

**THE CORPORATION OF THE TOWN OF KAPUSKASING**

**BY-LAW NO. 2798**

**Being a by-law to provide for the licencing and regulations governing owners and drivers of cabs and motor vehicles for hire within the Town of Kapuskasing.**

WHEREAS the Council of the Corporation of the Town of Kapuskasing is empowered to pass by-laws to licence, regulate and govern businesses, pursuant to Part IV of the Municipal Act, S. O. 2001, as amended;

AND WHEREAS Sections 390 to 400 of the Municipal Act, S. O. 2001, as amended, enables municipalities to pass by-laws for imposing fees and charges for permits and services provided or done by them;

AND WHEREAS in accordance with Section 150 (4) (a) and (b) proper notice of a public meeting was given and a public Committees of the Whole meeting was held on November 22, 2004 at which time a report pertaining to the fees for taxi drivers and taxi brokers was presented;

AND WHEREAS authority is granted to Municipal Councils to refuse the granting of a license and to revoke a licence once issued and to regulate the hours of operation of such trades, callings, businesses, occupations, places or things;

AND WHEREAS, pursuant to Section 155 (1) of the Municipal Act, S. O. 2001, as amended, Kapuskasing Council is provided authority to licence, regulate and govern the owners and drivers of taxicabs, motor or other vehicles used for hire or any class thereof;

AND WHEREAS pursuant to Section 150 of the Municipal Act, S. O. 2001, as amended, Kapuskasing Council is exercising its licencing powers under this section for the following reasons:

- (i) Health and Safety;
- (ii) Nuisance Control;
- (iii) Consumer Protection.

AND WHEREAS pursuant to Section 150 (2) of the Municipal Act, S. O. 2001, as amended, Kapuskasing Council deems it expedient that the following classification of business be licenced for the following reasons:

TAXICABS, OPERATORS AND BROKERS, for the purposes of health and safety of consumers who enter the taxicab vehicles; to ensure the protection of the consumers and for purposes of nuisance control.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF KAPUSKASING ENACTS AS FOLLOWS:

1. Schedules "A", "B", "C", "D" and "Schedule "E", as attached, form part of this By-Law and are hereby adopted.
2. By-law No. 2446 is hereby repealed.

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3. This By-Law shall come into force and take effect on January 1, 2005.

4. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, as amended, and all the provisions of the said Act shall apply to any offence under the provisions of this by-law.

