

THE CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 37-2004

Being a by-law for licensing, regulating and governing the owners and drivers of taxicabs and limousines

(Consolidated with By-law N° 84-2005, 56-2010, 27-2013,
58-2013, 30-2015, 15-2018, 46-2018 & 38-2019)

WHEREAS, pursuant to the *Municipal Act*, 2001, Sections 150 and 155, a municipality may pass by-laws for licensing, regulating and governing the owners and drivers of taxicabs and for establishing the rates or fares to be charged for the conveyance of property or passengers and for revoking any such licence.

THEREFORE the Municipal Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. DEFINITIONS

- 1.1 **Accessible Cab** means a taxicab licensed by the Municipality, which, as one of the design criteria, accommodates one or more persons in wheelchairs without transfer, pursuant to all federal and provincial legislation applicable to vehicles used in the transportation of physically disabled persons.
- 1.2 **Appeal Committee** means a committee of three persons appointed by Council to hear the appeals under Section 15. (Added by By-law N° 58-2013)
- 1.3 **Applicant** means a person applying for a licence under this by-law and includes the person renewing a licence.
- 1.4 **By-law Enforcement Officer** means a By-law Enforcement Officer for the Town of Hawkesbury or their designate.
- 1.5 **Clerk** means the Clerk for the Corporation of the Town of Hawkesbury.
- 1.6 **Council** means the elected members of the Corporation of the Town of Hawkesbury.
- 1.7 **Dispatch** means the act, through electronic or other means, of sending a taxicab to a person or persons requesting the service of a taxicab for the purpose of conveying such person or persons in the Town of Hawkesbury.
- 1.8 **Highway Traffic Act** means *The Highway Traffic Act*, R.S.O. 1990, Chapter H.8 and amendments thereto.

1.9 **His or Her Taxicab** means:

1.9.1 when used in reference to an owner refers to a taxicab in respect of which such owner is licensed by the Municipality;

1.9.2 when used in reference to a driver refers to a taxicab driven or otherwise operated by such driver.

1.10 **Individual** means a person other than a corporation or partnership.

1.11 **Licence** means a licence issued under this by-law.

1.12 **Licencee or Licence Holder** means a person licensed under the provisions of this by-law.

1.13 **Limousine** means a motor vehicle which does not bear any identification other than the provincial motor vehicle licence which is kept or used for hire for the conveyance of passengers solely on an hourly or mileage basis, but shall not include a taxicab or bus.

This by-law is not applicable to a limousine when it is used for funeral or wedding purpose.

Unless otherwise herein provided, this by-law applies to limousine and the use thereof.

1.14 **Municipality** means the Corporation of the Town of Hawkesbury.

1.15 **Passenger** means a person in a taxicab other than the taxicab driver.

1.16 **Physically Disabled Person** means:

1.16.1a person who suffers from a physical disability such that his/her mobility is restricted, including, among others, a person, who uses a wheelchair, crutches, braces or other assisting devices;

1.16.2 a person who, because of a physical disability, requires assistance in boarding or leaving a taxicab.

1.17 **Police Officer** means an Officer with the Police Service having jurisdiction in the Municipality.

1.18 **Taxicab or Taxi** means a motor vehicle as defined in the *Highway Traffic Act*, other than a car pool vehicle, **providing a seating capacity not exceeding the legal limit for that model, including the driver**, hired for a person or group of persons, with only one fare or charge collected for the trip.

- 1.19 **Taxicab Driver** means a person engaged in driving or operating a taxicab for or on behalf of another person who is the owner thereof, and where a taxicab owner personally drives or operates a taxicab, shall include such owner.
- 1.20 **Taxicab Driver's Licence** means the licence issued by the Municipality to the driver of a taxicab.
- 1.21 **Taxicab Operator's Licence** means the licence issued by the Municipality to the owner of the taxicabs for hire.
- 1.22 **Taxicab Owner** means a person owning a taxicab or having possession or control thereof pursuant to an instalment purchase agreement or by way of a lease.
- 1.23 **Taxicab Service** means the transportation of passengers by taxicab from one point of pick up to another point of drop off for compensation.
- 1.24 **Taximeter** means a mechanical or electronic device operated by a power drive cable attached to the transmission of the motor vehicle which measures mechanically the distance traveled and computes the fare to be charged and further contains an independent timing device to compute the charge for waiting time.
- 1.25 **Taxi stand** means a public place provided by the municipality on the street for the purpose of parking taxicabs from different licencees' taxi operators.
- 1.26 **Taxicab operator** includes a driver of a taxicab and a person or corporation who makes a vehicle available to the public for use as a taxicab.
- 1.27 **Trip** means the distance and time traveled and the distance and time to be traveled measured from the time and point at which the passenger first enters the taxicab to the time at which the passenger finally leaves the taxicab, which includes but is not limited to the journey between any two points in the Town limits for one or more passengers.

