.1 The administration of this By-law is assigned to the City Clerk, or designate, who shall generally perform all of the administrative functions conferred upon them by this By-law and without limitation may:

- (a) receive and process all applications for all licences and renewals of licences under this By-law;

- (b) issue licences in accordance with the provisions of this By-law;
- (c) impose terms and conditions on licences in accordance with this By-law; and
- (d) refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

## **Part 5 - Licencing**

- 5.1 No person shall operate a taxi cab, limousine or dray within the City unless that person is the holder of a current broker's license for such service.
- 5.2 No person shall drive a taxi cab or limousine within the City unless that person is the current holder of a valid driver's license for such service.
- 5.3 No person shall use any vehicle as a taxi cab or limousine within the City unless there is attached to such vehicle a current Ontario vehicle license.
- 5.4 Every license expires on March 31 each year.

## **PART 6 - Application for Licences and Renewals**

6.1 Every application for a licence and renewal licence shall be made to the City Clerk on the forms provided by the Licensing Department of the City of Kenora. Without limitation, every application for a licence or a renewal shall include the following information:

- (a) the name, date of birth, municipal address, telephone number and email address of each Applicant;
- (b) if the Applicant is a partnership, the name, address and telephone number of each partner;
- (c) if the Applicant is a corporation, the address of its head office, the name, address and telephone number of each director and officer;
- (d) a sworn statement by the Applicant certifying the accuracy, truthfulness and completeness of the application;
- (e) if the Applicant is a partnership, a sworn statement by each partner certifying the accuracy, truthfulness and completeness of the application; and,
- (f) if the Applicant is a corporation, a sworn statement by an officer of the corporation duly authorized for that purpose certifying the accuracy, truthfulness and completeness of the application.

6.2 Every person applying for a licence or a renewal of a licence shall provide in full at the time the application is submitted all of the information requested on the application form as well as:

- (a) payment of the prescribed fee as set out in Schedule "A" of this By-law;
- (b) a current Criminal Record Vulnerable Sector Check for the applicant obtained by him/her at his/her own expense from the Ontario Provincial Police. If the Vulnerable Sector Check with finger print request is negative and no criminal record exists, the Vulnerable Sector Check will only be required once every five (5) years and the Criminal Record Check will be required annually. If the Vulnerable Sector Check is positive, this check will be required annually until a pardon has been granted;

(c) if the Applicant or Licensee is a corporation, a copy of the incorporating documentation, a copy of the last initial notice or notice of change which has been filed with the provincial or federal government and a Certificate of Status issued by the Ministry of Government and Consumer Services dated no later than thirty (30) days prior to the date of the application;

(d) if the Applicant or Licensee is a partnership, details of each partner's interest in the partnership; and,

(e) a copy of the applicant's valid Ontario Class G, Driver's License, or equivalent driver's license issued by a Canadian Province;

(f) the written confirmation from a licensed taxi cab or limousine broker that the driver will be employed;

(g) proof of satisfactory completion of a driver's knowledge test as prescribed by the Clerk; and

(h) a current copy of Ontario Driver Record Search or equivalent document issued by another jurisdiction obtained by the applicant at his/her own expense from the Ministry of Transportation or similar agency or Ministry of another Province.

6.3 The City Clerk may require affidavits in support of an application for or a renewal of a licence.

6.4 Every application may be subject to investigations by and comments or recommendations from the municipal, provincial or federal departments or agencies as the City Clerk deems necessary including but not limited to:

(a) the Kenora OPP;

(b) the Enforcement Services Manager of the City;

(c) the Ministry of Transportation.

6.5 An incomplete application will be returned to the applicant by the Clerk and no license will be issued until the application is complete.

6.6 No person shall be issued a license or is entitled to maintain a license under this By-law if the applicant or licensee:

- a) Has been found guilty of an offence under the Criminal Code of Canada within the proceeding three (3) years, or
- b) has been found guilty of an offence under the *Liquor License Act* of Ontario relating to the illegal purchase or sale of liquor within the proceeding three (3) years, or
- c) has ever been convicted of an offence as defined in Sections 150 through 160 of the *Criminal Code of Canada*.