**READ A FIRST AND SECOND TIME THIS 20<sup>TH</sup> DAY OF DECEMBER, 2004.**

**READ A THIRD TIME AND PASSED THIS 20<sup>TH</sup> DAY OF DECEMBER, 2004.**

**UNDER THE SEAL OF THE CORPORATION OF THE TOWN OF KAPUSKASING.**

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**Mayor**

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**Clerk**

REPEALED BY-LAWS: #2446, 2837 and 2853

# SCHEDULE "A"

## BY-LAW NO. 2798

1. In this by-law:
  - (a) "**APPLICANT**" means a person applying for a licence under this by-law.
  - (b) "**BROKER**" means any person who carries on the business of accepting orders for, or dispatching taxis that are not owned by that person or that person's immediate family or employer;
  - (c) "**CHIEF CONSTABLE**" means the Detachment Commander of the Kapuskasing Ontario Provincial Police or his/her designate.
  - (d) "**CORPORATION**" means the Corporation of the Town of Kapuskasing.
  - (e) "**COUNCIL**" means the Council of the Corporation of the Town of Kapuskasing.
  - (f) "**DRIVER**" means a person engaged in driving or operating a taxi for or on behalf of another person who is the owner thereof.
  - (g) "**LICENCE**" means a permit granted under the provisions of this By-Law to a taxi driver, owner or broker by the Corporation.
  - (h) "**OWNER**" means any person who is the registered owner of a taxi.
  - (i) "**TAXI**" means a motor vehicle as defined in the Highway Traffic Act, R.S.O. 1990, as amended, being a vehicle of a four-door sedan type for hire for the transportation of passengers from place to place and ordinarily having a seating capacity of not more than six persons, inclusive of the driver.
  - (j) "**TAXI STAND**" means a facility provided by a taxi broker to a taxi owner/driver in his/her employ or for consideration, which meets the requirements of this by-law.
2. **LICENCES**
  - (1) Every application for a licence in the form set out in Schedule "A" shall be obtained from the Corporation and submitted to the Chief Constable for processing.
  - (2) No licence shall be issued until the applicant submits
    - i) an application approved by the Chief Constable or his/her designate;
    - ii) two current passport type photographs (one such photograph to be attached to the licence and the other to be retained by the Corporation);
    - iii) A Certificate of Health in the form set out in Schedule "B" duly issued by a qualified medical practitioner or proof that the applicant has undergone a medical examination in the twelve (12) months preceding the date of application. A Certificate of Health must be issued every three years (minimum) by a qualified medical practitioner.
  - (3) No person shall own or drive a taxi or operate as a taxi broker within the Corporation without first having obtained a licence from the Corporation to do so and paying the licence fee as set out in Schedule "C" to this by-law.
  - (4) No licence shall be issued until the application for such has been approved by the Chief Constable or his/her designate.

- (5) Every licence, unless sooner revoked, shall be renewable on the 1st day of January in each year.

3. **CHIEF CONSTABLE**

The Chief Constable, or his/her designate, shall have supervision over all persons licenced under this by-law, and over all vehicles in respect of which licences are issued, and shall in connection with this by-law:

- (a) make all necessary and proper inquiries concerning applications for licences and the suspension, revocation and transfer thereof;
- (b) cause the examination and testing of every applicant for a licence as to his/her ability to operate the vehicle to be driven by him/her, **if deemed necessary**;
- (c) cause the inspection and satisfy himself/herself as to the sufficiency, repair and condition of every vehicle in respect of which a licence is applied for according to the terms of this by-law;
- (d) satisfy himself/herself as to the good character and responsibility of all applicants;
- (e) have all taxis annually checked to ensure that all regulations are being adhered to.
- (f) upon reasonable and probable grounds, order a mechanical inspection of a licenced taxi at the cost of the taxi owner unless no mechanical defect is found.

4. **INSURANCE**

No person shall be granted a licence as owner of a cab until he/she deposits with the Chief Constable a copy of a current Ontario Standard Automobile Insurance Policy with a 6A "**Permission to carry paying passenger**" provision and endorsed to provide that the Chief Constable will be given at least ten (10) days notice, in writing, prior to any cancellation, expiration or change in the amount of the policy and, insuring in respect to any one accident, a third party liability limit of at least One Million Dollars (\$1,000,000) for each vehicle for which the owner is to be licenced.

5. **TAXI DRIVER/OWNER**

- (1) No licence shall be granted except upon application therefore of such persons who are at least nineteen (19) years of age and of good character, who possess a knowledge of the geography of the municipality and of the prescribed tariff, and who hold a current, valid, unrestricted Class 'G' driver's licence issued by the Province of Ontario in their name which is in good standing according to the records of the Ministry of Transportation;
- (2) The applicant has not been found guilty of an indictable offence under the Criminal Code of Canada, or an offence under the Controlled Drug and Substances Act or the Food and Drug Act within the preceding three years;
- (3) The applicant has not been found guilty of an offence under the Liquor Licence Act of Ontario pertaining to the illegal sale or purchase of liquor within the preceding three years;
- (4) The applicant has not been found guilty of a criminal offence pertaining to the operation of a motor vehicle within the preceding three years;
- (5) The applicant has not been found guilty of any sexual offence under the Criminal Code;
- (6) The applicant does not have a loss of more than 9 demerit points under the Highway Traffic Act of Ontario.
- (7) No holder of a taxi driver/owner's licence shall transfer said licence to another person.
- (8) The owner or driver of every taxi shall keep the interior clean and dry and the exterior of such taxi, clean and free from visible damage.
- (9) Every licensed taxi driver shall be furnished with a number disc.
- (10) Every driver shall keep his taxi licence with his photograph attached thereto, prominently displayed in the interior of any cab driven by him/her and he/she shall also wear the number disc supplied to him/her on his/her clothing in a

prominent location, or he/she shall affix the said number disc to the interior of the cab so that it is prominently displayed.

