

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2011-50

A By-Law to licence, regulate and govern taxicab brokers, owners and drivers, and to repeal By-law 2010-73, as amended

WHEREAS Sections 151 and 156, of the Municipal Act, 2001, S.O. c.25 as amended provides that Municipalities may pass by-laws for licensing, regulating and governing of owners and drivers of taxicabs;

AND WHEREAS Section 425 of the Municipal Act, 2001, S.O. c.25 as amended provides that Municipalities may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Municipal Act, 2001 is guilty of an offence.

AND WHEREAS the Town provided notice to all affected businesses, posted on the Town website and notice board pursuant to By-law 2009-20

AND WHEREAS the Council of The Corporation of the Town of Midland deems it necessary and expedient to regulate, licence and govern the owners and drivers of taxicabs and owners of other vehicles used for hire in the Town of Midland.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

- (a) **“Accessible Taxicab”** means a motor vehicle to be used as a taxicab for the transportation of passengers unable to board regular vehicles due to a physical disability, which is originally constructed or subsequently modified to permit the loading, transportation and off-loading of persons utilizing a wheelchair in compliance with the requirements of ***Ontario Regulation 629***, as amended, ***Ontario Regulation 611***, as amended and Canadian Standards Association standard ***CAN3 D409 M84*** and all other relevant Federal and Provincial regulation.
- (b) **"Appeal Committee"** means the Chief of Police and the Municipal Law Enforcement Officer.
- (c) **“Council”** means the Council of The Corporation of the Town of Midland.
- (d) **“Chief of Police”** means the Chief of the Midland Police Service, or his designate.
- (e) **“Customer Service”** means any Municipal employee authorized to issue business licences on behalf of the Municipal Law Enforcement Officer.

- (f) **"Broker"** means any person or corporation who accepts or dispatches calls in any manner for taxicabs used for hire and which are owned by persons other than himself, his immediate family or his employer.
- (g) **"Driver"** means taxi cab driver who is licenced as such or is required to be licenced as such under this by-law.
- (h) **"Limousine"** means a luxury class motor vehicle that has been custom cut and stretched, with a seating capacity for not less than six passengers, excluding the driver, and is within five model years of the current year, and which is kept for hire be reservation only and solely on an hourly basis, and shall not include a station wagon type vehicle, a bus, or a taxi cab.
- (i) **"Owner"** shall mean the individual or corporation who owns a taxicab and is licenced as such or is required to be licenced as such under this by-law.
- (j) **"Officer"** means the Municipal Law Enforcement Officer appointed by Council, a Police Officer, or a Provincial Offences Officer.
- (k) **"Registered Lessee"** means a person or corporation operating a licenced taxicab, under the terms of a lease which is filed with the Municipal Law Enforcement Officer.
- (l) **"Taxicab"** means a cab, motor or other vehicle, having a normal seating capacity of not more than nine persons, kept or used for hire for the conveyance of passengers either wholly within the Town or to any other point not more than five kilometres beyond its limits, but shall not include a bus operated by the Town of Midland or by any other person or company, or an ambulance, or a funeral hearse, or a limousine, or a volunteer based transportation service operated for benevolent purposes.
- (m) **"Taxicab Stand"** means parking spaces on a municipal highway, purchased annually by, and allocated to a licenced taxicab company within the Town of Midland.
- (n) **"Town"** means the Corporation of the Town of Midland.

2. GENERAL PROVISIONS

- (a) The administration and enforcement of this by-law shall generally be performed by the Municipal Law Enforcement Officer.
- (b) No person, taxicab broker, owner or driver shall pick up and drop off any passenger within the Town of Midland boundary without first having been licenced under the terms of the Town's taxicab driver's licence by-law.

- (c) No person shall act as or be the owner of a taxicab in the Town unless they are licenced as an owner in respect of each taxicab under this by-law.
- (d) No person shall drive, or act as the driver of a taxicab in the Town unless he is licenced as a driver under this by-law.
- (e) No person shall act as or be a taxicab broker in the Town unless he is licenced as a taxicab broker under this by-law.
- (f) The past conduct of the applicant or licensee shall not afford reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he is to be licenced or to continue to be licenced in accordance with the law and with integrity and honesty.
- (g) No person shall be licenced unless they are a citizen of Canada, or has attained landed immigrant status or possesses a valid work permit issued by the Government of Canada and has a valid current Class "G" driver's licence issued by the Province of Ontario.
 - (i) The provisions of subsection 2 (g) do not apply to a corporation.
- (h) Any licence issued pursuant to the provisions of this by-law shall be for a period of the year in which it is issued and shall expire on the 31st day of March in each calendar year.
- (i) No person shall publish or cause to be published any representation that they are licenced, if they are not.
- (j) No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation, revocation, or suspension thereof, the licence shall be the property of the Town.
- (k) The licence issued to a taxicab owner, taxicab driver or taxicab broker under this by-law is not transferable, except where an owner is replacing a licenced taxicab with another vehicle which is owned by the taxicab owner.
- (l) Every person licenced under this by-law, when requested by the Municipal Law Enforcement Officer, shall submit his taxicab for inspection provided that it is not engaged and produce his licence, photograph and other relevant documents required by this by-law.
- (m) Every person licenced under this by-law shall be familiar with the provisions of this by-law.
- (n) No owner, broker or driver of a taxicab licenced under this by-law shall permit the taxicab to remain standing upon a highway in the Town, except for the immediate purchase of:

- (i) Receiving a passenger who has already engaged the taxicab.
 - (ii) Discharging a passenger from the taxicab.
 - (iii) Upon the instructions of a passenger by whom the taxicab is already engaged, and in continuance of that engagement, provided that the standing of the taxicab is not in contravention of the Town's Parking by-law.
- (o) In the event of an emergency situation, all owners, keepers, brokers and drivers of taxicabs licenced under this by-law shall become under the direct control of a Peace Officer, and such owners, keepers, brokers, and drivers shall carry out assignments as may be designated to them by the Peace Officer.

3. TAXICAB OWNERS LICENCE

- (a) No person shall be licenced as an Owner unless
- (i) they own a taxi business operating within the Town for the purpose of dispatching, and administering shall be located in an area as permitted in the Town's Zoning By-Law.
 - (ii) They hold a current passenger motor vehicle permit which is in good standing and was issued in the applicant's name by the Ministry of Transportation for the motor vehicle of which they are the owner.
 - (iii) They complete the application therefore on the form provided by the Municipal Law Enforcement Officer, provide all the information requested thereon and pays the fee set out in Schedule "A" attached hereto for such licence.
 - (iv) They produce and file with the Municipal Law Enforcement Officer a certified copy of a current policy of insurance from a recognized insurance company insuring the owner, keeper or broker, for property damage, personal injury or death to any one person in the sum of not less than two million (\$2,000,000.00) dollars and such policy shall make provision for passenger hazard or third party liability for not less than the foregoing amount. Such policy shall also be endorsed to the effect that the Town of Midland shall be given thirty (30) days prior written notice of any cancellation or expiration or variation in the amount of the policy. Such insurance shall be active on all taxicabs operated by the owner.
 - (v) the taxicab for which the licence is to be issued meets the requirements of Sections 20 and 21 of this by-law.