6.7 This bylaw also limits the number of years that a vehicle can be kept on the road to 10 years. The 10 year vehicle life encourages increased investment in greener energy vehicles by taxi owners, and maintains safety in the age of a vehicle.

6.8 Insurance requirements have risen to \$2 million for all taxi owners, matching best practices in municipalities across Ontario.

- a. a copy of the vehicle registration,
- b. proof of insurance to at least \$2,000,000.00 for third party claims,
- c. a valid Ontario certificate of mechanical fitness for the vehicle,
- d. the consent of a licensed broker under this By-law, and
- e. proof that the meter in the cab, if it is a taxi cab, has been tested within the past 12 months.
- f. An application for the renewal of a license shall be delivered to the City Clerk at least thirty (30) days prior to expiry of the license.
- g. The Clerk shall process an application for a license, or the renewal of a license within thirty (30) days of receipt and shall advise the applicant accordingly.

## **PART 7 - Powers of the City Clerk**

7.1 The power and authority to refuse to issue or renew a licence, to cancel, revoke or suspend a licence, to impose terms and conditions, including special conditions, on a licence, or to exempt any person from all or part of this By-law are delegated to the City Clerk.

7.2 The City Clerk shall issue a licence or renew a licence where the requirements or conditions of this By-law have been met.

7.3 The City Clerk may refuse to issue, refuse to renew or revoke or suspend a licence or impose a term or condition on a licence on the following grounds:

- (a) the conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, affords reasonable cause to believe that the Applicant or Licensee will not carry on their business in accordance with the law or with honesty or integrity;
- (b) an Applicant or Licensee is carrying on activities that are in contravention of this By-law;
- (c) there are reasonable grounds to believe that an application or other documents provided to the City Clerk by or on behalf of the Applicant or a Licensee contains a false statement;
- (d) any information contained in the original application form or any other information provided to the City Clerk, has ceased to be accurate and the Licensee has not provided up-to-date accurate information to the City Clerk to allow the City Clerk to conclude that the Licence should continue;
- (e) an Applicant or Licensee does not meet, at any time, one or more of the requirements of this By-law or any conditions imposed on a Licence;
- (f) the Applicant or Licensee is not in compliance with any federal, provincial law or City By-law, including this By-law;
- (g) the Applicant or Licensee or any partner, officer or director has been convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against the Person and Reputation) or IX (Offences Against Property) of the Criminal Code of Canada, R.S.C. 1985 c. C-46, as amended or any other criminal convictions in the preceding five (5) years;
- (h) the Applicant or Licensee or any partner, officer or director has been convicted of an indictable offence under any Statue of Canada, including but not limited to the Criminal Code of Canada, the Narcotic Control Act, the Food and Drug Act, and the Controlled Drug and Substances Act during the preceding five (5) years;
- (i) the Applicant or Licensee has been convicted of any other criminal offence for which, in the opinion of the City Clerk, it would not be in the interest of public safety to issue a licence;



(j) the Applicant or Licensee is currently under a prohibition order issued in any court within Canada that prohibits the operation of a motor vehicle;

(k) the Applicant or Licensee does not have a valid "G" Ontario Driver's Licence or equivalent or their driver's licence is under suspension; or

(l) the Applicant or Licensee has accumulated 9 or more demerit points within a three year period.

7.4 Notwithstanding any other provision of this By-law, the City Clerk may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the City Clerk to give effect to this By-law.

7.5 Where the City Clerk is of the opinion that:

(a) an application for a licence or renewal of a licence should be refused; (b) a reinstatement should not be made;

(c) a licence should be revoked;

(d) a licence should be suspended; or,

(e) a term or condition of a licence should be imposed the City Clerk shall make that decision.

7.6 Where the City Clerk has made a decision under section 7.5 of this By-law the City Clerk's written notice of that decision shall be given to the Applicant or the Licensee by regular mail to the last known address of that person and shall be deemed to have been given on the 5th day after it is mailed. Service on a corporation can be effected by regular mail to the address of the corporation's head office.

