

**OFFICE CONSOLIDATION OF
THE CORPORATION OF THE CITY OF BELLEVILLE
BY-LAW NUMBER 2010-17**

A BY-LAW TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF OWNERS AND DRIVERS OF TAXICABS AND TAXICAB BROKERS

WHEREAS Section 151 of the Municipal Act 2001, S.O., 2001, c.25, as amended, authorizes a local municipality to licence, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS Section 156 of the Municipal Act 2001, S.O., 2001, c.25, as amended, states that a by-law under Section 151 for licensing, regulating and governing the owners and drivers of taxicabs may:

- (a) establish rates and 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 from the conveyance;
- (c) limit the number of taxicabs or any class of them:

AND WHEREAS Section 23 of the Municipal Act 2001, S.O., 2001, c.25, as amended, allows a Municipality to delegate its powers and duties:

NOW THEREFORE the Municipal Council of the Corporation of the City of Belleville enacts as follows:

1. Definitions:

For the purpose of this By-Law:

- a) **"Accessible Taxicab"** shall mean a motor vehicle that is used or designated for use as a taxicab in relation to the transportation of persons who have a disability.

- b) **"Appeals Committee"** shall mean a Committee of Council duly appointed by by-law to conduct hearings under this by-law.
- c) **"Call"** shall mean a request or direction for the use of a taxicab, transmitted by radio or radio-phone, or by personal request of a prospective passenger, or in any other manner.
- d) **"Chief of Police"** shall mean the Chief of Police of the City of Belleville or his/her designate.
- e) **"City"** shall mean the Corporation of the City of Belleville.
- f) **"City Clerk"** shall mean the Clerk of the City of Belleville or his/her designate.
- g) **"Council"** shall mean the Council of the Corporation of the City of Belleville.
- h) **"Driver's Identification Card"** shall mean a photo identification issued by the City Clerk to those persons issued taxicab driver's licences.
- i) **"Licence"** shall mean a licence granted by the City pursuant to this by-law and shall include a licence to drive a taxicab (Taxicab Driver's Licence) or to act as a broker (Taxicab Broker's Licence) and a licence to permit the operation of a specific motor vehicle as a taxicab (Taxicab Vehicle Licence).
- j) **"Person"** shall mean and include one or more persons, corporations, partnership, association or any other legal entity.
- k) **"Taxicab"** shall mean a motor vehicle having a normal seating capacity of not more than six persons plus the driver used for hire for the conveyance of passengers wholly within the City of Belleville. Such definition of taxicab shall exclude those vehicles used as an extension of a business for the delivery of goods made; manufactured or produced by that business or its parent company. Such definition shall also exclude transportation

vehicles used by not-for-profit agencies, funeral hearses, ambulances, buses, limousines used on an irregular basis for special events only and contracted out on a per event or per hour basis.

- l) **"Taxicab Broker"** shall mean any person who accepts calls in any manner for taxicabs used for hire and controls and dispatches one or more taxicabs.
- m) **"Taxicab Driver"** shall mean and include any person engaged in driving or operating any taxicab.
- n) **"Taxicab Meter"** shall mean a device which measures the distance traveled by the taxicab and computes the fare to be charged and further contains an independent timing device to compute the charge for waiting time.
- o) **"Taxicab Plate"** shall mean a metal numbered plate issued by the City Clerk or his/her designate for a vehicle licensed as a taxicab pursuant to this by-law.
- p) **"Treasurer"** shall mean the Treasurer of the City of Belleville or his/her designate.

2. Delegation of Authority

- a) The administration of this by-law is assigned to the City Clerk who may delegate the performance of his or her functions under this by-law from time to time.
- b) In addition to other duties and acts authorized or identified in this by-law, the City Clerk shall:
 - i) Keep a register of all licences and transfers of licences granted under this by-law.
 - ii) Issue all licences as may be authorized.
 - iii) Collect all fees.
 - iv) Report any alleged misconduct of a person licensed pursuant to this by-law to the Chief of Police.
- c) Report any alleged defects or inefficiency of a taxicab or a taxicab meter to the Chief of Police.

- d) The Chief of Police is authorized to enforce the provisions of this by-law and to perform the following functions in addition to any specific functions delegated by the City Clerk;
 - i) Supervise all persons licensed under this by-law including all taxicabs together with the equipment used by them.
 - ii) Make all necessary inquiries concerning the fitness and qualifications of applicants for licences and without limiting the generality of the foregoing to perform police criminal record checks on licence holders or applicants for licences.

