

# Licence

## Chapter 0643 Taxi - Limousine

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WHEREAS Part IV of the *Municipal Act, 2001*, c. 25 provides that a local municipality may provide for a system of licences with respect to a business;

AND WHEREAS section 156 of the *Municipal Act, 2001*, c. 25 provides that a local municipality may establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality, provide for the collection of the rates or fares charged for the conveyance and limit the number of taxicabs or any class of them;

AND WHEREAS the Council of the City of Woodstock considers it desirable and necessary to licence, regulate and govern drivers, owners and brokers to enhance and encourage safe maintenance and operational practices, to ensure that services are provided by qualified drivers and to enhance the accountability of drivers, owners and brokers;

AND WHEREAS the Council of the City of Woodstock considers it desirable and necessary to licence, regulate and govern drivers, owners and brokers for the purpose of consumer protection including the enhancement and encouragement of equal, fair and courteous treatment of passengers, ensuring consistency in the application of fares and the enhancement of the accountability of drivers, owners and brokers.

## **Article 1- Short Title**

### **643.1.1 Citation**

This Chapter may be cited as the "Taxi and Limousine Licensing By-law."

## **Article 2 - Interpretation**

### **643.2.1 Accessible vehicle - defined**

"accessible vehicle" shall mean a motor vehicle originally constructed or subsequently modified to permit the loading, transportation and off-loading of those individuals confined to a wheelchair, or similar device used to assist the disabled, without transfer and such motor vehicle shall comply with the federal and provincial legislation applicable to the transportation of a disabled passenger. Accessible vehicles shall be equipped with a non-skid ramp and sufficient wheelchair "tie downs" to accommodate the number of disabled persons the vehicle is capable of carrying.

### **643.2.2 Broker - defined**

"broker" shall mean a person who carries on the business of accepting orders for and dispatching in any manner the taxicab vehicles licensed under this Chapter. Persons who operate only accessible taxi vehicles shall not be required to purchase a broker's licence.

### **643.2.3 City - defined**

"City" shall mean the City of Woodstock.

### **643.2.4 Cab or taxicab - defined**

"cab or taxicab" shall mean a motor vehicle including an accessible taxicab which is kept or used for hire for the conveyance of passengers with a seating capacity of not more than six persons including the driver or not less than four persons including the driver.

### **643.2.5 Call - defined**

"call" shall include a request or direction for the use of a cab, taxicab, or limousine transmitted by radio or radio phone, or mobile data device or by personal request of a prospective passenger or in any other manner.

### **643.2.6 Clerk - defined**

"Clerk" shall mean the Clerk or his/her designate for the Corporation.

### **643.2.7 Corporation - defined**

"Corporation" shall mean The Corporation of the City of Woodstock.

### **643.2.8 Council - defined**

"Council" shall mean the Council of the Corporation.

### **643.2.9 Disabled - defined**

"disabled" means:

- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness, and without limiting the generality of the foregoing, includes diabetes, mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
- b) a condition of mental impairment or a developmental disability;
- c) a learning disability or dysfunction in one or more of the process involved in understanding or using symbols or spoken language;
- d) a mental disorder; or
- e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

### **643.2.10 Disabled passenger - defined**

"disabled passenger" means a passenger who is disabled.

### **643.2.11 Dispatch - defined**

"dispatch" means the communication of an order or information in any manner between a broker and a driver.

### **643.2.12 Dispatcher - defined**

"dispatcher" means a person who is in the employ of or working under a contract with a taxicab broker and whose duties include accepting orders and calls for taxicab service and/or dispatching orders and calls to taxicab drivers.

### **643.2.13 Driver - defined**

"driver" means any person who is licenced as such under this Chapter to drive a cab, taxicab or limousine.

### **643.2.14 Fare - defined**

"fare" means the amount of money required for payment of a trip as set out in Schedule 'A' of this Chapter.

### **643.2.15 Licence - defined**

"licence" means a licence granted by the Corporation under the provisions of this Chapter to a person to conduct the business of a broker or who owns or operates any vehicle used to convey passengers for hire.

### **643.2.16 Licence officer - defined**

"licence officer" means the Clerk or his/her designate.

**643.2.17 Law enforcement officer - defined**

“law enforcement officer” means a person appointed by the Council of the Corporation to enforce the by-laws of the municipality or a police officer employed by Woodstock Police Services or its successor.