7.7 The written notice to be given under section 7.6 of this By-law shall:

(a) set out the grounds for the decision;

(b) give reasonable particulars of the grounds;

(c) be signed by the City Clerk; and,

(d) state that the Applicant or Licensee is entitled to a hearing by Council if the Applicant or Licensee files with the City Clerk a notice of appeal in writing and the appeal fee as set out in this By-law within ten (10) business days after the notice in section 7.6 of this By-law is given.

7.8 Where no appeal is filed within the required time period, the decision of the City Clerk shall be final.

7.9 Despite section 7.7 of this By-law, where a Licence is voluntarily surrendered by the Licensee for revocation, the City Clerk may revoke the Licence without notice to the Licensee.

7.10 In addition to any other power, duty or function prescribed by this By-law, the City Clerk may make regulations under this By-law including:

(a) prescribing the form of any information required to be provided to the City Clerk under this By-law;

(b) prescribing the format and content of any forms or other documents required under this By-law;

(c) prescribing standards for Vehicles for Hire including without limitation to:

- (i) classes of vehicles that may be used as Limousines (Executive);
  - (ii) standards related to the condition of Vehicles for Hire;
  - (iii) colours and or markings for Vehicles for Hire, including without limitation to roof or top lights;
  - (iv) standards related to advertising on the exterior or interior of Vehicles for Hire;
  - (v) standards for Cab Meters;
  - (vi) standards for public notification for consumer protection purposes;
  - (vii) submission requirements for supplementary Safety Standards Certificates.
- (d) prescribing operational standards for Vehicles for Hire Drivers including without limitation to:
- (i) standards for the display of Fares and Licences;
  - (ii) customer service standards;
  - (iii) driver training standards;
- (e) prescribing standards for the form and content of records required to be kept maintained and released to the City Clerk by Brokers under Schedule 3 and 4 of this By-law.

## **PART 8 - Inspections**

8.1 Every Owner or Driver shall submit or cause to be submitted their Vehicle for Hire for inspection when required to do so by an Enforcement Officer to a place designated by the City Clerk or an Enforcement Officer:

- (a) forthwith if the vehicle is in the presence of the City Fleet Manager, an Enforcement Officer or an Ontario Ministry of Transportation Inspector and the vehicle is in Operation; or
- (b) within 24 hours of receipt of the request, at a time set by the City Clerk or an Enforcement Officer, if the vehicle is not in the presence of the City Fleet Manager, an Enforcement Officer or an Ontario Ministry of Transportation Inspector.

8.2 Every Owner or Driver shall, upon the request of the City Fleet Manager or an Enforcement Officer during an inspection, produce all relevant licences, permits, invoices, vouchers, appointment books or like documents and the Fleet Manager or an Enforcement Officer may remove any of these documents for photocopying provided that the Owner or Driver is given a receipt and the documents are returned to them within 48 hours.

8.3 Notification of an inspection or an order shall be served on an Owner:

- (a) personally;
- (b) by email to the last known address of the Owner, whether actually received or not;
- (c) personally on the Driver Operating the City Plated Vehicle;
- (d) by leaving a copy with an individual at a Brokerage associated with the Owner; or
- (e) by facsimile or email to the last known facsimile number or email address of a Broker associated with the Owner.

8.4 An Enforcement Officer may require a Driver or an Owner to submit or cause to be submitted their Vehicle for Hire for a random inspection, including an inspection by a designated mechanic or a designated representative of the manufacturer of the Cab Meter, at a time and place specified by the Enforcement Officer to ensure that the provisions of this By-law are being complied with.

8.5 When the City Fleet Manager or an Enforcement Officer believes on reasonable grounds that a Vehicle for Hire is being Operated such that it is a danger to the health or safety of the public, or does not comply with any requirement of this By-law or any regulation as prescribed by the City Clerk either may:

- (a) remove the Owner Plate;
- (b) order the Driver to have the vehicle towed to a place of repair or other private property at the Driver's or the Owner's expense;
- (c) order the Owner not to Operate or permit the Operation of the vehicle until the danger is remedied, the vehicle has been inspected by the City Fleet Manager or an Enforcement Officer and, in the case of a Cab or Accessible Cab, the Cab Meter has been resealed; or
- (d) order the Owner to file with the City Clerk a Safety Standards Certificate after the date of the order.