- (11) No driver shall take or consume any liquor while he/she is in charge of a taxi.
- (12) No owner or driver shall carry in any vehicle used for hire a greater number of occupants or persons than the manufacturers rating of seating capacity of such vehicle inclusive of the driver.
- (13) No owner or driver shall drive a taxi with luggage or other material placed in a manner that obstructs his/her view.
- (14) No owner or driver shall frequent any disorderly house as defined by the Criminal Code; frequent any place where liquor is illegally kept for sale; or permit his/her taxi to be used by persons desirous of visiting such places.
- (15) Every driver shall drive the taxi operated by him/her by the most direct travelled route to the point of destination unless otherwise directed by the passenger.

6. **TAXI BROKER**

A taxi broker shall

- (1) operate from a taxi stand;
- (2) be entitled to one taxi broker's licence in respect of each taxi stand that he/she maintains, provided that each such taxi stand has the following facilities: sufficient off-street parking for each of the taxi cabs being operated; telephone and dispatching service; and, passenger waiting room, including toilet facilities;
- (3) keep a record of each taxi dispatched on a trip, the time and date of receipt of the order, the pickup location, the hours worked by each driver and shall retain the records for a period of at least twelve months and make them available for inspection at the request of the Chief Constable;
- (4) retain all trip sheets submitted by a taxi driver for at least twelve months and make them available for inspection at the request of the Chief Constable.

7. **RATES OR FARES**

The rates or fares to be charged by the owner or driver of taxi cabs to which this by-law applies for the conveyance of passengers within the Town of Kapuskasing limits shall not exceed those set out in Schedule "E" of this by-law.

**SCHEDULE "B"**

**TO BY-LAW NO. 2798**

**THE CORPORATION OF THE TOWN OF KAPUSKASING**

**LICENCE APPLICATION**

**NAME:** \_\_\_\_\_

**TELEPHONE NUMBER:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**DRIVERS LICENCE NUMBER:** \_\_\_\_\_

**NAME OF EMPLOYER:** \_\_\_\_\_

**PAST EMPLOYERS (list names and addresses):**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

**CONVICTIONS (list any previous convictions, criminal, driving, drugs, etc.);**

CHARGE	DATE	DISPOSITION

**FOR OPP USE ONLY**

**CPIC CHECK**

**FILE CHECK**

**OPP RECOMMENDATION:    GRANTED**

**DENIED**

\_\_\_\_\_  
**Authorized Signature**

\_\_\_\_\_  
**Date**

SCHEDULE "C"

TO BY-LAW NO. 2798

CERTIFICATE OF HEALTH

I hereby certify that \_\_\_\_\_ has undergone a complete physical examination and that, in my opinion, he/she is physically and mentally capable of operating/driving a taxi.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Examining Physician

**SCHEDULE "D"**

**TO BY-LAW NO. 2798**

**2007 LICENCE FEES**

<b>Driver's licence</b>	<b>\$60.00</b>
<b>Broker's licence and the first cab</b>	<b>\$105.00</b>

**SCHEDULE "E"**  
**TO BY-LAW NO. 2798**

**FARES**

Base Rate:	\$ 3.95
Each additional .10 km. or part thereof:	\$ .20
Hourly Rate, with appropriate pro-rated charge for any part thereof:	\$30.00

Notwithstanding the above, a 10% discount off regular rates will be allowed for senior citizens and handicapped persons.