**643.2.18 Limousine - defined**

“limousine” means a motor vehicle having a seating capacity of not less than six passengers, not including the driver and that is recognized by the automobile industry as a “luxury” vehicle that is manufactured with an extended wheel base or has been extended from its original design and includes vehicles that have been uniquely modified so as to provide “luxury” sport utility vehicle but does not include a standard bus, taxicab, station wagon, panel truck or van.

**643.2.19 Maintenance log - defined**

“maintenance log” mean a series of written information relating to the repair of a licensed vehicle including the Vehicle Information Number (VIN), owner’s plate number, make, model and year of the vehicle, the nature of the repair, the date of the repair and the name of the person (business) performing the repair.

**643.2.20 Mechanical defect - defined**

“mechanical defect” means damage to or failure of a part, component or a feature to work in accordance with the manufacturer’s specifications of the vehicle.

**643.2.21 Promotions - defined**

“promotions” shall include promotional material such as but not limited to gift certificates or coupons, that are redeemable as payment for a fare.

**643.2.22 Owner - defined**

“owner” means the registered owner of the broker’s business, a cab, taxicab or limousine. By-law 8590-10, February 4, 2010.

**643.2.23 Police Security Clearance Record Check - defined**

“Police Security Clearance Record Check” means a certificate of criminal records check search issued by the Woodstock Police Service or the applicant’s local policing agency. By-law 8590-10, February 4, 2010; By-law 8749-12, April 5, 2012.

**643.2.24 Person - defined**

“person” includes an individual, corporation, firm, association, other legal entity or agent thereof.

**643.2.25 Taxicab - defined**

“taxicab” means the same as cab.

#### **643.2.26 Taxicab broker - defined**

"taxicab broker" means any person who accepts calls in any manner for cabs or taxicabs used for hire. Persons who operate handicap taxi vehicles only shall not be required to purchase a broker's licence.

#### **643.2.27 Taxicab broker licence - defined**

"taxicab broker licence" means a licence issued to a taxicab/limousine broker pursuant to the provisions of this Chapter.

#### **643.2.28 Trip - defined**

"trip" means the continuous distance travelled from the place at which a passenger first enters a taxicab or limousine to the place at which the passenger disembarks from the taxicab or limousine.

### **Article 3 - General Provisions**

#### **643.3.1 Operation - without licence - prohibited**

Every person who operates as taxicab or limousine broker or driver shall first obtain a licence pursuant to the provisions of this Chapter. (See Set Fine)

#### **643.3.2 Location - restriction**

A taxicab/limousine broker shall be located on property that is zoned to allow such use. By-law 8590-10, February 4, 2012.

#### **643.3.3 Licence - number - non-transferable**

The number of taxicab/limousine broker licences that may be granted by the City shall be limited to a maximum of one taxicab plate per 850 population in any given year.

#### **643.3.3.1 Broker criteria - accessible taxicabs**

Each broker shall be required to meet the following criteria, in order to be eligible to be licensed on an annual basis: The greater of a minimum of one or five percent of taxicab plates allocated to each broker must be accessible taxicabs rounded up to the nearest whole number ( i.e., 11 taxi plates would require one accessible plate) and any such licence is not transferable. This Section shall become applicable effective the 2014 licensing period (February 15th 2014). By-law 8804-12, November 1, 2012; By-law 8845-13, April 18, 2013.

#### **643.3.4 Previous licences - preference upon renewal**

Until February 15 in each year, preference will be given to applicants who held a taxicab/limousine broker licence in the previous year. An applicant who did not hold such licence in the previous year shall not be granted a



licence for the current year until February 15, if the granting of such licence could reduce the number of licences available to brokers of the previous year.

**643.3.5 Additional licences - existing licensees**

Applicants who hold a taxicab broker licence shall be eligible to apply to obtain additional taxicab broker licenses on a first come first served basis provided that the taxicab broker provides such documentation as is requested by the Clerk or his/her designate to prove that each of the licensed vehicles within the taxicab broker's business has operated an average in excess of sixty hours per week during the past eight weeks previous to applying. By-law 9118-17, March 2, 2017.

**643.3.6** Repealed: By-law 8845-13, 18 April, 2013.

**643.3.7 Licence - issue – requirements**

The Clerk shall not issue a licence unless the following have been provided:

- a) all information requested by the Corporation has been supplied;
- b) the application has been completed, signed and filed with the Clerk;
- c) the licence fee has been paid.

**643.3.8 Licence - expiry - February 15 – exception**

Every licence issued under the provisions of this Chapter shall expire on February 15th of the following year for which it was issued, unless sooner revoked.