8.6 An Owner whose Vehicle for Hire is deemed unsafe or dangerous due to mechanical defects, may be required to attend before the City Clerk, City Fleet Manager and/or Enforcement Officer to determine whether or not their Licence should be suspended, revoked or have conditions imposed on it.

8.7 For the purpose of section 7.6, mechanical defect includes, but is not limited to, mechanical defects directly or indirectly related to any part or parts of the vehicle involving or affecting:

- (a) its brakes or braking system;
- (b) its steering system;
- (c) its suspension system;
- (d) its under body;
- (e) its exhaust system;
- (f) the condition of its tires;
- (g) its lighting;
- (h) its glass;
- (i) its seat belt operation;
- (j) its wheelchair restraints, if applicable;
- (k) its heating system; or
- (l) the condition of the vehicle's body.

8.8 When the vehicle has been in an accident, the Owner shall:

- (a) immediately remove the vehicle from service; and

(b) notify the City Clerk of the collision; and

(c) notify the City Clerk of the details of the vehicle's repairs.

8.9 Once the repairs to the vehicle have been effected, the Owner or Driver shall provide the City Fleet Manager with a current Safety Standards Certificate and the City Fleet Manager shall inspect the Vehicle for Hire.

8.10 When the City Clerk or City Fleet Manager believes on reasonable grounds that a Vehicle for Hire does not comply with the requirements of this By-law, they may order the Owner to bring it into compliance, and the order shall:

(a) state the Owner Plate number of the vehicle;

(b) give reasonable particulars of any repairs to be made;

(c) indicate the time for compliance with the order;

(d) give notice that if the order is not complied with the Owner Licence may be suspended; and

(e) require that the Owner Plate be returned to the City Clerk immediately.

## **9.0 - Suspensions and Revocation**

9.1 A taxi cab, limousine or dray broker or driver who fails to operate in accordance with the provisions of this By-law or any law of the Province of Ontario is subject to having his/her or her taxi license and any attached vehicle licenses suspended or revoked by the City Clerk.

9.2 Where the City Clerk has reason to believe that a licensee has failed to comply with the provisions of this By-law or any law of the Province of Ontario, or is no longer eligible for a license, the City Clerk may notify the licensee in writing of the City Clerk's intention to suspend or revoke the license. The City Clerk shall give reasons for such intention to suspend or revoke the license.

9.3 A licensee who receives a notice from the City Clerk advising of his/her or her intent to suspend or revoke a license may appeal such decision to the Council within ten (10) days of the date the notice was mailed or otherwise delivered to the licensee, and failing such appeal to Council, the Clerk's decision is final.

## **10.0 - Transfers and Non Use**

10.1 No Taxi Driver's License can be transferred from one person to another; and no Taxi Vehicle License can be transferred from one vehicle to another.

10.2 A taxi cab broker who fails to operate a taxi cab business for sixty (60) consecutive days will be deemed to have withdrawn from business and the broker's license is revoked.

10.3 A taxi cab broker who ceases operation of his/her business for more than seven (7) days shall immediately notify the City Clerk and turn in all permits and licenses to the City Clerk.

## **11.0 - Tariffs and Fees**

11.1 The fees payable to the City for licenses and renewals are set out in Schedule "A" to this By-law.

11.2 The fees applicable to a license issued after December 30<sup>th</sup> in any year shall be one half (1/2) of the fee set out in Schedule "A".

11.3 The rates chargeable by a taxi cab or limousine are those set out in Schedule "B" to this By-law, and no rate other than those rates shall be charged.

## **12.0 General**

12.1 This By-law applies to all taxi cabs, limousines or drays operating within the City of Kenora except:

- a) A vehicle which has picked up a passenger outside of the City of Kenora, or

12.2 Taxi cabs and limousines shall be kept clean and in a good state of repair, both exterior and interior, including the trunk.