- (b) If the applicant for a taxicab owner's licence is a corporation, the applicant shall provide a copy of the articles, by-laws, and a current list of the Shareholders of The Corporation to the Municipal Law Enforcement Officer with the application.

4. TAXICAB BROKERS LICENCE

- (a) No person shall be licenced as a broker unless they complete the application in the form provided by the Municipal Law Enforcement Officer, provide all the information requested thereon and pays the required fee set out in Schedule "A" attached hereto.
- (b) Where more than one driver holds shares in a taxicab brokerage which is a corporation, the corporation shall designate one of the drivers as manager, or as the person in control of the brokerage.

5. APPLICATION FOR LICENCE – GENERAL

- (a) When any application for a licence authorized pursuant to this by-law is made in accordance with the provisions of this by-law and for which the applicant meets all of the requirements of this by-law, the Municipal Law Enforcement Officer shall issue the licence which shall set out the expiry date in accordance with section 2(h) of this by-law, and the applicant shall thereby be licenced.
- (b) Every application for a licence authorized pursuant to this by-law or a renewal thereof shall be delivered in person to the Municipal Law Enforcement Officer or designate.
- (c) Unless otherwise provided in this by-law, a person who is the Owner of more than one taxicab shall take out a separate licence for each vehicle owned by him.

6. RENEWAL OF LICENCES

- (a) Any application for a renewal of any licence issued pursuant to this by-law shall be in the form provided by the Municipal Law Enforcement Officer, shall contain all of the information requested thereon and shall be accompanied by the required fee therefore as set out in Schedule "A" attached hereto, the licence issued for the year immediately prior to renewal; and when required by the Municipal Law Enforcement Officer, the owner's plate.
 - (i) Every application for a renewal of any licence issued pursuant to this by-law shall be delivered to the Municipal Law Enforcement Officer, in person, before the expiry date set out in section 2(h) of this by-law.

- (ii) When an application for renewal of a licence is delivered to the Municipal Law Enforcement Officer any time after the expiry date of the licence, the applicant shall submit an application as a new applicant.
- (b) An applicant is entitled to be licenced and a licensee is entitled to have his licence renewed, except where:
- (i) having regard to his financial position, the applicant or licensee cannot reasonably be expected to be financially responsible in the conduct of the business which is to be licenced or is licenced, or
 - (ii) the 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 they are licenced or to continue to be licenced, in accordance with law and with integrity and honesty; or
 - (iii) the issuance of the licence or renewal of the licence would be contrary to the public interest; or
 - (iv) the applicant or licensee is carrying on activities that are, or will be, if the applicant is licenced, in contravention of this by-law; or,
 - (v) there are reasonable grounds for belief that the premises, accommodation, equipment, vehicles or facilities in respect of which the licence is required do not comply with the provisions of this by-law or any other law; or
 - (vi) if the applicant or licensee is a corporation,
 - (aa) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the business for which it is licenced;
 - (bb) the past conduct of the officers or directors affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which they are to be licenced or continue to be licenced in accordance with law, or
 - (cc) the issuance of the licence or renewal of the licence would be contrary to the public interest.

7. REVOCATION OF SUSPENSION OF LICENCE

- (a) The Municipal Law Enforcement Officer may revoke or suspend a licence:
- (i) Where the licensee would be disentitled to a renewal of a licence for the reasons set out in section 6 (b) ; or

- (ii) Where the licensee has been the subject of proven complaints regarding the operation of his vehicle as a taxicab on a frequent basis; or
- (iii) Where the licensee has been found to be operating more vehicles as taxicabs than he has taxicab licences; or
- (iv) Where the licensee has been found to have failed to comply with any of the provisions of this by-law.

8. CANCELLATION OF LICENCE

- (a) Subject to the provisions of Subsection (b), a licence issued to an owner under this by-law may be cancelled by the Municipal Law Enforcement Officer at any time if the owner fails to actively operate the taxicab for which a licence has been issued, to provide taxicab service to the public a minimum of twelve hours daily for at least five days during any ten day period, unless the owner can show to the satisfaction of the Municipal Law Enforcement Officer just cause for such failure.
- (b) Notwithstanding the provisions of Subsection (a), an owner may choose to vary the number of taxicabs in use and temporarily retire any of them for periods of time so long as the welfare of the taxicab traveling public does not suffer for lack of adequate service subject to the following conditions:
 - (i) that no taxicab be taken off the road for a period longer than sixty (60) consecutive days during any calendar year; provided a cab may be temporarily retired on more than one occasion within a calendar year so long as the total period of temporary retirement does not exceed sixty (60) days in that calendar year; and
 - (ii) that at no time shall the total number of taxicabs owned by one owner and which are temporarily retired under this Subsection exceed twenty (20%) per cent of the taxicabs owned by such owner, or one taxicab, whichever is greater.
- (c) Every taxicab owner/broker licenced under the terms of this by-law shall be prepared to provide 24 hour Taxicab Service. Should the owner/broker fail to provide such service, for which the licence has been issued, the Municipal Law Enforcement Officer may cancel the taxicab owner/broker's Licence, unless the taxicab owner/broker can show to the satisfaction of the Municipal Law Enforcement Officer, just cause for such failure in providing the service.

- (d) A licence issued to a taxicab driver shall be cancelled immediately if the taxicab driver is found by the Municipal Law Enforcement Officer, in contravention of Section 27(h) and the licensee shall have no right to a hearing.
- (e) Any licence issued under this by-law may be cancelled by the Municipal Law Enforcement Officer at any time upon the request of the licensee.

9. HEARING

- (a) Where the Municipal Law Enforcement Officer believes that the applicant or licensee would be disentitled to a licence for any of the reasons set out in this by-law, he shall not issue the licence. The Municipal Law Enforcement Officer shall afford the licence holder, upon at least 48 hours notice, the opportunity to attend before him and to be heard in person or by his counsel and to be advised of any facts alleged against him which could result in his licence being revoked or suspended and shall afford him the opportunity of answering such allegations.
- (b) The Municipal Law Enforcement Officer shall recommend to Council that Council refuse to issue or refuse to renew the licence, or that Council suspend or revoke the licence, or recommend that a licence be issued subject to terms and conditions.
- (c) Before Council refuses to issue or refuses to renew a licence, or revokes or suspends or cancels a licence, a written notice advising the applicant or licensee of the recommendation being made by the Municipal Law Enforcement Officer to Council with respect to the licence shall be given to the applicant or licensee by the Municipal Law Enforcement Officer.
- (d) The written notice to be given under Subsection (c) shall
 - (i) set out the grounds for the recommendation;
 - (ii) give reasonable particulars of the grounds;
 - (iii) be signed by the Municipal Law Enforcement Officer
 - (iv) inform the applicant or licensee that he/she is entitled to a hearing before the Council, if he/she delivers, within seven (7) days after the date of service of the written notice, or the date of personal service of the written notice, whichever is later, a written request for a hearing before the Appeal Committee.
- (e) On receipt of a written request for a hearing from an applicant or licensee, the Municipal Law Enforcement Officer shall convene a meeting of the Appeal Committee and shall give the applicant or licensee written notice thereof.