**643.3.9 Licence - displayed – visible**

Every licence issued under the provisions of this Chapter shall be prominently displayed where it is visible to the public and the passengers.

**643.3.10 Licence - revocation - circumstances**

Every licence shall be subject to revocation should any of the provisions of this Chapter be contravened.

**643.3.11 Information - changed - notification - seven days**

Every holder of a licence issued under the provisions of this Chapter shall notify the Clerk of any subsequent change of information which has been supplied to the Corporation.

**643.3.12 Non-compliance - disputed - referral - to Council**

Where an inaccuracy, non-compliance or contravention is disputed in writing by the licence holder, the disputed matter shall be referred forthwith by the Clerk to the Council which shall hear representations from the applicant and determine the matter.

### **643.3.13 Hours of operation**

Every person holding a taxicab broker's licence shall maintain a twenty-four hour per day, seven days per week service with sufficient taxicabs available to service calls under normal circumstances.

### **643.3.14 Minimum of five licences – retained by Corporation**

The Clerk shall retain a minimum of five taxicab vehicle licences for the purposes of accommodating a new broker. The Clerk shall advise Council when there are only five taxicab vehicle plates available and make a recommendation in regards to increasing the limit cap. By-law 8590-10, 4 February, 2010.

### **643.3.15 Application - new broker's licence**

Every applicant for a new broker's licence shall be eligible for a minimum of five and a maximum of 10 taxicab/limousine broker licences, if available. Such applicant shall be required to file with the application for a broker's licence a minimum of five driver's applications with criminal record checks for each. By-law 8590-10, February 4, 2010; By-law 8749-12, April 5, 2012.

### **643.3.16 Exemptions - non-profit agencies**

This Chapter shall not apply to the following:

- a) non-profit agencies which provide transportation at cost through their agency;
- b) non-profit agencies shall be eligible to provide para-transit services to "disabled persons" provided that the agency complies with the provisions of this Chapter with the exception of Sections 643.3.2 (Location - restriction); Section 643.3.9 (Licence - displayed - visible); Section 643.3.10 (Licence - revocation - circumstances); Section 643.3.11 (Information - changed - notification - seven days), Section 643.3.9 (Licence - displayed - visible); Section, 643.4.9 (Vehicle - disposal - replacement -notice); Section 643.4.10 (Vehicle - roof sign - condition); and Section 643.5.11 (Fares).

### **643.3.17 Exemptions – written contracts**

This Chapter shall not apply in the following circumstances:

- a) in respect of trips conducted by taxicab brokers pursuant to a written contract with a business to carry passengers or products when the trip is conducted to or from the premises of the business;
- b) in respect of trips conducted by taxicab brokers pursuant to a written contract with a school board to and from schools under the jurisdiction of the applicable school board;
- c) in respect of trips conducted by taxicab brokers for persons that require medical treatment to and from a hospital, medical clinic or private doctor's office exclusively. For greater certainty, this

exemption is only applicable if the trip originates from a hospital, medical clinic or private doctor's office and the passenger must have been transported by the taxicab broker from outside the City to such hospital, medical clinic or private doctor's office.

#### **643.3.18 Promotions – discounted fares**

Every taxicab broker who provides discounted fares through a promotion shall;

- a) first obtain approval from the Clerk;
- b) operate the promotion for no more than forty five consecutive days;
- c) operate no more than one promotion at a time;
- d) provide the Clerk with a written agreement of the promotion between the taxicab broker and the required sponsoring company which cannot be the taxicab broker that will be funding the difference in the fare from the cost to purchase the booklets and the cost in the Schedule 'A';
- e) provide the Clerk with a copy of the booklet, posters, advertisements and all other promotional materials for approval prior to commencement of the promotion;
- f) ensure that the booklet(s) used in the promotion are sequentially numbered;
- g) provide the Clerk with records of all booklets sold, redeemed, a copy of the invoice to the sponsor company and copy of the receipt from the sponsor company showing payment of any fare difference by no later than sixty days after the promotion has concluded; and
- h) ensure that the redeemable monetary value of a promotion is calculated so that each fare offered in the booklet is equivalent to the rate prescribed for Zone C of Schedule 'A'.

#### **643.3.19 Promotions – restricted**

Every taxicab broker providing promotions shall only provide them upon approval by the Clerk and during the promotional period permitted.