2. GENERAL REQUIREMENTS

- 2.1 No person being the owner of a taxicab shall carry on the business of conveyance of goods or passengers for hire, gain or reward without first obtaining a Taxicab Operator's Licence issued under this by-law entitling them to do so.
- 2.2 No person shall be granted a Taxicab Operator's Licence unless the taxi business for which his licence is applied for is located and the building from which all calls are dispatched are within the Municipality's limits.
- 2.3 An operator may hire as many taxi drivers as the operator deems necessary to provide adequate service to the public.

- 2.4 No person shall employ a person as a driver of a taxicab unless said person has been issued a Taxicab Driver's Licence under this by-law.
- 2.5 No person shall operate a taxicab for the transportation of passengers from any point in the Municipality except under the authority of a Taxicab Driver's Licence issued under this by-law.
- 2.6 No person shall accept calls in any manner for taxicabs to be used for the transportation of passengers or goods from any point within the Municipality except under the authority of a Taxicab Operator's Licence issued under this by-law to the owner or operator of the taxi business.
- 2.7 No taxicab operator may have full or partial ownership in any more than one taxi business operating under a Taxicab Operator's Licence within the Municipality.
- 2.8 No licence is required for the operation of a taxicab within the Municipality provided such taxi is operating for the sole purpose of discharging a passenger who was picked up outside the Town limits.
- 2.9 No person shall dispatch a taxicab to commence the transportation of passengers within the Town limits where the owner of the taxicab does not hold a licence for his or her taxicab in the Municipality.
- 2.10 Every taxicab operator shall ensure that the taxicab minimum fares as listed in Schedule "B" hereof are displayed in the cab in a conspicuous place.
- 2.11 Every taxicab operator shall ensure that the fares charged by the taxicab drivers under their employment conform with the minimum fares listed in Schedule "B" of this by-law.

3. TAXICABS FOR PHYSICALLY DISABLED PERSONS (Amended by By-law N° 46-2018)

This section does not apply to limousine.

- 3.1 All taxicab operators and taxicab drivers of accessible taxis must apply for all appropriate licences and successfully fulfill the requirements for said licences as prescribed in this by-law.
- 3.2 All taxi operators and taxicab drivers supplying a taxi service to physically disabled persons must pay the licence fees as prescribed in Schedule "A" for each licence as required by this by-law.
- 3.3 No taxicab operator shall use an accessible taxicab licence for a vehicle other than an accessible vehicle as defined under this by-law and the *Highway Traffic Act* and regulations thereof. (added by N° 46-2018)
- 3.4 Taxicab operator found to be using an accessible taxicab licence in contravention to Subsection 3.3 is contravening Subsection 2.6 and is

further subject to suspension or revocation under Subsection 13.3 of this by-law. (added by N° 46-2018)

- 3.5 The annual renewal of an accessible taxicab licence is subject to proof by the taxicab operator that said licence is being used for the benefit of the community by given the mileage made during the previous year. If an accessible taxicab licence is found to be insufficiently used, therefore not warranted to be reissued to the taxicab operator, the Clerk under Section 12 or the By-law Enforcement Officer under Subsection 13.3 may refuse to renew the licence or revoke it. These decisions may be appealed under Section 15. (added by N° 46-2018)

4. CONDITIONS FOR ISSUANCE OF A TAXICAB OPERATOR'S LICENCE

- 4.1 All new applicants for a taxicab operator's licence shall submit an application form provided by the Town and pay all appropriate fees as prescribed in Schedule "A" hereof.

- 4.2 Previously approved operators must annually pay the appropriate fees listed in Schedule "A" hereof and submit an application form prescribed by the Municipality to the Clerk for renewal of their licences.