- (f) The applicant or licensee shall have the right to make submissions in support of his application or renewal or retention of his licence at such hearing and when the applicant or licensee who has been given written notice of the hearing, does not attend at the proper time and place, the Appeal Committee may proceed with the hearing in his absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.
- (g) At the conclusion of the hearing the Appeal Committee shall, as soon as practicable, prepare a written report on the hearing to Council, which shall
 - (i) summarize the evidence and the arguments presented by the parties to the hearing,
 - (ii) set out the findings of fact and the recommendations made by the Appeal Committee,
 - (iii) set out the reasons for the recommendations.
- (h) Council may uphold or vary the decision of the Appeal Committee or do any act or make any decision that it might have done if it had conducted the hearing itself and the applicant or licensee shall not be entitled to a further hearing on the matter and the decision of Council shall be final.
- (i) Notwithstanding the generality of the foregoing, if the applicant or licensee signifies that he is prepared to accept conditions upon his licence and to make no objection to such conditions, Council may grant a licence or the renewal of a licence upon such conditions as the Council considers appropriate.

10. SERVICE OF NOTICE OR ORDER REQUIRED UNDER THIS BY-LAW

- (a) Any notice or order required to be given by the Municipal Law Enforcement Officer to an applicant or a licensee is sufficiently served if delivered personally, by facsimile or sent by registered or certified mail, addressed to the person to whom service is required to be made, according to the Municipal Law Enforcement Officer's application or licence records.
- (b) When service is made through registered or certified mail, the service shall be deemed to have been made on the fifth day after the day of mailing.
- (c) When service is made by telephone transmission of a facsimile between 5 p.m. and midnight, it shall be deemed to have been made on the following day.

11. SURRENDER OF LICENCE

- (a) When a licence has been revoked or cancelled or suspended, the holder of the licence shall return the licence and if applicable, the owner's plate or licence sticker to the Municipal Law Enforcement Officer within twenty-four (24) hours of service of written notice of the decision of Council and the Municipal Law Enforcement Officer may enter upon the business premises or vehicles of the licensee for the purpose of receiving, taking or removing the said licence, owner's plate or licence sticker.
- (b) When a licence has been temporarily retired pursuant to Section 8(b), the holder of the licence shall return the licence, owner's plate or licence sticker to the Municipal Law Enforcement Officer within twenty-four (24) hours of such temporary retirement provided that the Municipal Law Enforcement Officer shall return the licence, owner's plate or licence sticker to the holder of the licence if the taxicab is returned to service within 60 days of such temporary retirement, failing which such licence shall be deemed to be cancelled.
- (c) When a person has had his licence revoked or cancelled or suspended or temporarily retired under this by-law, he shall not refuse to deliver up or in any way obstruct or prevent the Municipal Law Enforcement Officer from obtaining the licence, the owner's plate and licence sticker in accordance with Subsections (a) and (b).

12. INSPECTION OF VEHICLE OR PREMISES

- (a) The Municipal Law Enforcement Officer may at any reasonable time enter upon and inspect the business premises or vehicle of any licensee to ensure that the provisions of this by-law have been complied with, and on completion of such inspection, shall complete and file a written report on the inspection.
- (b) In addition to any inspection which might occur pursuant to the provisions of section 2 (l) of this by-law, for the purpose of the inspection of the vehicle provided for in Subsection (a), the Municipal Law Enforcement Officer may require, at any time, that an owner, lessee or driver submit his vehicle for inspection at an appointed place, and all related costs shall be borne by the licensee.
- (c) The owner, lessee or driver shall submit his vehicle for the inspection provided for in Subsections (a) and (b) where and when required to do so by the Municipal Law Enforcement Officer.

- (d) Upon an inspection under Subsection (a), the Municipal Law Enforcement Officer is entitled to request and have produced all relevant licences and permits and to have access to all invoices, vouchers, appointment books and trip sheets or like documents of the person being inspected, provided such documents are relevant for the purposes of the inspection.

13. NOTICE OF CHANGE OF INFORMATION

- (a) A licensee shall carry on business in the Town in the name which is set out in the licence and shall not carry on business in the Town in any other name unless he has first notified the Municipal Law Enforcement Officer and complied with Subsection (b).
- (b) When a licensee changes his name or address or any information relating to his licence, he/she shall notify the Municipal Law Enforcement Officer within forty-eight (48) hours of the change of information relating to the licence and shall return the licence immediately to the Municipal Law Enforcement Officer for amendment.
- (c) When the licensee is a corporation and there is any change in the information as set out in the application for licence, such as the names or addresses of the officers or directors, the location of the corporate head office or any change in the ownership of shares, the licensee shall report the change to the Municipal Law Enforcement Officer within seven (7) days thereof and if required by the Municipal Law Enforcement Officer, the licence shall be immediately returned to the Municipal Law Enforcement Officer for amendment.

14. TARIFFS AND TARIFF CARDS

- (a) No owner, keeper or broker shall fail to file with the Municipal Law Enforcement Officer a current duplicate copy of the tariff of fares displayed in the vehicle.
- (b) No taxicab vehicle licence holder shall fail to prominently display in each taxicab owned by him a copy of the tariff of fares.
- (c) A driver or owner shall give a passenger a receipt showing the driver's or owner's name and identification number when requested or whenever there is a dispute over the fare or charge.
- (d) No person shall charge a fee, rate or fare which is contrary to the fee, rate or fare as listed in Schedule B of this by-law.
- (e) Notwithstanding the foregoing, the regular rates and fares referred to this by-law shall not apply to:

- (i) taxicabs being used for the transportation of children to and from school or to taxicabs operating under contract to any government agency for the transportation of disabled children;
 - (ii) passengers with a destination outside the municipal boundaries of the Town must agree with the taxicab driver, prior to the commencement of the trip, to pay a flat rate.
- f) no owner or driver shall charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip;
- g) no owner or driver shall charge a fee for the storage of mobility aids or mobility assistive devices;

TAXICAB OWNER REGULATIONS

15. TAXICAB OWNER DUTIES

Every Licenced Taxicab Owner or Registered Lessee shall:

- (a) keep at all times in the vehicle of which he/is the owner or registered lessee, the original, or a photostat copy of the original, of each of the following documents:
- (i) the current Ontario Ministry of Transportation and Communications Passenger Motor Vehicle Permit issued for that licenced vehicle;
 - (ii) the current taxicab owner's licence issued under this by-law;
 - (iii) the certificate of liability insurance for the vehicle, in accordance with this by-law;
- (b) have in or on his vehicle:
- (i) the owner's plate firmly affixed to the left rear trunk, or at a location and in a manner approved by the Municipal Law Enforcement Officer;
 - (ii) the owner's plate number for that taxicab in letters of at least 15cm affixed on both front doors, not more than 8cm below the window, or at a location and in a manner approved by the Municipal Law Enforcement Officer; this owner's plate number shall be preceded by the letter "M" in identical sized lettering;
 - (iii) affixed to the drivers side sun visor, in a holder, or at a location and in a manner approved by the Municipal Law Enforcement Officer, the current tariff card, plate number, a notice advising passengers of

the grounds for refusing to accept a fare as set out in Section 26 that complaints may be made to the Town Municipal Law Enforcement Officer at the telephone number provided by the Municipal Law Enforcement Officer and such other information as may be required by the Municipal Law Enforcement Officer from time to time;