### **Article 4 - BROKER'S LICENCE**

#### **643.4.1 Vehicle permit - in good standing**

Every person holding a broker licence, that operates a vehicle as part of his/her taxicab/limousine business, shall hold a current passenger motor vehicle permit which is in good standing and issued in the applicant's name by the Ministry of Transportation for the motor vehicle of which he/she is the owner or proof that he/she has the authority to operate the vehicle as part of his/her taxicab/limousine business from the owner of the vehicle.

#### **643.4.2 Safety certificate - required annually**

Every person holding a broker licence shall provide a safety standards certificate issued under the *Highway Traffic Act* for each motor vehicle to be licensed under this Chapter annually prior to licensing.

#### **643.4.3 Dispatch services - uninterrupted - requirement**

Every person holding a broker licence shall provide a dispatch service which operates twenty-four hours per day, seven days per week. The broker must have an administration office within the limits of the City of Woodstock which is open a minimum of forty hours per week.

#### **643.4.4 Insurance - minimum requirement**

Every person holding a broker's licence shall produce a certificate of insurance confirming that a general liability policy in the amount of \$2,000,000 is in force. By-law 9235-18 – August 9, 2018

#### **643.4.5 Broker - responsibilities**

Every person holding a broker's licence issued under this Chapter shall ensure the following conditions are complied with:

- a) advise the Corporation of any change in a driver's licence status;
- b) advise of any change in vehicles;
- c) ensure that daily trip records are accurately completed, filed and are made available to the Corporation if requested;
- d) ensure that the fares charged are consistent with the Chapter requirements;
- e) advise of any address change;
- f) agrees to comply with the provisions of this Chapter and its amendments;
- g) agrees to keep the vehicles in good repair and clean; and
- h) must provide a minimum of five taxicabs.

#### **643.4.6 Daily trip record - provided - upon request**

Every broker, driver or person who holds a licence issued under the provisions of this Chapter shall produce daily trip records if so requested by the Clerk or his/her designate which prove that each licenced vehicle was in operation for a minimum of one hundred and twenty hours during any thirty day period unless there is an acceptable reason provided to the Clerk.

#### **643.4.7 Call record - information requirements**

Every broker, driver or person who holds a licence issued under the provisions of this Chapter shall keep a record of all calls received or dispatched giving date, time, origin, vehicle licence number and driver. Records are to be retained in an orderly manner filed by date for twelve months and open to inspection by the Clerk or his/her designate or a law

enforcement officer.

**643.4.8 Licence plate - displayed on vehicle**

Every broker, driver or person who holds a vehicle licence in relation to this Chapter shall permanently and prominently display on the rear exterior of the taxicab the numbered metal licence plate provided by the Corporation.

**643.4.9 Vehicle - disposal - replacement – notice**

Every applicant for or holder of a taxicab/limousine broker licence shall, upon disposing of a vehicle, within forty-eight hours advise the Clerk or his/her designate of the replacement vehicle or surrender the licence in respect of such taxicab.

**643.4.10 Vehicle – roof sign - condition**

Every broker, driver or person who holds a vehicle licence under this Chapter shall ensure each licenced taxicab has an illuminated sign on the roof which indicates the name of the taxicab company and that such sign is legible and in good working order.

**Article 5 - Driver's Licence**

**643.5.1 Age - immigration status**

Every driver who holds a driver's licence under this Chapter must be at least eighteen years of age and a citizen of Canada, a landed immigrant or produce a valid work permit to work as a driver, issued by the Government of Canada.

**643.5.2 Valid Class "G" licence - required**

Every driver who holds a driver's licence under this Chapter shall hold a current valid Class "G" driver's licence issued by the Province of Ontario which is in good standing according to the records of the Ministry of Transportation. By-law 8590-10, February 4, 2010.

**643.5.3** Repealed: By-law 8427-08, February 21, 2008

**643.5.4 Criminal record check - required**

Every owner, driver or person who applies for or wishes to renew their licence under this Chapter shall provide a Criminal Records Check with the completed application and licence. By-law 8590-10, February 4 2010; By-law 8749-12, April 5, 2012.

### **643.5.5 Photographs - passport size - required**

Every owner, driver or person who applies for or wishes to renew their licence under this Chapter shall provide two passport size photographs or the Clerk will take a digital image at an additional cost of \$5 to the applicant.

### **643.5.6 Application**

Every applicant for or renewal of a driver's licence shall complete and sign the Corporation's prescribed application form.