- 4.3 The operator of a taxicab business must submit to the Municipality a written certificate of an insurer, duly licensed under the Insurance Act to carry on in Ontario the business of automobile insurance, which provides:

4.3.1 a motor vehicle liability policy which is on the date of the certificate in full force and effect;

4.3.2 a liability policy against loss or damage resulting from bodily injury to or the death of one or more persons, including passengers as well as third parties, and loss of or damage to property with a minimum coverage in any one accident of not less than \$2,000,000.00;

4.3.3 15 days of written notice to the Municipality of cancellation or non-renewal.

- 4.4 The previously stated insurance requirements in Section 4.3 shall cover each and every vehicle that is used as a taxicab by a taxicab owner.

5. LEASING AGREEMENTS

- 5.1 A taxicab owner may, in lieu of purchasing a motor vehicle for use as a taxicab, obtain a motor vehicle by a leasing agreement which provides that the motor vehicle shall be used as a taxicab and:

5.1.1 is the holder of the current motor vehicle permit issued pursuant to the *Highway Traffic Act* and;

5.1.2 specifies as a minimum requirement:

- a) the date of execution of the leasing agreement;
- b) the name and address of the lessee and lessor;
- c) the make, model, serial number and year of the motor vehicle;
- d) the motor vehicle permit number issued pursuant to the *Highway Traffic Act*;
- e) the term and expiry date of the leasing agreement;
- f) the terms and conditions under which the lessee had the right to possession and control of the vehicle, under specified terms and conditions;
- g) all of the lessor's and lessee's rights to early termination of the leasing agreement;
- h) the consideration, and the signatures of the lessee, the lessor and the witnesses thereto.

5.2 The taxicab owner licensed under this by-law, who has entered into a leasing agreement under subsections 5.1.1 and 5.1.2 of this by-law shall file with the Clerk on the later date of issuance of the licence or the effective date of the leasing agreement a copy of the leasing agreement containing all the provisions required by this section.

5.3 Every licensed taxicab owner who operates a leased vehicle shall notify or cause to be notified the Clerk in writing of the termination of the leasing agreement for the motor vehicle registered in respect of his or her taxicab owner licence with the Municipality ten (10) days before such termination.

6. VEHICLE AND BUILDING STANDARDS

6.1 Every taxicab licensed under this by-law shall at all times be kept in a clean and sanitary condition and in a good state of repair with no visible accident or collision damages.

6.2 The By-law Enforcement Officer or Police Officer, upon finding a taxicab in disrepair, or in an unclean, or unsanitary condition, shall notify the owner thereof to cease operation of the same as a licensed taxicab and vehicle until such time as the same has been put in a clean and sanitary condition and is in good repair and submitted to a further inspection by the officer who caused the taxicab to cease operation or someone authorized on his or her behalf.

6.3 In accordance with Section 6.2, no person shall operate a motor vehicle as a taxicab if the By-law Enforcement Officer or Police Officer has found said vehicle in disrepair, unclean or unsanitary condition, and has notified said operator to this effect.

6.4 The operator of every taxicab and vehicle licensed under this by-law or anyone acting in his behalf shall submit to the officer designated by the Municipality, a Certificate of Mechanical Fitness issued by a licensed automobile mechanic before a vehicle is licensed as a taxicab. Said mechanic shall not be the owner or be employed by the owner of the taxicab

business.

- 6.5 The operator of a taxicab must provide a Certificate of Mechanical Fitness issued by a duly qualified and licensed mechanic in a time period according to the model year of the vehicle as follows: (Amended by By-law N° 13-2018)

<u>YEARS</u>	<u>TAXIS</u>	<u>LIMOUSINES</u>
0 - 8	annually	annually
9 - 10	every six (6) months	annually
11 - 12	every four (4) months	every six (6) months
13 - 15	every four (4) months	every six (6) months