- (v) an electrically illuminated roof sign which is securely attached to the top of the taxicab in a manner approved by the Municipal Law Enforcement Officer.
- (c) employ or use only the services of licenced taxicab drivers;
- (d) provide the Municipal Law Enforcement Officer and, where applicable, any licenced taxicab broker with whom he may be associated, with the name of the licenced driver operating his vehicle, within seventy-two (72) hours of the time when the licenced driver has commenced to operate the said vehicle, and, where applicable, file with the Municipal Law Enforcement Officer a copy of the lease with the licenced driver and pay the appropriate filing fee in accordance with Schedule A, of this by-law;
- (e) repair any mechanical defect in the vehicle, reported to him by a licenced driver;
- (f) ensure that any person employed or used by him for the purposes of dispatching calls has a working knowledge of the geographic area of the Town, including but not limited to the location of streets, public buildings and points of interest.
- (g) subject to the provisions of Section 8(b), shall ensure that any taxicab shall be in service a minimum of twelve hours daily for at least five days during any ten day period;

16. TAXICAB OWNER PROHIBITIONS

No Licenced Taxicab Owner or Registered Lessee shall:

- (a) in any manner permit a taxicab not owned or leased by him to be operated under the authority of his owner's plate, unless he has entered into a lease or sub-lease agreement and a copy of the lease or sub-lease has been filed with the Municipal Law Enforcement Officer in accordance with Section 18 of this by-law;
- (b) permit a taxicab of which he is the owner or registered lessee to be operated with mechanical defects of which he is aware;
- (c) operate a taxicab or permit a taxicab to be operated under this by-law without the owner's plate or sticker for that taxicab attached thereto;

- (d) affix or permit any person to affix any licence, owner's plate or sticker issued pursuant to this by-law to any vehicle except the vehicle for which it was issued;
- (e) operate a taxicab or permit a taxicab to be operated which is not registered under this by-law as provided in Section 18;
- (f) allow or permit his taxicab to be operated when it is not clean, dry and in good repair as to its interior;
- (g) allow or permit his taxicab to be operated when the exterior is not clean or it has exterior body damage or rust;
- (h) put any name, address or telephone number or identification other than that of himself or the taxicab broker with whom he is affiliated, on his taxicab or roof sign;
- (l) use or permit to be used on his taxicab, any emblem, decal, roof-sign or other markings which are the same shape and/or colour or similar to any distinctive emblem, decal, roof sign or other markings being used by any taxicab broker with whom he is not affiliated;
- (j) operate or permit his taxicab to be operated in affiliation with a taxicab broker who is not licenced under this by-law;
- (k) permit his owner's licence to be operated under a lease which restricts the movement of the said licence into or out of any licenced taxicab brokerage, unless the owner is a taxicab broker and wishes to keep the owner's plate in his own taxicab brokerage;
- (l) display or permit the display of any sign, emblem, decal, ornament or advertisement, on or in his taxicab, except in a form approved by the Municipal Law Enforcement Officer;
- (m) operate or permit his taxicab to be operated for the purpose of transporting children to or from schools, except in compliance with the provisions of Schedule C attached hereto.
- (n) operate or permit his taxicab to be operated for the purpose of providing a jitney service.
- (o) operate or permit a taxicab licenced as an Accessible Taxicab to be operated by a driver not trained in the proper operation of the equipment or in the special needs of disabled passengers

TAXICAB BROKER REGULATIONS**17. TAXICAB BROKER DUTIES:**

Every licenced Taxicab Broker shall:

- (a) require all taxicab owners who have entered into arrangements with him for the provisions of taxicab brokerage services, to use the same design, shape and colour scheme of roof sign, and to attach to each front door of the taxicab an identifying decal which shall include the name of the taxicab broker, in a form approved by the Municipal Law Enforcement Officer, and shall produce and file a sample of the roof sign and identifying decal with the Municipal Law Enforcement Officer;
- (b) provide the Municipal Law Enforcement Officer with a list, showing in numerical order by owner's plate number, the name of every driver operating any taxicab with which he has entered into any arrangement of the provision of taxicab brokerage services;
- (c) notify the Municipal Law Enforcement Officer, in writing, within ten (10) days of any additions or deletions from the list provided under Subsection (b);
- (d) carry on the taxicab brokerage business twenty-four (24) hours a day during the term of his licence, unless otherwise directed by Council;
- (e) keep a record of each taxicab dispatched on a trip, the time and date of receipt of the order, and the pick-up location and retain these records for a period of at least three (3) months;
- (f) supply the Municipal Law Enforcement Officer with a copy of his Federal Radio Licence call sign and frequency number, if any;
- (g) ensure that any person employed by him for the purposes of dispatching calls has a working knowledge of the geographic area of the Town and surrounding area, including but not limited to the location of streets, public buildings and points of interest;
- (h) upon request, inform any customer of the anticipated length of time required for a taxicab to arrive at the pick-up location;
- (i) when volume of business is such that service will be delayed to a prospective customer, the broker shall inform the customer of the approximate length of the delay, before accepting the offer;
- (j) dispatch a taxicab to any person requesting service within the municipality, unless the person requesting service has not paid for a previous trip and these facts are verified by the broker ;

- (k) carry on business only in the name in which he is licenced;
- (l) on instruction of the Municipal Law Enforcement Officer, not dispatch calls to any taxicab, if the licenced owner or licenced driver, in the opinion of the Municipal Law Enforcement Officer, may have contravened any section of this by-law, which substantially affects the public;
- (m) at the request of the Municipal Law Enforcement Officer, provide a list showing the number of taxicabs available for service to the public on any particular day, including the times when each such taxicab went on the road and the time when it was last available for service on that day and also including the number of dispatched calls serviced by each such taxicab.

18. TAXICAB BROKER PROHIBITIONS:

No licenced Taxicab Broker shall:

- (a) charge dues, or increase his dues unless he/she has first:
 - (i) submitted in writing, a notice of intent, to the Municipal Law Enforcement Officer, at least one (1) month prior to the proposed effective date of any increase; and
 - (ii) prominently displayed in the brokerage office, a copy of the notice of intent for at least one (1) month prior to the proposed effective date of any increase;
- (b) accept orders for, or in any way dispatch or direct orders to a taxicab, licenced under this by-law:
 - (i) when the activity would be illegal under another municipal taxicab or similar licensing by-law, or provincial statute;
 - (ii) when the fare is less than that permitted under this by-law;
- (c) accept orders for, or in any way dispatch or direct orders to a taxicab, the owner of which is not licenced under this by-law, for a pick-up location within the boundaries of the Town;
- (d) dispatch or direct orders for a parcel delivery to a taxicab driver unless the taxicab driver first consents to make the parcel delivery;
- (e) require any driver to accept any order necessitating the expenditure of money, by the driver, on behalf of the customer;

- (f) enter into an agreement for the provision of brokerage services with a taxicab driver or taxicab owner who is already affiliated with another taxicab broker;
- (g) make any charge or financial demand, directly or indirectly, of a taxicab owner, lessee or sub-lessee of a taxicab, other than dues;
- (h) dispatch to any person within the Town, a taxicab which is not licenced under this by-law;
- (i) charge a tariff or enter into an agreement to charge a tariff which is not in accordance with the appropriate tariff set out in Section 14.