12.3 Where the City Clerk has reason to believe that a vehicle is not in good mechanical condition, the City Clerk may require the broker to provide a new mechanical fitness certificate within seven (7) days of notice in writing.

12.4 No broker shall employ a person as a driver unless that person holds a valid Class G Ontario Driver's License or equivalent valid driver's license from another Canadian Province.

12.5 The holder of any license under this By-law shall advise the Clerk of any changes to the information provided in the application or any amendments thereto with three (3) days of any change.

12.6 No more than one taxi vehicle license shall be issued for each 250 people resident in the City of Kenora according to the last Provincial Census.

12.7 A taxi cab or limousine shall not take more passengers than there are permanently equipped safety belts for passengers.

12.8 No taxi cab or limousine shall be washed on any public street or at any cab stand.

12.9 A taxi cab broker shall provide service in accordance with the priority of the request for service determined by the sequence of calls.

12.10 No licensee driver shall solicit business by calling out or shouting.

12.11 Every licensee and driver shall take due care of all property that is entrusted to them and accepted for conveyance. Any property found in a vehicle shall be placed in a property box at the broker's business premises and stored for at least thirty (30) days. The broker shall make reasonable efforts to locate the owner of the property.

12.12 Every taxi cab broker shall ensure that taxi cab and limousine shall have attached to the rear bumper the current Vehicle License Registration Bumper Sticker provided by the City and the fee shall be the current cost to the City to purchase the sticker.

12.13 Every licensed vehicle shall have the broker's business name prominently displayed on the exterior and on both left and right sides of the vehicle.

12.14 Every taxi cab or limousine driver, shall carry on his/her person the Taxi Driver's Licence and on demand from a Police Officer, By-law Officer or passenger, produce his/her

Taxi Driver's License, and provide the name and license number of the broker under which the vehicle is operated.

12.15 The driver of a dray shall ensure that the vehicle is equipped with rubber tires and the driver is skilled and trained, and that all manure dropped is immediately removed from the street.

12.16 No broker or driver of a taxi cab or limousine shall cause or allow intoxicating liquor or unlawful drugs to be in the vehicle. Provided however, that a passenger may transport unopened liquor in his/her personal effects if they are not available to him or her in the vehicle.

12.17 No owner or driver of a taxi cab or limousine shall permit the vehicle while on duty to remain standing or parked at a restricted parking area except for:

- b) Taking on a passenger who has already engaged the vehicle, or
- c) Discharging passengers.

12.18 No vehicle which is more than ten (10) model years old be licensed; provided however that a vehicle which is licensed may have its license renewed regardless of age as long as it passes the annual required inspection.

12.19 Every broker shall post in every licensed vehicle a copy of the passengers "Bill of Rights" as set out in Schedule "C" hereto in a conspicuous location.

12.20 Every broker shall ensure that the fare schedule is posted in a conspicuous location visible to passengers.

12.21 Every broker shall ensure that the licensed driver operates in accordance with the provisions of the Smoke-Free Ontario Act or any applicable Provincial statute.

12.22 Every driver is required to display their taxi driver photo ID issued by the City of Kenora in their vehicle at all times.

### **13.0 - Taxi Cabs**

13.1 A broker of a taxi cab shall equip each taxi cab with a rooftop mounted illuminated sign.

13.2 A broker shall provide proof of insurance, and a current mechanical fitness certificate to the City Clerk annually by April 15 each year.

13.3 Each taxi cab broker shall ensure that each taxi cab meter is checked for accuracy by the City at least once each year, and within 30 days of any change in the rates pursuant to the By-law. The City Fleet Manager shall be contacted by the taxi cab broker to make arrangements that are agreeable to the City Fleet Manager.

13.4 Every taxi cab broker shall advise the City Fleet Manager of any change to the condition of the taxi cab meter seal immediately in order to arrange repair or replacement of meter seal.