- 6.6 Every owner of one or more licensed taxicabs shall file with the Town the names and addresses of all drivers employed by him or her and shall forthwith advise the Town Clerk of all changes in his or her staff of drivers.
- 6.7 Every operator of a taxicab shall submit his or her taxicab for the inspection of the By-law Enforcement Officer or a Police Officer and when required shall produce such vehicle for inspection as required by the Officer at reasonable times or incur suspension of the taxicab licence until the vehicle is produced.
- 6.8 Every taxicab owner shall ensure that his or her taxicab is equipped at all times with at least five (5) serviceable tires, one of which shall be available as a spare and each of which shall comply with the Tire Standards and Specifications, R.R.O. 1990, Reg. 625, as amended under the *Highway Traffic Act*.
- 6.9 No motor vehicle can operate as a taxicab if the said motor vehicle is older than twelve (12) years old. Notwithstanding the foregoing restriction, a hybrid vehicle can be operated as a taxicab until it is fifteen (15) years old. No motor vehicle can operate as a limousine if the said motor vehicle is older than fifteen (15) years old. (Amended by By-law N° 13-2018)

- 6.10 All lands and buildings used in connection with any taxicab shall:

6.10.1 be kept clean at all times;

6.10.2 be subject to all zoning requirements as established by the Zoning By-law and amendments thereto for the Town of Hawkesbury.

7. REPLACEMENT VEHICLES

- 7.1 Every licensed taxicab owner who replaces his or her taxicab shall apply to the Clerk to change the vehicle with respect to which the licence is designated prior to operating the taxicab, and shall comply with the provisions as prescribed by this by-law.

- 7.2 Upon the Clerk being furnished with satisfactory proof that the applicant has complied with subsection 7.1 and has paid the replacement vehicle fee set out in Schedule "A", the Clerk will change the vehicle registration with respect to which the taxicab licence is designated.

7A. TEMPORARY REPLACEMENT VEHICLES

- 7A.1 No person shall use a vehicle as a temporary replacement of a taxicab licenced under this By-law without respecting the following conditions:

- Obtain written authorization from the Clerk to have a replacement vehicle;
- Provide the Certificate of Mechanical Fitness under subsection 6.4 of this By-law;
- Vehicle is subject to the frequency of inspections under subsection 6.5 of this By-law;
- Vehicle is subject to life limit under subsection 6.9 of this By-law;
- Vehicle shall be equipped with a taximeter and is subject to section 8 of this By-law;
- Vehicle shall not display any permanent lettering except for a temporary decal that shall be removed once the licenced taxicab is back in service;
- Taxi dome on replacement vehicle shall be removed once the licenced taxicab is back in service;
- The annual licence fee under Schedule "A" shall be paid;
- Licenced taxicab owner shall advise the By-law Enforcement Department prior to using a replacement vehicle and provide proof that the licenced taxicab is out-of-service.

- 7A.2 It shall be an offence to use a replacement vehicle without respecting the provisions of this section and any person who contravenes this section is guilty of an offence and penalty under section 16 of this By-law. (Added by By-law N° 38-2019)

8. TAXIMETERS

This section does not apply to limousine.

- 8.1 Every licensed taxicab owner who uses a taximeter shall ensure that his or her cab is equipped with a taximeter that is:
- 8.1.1 installed in such a manner that the fare computed is visible from any seated position in the vehicle;
 - 8.1.2 sealed with a seal approved, provided and installed by a supplier approved by the Municipality;
 - 8.1.3 calibrated in accordance with the tariff prescribed in Schedule "B" hereof;
 - 8.1.4 tested for compliance with the tariff prescribed in Schedule "B" hereof

by a supplier approved by the Municipality, by running the taxicab in which is attached over a measured track or distance before being sealed;

- 8.1.5 clearly illuminated between dusk and dawn so as to be visible to passengers in the taxicab;
 - 8.1.6 kept in good working conditions at all times;
 - 8.1.7 used only when the seal is intact;
 - 8.1.8 tested and sealed before being put into service each time the taximeter has been replaced, repaired, altered, adjusted or broken.
- 8.2 Every taxicab owner shall ensure that his or her taxicab is submitted for testing and resealing of the taximeter or inspection of the taxicab whenever the By-law Enforcement Officer or a Police Officer deems it necessary and makes an appointment for inspection of the taxicab.
- 8.3 Except as provided in section 8.1.8 a taximeter may not be adjusted more than once a year.
- 8.4 The taximeter adjustment date will be June 1st of each year.
- 8.5 The amount of the taximeter calibration set out in Schedule "B" hereof may be adjusted by the percentage annual increment in the Taxi Cost Index, from June 1st of the previous year to June 1st of the current year in each year after the passing of this by-law.