19. INSURANCE

- (a) When a licenced owner ceases to have a current and valid Ontario standard automobile insurance policy in good standing and properly endorsed in accordance with the provisions of Section 3(a)(iv), the licence shall be deemed to be suspended as of the date on which the cessation of insurance came to the attention of the Municipal Law Enforcement Officer, and the licence shall only be reinstated on there being delivered to the Municipal Law Enforcement Officer, written proof of insurance in accordance with the provisions of the by-law.
- (b) When the licenced owner has his licence suspended under Subsection (a), he shall forthwith remove the owner's plate and return the owner's plate and the licence to the Municipal Law Enforcement Officer.
- (c) When a licenced owner cancels his current insurance before the expiry date of the policy, he/she must produce a certificate of newly acquired insurance, or return the taxicab owner's plate to the Municipal Law Enforcement Officer on the date and time of the cancellation.
- (d) All insurance renewal policies or certificates of insurance shall be filed with the Municipal Law Enforcement Officer five (5) days prior to the expiry date of the current insurance policy.

20. VEHICLE APPROVAL

- (a) An applicant for an owner's licence under this by-law shall, before using the vehicle as a taxicab:
 - (i) attend at the Municipal Law Enforcement Officer's office and produce a copy of the current passenger motor vehicle permit in good standing, issued by the Ministry of Transportation and Communications, in the applicant's name, a copy of the current Ontario Standard Automobile Insurance Policy to show the vehicle being registered and the owner's licence;

- (ii) submit the vehicle to be registered for inspection and approval by the Municipal Law Enforcement Officer;
 - (iii) pay the fee set out in Schedule A, attached hereto;
 - (iv) produce and file with the Municipal Law Enforcement Officer:
 - (aa) A Safety Standard Certificate, issued under the Highway Traffic Act within thirty (30) days of the application;
 - (v) file with the Municipal Law Enforcement Officer, all documents relating to the vehicle, including, if applicable, a leasing agreement or similar documentation relating to ownership or vehicle operation.
- (b) An owner licenced under this by-law who disposes of his vehicle or otherwise ceases to use his vehicle for the purposes permitted under this by-law and acquires another vehicle for the purposes permitted under this by-law, before using the vehicle as a taxicab, shall:
- (i) attend at the licensing office and produce a copy of the current passenger motor vehicle permit in good standing issued by the Ministry of Transportation and Communications in the plate owner's name, owner's licence, and a copy of the current Ontario Standard Automobile Insurance Policy, endorsed to show the vehicle being registered;
 - (ii) produce and file with the Municipal Law Enforcement Officer:
 - (aa) A Safety Standard Certificate, issued under the Highway Traffic Act within thirty (30) days of the application;
 - (iii) file with the Municipal Law Enforcement Officer, all documents required to report the change, including, if applicable, a leasing arrangement or similar documentation relating to ownership, or vehicle operation.
- (c) In addition to the provisions of Subsection (a) the vehicle to be used shall be submitted for inspection by the Municipal Law Enforcement Officer during normal business hours and shall not be used until the inspection has taken place, the approval given, and the provisions of Subsection (b) have been satisfied.
- (i) If the inspection and approval provided for under Subsection (c) cannot be completed during normal business hours, the vehicle can be used, provided the owner returns the vehicle for inspection on the date and time specified by the Municipal Law Enforcement Officer.

- (d) A Registered Lessee who wishes to replace the vehicle for which the licence was issued shall comply with the provisions of Subsection (b) hereof.
- (e) When the licenced owner or Registered Lessee meets all the requirements of this section, the vehicle shall be deemed to be registered and the former vehicle for which the licence has been issued is deemed to be no longer registered

21. MODEL YEAR RESTRICTION

- (a) No person shall operate or permit to be operated under his owner's licence, a vehicle which is of a model year older than eight (8) years calculated from the first day of January of the model year.
- (b) No motor vehicle shall be used as a taxi cab for a period greater than five (5) years.
 - (i) Notwithstanding subsection (c), time used as a taxi cab in any municipality shall be included in the five (5) year restriction.

22. MANDATORY TAXICAB SAFETY INSPECTIONS

- (a) The Municipal Law Enforcement Officer may give notice to the licenced taxicab owner or registered lessee of two mandatory safety inspections a year for each taxicab he owns or leases.
- (b) Upon receipt of a notice of inspection under Subsection (a), each licenced owner or lessee or his agent shall attend with his vehicle at the appointed time and place.
- (c) When a taxicab has been inspected under Section 20 within thirty (30) days of the date set out in the notice of mandatory inspection referred to in Subsection (b) of this section, the taxicab owner or lessee shall not be required to have the vehicle re-inspected as required by the notice, but this section does not affect any inspection required under Section 2(l) of this by-law.

23. DISPOSAL OF TAXICAB

- (a) When the licenced taxicab owner or licenced taxicab driver disposes of or otherwise ceases to use as a taxicab, the vehicle registered, he/she shall immediately remove from the said vehicle being disposed of:
 - (i) the roof light;

- (ii) all identifying decals or markings;
 - (iii) fender numbers;
 - (iv) and all other items which make the vehicle appear to the public to be a taxicab.
- (b) When a licenced taxicab owner or licenced taxicab driver disposes of a taxicab which involved a lease, the licenced taxicab owner or licenced taxicab driver shall change, forthwith, the ownership out of the plate-holders name.

24. TRANSFER OF TAXICAB OWNER'S LICENCE

- (a) No taxicab owner shall transfer or otherwise dispose of a licence, unless:
- (i) he has held that licence as a taxicab owner for at least three (3) years.
 - (ii) he follows the procedure set out in Schedule D, attached hereto.
- (b) Notwithstanding the provisions of Subsection (a), the holder of a taxicab owner's licence may petition Council to permit a transfer or other disposition of the taxicab owner's licence, within three (3) years of the date of issuance.
- (c) When at least fifty-one percent (51%) of the voting rights attached to all shares of a corporation which is duly licenced under this by-law as a taxicab owner, are sold or otherwise disposed of, it shall be deemed to be a transfer of a taxicab owner's licence and the provisions of Subsections (a) and (b) shall apply.
- (d) When a transfer is approved by the Municipal Law Enforcement Officer, the new taxicab owner must submit his vehicle for examination in accordance with Section 18 of this by-law, before the licence and owner's plate or sticker, is issued.