3. General Prohibitions

- a) No person shall offer for hire, gain or reward, use of a taxicab for the conveyance of goods or passengers within the municipal boundaries of the City of Belleville without first obtaining a licence under this by-law entitling that person to do so.
- b) No person shall drive a taxicab or engage in the occupation of a driver of a taxicab within the City of Belleville without having a current valid Taxicab Drivers Licence to do so issued under the provisions of this by-law.
- c) No person shall act as a taxicab broker within the City of Belleville without having a current valid Taxicab Brokers Licence to do so issued under the provisions of this by-law.
- d) No person shall permit a vehicle to be operated as a taxicab unless that vehicle has been licensed under the provisions of this by-law.
- e) No person shall employ any person as a taxicab driver other than a person licensed under this by-law to drive a taxicab.
- f) No person shall operate or permit the operation of a taxicab with a temporary vehicle licence or a trip permit.
- g) No taxicab driver shall fail to display the driver's identification card in the vehicle so as to be conveniently seen and read by any person engaging the taxicab.
- h) No taxicab broker or taxicab driver shall keep in their office or taxicab a scanner used for the interception of radio or phone communications.
- i) No taxicab broker or taxicab driver shall fail to adhere to the following requirements;

- i) Each stop to discharge a passenger shall be deemed to be the end of one trip and the commencement of a new trip.
- ii) At the end of each trip, the meter shall be cleared and started again at the commencement of each such trip.
- iii) Whenever more than one passenger is discharged at the same time, only the fare authorized by this by-law shall be charged.
- j) No person shall carry in any taxicab a greater number of occupants or persons than the manufacturer's rating of seating capacity of such vehicle.
- k) No person shall charge a rate for time lost for defects or inefficiency of the taxicab, or the incompetency of the taxicab driver thereof, or from time consumed by the arrival of the taxicab in response to a call in advance of the time such taxicab has been requested by the person called same.
- l) No person shall publish or use a tariff or demand or receive rates and charges other than those authorized by this by-law, whether such rates and charges are determined by distance or by time.
- m) No person shall operate or permit the operation of a taxicab without a taximeter that has been tested and sealed by the Chief of Police.
- n) No taxicab broker shall require any taxicab driver to be on duty more than twelve (12) hours in a twenty-four (24) hour period.

4. Licence – General

- a) No person shall be granted a taxicab driver's licence unless they are the holder of a valid Class "G" or equivalent drivers licence issued by the Province of Ontario.
- b) Every licence issued under the provisions of this by-law shall, unless sooner revoked or cancelled, expire on the 31st day of October next after the date of issue thereof.
- c) The number of current valid taxicab vehicle licences shall at all times be limited to one hundred (100), or such number greater or lesser as Council may determine.
- d) No person shall enjoy the vested right in the continuance of any licence issued under the provisions of this by-law, and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of the licence shall be the

- property of the City. Upon cancellation or suspension, the City has no obligation to refund the value of the licence.
- e) Every person licensed under the provisions of this by-law who intends to withdraw or terminate their services pursuant to such licence shall give forty-eight (48) hours notice in writing to the City Clerk of such intention. Upon the expiration of the forty-eight (48) hours, the licensee shall surrender such licence to the City Clerk forthwith.
 - f) Every person licensed under this by-law shall upon changing their address, notify the City Clerk within forty-eight (48) hours, giving the new address.
 - g) A separate taxicab vehicle licence shall be obtained for each taxicab.
 - h) The licence fees to be paid shall be as stipulated in Schedule "A" to the by-law which forms a part of this by-law.
 - i) A person who sells, exchanges, or otherwise disposes of a licensed taxicab, shall before operating any other vehicle in its place:
 - i) Submit proof to the Chief of Police that the replacement vehicle has successfully completed a mechanical fitness inspection satisfactory to the Chief of Police and if requested, present the replacement vehicle for examination.
 - ii) Apply to the City Clerk and obtain approval for a transfer of the licence from the disposed vehicle to the replacement vehicle.

5. Licence – Applications and Renewals

- a) Every application for a new or a renewed Taxicab Broker's Licence shall, be accompanied by:
 - i) A certified copy of an insurance policy as required under this by-law or certificate of such policy.
 - ii) The licence fee.
 - iii) A list of:
 - (1) The names of the registered owners of all persons operating taxicabs in association with such broker, and
 - (2) The names of all taxicab drivers operating in association with such broker.

