

# The Corporation of the City of Kenora

## By-law Number 104 - 2019

### 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** it is deemed appropriate to regulate taxi cabs, limousines and drays operating within and from the City of Kenora; and

**Whereas** the Council of a Municipality is empowered to pass By-laws to regulate such services pursuant to the provisions of the *Municipal Act 2001*;

**Now therefore** be it enacted by the Corporation of the City of Kenora 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 “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.
  - 1.3 “City” means the Corporation of the City of Kenora.
  - 1.4 “Clerk” means the Clerk of the City of Kenora, and includes his or her designate.
  - 1.5 “Council” means the Council for The Corporation of the City of Kenora.
  - 1.6 “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.
  - 1.7 “License” means a license issued under this By-law.
  - 1.8 “Licensee” means a person to whom License has been granted under this By-Law.
  - 1.9 “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.
  - 1.10 “Operate” means to engage in the business of providing service within the jurisdiction of the City.
  - 1.11 “Police” means the Ontario Provincial Police.

- 1.12 "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.
- 1.13 "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.
- 1.14 "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.
- 1.15 "Vehicle Registration Number" shall mean a sequential number assigned to vehicles registered with the City of Kenora licensing department for identification purposes.

## **2 Licencing**

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 Every license expires on March 31 each year.

## **3 Application for Licenses**

- 3.1 A person who wishes to obtain a license or renewal license to under this By-law shall apply to the Clerk.
- 3.2 An application for a Broker or Taxi Driver License or the renewal of a Broker or Taxi Driver License shall be in a form prescribed by the Clerk, and shall be accompanied with the following:
  - 3.2.1.1 the applicable fee,
  - 3.2.1.2 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; and
  - 3.2.1.3 in the case of an application for a Taxi Driver's License:
    - 3.2.1.3.1 a copy of the applicant's valid Ontario Class G, Driver's License, or equivalent driver's license issued by a Canadian Province;

- 3.2.1.3.2 the written confirmation from a licensed taxi cab or limousine broker that the driver will be employed;
  - 3.2.1.3.3 proof of satisfactory completion of a driver's knowledge test as prescribed by the Clerk; and
  - 3.2.1.3.4 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.
- 3.3 An incomplete application will be returned to the applicant by the Clerk and no license will be issued until the application is complete.
- 3.4 No person shall be issued a license or is entitled to maintain a license under this By-law if the applicant or licensee:
  - 3.4.1.1 Has been found guilty of an offence under the Criminal Code of Canada within the proceeding three (3) years, or
  - 3.4.1.2 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
  - 3.4.1.3 has ever been convicted of an offence as defined in Sections 150 through 160 of the *Criminal Code of Canada*.
- 3.5 Provided however, that a person convicted of an offence referred to in Section 3.4 is eligible for a license if the person received a discharge, a suspended sentence or the matter was prosecuted by way of summary conviction.
- 3.6 An application for a Vehicle License or to Renew a Vehicle License shall also include:
  - 3.6.1.1 a copy of the vehicle registration,
  - 3.6.1.2 proof of insurance to at least \$2,000,000.00 for third party claims,
  - 3.6.1.3 a valid Ontario certificate of mechanical fitness for the vehicle,
  - 3.6.1.4 the consent of a licensed broker under this By-law, and
  - 3.6.1.5 proof that the meter in the cab, if it is a taxi cab, has been tested within the past 12 months.
- 3.7 An application for the renewal of a license shall be delivered to the Clerk at least thirty (30) days prior to expiry of the license.
- 3.8 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.

## 4 **Appeals**

- 4.1 An applicant whose application for a license is refused may apply to the Council for a hearing with respect to the said application, and Council may affirm the Clerk's decision, or may grant the license.

## **5 Suspensions and Revocation**

- 5.1 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 Clerk.
- 5.2 Where the 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 Clerk may notify the licensee in writing of the Clerk's intention to suspend or revoke the license. The Clerk shall give reasons for such intention to suspend or revoke the license.
- 5.3 A licensee who receives a notice from the Clerk advising of his/her or her intent to suspend or revoke a license may appeal such decision to the Council within fifteen (15) 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.

## **6 Transfers and Non Use**

- 6.1 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.
- 6.2 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.
- 6.3 A taxi cab broker who ceases operation of his/her business for more than seven (7) days shall immediately notify the Clerk and turn in all permits and licenses to the Clerk.

## **7 Tariffs and Fees**

- 7.1 The fees payable to the City for licenses and renewals are set out in Schedule "A" to this By-law.
- 7.2 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".
- 7.3 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.