### **14.0 Driver's Prohibitions**

14.1 No Vehicle for Hire Driver shall:

- a) smoke inside a Vehicle for Hire;
- b) operate a Vehicle for Hire whose owner is not licensed under this By-law;

- c) Operate a Vehicle for Hire without the number of the Owner Plate and the name of the Fleet it belongs to displayed on the rear bumper of the Vehicle for Hire
- d) Operate a Vehicle for Hire when the Driver has been on duty for more than 14 hours within a 24 hour period, without first taking 10 hours off duty. Within the 14 hour on duty period, a maximum of 12 hours may be consecutive on duty time;
- e) Operate a Vehicle for Hire that does not comply with the operational standards as set out in the regulations as prescribed by the City Clerk

## **15.0 - Taxi Cab Fares**

15.1 No taxi cab broker or driver shall charge more or less than the amount calculated in accordance with the rates set out in Schedule "B".

15.2 Every taxi cab shall be equipped with a meter located such as to be visible to all passengers.

15.3 Every taxi cab meter shall be designed to accurately measure the mileage travelled and to calculate the fare based on the approved rates in Schedule "B". Each taxi cab meter shall have affixed on it a seal to confirm that it has been inspected by the City and it is registering accurately.

15.4 Taxi meter tolerances shall not exceed the following:

- a) On a mileage test (road test) with respect to computed distance actually travelled, a tolerance of one and a half percent (1.5%) per kilometer is allowed.
- b) Taxi Meter Calibration Testing – Fee  
Other than for City imposed purposes, i.e. rate changes and annual road testing, the City shall charge a fee in the amount of \$20.00 plus applicable taxes, for any calibration testing/re-sealing of a taxi meter requested by the Taxi driver/owner for any reason, including but not limited to, loss of or tampering with the seal, missing a pre-scheduled road test.

15.5 No person other than a person authorized by the City of Kenora in writing shall remove or alter a seal to a taxi cab meter, or make any adjustments to the meter.

- a) The City Clerk, or City Fleet Manager may at any time request a taxi cab broker to have the meter in the cab tested and re-sealed.

15.6 Each taxi cab broker shall record each fare including the time of pick-up and location, number of passengers, time and location of drop-off, and the fare charged.

15.7 A taxi cab or limousine or dray driver shall provide a passenger with a receipt if requested.

15.8 No taxi driver or broker shall charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip or for the storage of mobility aids or mobility assistive devices.

15.9 Every driver shall post rates and fares in their vehicles as approved by municipal bylaw.

The By-law for the Licensing, Regulating and Governing of Taxi, Limousine and Shuttle Transportation gives taxi owners the option of charging passengers an interior cleaning fee, as per rates card, in the event that a passenger has soiled the interior of the vehicle. The amendment has been made to assist taxi owners who were previously obligated to fully fund the cost of interior cleaning following incidents related to passenger pick up from local bars.

## **16.0 - Offences**

16.1 Every person who contravenes a provision of this By-law is guilty of an offense and upon conviction, subject to a penalty under the *Provincial Offences Act*.

16.2 Every person who operates a taxi service or a limousine service without a broker's license shall, upon conviction be subject to a minimum penalty of \$500.00.

16.3 Every person who operates a taxi service or limousine service in the City of Kenora without a broker's license issued by the City of Kenora shall be deemed to commit a separate offense on each day of such service.

## **17.0 - Drivers Right to Refuse Service**

Under the By-law for the Licensing, Regulating and Governing of Taxi, Limousine and Shuttle Transportation, drivers have the right to refuse a passenger who:

- is or appears to be under the influence of drugs or alcohol or appears disorderly that the driver feels is unsafe for the driver to transport the passenger
- is indebted to the driver, the taxi broker, or the owner of the vehicle,
- is apparently unable to pay for the service requested, and in the case of a passenger requesting taxi service between midnight and 6 a.m., refuses or is unable to pay in advance the estimated fare when requested to do so by the taxi driver,
- requests that the driver carry an animal or baggage which might be detrimental to the repair, cleanliness or sanitary condition of the vehicle, with the exception of service animals for persons with disabilities, and
- requests that the driver carry more baggage than the vehicle is capable or other objects of a type or size which are not suited to the vehicle.