- b) Every application for a new or a renewed Taxicab Driver's Licence shall, be accompanied by:
- i) Three (3) recent color passport photographs of themselves, two inches by two inches of a quality satisfactory to the City Clerk.
 - ii) The original of the applicant's valid Ontario Driver's Licence, issued by the Ministry of Transportation.
 - iii) An original of the applicant's criminal record search and vulnerable sector check, such document to be obtained from the Police Service from the Municipality in which the applicant resides within 30 days of the date of the application. (*Amending Bylaw Number 2013-33*)
 - iv) Such other information as may be required by the City Clerk for the administration of this by-law.
 - v) The licence fee.
- c) Every application for a new or a renewed Taxicab Vehicle Licence shall have submitted with the application:
- i) A valid certificate of mechanical fitness satisfactory to the Chief of Police or City Clerk certifying that said vehicle is in satisfactory condition of mechanical repair and suitable for use as a taxicab.
- d) An applicant is entitled to be licensed and a licensee is entitled to have such licence renewed, except where:
- i) The past conduct of the applicant of licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which the applicant is licensed in accordance with law and with integrity and honesty.
 - ii) The issuance of the licence or renewal of the licence would be contrary to the public interest.
 - iii) The applicant or licensee is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this by-law.
 - iv) There are reasonable grounds for the 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 other applicable law, or

- v) Where the applicant or licensee is a corporation:
 - (1) 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 the applicant is to be licensed in accordance with law and with integrity and honesty, or
 - (2) The issuance of the licence or renewal of the licence would be contrary to the public interest.
- e) All licence and transfer fees as prescribed in Schedule "B" of this by-law shall be payable to the Treasurer of the City of Belleville.
- f) For the purpose of the fees prescribed for a Taxicab Driver's Licence, if more than 3 months have passed since the licence in question expired, the application will be treated as a new application and not a renewal.

6. Insurance

- a) Every taxicab broker shall, in respect of each taxicab for which he/she holds a licence, procure a policy of insurance covering public liability, property damage and passenger hazard risk to at least the amount of Five Million (\$5,000,000.00) Dollars for any one accident.
- b) Such policy of insurance referred to in the preceding paragraph shall include an endorsement which requires the insurer to notify the City of Belleville at least ten days in advance of any intention to cancel or make any variation in the amounts of the policy.

7. Revocation or Suspension of Licence

- a) The Chief of Police may at any time for any cause appearing to him sufficient, suspend any licence and in such event shall report such suspension to the City Clerk with all reasonable dispatch.
- b) If the holder of a licence is convicted of any infraction of the by-law or any by-law of the City of Belleville regulating traffic or any of the provisions of the Highway Traffic Act of Ontario or is convicted of any infraction of the Liquor Act of

Ontario or the Criminal Code of Canada, his/her licence may be forthwith revoked by the Chief of Police.

- c) A person whose application for a new licence or a renewal licence has been refused or a person whose licence has been suspended or revoked may apply within 14 days of the date of mailing of the Notice of Refusal, Suspension or Revocation apply to the Appeals Committee for a review of the decision and shall be given an opportunity to make written representation or appear before the Appeals Committee. The decision of the Appeals Committee is final.

8. Operating Requirements – Taxicab Brokers

- a) Every person licensed as a Taxicab Broker shall:
- i) Keep a record of calls received and dispatched, giving date, time, origin, vehicle licence number and driver. With such records to be retained in an orderly manner for a period of twelve (12) months, and open for inspection to the Chief of Police or the City Clerk.
 - ii) Ensure that all vehicles and drivers dispatched are properly licensed under this by-law.
 - iii) Submit vehicles being operated as taxicabs for inspection as required by the Chief of Police.
 - iv) Upon reducing the number of taxicab vehicle licences required by their company, attend at the office of the City Clerk and surrender said licence within forty-eight (48) hours.
 - v) Require that drivers employed have been approved by the company providing the insurance coverage under this by-law.
 - vi) Require that persons engaged as Taxicab Drivers are properly licensed under this by-law.
 - vii) Prominently display on the rear exterior of the taxicab the taxicab plate issued and provided pursuant to this by-law.
 - viii) Ensure that both front doors of the taxicab depict a number unique to that taxicab, such numbers to be of a contrasting color to the body paint of the taxicab and of a size no smaller than 150 millimeters (6 inches) in height.

- ix) Not permit the display of any advertisement on any taxicab except the company name, phone number and method of payment (credit card symbol i.e., Visa or Mastercard) unless approved by the City Clerk.
- x) Ensure that all taxicabs dispatched by him/her are properly licensed under this by-law.
- xi) Ensure all taxicab drivers operating a vehicle in association with such taxicab broker are properly licensed under this by-law.
- xii) Provide telephone and radio dispatching facilities maintained in proper working condition.

9. Operating Requirements – Taxicab Drivers

- a) Every person licensed as a Taxicab Driver under this by-law shall keep a daily record of all trips made and such record shall contain the following information:
 - i) The taxicab driver's identification licence number and the taxicab plate number issued under the provisions of this by-law.
 - ii) The amount of the fare collected for each trip.
 - iii) The date, time, origin, and destination of each trip.
- b) Every person licensed as a Taxicab Driver under this by-law shall:
 - i) Upon request of the Chief of Police, provide full information as to passengers carried.
 - ii) Place their taxi driver's identification card in the holder provided so that it may be conveniently seen and read by passengers.
 - iii) While on duty, display in a visible location on their person, the taxi driver's identification card provided pursuant to this by-law and shall permit any person to note the number on being required to do so.
 - iv) Travel by the most direct route to the point of destination, unless otherwise directed by the person engaging the taxicab.
 - v) Search their vehicle at the beginning and termination of their shift for any alcoholic beverages, drugs or any other illegal goods.
 - vi) Be properly dressed, neat and clean, and be civil and well behaved.