25. TRANSFER OF TAXICAB OWNER'S LICENCE TO ESTATE

- (a) The provisions of Section 24 do not apply where the taxicab owner's licence becomes an asset of the estate of a deceased owner.
- (b) Where the owner of a taxicab licence dies, the licence shall be suspended and the plate or licence sticker shall be removed forthwith.

- (c) Subject to Subsection (b), on the death of a taxicab owner, the owner's plate or licence sticker shall be returned to the Municipal Law Enforcement Officer and after filing documentation sufficient to prove that the owner's licence is an asset of the estate, the licence may be transferred to the estate of the deceased owner and may be held in the name of the estate and the taxicab may be operated by the estate provided it is operated in accordance with the provisions of this by-law, until disposition to a person qualified under this by-law.
- (d) Notwithstanding the provisions of Subsection (c), if the taxicab owner's licence is transferred to the estate of a deceased owner, it can only be held in the estate for a period of one year from transfer and if it is not disposed of in that period, it may be revoked by Council.
- (e) To effect transfer of a taxicab owner's licence to the estate of a deceased owner, the following must be filed with the Municipal Law Enforcement Officer:
 - (i) proof that the persons disposing of the property have legal status to effect the transfer;
 - (ii) proof of insurance in the name of the estate;
 - (iii) proof of ownership of the motor vehicle, in the name of the estate.

TAXICAB DRIVER REGULATIONS

26. TAXICAB DRIVER DUTIES

Every driver of a taxicab shall:

- (a) at all times while driving a taxicab display a taxicab drivers licence issued by the Midland Police Service which shall include a photograph at a place within the taxicab so that the card is visible to passengers using the taxicab;
- (b) at all times while driving a taxicab and at all times while on duty serving the public, wear in a prominent place on the outside of his clothing, so that it is visible when approaching the public, an identification card issued by the Midland Police Service which displays the driver's photograph, name, taxicab driver licence number and year of licence issue;
- (c) upon the request of any passenger, or when there is any complaint or any dispute about the fare, give in writing, on the form prescribed by the Municipal Law Enforcement Officer his name, taxicab driver licence number, taxicab licence number, vehicle number, the amount of the fare, the name and address of the owner of the taxicab and the telephone number of the municipal offices of the Town;

- (d) carry his Ontario Driver's licence with him at all times when operating a taxicab;
- (e) punctually keep all his appointments and engagements and shall not make any appointment if a previous engagement would prevent him from fulfilling it;
- (f) unless his taxicab has been previously engaged, at any place within the Town and at any specified time, whether day or night, serve the first person who may require the service of his taxicab, and if he/she pleads some previous engagement he/she shall upon demand, give the address of the person to whom he/she is so engaged together with the time and place of such engagement, provided that in the event a licenced taxicab driver has a disability, impairment or allergy and is unable to service the fare by reason of the disability, impairment or allergy; in which event the driver shall make proper arrangements for the servicing of that fare before proceeding to his next engagement;
- (g) be at liberty to refuse to serve any person who:
 - (i) is intoxicated or disorderly;
 - (ii) refuses to give his destination;
 - (iii) is in possession of an animal, other than a service dog;
 - (iv) is eating or drinking any food or beverage;
 - (v) has not paid a previous fare or cancellation fee;
 - (vi) is, in the opinion of the driver, unable or unwilling to pay the fare and has been unable to satisfy the driver that he has the funds to pay the fare;
 - (vii) refuses to extinguish a cigarette, cigar or pipe.
- (h) render such assistance as may be necessary so that the passenger may enter or leave the taxicab provided that in the event that the assistance of more than one person is required to effect the entry or discharge of the passenger, no driver shall be required to carry such person;
- (i) be civil and behave courteously;
- (j) be properly dressed, well groomed, neat and clean in personal appearance;

- (k) drive the taxicab operated by him in the most direct traveled route to the point of destination unless otherwise directed by the passenger;
- (l) keep in his taxicab a current street guide or map of the Town and surrounding area satisfactory to the Municipal Law Enforcement Officer
- (m) turn off any radio, tape player or any other sound producing mechanical device in his taxicab and turn down the volume of the two-way radio, upon being requested to do so by any passenger, and having done so, shall leave such devices in the off or turned down position until termination of the trip with the passenger;
- (n) each day, before commencing driving, inspect the taxicab for interior and exterior cleanliness and for any mechanical defects or interior or exterior damage and shall report forthwith any defects or damage found to the owner or registered lessee of the taxicab;
- (o) while operating the taxicab, maintain the interior of the taxicab in a clean condition and good repair;
- (p) report, each day, upon completion of the operation of the taxicab, all defects in the taxicab to the owner or registered lessee;
- (q) take due care of all property delivered or entrusted to him and accepted for the conveyance or safekeeping and immediately upon termination of any hiring engagement, shall search his taxicab for any property lost or left therein. All property or money left in the taxicab shall forthwith be delivered to the person owning the same or if the owner cannot at once be found, shall be delivered to the owner of the taxicab with all information in his possession regarding the property or money which shall be retained by the owner of the taxicab for a period of 90 (ninety) days;
- (r) keep a daily trip sheet showing:
 - (i) the Provincial motor vehicle permit number of the taxicab;
 - (ii) the name and identification number of the taxicab driver;
 - (iii) a record of all trips made by the taxicab while being operated by the driver;
 - (iv) the date, time and location of the beginning and the termination of each trip; and
 - (v) the amount of the fare collected for each trip

- (s) retain all trip sheets for at least twelve (12) months and make them available for inspection at the request of the Municipal Law Enforcement Officer;
- (t) enter a taxicab stand by taking his position at the end of any line formed by the taxicabs already on the stand;

27. TAXICAB DRIVER PROHIBITIONS

No taxicab driver shall:

- (a) carry liquor, wine or beer in any taxicab at any time provided that this paragraph shall not be intended to exclude the carrying of the liquor, wine or beer of any passenger who is a bona fide passenger in the taxicab;
- (b) smoke, or permit anyone to smoke any pipe, cigar, cigarette or any tobacco products in any taxicab, including all occupants and the driver of the vehicle;
- (c) carry any passenger, other than paying passengers, while the vehicle is being used as a taxicab or while on duty, subject to call;
- (d) carry in a taxicab a greater number of passengers than is set out in the vehicle manufacturer's rating of seating capacity for such vehicle;
- (e) while waiting at a taxicab stand or any other public place
 - (i) obstruct or interfere in any way with the normal use of the taxicab stand or public place or interfere with the surrounding traffic patterns;
 - (ii) shall make any loud noise or disturbance;
 - (iii) be unable to observe his taxicab at all times;
 - (iv) make repairs to his taxicab unless the repairs are immediately necessary;
- (f) pick up any passenger within sixty (60) meters of a taxicab stand when there are one or more taxicabs upon the stand unless:
 - (i) an arrangement has been previously made with the passenger to pick him up at that location, or
 - (ii) the passenger exhibits a preference for that taxicab, and the chosen taxicab driver notifies the driver of the first taxicab on the taxicab stand;