### **643.5.7 Driver – responsibilities**

Every driver of a taxicab or limousine who has been issued a licence under the provisions of this Chapter shall be responsible to:

- a) advise the Corporation of any change in his/her driver's licence status;
- b) advise the Corporation of any medical or eye problems which could prevent or impede his/her ability to safely operate a vehicle;
- c) accurately complete and file the driver daily trip records; (See Set Fine)
- d) charge fares which are consistent with the provisions of this Chapter; (See Set Fine)
- e) advise the Clerk or his/her designate of any address change;
- f) be civil and behave courteously when driving a cab or limousine licensed under this Chapter;
- g) be properly dressed, well groomed, neat and clean in personal appearance when driving a cab or limousine licensed under this Chapter;
- h) serve the first person requiring the service of the vehicle;
- i) have no more than nine demerits points recorded on his/driver's licence in the previous twenty-four months;
- j) drive the taxicab/limousine operated by him/her directly to the destination unless the passenger authorizes the driver to do otherwise. The driver shall not pick up passengers from another location unless specifically authorized to do so by the passengers in the vehicle;
- k) display the driver's licence issued under the provisions of this Chapter in a place visible to the passengers when conveying passengers; (See Set Fine)
- l) supply a signed receipt to any passenger requesting same;
- m) convey only the number of passengers consistent with the number of seat belts in the vehicle; and (See Set Fine)

- n) limit his/her driving time period to not more than twelve consecutive hours in a twenty-four hour period, adhere to the provisions of the *Smoke Free Ontario Act* and the City of Woodstock Smoke Free Workplaces and Public Places By-law (Chapter 835 City of Woodstock Municipal Code).

#### **643.5.8 Disqualifications from obtaining a driver's licence**

Every person who makes an application for a licence under this Chapter and has provided information or the Clerk is notified of the following

- a) the applicant has been convicted of an indictable offence for which he/she was sentenced to imprisonment for three months or more in the past five years; or
- b) the applicant has been convicted of any sexual offence for which he/she was sentenced to imprisonment for three months or more; or
- c) the applicant has been convicted of any two of the following offences in the past five years:
  - i. impaired driving;
  - ii. dangerous driving;
  - iii. driving with over 80 mg of alcohol in 100 ml of blood; or
  - iv. criminal negligence involving the use of a motor vehicle;

shall not be issued a driver's licence.

#### **643.5.9 Appeal - licence declined - suspended**

Applicants whose licence application has been declined or suspended are eligible to appeal the decision in writing within fifteen days after the issue of the decision of the Clerk and after a period of twenty-four months from the date of a conviction. Such appeal shall be heard by a review panel, comprised of one representative from the Woodstock Police Service, one representative from Council and one representative from the taxi company sponsoring the applicant. The taxi industry shall be responsible to appoint a representative to such panel within ten days of being notified in writing. If no representative is appointed within such time frame, the hearing shall proceed without the taxi representative.

#### **643.5.10 Driver's licence - suspended - revoked**

Every driver who has been issued a licence under the provisions of this Chapter is subject to the following:

- a) the Clerk may suspend or revoke a driver's licence issued under the provisions of this Chapter if he/she has reasonable grounds to believe that the licence holder has contravened any of the provisions of this Chapter; or

- b) in the event that during the current licence year, a driver incurs an additional conviction which results in him/her being in contravention of any of the provisions of Section 643.5.8 (Appeal-licence declined-suspended). By-law 8590-10, February 4, 2010.

#### **643.5.11 Licence fees**

- a) Initial taxi broker's licence \$1000.
- b) Per vehicle per year \$140.
- c) Per driver per year \$90.
- d) Driving record background check \$5.00 per request.

Includes cost of digital photograph required for licence renewal. By-law 8632-10, September 2, 2010. By-law 9101-16, November 17, 2016.

#### **643.5.12 Fares**

Every broker or driver of a taxicab or limousine to which this Chapter applies for the conveyance of passengers either wholly within the City limits or to any point not more than five kilometers beyond its limits shall request a fare that is exactly as shown in Schedule 'A' pertinent to the conveyance. No higher or lower amount than that contained in the said Schedule shall be charged or payable.

#### **643.5.13 Fares - posted**

Every broker and driver of a taxicab shall ensure that fares prescribed in Schedule 'A' are placed in the taxicab visible to the riders at all times and no person licenced under this Chapter shall use or exhibit any fare card other than that shown on Schedule 'A'.

### **Article 6 - Inspections**

#### **643.6.1 Right of inspection of licensed premises or vehicles**

The Clerk or a law enforcement officer, at any reasonable time and after providing proper identification, may enter upon and inspect the licenced business premises of the taxicab or limousine broker or any licenced vehicle to insure that the provisions of this Chapter have been complied with.