- vii) Ensure that his or her vehicle is clean, neat and tidy, and suitable for carrying passengers according to this by-law.

10. Taximeter and Fare Rates

- a) Every taxicab broker shall ensure that each taxicab operating under his/her taxicab broker's licence is equipped with a taximeter, the type of which shall first be submitted to and approved by the Chief of Police.
- b) Every taxicab broker shall ensure that each taximeter shall be:
 - (1) Submitted when required for testing, inspection and sealing by the Chief of Police.
 - (2) Illuminated between dusk and dawn.
 - (3) So placed as to be conveniently seen at all times by the passenger or passengers thereof.
 - (4) Used only when the seal therein is intact.
 - (5) Kept in good working order at all times and not used when defective in any way.
 - (6) Numbered and not used until approved by the Chief of Police.
 - (7) Adjusted in accordance with the tariff prescribed by Schedule "B" of this by-law.
- c) Taxicabs shall be operated on a meter basis. The rate of fare charged shall be exactly as shown by the taximeter, together with any additional charges authorized by Schedule "B" of this by-law.
- d) When a passenger first enters a taxicab, which is equipped with a taximeter, the driver of the taxicab shall immediately position and maintain it in operation throughout the trip.
- e) Every licensed person operating a taxicab shall be permitted to operate on an hourly basis at the request of a passenger and then only at the rate therefore fixed by Schedule "B" of this by-law.
- f) The tariff or rates herein authorized shall be computed from the time or place when or at which the passenger or passengers first enter the taxicab to the time or place when or at which the passenger or passengers finally discharge the taxicab.

11. Alternate Rate Fees

- a) Notwithstanding any other provision in this by-law, taxicab broker or taxicab driver may charge a flat rate for certain circumstances. This rate is to be determined by the taxicab broker for the trip traveled and may be charged only in the following circumstances:
 - i) Transportation of handicapped persons in an accessible taxicab.
 - ii) Contracts with service agencies and school boards.
 - iii) Transportation of Loyalist College students to and from the college.
 - iv) Transportation of passengers or goods to and from outside of the City of Belleville.

12. Severability

- a) If any section, clause or provision of this by-law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of council for the City of Belleville that all remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

13. Penalty

- a) Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to such penalties or fines as provided for the Provincial Offences Act, S.S.O. 1990, c.P.33, as amended, or any successor thereto and to the Municipal Act, 2001, S.O. 2001, c.P.25, as amended.
- b) Upon conviction of any contravention of this by-law, such person may have their licence suspended or revoked by the City of Belleville.

14. Short Title

- a) The short title of this by-law shall be the "Taxi By-Law".

THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT UPON FINAL PASSING HEREOF.

Read a first time this 8th day of February 2010.

Read a second time this 8th day of February 2010.

Read a third time and finally passed on this 8th day of February 2010.

NEIL R. ELLIS

MAYOR

JULIE C. ORAM

CITY CLERK

SCHEDULE "A"
LICENCE FEES

| LICENCE/DESCRIPTION | FEE FOR NEW LICENCE | FEE FOR RENEWAL LICENCE | OTHER |
|---|---------------------|-------------------------|----------|
| Taxicab Vehicle Licence | \$120 per annum | \$ 90 per annum | |
| Taxicab Driver's Licence | \$75 per annum | \$ 50 per annum | |
| Taxicab Broker's Licence | \$600 per annum | \$400 per annum | |
| | | | |
| Replacement of taxicab driver photo identification card | | | \$ 20.00 |
| | | | |
| Transfer taxicab vehicle licence to a replacement vehicle | | | \$10.00 |
| Replacement Taxicab Plate | | | \$35.00 |

Schedule "B"

Tariff

- i. Maximum Start Rate \$4.00
- ii. Maximum for each additional Kilometer \$2.00
- iii. For waiting time while under engagement, maximum 35 cents per minute totaling a maximum hourly rate of \$21.00
- iv. Taxicabs may be rented by one passenger or passengers traveling as one group at an hourly rate for a minimum period of one hour.
- v. The charge for renting a taxi for one hour within the city and to any point not more than three kilometers beyond the city shall be a maximum of Thirty Five (\$35.00). For each additional fifteen (15) minute period or portion thereof the rental charge shall be a maximum of seven dollars and fifty cents (\$7.50)