## **18.0 Taxicab Driver Safety**

18.1 For the safety of the drivers and passengers of a taxicab, it is recommended that all taxi cabs include the following:

- b) a security camera which is mounted inside each taxi cab operating under the broker of which the records of such camera are only accessible to an Enforcement Officer for investigative purposes
- c) an automatic vehicle location/global positioning system (GPS) which is appropriately monitored
- d) a shield safety device between the driver and the passenger
- e) An emergency strobe light which is permanently mounted on the vehicle's roof at the back of the vehicle and that can be triggered by the driver to provide warning of an emergency situation within the vehicle.



**19.0 Enforcement & Repeal**

This By-law shall take effect and come into force on April 4, 2022, at which time By-law 104-2019 and all other amendments for the Corporation of the City of Kenora will be repealed.

**By-law read a First & Second time this 22<sup>nd</sup> day of March, 2022**

**By-law read a Third & Final time this 22<sup>nd</sup> day of March, 2022**

**The Corporation of the City Of Kenora:-**

.....  
**Daniel Reynard, Mayor**

.....  
**Heather L. Pihulak, City Clerk**

## The Corporation of the City Of Kenora



### Schedule "A" To By-Law Number 19-2022

#### Taxi Related License Fees

##### **Taxi Broker License OR Limousine Broker License:**

There shall be a fee of two hundred (\$200.00) dollars per year applicable to obtain a Taxi Broker License to carry on a taxi business in the city.

There shall be a fee of two hundred (\$200.00) dollars per year applicable to obtain a Limousine Broker License.

##### **Taxi or Limousine Vehicle License:**

For every vehicle licensed under this By-Law there shall be a fee of one hundred (\$100.00.00) dollars per annum.

For every Taxi Vehicle License Registration Bumper Sticker or Limousine License Registration Bumper Sticker, the fee shall be the current cost to the City to purchase the sticker.

Replacement charge for such Registration Bumper Sticker lost etc. shall be the current cost to the City to purchase the sticker.

##### **Taxi or Limousine Driver's License:**

For every taxi driver or limousine driver license issued there shall be a fee of fifty (\$50.00.00) dollars per annum. This fee shall include the cost of the initial issuance of a photo license card.

Replacement cost of any photo license card shall be ten (\$25.00.00) dollars.

Any applicant required by this By-Law to supply a copy of his/her fingerprints shall be subject to a fee as set out by the Receiver General for Canada.

There shall be no duplication of such fee. If an applicant has a copy of fingerprints on file with the Ontario Provincial Police as a result of a valid Taxi Related License, no other set of fingerprints shall be required for any other Taxi or Limousine Related License application.

##### **Dray License Fee:**

For every dray licensed there shall be a fee of fifty (\$50.00) dollars per annum.

## The Corporation of the City of Kenora



### Schedule "B" To By-Law Number 19-2022

#### Rates and Fares

For trips between any point in the city by meter tax-cab for six (6) passengers or less:-

- For the first 33.03 meters or part thereof (km zero): \$ 7.00 (includes HST)
- Each additional 33.03 meters or part thereof \$0.10
- Each 6.23 seconds of waiting time \$0.10

**Advance Fare:** A driver may ask for fare in advance

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

#### FEES FOR LIMOUSINE

1. Maximum Rate: \$100.00 per hour for the first hour with a one hour minimum;
2. Hourly Rates: Weddings and Funerals – minimum 3 hours or \$300.00;
3. Minimum Rate: Wait times above the minimum \$100.00 per hour

The Corporation of the City of Kenora



Schedule "C" To By-Law Number 19-2022

Taxi Cab & Passengers

"Bill Of Rights"

**Every passenger has the right to a Driver who....**

*Is Licensed by the City of Kenora*

*Is Knowledgeable*

*Knows the major routes and destinations in the City of Kenora*

*Is Courteous and helpful*

*Offers a safe, comfortable and smoke-free ride*

*Maintains a clean vehicle*

*Knows and obeys all traffic laws*

*Gives, upon request, a silent ride*

*Uses a cell phone only in emergencies*

*Assists passengers into the vehicles with their belongings*

*Takes the most expeditious route; and*

*Provides, upon request, a receipt for services rendered.*