## **8 General**

- 8.1 This By-law applies to all taxi cabs, limousines or drays operating within the City of Kenora except:
- 8.1.1.1 A vehicle which has picked up a passenger outside of the City of Kenora, or
  - 8.1.1.2 a taxi cab which meets the criteria of subsection 156(2) of the *Municipal Act 2001*, namely:

8.1.1.2.1 The purpose of the conveyance is to transport persons with physical, emotional or mental disabilities from any point in the municipality to any point outside the municipality, and

8.1.1.2.2 the conveyance is made pursuant to a written contract for the use of a taxicab which can legally operate in the municipality in which the conveyance begins or ends. 2006, c. 32, Sched. A, s. 82.

- 8.2 This By-law does not apply to an ambulance, or to a police transport vehicles, or to a bus while operating within the authority of a bus license.
- 8.3 Taxi cabs and limousines shall be kept clean and in a good state of repair, both exterior and interior, including the trunk.
- 8.4 Where the Clerk has reason to believe that a vehicle is not in good mechanical condition, the Clerk may require the broker to provide a new mechanical fitness certificate within seven (7) days of notice in writing.
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 A taxi cab or limousine shall not take more passengers than there are permanently equipped safety belts for passengers.
- 8.9 No taxi cab or limousine shall be washed on any public street or at any cab stand.
- 8.10 A taxi cab broker shall provide service in accordance with the priority of the request for service determined by the sequence of calls.
- 8.11 No licensee driver shall solicit business by calling out or shouting.
- 8.12 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.
- 8.13 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.
- 8.14 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.

- 8.15 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.
- 8.16 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.
- 8.17 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.
- 8.18 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:
- 8.18.1.1 Taking on a passenger who has already engaged the vehicle, or
  - 8.18.1.2 Discharging passengers.
- 8.19 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.
- 8.20 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.
- 8.21 Every broker shall ensure that the fare schedule is posted in a conspicuous location visible to passengers.
- 8.22 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.
- 8.23 Every driver is required to display their taxi driver photo ID issued by the City of Kenora in their vehicle at all times.

## **9 Taxi Cabs**

- 9.1 A broker of a taxi cab shall equip each taxi cab with a rooftop mounted illuminated sign.
- 9.2 A broker shall provide proof of insurance, and a current mechanical fitness certificate to the Clerk annually by April 15 each year.
- 9.3 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.
- 9.4 Every taxi cab broker shall advise the Clerk of any change to the condition of the taxi cab meter seal immediately in order to arrange repair or replacement of meter seal.

## 10 Taxi Cab Fares

- 10.1 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".
- 10.2 Every taxi cab shall be equipped with a meter located such as to be visible to all passengers.
- 10.3 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.
- 10.4 Taxi meter tolerances shall not exceed the following:
- 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.
- 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.
- 10.5 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.
- 10.6 The Clerk may at anytime request a taxi cab broker to have the meter in the cab tested and re-sealed.
- 10.7 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.
- 10.8 A taxi cab or limousine or dray driver shall provide a passenger with a receipt if requested.
- 10.9 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.
- 10.10 Every driver shall post rates and fares in their vehicles as approved by municipal bylaw.

## 11 Offences

- 11.1 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*.
- 11.2 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.

- 11.3 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.

**12 Enforcement & Repeal**

- 12.1 This By-law shall take effect and come into force on July 16, 2019, at which time By-law #13-2013, 45-2014, 23-2014, 28-2016 and 7-2018 and all other amendments for the Corporation of the City of Kenora will be repealed.

**By-law read a First & Second time this 16th day of July, 2019**

**By-law read a Third & Final time this 16th day of July, 2019**

**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 104-2019

#### **Taxi Related License Fees**

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

There shall be a fee of one hundred (\$100.00) 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 one hundred (\$100.00) 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 fifty (\$50.00) 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 twenty-five (\$25.00) 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 (\$10.00) 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 104-2019

### Rates and Fares

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

- For the first 36.36 meters or part thereof (km zero):      \$ 6.00 (includes HST)
  
- 1/25<sup>th</sup> km (40m)      \$ 6.11
- 985m      \$ 8.71
- 1 km      \$ 8.75
- 1015m      \$ 8.79
- 2 km      \$11.50

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:      \$75.00 per hour for the first hour with a one hour minimum;
2. Hourly Rates:      Weddings and Funerals – minimum 3 hours or \$225.00;
3. Minimum Rate:      Wait times above the minimum \$65.00 per hour

The Corporation of the City of Kenora



Schedule "C" To By-Law Number 104-2019

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.*