#### **643.6.2 Inspection - access to documents**

The Clerk or a law enforcement officer may request the licensed broker or driver to produce all relevant licences and to provide access to the invoices, vouchers, appointment books or trip sheets or other like documents of the person being inspected, provided such documents are relevant to the provisions of this Chapter. The person inspecting may remove any of the



aforementioned documents for the purpose of photocopying, provided a receipt is given to the licensee and the documents are returned to the licensee within two business days.

### **643.6.3 Mandatory vehicle inspection**

Every broker and driver shall submit their vehicle(s) for a safety and mechanical inspection at an appointed time and place when required by a law enforcement officer. (See Set Fine)

### **643.6.4 Vehicle and driver inspection - while in operation**

Where a law enforcement officer believes a violation of the provisions of this Chapter has occurred and the vehicle is currently in operation, the officer may contact the broker or driver and direct that the vehicle attend a specific location to allow the officer to conduct an immediate inspection of the vehicle and the driver.

## **Article 7 - Vehicle Standards**

### **643.7.1 Vehicle standards - set out**

Every broker or driver of a licensed taxicab or limousine vehicle shall adhere to the following vehicle standards:

- a) vehicle must meet the standards required for the issuance of an acceptance under an Ontario Ministry of Transportation and Communications Vehicle Inspection Report or meets the standards for the issuance of a Safety Standard Certificate of mechanical fitness;
- b) vehicle must have usable trunk capacity such that the vehicle is capable of being able to accommodate a wheelchair, walker or similar device used to assist the disabled;
- c) vehicle must have operating environmental controls sufficient to maintain an ambient interior temperature of 20 degrees Celsius; (See Set Fine)
- d) vehicle must have tint free driver and front passenger windows unless the vehicle is equipped with manufacturer installed glass that is tinted within the glass itself;
- e) the interior of the vehicle must be clean, dry and in good repair; (See Set Fine)
- f) the exterior of the vehicle must be clean and in good repair free from exterior body damage with well-maintained exterior paint finish; and (See Set Fine)
- g) a vehicle maintenance log shall be kept in the vehicle at all times. By-law 8590-10, 4 February, 2010.

## **Article 8 - Refusal - Revocation - Suspension of Licence**

### **643.8.1 Notice - issued - conditions set out**

The Clerk shall provide a notice of refusal to issue a licence to an applicant if the conditions for issuance have not been met, the Clerk determines that, the information on the licensee's application for a licence is inaccurate, the applicant has contravened a Section of this Chapter or if the applicant, or any of its directors, officers or managers have been convicted of an offence under the Criminal Code of Canada. The Clerk shall provide the applicant with the written notice of refusal to issue a licence setting out the reasons for refusal, when the right to review will expire and how to apply for a review.

### **643.8.2 Notice - how served**

The notice shall be served personally or by registered mail to the applicant at the address shown on the application.

### **643.8.3 Application - not filed - expired without notice**

If an application for review has not been filed within fourteen days of the Clerk having effected service of the notice, the applicant's right to a review will expire without further notice.

### **643.8.4 Licence fee returned - not granted - review expired**

The Clerk shall return the licence fee paid at the time of the application if the licence is not granted and the applicant's right to a review has expired.

### **643.8.5 Revocation or suspension of a licence**

The Clerk shall provide a notice to revoke or suspend a licence if the licensee no longer complies with the conditions for issuance after the licence is issued, the Clerk determines that, the information on the licensee's application for the licence is inaccurate, the licensee has contravened a Section of this Chapter or if the licensee or any of its directors, officers or managers have been convicted of an offence under the Criminal Code of Canada. The Clerk shall give the licensee notice of the revocation or suspension in writing setting out the reasons for revocation or suspension, when the right to a review will expire and how to apply for a review. The notice shall be served personally or by registered mail to the licensee's address last on file with the Clerk.

### **643.8.6 Application for review - expiry**

If an application for review has not been filed within fourteen days of the Clerk having effected service of the notice, the applicant's right to review will expire without further notice.

### **643.8.7 Licence - fee - refund - pro-rated**

The Clerk shall return a pro-rated portion of the licence fee (based on the length of time the licence was in effect) of a revoked or suspended licence.