- (g) drive a taxicab with luggage or any object placed in, hung on, or attached to the vehicle in such a manner as will obstruct the driver's view of the highway;
- (h) take, consume or have in his possession any alcohol, drugs or intoxicants while he/she is in charge of a taxicab for which he/she is the driver;
- (i) use any tariff card, other than that approved by the Municipal Law Enforcement Officer, or remove, exchange, lend or otherwise dispose of the tariff card;
- (j) take on any additional passengers after the taxicab has departed with one or more passengers from any one starting point except under the following circumstances:
 - (i) when done at the request of a passenger already in the vehicle;
 - (ii) in an emergency situation;
 - (iii) when operating a vehicle which is being used exclusively for the transportation of children to and from school or for the transportation of persons with disabilities as provided for in Section 14(e)(i).
- (k) drive a taxicab which does not have an owner's plate affixed thereto;
- (l) drive a taxicab whose owner is not a licenced taxicab owner;
- (m) permit a passenger to stand in a taxicab while the vehicle is in motion;
- (n) be required to accept any order when the expenditure of money by the licenced taxicab driver is required on behalf of the passenger;
- (o) recommend hotels, restaurants or other like facilities unless requested to do so by the passenger;
- (p) be required to provide change for any note larger than twenty (\$20.00) dollars unless the fare is at least one-half (1/2) of the value of the said note;
- (q) operate a taxicab without an owner's plate, side and rear numbers and roof light as required by Section 15(b);
- (r) operate a taxicab unless such vehicle:
 - (i) is equipped with an extra tire, wheel and jack ready for use for that vehicle;

- (ii) meets the standards for the issue of a Safety Standard Certificate of mechanical fitness;
- (iii) is clean, dry, free from debris and in good repair as to its interior;
- (iv) is clean and in good repair as to its exterior, free from rust and/or exterior body damage and with a well maintained exterior paint finish;
- (s) induce any person to engage his vehicle by any misleading or deceiving statement or representation to that person about the location or distance of any destination named by that person;
- (t) induce or permit any person to engage his vehicle when the driver is aware that another taxicab has been dispatched to pick up that person provided that when the passenger exhibits a preference for that taxicab, the chosen driver shall notify the other taxicab driver who has been dispatched;
- (u) have in a taxicab or on his person while on duty, or use any device capable of scanning two-way radio calls;
- (v) subject to Section 14 (e)(ii), and except for a tip, gratuity or credit card service charge, recover or receive any fare or charge from any passenger or persons who had demanded his services, which is greater than the fare or charge authorized by this by-law;
- (w) recover or receive any fare or charge from any person to whom he/she has refused to show the tariff card;
- (x) make any charge for time lost through defects or inefficiency of the vehicle or the incompetence of the driver;
- (y) make any charge for the time elapsed due to early arrival of the vehicle in response to a call for the vehicle to arrive at a fixed time;
- (z) use or permit to be used a two-way radio or monitoring device in his taxicab which enables him to transmit and/or receive any frequency of a taxicab broker licenced under this by-law, with whom he is not affiliated;
- (aa) operate a taxicab for the purpose of transporting children to or from school, except in compliance with the provisions of Schedule "C " attached hereto;
- (bb) operate an Accessible Taxicab without first having obtained training in the proper operation of the equipment or in the special needs of disabled passengers;
- (cc) operate a taxicab without a valid Ontario driver's licence.

28. MEDICAL REQUIREMENTS

The Municipal Law Enforcement Officer may, at any time, require an applicant for a taxicab driver's licence or a licenced taxicab driver, if he feels it may be in the public interest, to provide him with a certificate, prepared by a duly qualified medical practitioner, attesting as to whether or not the applicant or licensee is physically fit and able to operate a taxicab.

29. TERMINATION OF BROKER AFFILIATION

Every licenced taxicab driver who ceases to deal through a taxicab broker shall:

- (a) remove from his vehicle the roof light, radio crystals and telephone number of the taxicab broker he is leaving;
- (b) change and remove from the vehicle the colour scheme and all decals or other taxicab brokerage markings on the vehicle;
- (c) return to the taxicab broker he/she is leaving all business cards, promotional material and other equipment belonging to that broker.

30. ACCESSIBLE TAXICABS

- (a) All of the provisions of this by-law in respect of taxicab owners, drivers and vehicles shall apply to owners and drivers of Accessible Taxicabs.
- (b) In addition to the requirements for vehicles set out in Section 20 of this by-law, vehicles to be licenced as Accessible Taxicabs shall, as a minimum, conform with the requirements of an Accessible Taxicab as defined in Section 1.
- (c) Notwithstanding any other provisions of this by-law in respect of the dispatching of taxicabs, when a customer requests the service of an Accessible Taxicab, the Owner shall ensure that such call shall receive priority over any other request for service to which the Accessible Taxicab might have been or may be dispatched. In the event the Accessible Taxicab has been dispatched to a customer not requiring the services of an Accessible Taxicab, but the Accessible Taxicab has not been engaged, the Owner shall ensure that another taxicab is dispatched to respond to the customer not requiring the Accessible Taxicab and shall ensure that the Accessible Taxicab is dispatched to the customer requiring the service.

31. WORD USAGE

- (a) In this by-law, unless the context otherwise requires, words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine.

32. PENALTY

- (a) Every person who contravenes any provision of this by-law or the schedules thereto, is guilty of an offence and on conviction is liable to a fine as set out in ***the Provincial Offences Act***.
- (b) Without limiting subsection (a), every person who contravenes any provision of this by-law or the schedules thereto, is guilty of an offence and on conviction is liable to a fine as set out in the ***Municipal Act, 2001***
- (c) Any licenced owner of a taxicab or limousine that is involved in any contravention of this by-law is equally and separately guilty of the offence and upon conviction is liable to a fine or penalty as provided for in the ***Provincial Offences Act***.
- (d) Without limiting subsection (c) any licenced owner of a taxicab or limousine that is involved in any contravention of this by-law is equally and separately guilty of the offence and upon conviction is liable to a fine or penalty as provided for in the ***Municipal Act, 2001***.
- (e) Any taxi broker licenced under this by-law is equally and separately accountable for any contravention of this by-law committed by a licenced driver while assigned to them and upon conviction is liable to a fine, or penalty as provided for in the ***Provincial Offences Act***.
- (f) Without limiting subsection (e) any taxi broker licenced under this by-law is equally and separately accountable for any contravention of this by-law committed by a licenced driver while assigned to them and upon conviction is liable to a fine, or penalty as provided for in the ***Municipal Act 2001***.

33. SCHEDULES

- (a) All Schedules referred to in this by-law and attached to this by-law are deemed to be part of the by-law.
- (b) All Schedules referred to in this by-law and attached to this by-law may be amended be resolution of Council.

34. REPEAL

- (a) By-Law 2010-73 as amended is hereby repealed.

35. EFFECTIVE DATE

- (a) This by-law shall come into force and effect on the date of final passage thereof.

BY-LAW READ A FIRST, A SECOND AND THIRD TIME AND FINALLY PASSED THIS 27th, DAY OF JUNE, 2011.