**643.8.8 Application for review - procedure - deadline**

An applicant or licensee in receipt of a notice to refuse, revoke or suspend a licence, may, within fourteen days after service of notice apply in writing for a review of notice to refuse, revoke or suspend a licence by filing the application for review with the Clerk and the provisions of Sections 643.8.10 to 643.8.21, inclusive shall apply.

**643.8.9 Report for a review of status of licensee**

The Clerk may report to the Review Tribunal any reasons for the issuance of notice of refusal, revocation or suspension including any breaches by the licensee of this Chapter or other relevant considerations.

**643.8.10 Review hearing - date of**

Upon receipt of the application to review, the Clerk shall determine a date for the review hearing with the Review Tribunal chairperson which shall be at least fourteen days after the receipt of the application for review.

**643.8.11 Review hearing - notice of**

Upon determination of the review hearing date, the Clerk shall give notice in writing to the applicant or licensee, said notice to:

- a) include a statement,
  - i. as to the time, date, place and purpose of the review hearing, and
  - ii. that, if the applicant or licensee does not attend the review hearing, the Review Tribunal shall proceed in the absence of the applicant or licensee and the applicant or licensee will not be entitled to any further notice;
- b) be served personally or by registered mail to the applicant or licensee at the address last on file with the Clerk; and
- c) where the good character, propriety of conduct or competence of an applicant or licensee is an issue, contain reasonable information of any allegation with respect thereto.

**643.8.12 Review hearing - by Review Tribunal - procedure**

The Review Tribunal shall hold the review hearing at the time, place and date set out in the notice. The applicant or licensee may be represented at the review hearing by counsel, and the applicant or licensee or their counsel shall have the right to adduce evidence, submit argument on their behalf and cross-examine witnesses adverse in interest.

**643.8.13 Review hearing - City - represented**

The City shall be represented at the review hearing by either the Clerk or the City Solicitor, who is entitled to adduce evidence and submit arguments in reply to evidence and arguments on behalf of the applicant or licensee.

**643.8.14 Review hearing - onus upon applicant**

At the review hearing, the onus shall be upon the applicant or licensee to show cause why:

- a) the licence should be granted;
- b) the licence should not be suspended or revoked; or
- c) conditions should not be imposed on the licence.
- d)

**643.8.15 Review hearing - open to public - exception**

All review hearings shall be public hearings unless the applicant or licensee requests that the hearing be held in closed session and the Review Tribunal may approve the request by a simple majority.

**643.8.16 Review hearing - applicant absent - decision rendered**

Where notice of the review hearing has been served on the applicant or licensee and the applicant or licensee does not attend the hearing, the Review Tribunal may proceed with the review hearing and render a decision in the absence of the applicant or licensee.

**643.8.17 Review hearing - completion - decision rendered**

Upon completion of the review hearing, the Review Tribunal shall render a decision which shall:

- a) confirm the Clerk's decision to refuse, revoke or suspend the licence;
- b) reject the Clerk's decision and order the Clerk to issue a licence; or
- c) reject the Clerk's decision to revoke or suspend the licence.

**643.8.18 Licence - conditions - imposed**

Where the Review Tribunal rejects the Clerk's decision, the Review Tribunal may impose conditions, including special conditions, on the applicant or licensee as a requirement to hold a licence on such terms as are deemed just.

**643.8.19 Review Tribunal - decision final – binding**

The Review Tribunal's decision shall be final and binding.

**643.8.20 Review Tribunal - decision in writing**

The Review Tribunal shall give its decision in writing to the Clerk within seven days of the date of the completion of the review hearing.

**643.8.21 Waiver of hearing**

Despite any of the provisions of this Chapter, a proceeding may be disposed of by a decision of the Review Tribunal given:

- (a) without a hearing; or
- (b) without compliance with any other requirements of the *Statutory Powers Procedure Act*, as amended, or of this Chapter, where the applicant or licensee has waived such hearing or compliance.

#### **643.8.22 Review Tribunal - decision - notification procedure**

The Clerk shall notify the applicant or licensee of the decision by serving a copy personally or by registered mail to:

- (a) the applicant or licensee at the address shown on the application, or last on file with the Clerk; or
- (b) the counsel or agent of the applicant or licensee, if any, at the address as stated to the Review Tribunal.

#### **643.8.23 Licence - continued until expired**

If the decision rendered is to reject the Clerk's decision, the licence shall be issued or in the case of a notice to suspend or revoke the licence shall continue until its expiry date.

#### **643.8.24 Licence - suspended or revoked - authority**

If the decision is to confirm the Clerk's decision to suspend or revoke the licence, the licensee shall within twenty-four hours of service of notice by registered mail, or immediately if the notice is personally served, return the licence to the Clerk and the Clerk shall have access to any premises or other property of the licensee for the purpose of receiving or taking the same.

#### **643.8.25 Conditions - imposed - acceptance confirmed**

If the decision is to confirm the Clerk's decision to impose conditions on the licence, the licensee shall within twenty-four hours of service of notice by registered mail or immediately if the notice is personally served, advise the Clerk as to his/her acceptance of the conditions.

#### **643.8.26 Service of notice - by registered mail**

Service of a notice by registered mail is effective on the fifth day after the document is mailed. By-law 8778-12, June 7, 2012.

### **Article 9 - Enforcement**

#### **643.9.1 Fine - for contravention**

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and, upon conviction, is liable to a fine or penalty as provided for in the *Provincial Offences Act*.

#### **643.9.2 Obstruction - hindering - offence**

No person shall hinder or obstruct the Clerk or a law enforcement officer while carrying out the provisions of this Chapter. (See Set Fine.)

## **Article 10 - Repeal - Enactment**

### **643.10.1 By-law - previous**

This Chapter repeals and replaces all previous by-laws for licensing, regulating and governing of owners and drivers of vehicles used for hire.

### **643.10.2 Effective date**

This Chapter shall become effective upon the third and final reading of the enabling by-law. By-law 8590-10, February 4, 2010.

## **SCHEDULE**

### **Schedule 'A' - Fare Charges**

Zone A - Commencing at the City limit on Bower Hill Road travelling northwesterly to Ingersoll Road, thence northeasterly along the CPR tracks to Devonshire Avenue, thence easterly along Devonshire Avenue to Clarke Street North, thence southerly to James Street, thence easterly to Springbank Avenue, thence southerly to Parkinson Road, thence westerly to the point of commencement.

Zone B - Commencing at the intersection of Vansittart Avenue and Devonshire travelling northerly to Thames River at Tecumseh Street, thence easterly along the City limits to Lansdowne Avenue, thence southerly to Beard's Lane, thence southerly to Parkinson Road, thence westerly to the intersection of Springbank Avenue and Parkinson Road, thence southerly on Springbank Avenue to the southerly city limits, then southwestly along to city limits to Sweaburg Road, then northerly along the city limits to Bowerhill Road.

Zone C - Commencing at the westerly city limits of Ingersoll Road, travelling northerly along the city limits to the intersection of Eleventh Line and Oxford Road 17, thence easterly along Oxford Road 17 to the intersection of Oxford Road 17 and County Road 4, thence southerly along County Road 4 to the southerly city limits, thence westerly along the southerly city limits to Ingersoll Road.

Zone D - Commencing at the intersection of Oxford Road 4 and Township Road 3, travelling easterly along Township Road 3 to the intersection of Township Road 3 and Blandford Road, thence southerly along Blandford Road to the intersection of Blandford Road and County Road 2, thence westerly along County Road 2 to the intersection of County Road 2 and County Road 4, thence northerly along County Road 4 to the intersection of County Road 4 and Township Road 3.

Rate Structure - with the applicable fare being the highest zone travelled to regardless of pick up or destination.

Zone A - \$9.00

Zone B - \$9.50

Zone C - \$10.00

Zone D - \$11.00

Stop - must be along the normal route of travel from pick up to destination \$2/stop plus an additional 50 cents per minute after the first three minutes.

Extra passengers -10 years of age or older 50 cents per passenger.

Groceries or luggage requiring the use of the trunk of the taxi-\$1.

Senior's discount - 50 cents off of the total fare.

Waiting time - \$30 per hour or 50 cents per minute.

An additional 50 cents shall be charged when a taxi passes through a different zone.

All of fares include HST Fare to be charged would be the rate for the highest zone that is travelled.

NOTE: Taxicab brokers may negotiate a contract for taxicab fares with corporate entities at a rate mutually agreed upon provided the rate is not higher than the above noted fares.

Every owner or operator of a limousine service shall be at liberty to demand or receive any rate or charge as the owner or operator deems appropriate to charge and such rate may be determined by distance or time or on a fixed tariff basis provided that:

- a) the rate charged is in excess of the taxicab tariff approved in this Chapter;
- b) the rate being charged is made known to the passenger(s) in advance of the trip; and
- c) the minimum charge is \$50;
- d) the trip has been pre-booked a minimum of four hours in advance.

By-law 8694-11, June 16, 2011, 8900-14, February 6, 2014