THE CORPORATION OF THE TOWN OF MIDLAND

MAYOR

CLERK

Schedule "A" To By-Law 2011-50

LICENCE FEES

TYPE OF LICENCE	ORIGINAL	RENEWAL
Taxicab Owners Licence (Per Vehicle)	\$200	\$200
Limousine Owners Licence	\$200	\$200
Taxicab Brokers Licence	\$200	\$200
Taxicab Owners Transfer	\$200	n/a

Schedule "C" To By-Law 2011-50

REGULATIONS FOR THE USE OF TAXICABS FOR THE TRANSPORTATION OF CHILDREN TO AND FROM SCHOOL.

1. No licenced taxicab owner and no licenced taxicab driver shall use any vehicle for the transportation of children to and from school unless such vehicle is licenced as a taxicab by the Town.
2. No child shall be permitted to stand in the taxicab while it is in motion.
3. The taxicab shall carry, on the front and rear, signs not less than 275mm by 350mm in size, clearly and visibly displaying the words "SCHOOL VEHICLE" in black letters on a white or yellow background.
4. The signs referred to in clause (3) shall be carried only when the taxicab is actually engaged in transporting children to and from school, and shall be removed when the taxicab is engaged in any other business.
5. Transportation of all persons shall comply with the Highway Traffic Act of Ontario.

Schedule "D" To By-Law 2011-50

PROCEDURE ON TRANSFER OF TAXICAB OWNER'S LICENCE

1. The taxicab owner selling the owner's plate shall:

- i) complete and file with the Town Municipal Law Enforcement Officer, a declaration supplied by the Town Municipal Law Enforcement Officer;
- ii) provide a fully detailed contract of sale, for the owner's plate;
- iii) return to the Town Municipal Law Enforcement Officer, the owner's plate, issued in his name, which is being transferred.

2. The applicant for the purchase of the owner's plate shall:

- i) complete and file with the Town Municipal Law Enforcement Officer, an application for Taxicab Owner's Licence.
- ii) pay the fee provided for the renewal of a taxi owners licence.

CORPORATION OF THE TOWN OF MIDLAND

Part 1 Provincial Offences Act

By-Law 2011-50 being a by-law to regulate and govern taxicab brokers, owners and drivers

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Pickup and drop off passenger – No licence	2(b)	\$105.00
2	Operate taxicab – No licence	2(d)	\$105.00
3	Fail to submit taxicab for inspection	2(l)	\$105.00
4	Fail to display tariff of fares	14(b)	\$105.00
5	Fail to provide receipt	14(c)	\$105.00
6	Owner – Fail to affix owner’s plate	15(b)(i)	\$105.00
7	Owner – Fail to affix plate numbers	15(b)(ii)	\$105.00
8	Owner – Fail to have illuminated roof sign	15(b)(v)	\$105.00
9	Owner – Employ unlicensed taxi driver	15(c)	\$250.00
10	Owner – Fail to repair reported mechanical defect	15(e)	\$250.00
11	Operate taxi cab – no owners plate or sticker	16(c)	\$105.00
12	Owner - permit operation of taxicab – No owners plate or sticker	16(c)	\$105.00
13	Owner - permit operation of taxicab – Not clean	16(f)	\$105.00
14	Owner - permit operation of taxicab – Not in good repair (interior)	16(f)	\$105.00
15	Owner – display sign – Not approved	16(l)	\$105.00
16	Owner – display emblem – Not approved	16(l)	\$105.00
17	Owner – display decal – Not approved	16(l)	\$105.00
18	Owner – display ornament – Not approved	16(l)	\$105.00
19	Owner – display advertisement – Not approved	16(l)	\$105.00
20	Broker – Dispatch unlicensed taxicab	18(h)	\$105.00
21	Fail to remove suspended owners plate	19(b)	\$105.00
22	Fail to return suspended owners plate	19(b)	\$105.00
23	Fail to produce certificate of insurance	19(c)	\$250.00
24	Driver – Fail to display taxicab drivers licence	26(a)	\$105.00
25	Driver – Fail to wear identification card	26(b)	\$105.00
26	Driver – Fail to provide particulars upon request	26(c)	\$105.00
27	Driver – Fail to render assistance	26(h)	\$105.00
28	Driver – Fail to be civil and behave courteously	26(i)	\$105.00
29	Driver – Not properly dressed	26(j)	\$105.00
30	Driver – Not well groomed in personal appearance	26(j)	\$105.00
31	Driver – Not neat and clean in personal appearance	26(j)	\$105.00

Item	Column 1 Short Word Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
32	Driver – Fail to take most direct route	26(k)	\$105.00
33	Driver – Fail to turn off sound producing device upon request	26(m)	\$105.00
34	Driver - Fail to turn down two-way radio upon request	26(m)	\$105.00
35	Driver – Fail to inspect taxicab (interior and exterior)	26(n)	\$105.00
36	Driver – Fail to maintain clean taxicab interior	26(o)	\$105.00
37	Driver – Fail to report defect in the taxicab	26(p)	\$105.00
38	Driver – Fail to keep daily trip sheet	26(r)	\$105.00
39	Driver – Fail to make trip sheet available to MLEO	26(s)	\$105.00
40	Driver - Carry liquor, wine or beer without bona fide passenger	27(a)	\$105.00
41	Driver – Smoke in taxicab	27(b)	\$105.00
42	Driver – Permit smoking in taxicab	27(b)	\$105.00
43	Driver – Carry unpaying passenger	27(c)	\$105.00
44	Driver – Carry excessive passengers	27(d)	\$105.00
45	Driver – Obstruct drivers view of highway	27(g)	\$105.00
46	Driver – Take, consume or have alcohol	27(h)	\$105.00
47	Driver – Take, consume or have drugs	27(h)	\$105.00
48	Driver – Take, consume or have intoxicants	27(h)	\$105.00
49	Driver – Use an unapproved tariff card	27(i)	\$105.00
50	Driver – Remove, exchange, lend or otherwise dispose of tariff card	27(i)	\$105.00
51	Driver – Drive taxicab with no owners plate affixed	27(k)	\$105.00
52	Driver – Drive taxicab – owner not licenced	27(l)	\$105.00
53	Driver – Permit passenger to stand while vehicle in motion	27(m)	\$105.00
54	Driver – Operate taxicab with no owners plate	27(q)	\$105.00
55	Driver – Operate taxicab with no side numbers	27(q)	\$105.00
56	Driver – Operate taxicab with no roof light	27(q)	\$105.00
57	Driver – Operate taxicab with no extra tire and wheel	27(r)(i)	\$105.00
58	Driver – Operate taxicab with no jack	27(r)(i)	\$105.00
59	Driver – Mislead or deceive passenger regarding location or distance	27(s)	\$105.00
60	Driver – Have two-way radio scanner	27(u)	\$105.00
61	Driver – Receive, recover or charge fare greater than authorized	27(v)	\$105.00
62	Driver – Operate taxicab with no valid Ontario driver's licence	27(cc)	\$105.00

Note: The penalty provision(s) for the offences indicated above is Section 32 of By-Law No. 2011-50 a certified Copy of which has been filed.