9. TAXICAB DRIVER'S LICENCE

- 9.1 Every application for a Taxicab Driver's Licence issued under this by-law shall be submitted to the Clerk on prescribed form together with payment of all required fees as set out in Schedule "A" of this by-law.
- 9.2 No person shall be issued a Taxicab Driver's Licence unless the applicant has given to the Clerk satisfactory proof that:
- 9.2.1 the applicant is at least eighteen (18) years of age;
 - 9.2.2 the applicant is a holder of a current driver's licence of the appropriate class issued pursuant to the *Highway Traffic Act*, and regulations passed there under, or;
 - 9.2.3 the applicant has consented to a criminal record search made by or on the behalf of the local Police Service;
 - 9.2.4 a Police Officer has reported in writing as to the good character of the applicant;
 - 9.2.5 a photograph of the taxi driver is provided with the application to be

attached by the Municipality to the Taxicab Driver's Licence, which said licence shall be displayed in the interior of the cab at such place and in such manner and form as directed by the Municipality;

9 2.6 No person shall transfer employment from one taxicab company to another without first reporting said transfer to the Clerk and obtaining the Taxicab Driver Transfer Licence and paying appropriate fees as prescribed in Schedule "A".

10. LICENSED TAXICAB DRIVER'S DUTIES

10.1 No person shall use a vehicle as a taxi that is in an unsafe driving condition, unclean or untidy inside.

10.2 Every driver shall ensure that he or she is neat, clean and polite in manner.

10.3 Every driver shall take reasonable care to prevent passengers from leaving any property in the vehicle.

10.4 No driver shall fail to restore property left in a cab to the rightful owner or deliver it to the Clerk's Office or local Police Station with all relevant information to enable the owner to claim the same.

10.5 No person shall drive a taxicab without displaying at all times in the prescribed location referred to in Section 9.2.5 the Driver's Licence Certificate issued by the Municipality.

10.6 No person while driving a taxi shall:

10.6.1 take, consume or have in the driver's possession any intoxicating liquor, or other substance, which would affect the driver's capabilities to drive a motor vehicle;

10.6.2 loiter or solicit business in any street, alley or other public place;

10.6.3 permit any immoral, indecent or disorderly conduct in the vehicle;

10.6.4 make any loud noise or any other noise of disturbance such as the use of a radio, the unnecessary blowing of a horn, or use obscene, impertinent or abusive language, or molest, annoy or insult any passenger or other person;

10.6.5 after leaving a starting point with a passenger, take on any new additional passengers without the consent of those who have already engaged the driver;

10.6.6 smoke if a passenger asks the taxi driver to refrain from smoking while the passenger is in the taxicab;

10.6.7 refuse to serve the first person requesting the service of the taxicab

unless such person requiring the service:

- a) owes the driver for a previous fare or service;
- b) upon being requested by such driver, the person refuses to disclose the final destination before or immediately after entering the taxicab;
- c) asks the driver to be driven to a remote place in circumstances which such driver reasonably believes to be unsafe;
- d) has an excessive number of items that will not fit in the cab;
- e) is unduly obnoxious, intoxicated or abusive.

10.6.8 refuse to allow a dog while serving as a guide or leader dog for a blind person, to enter and remain in the taxicab.

10.7 The driver of a taxicab must record immediately all reasons why he or she refused service to an individual and retain the record of refusal for a period of thirty (30) days.

10.8 A taxicab driver, if requested, must give a passenger a receipt showing the driver's name, the date and time of the trip, the points of origin and destination, and the cost of the trip.

Sections 10.9, 10.10, 10.11, 10.12, 10.13, 10.14, 10.15 & 10.16 do not apply to limousine.

10.9 A taxicab driver shall follow the rules applicable to the use of the taxi stands that are provided by the Municipality and park only in the spaces that are provided for the taxicab or park at the operator's taxi stand.

10.10 No one shall bring a taxi vehicle to a standstill on a street less than sixty (60) metres from a public or private taxi stand.

10.11 A taxicab shall not be left at a stand unattended.

10.12 The driver shall occupy the first place available at a stand.

10.13 The driver shall move forward one place as each preceding place is vacated.

10.14 The driver of the first vehicle, at a private or public stand, shall not allow anyone else in his vehicle.

10.15 The driver who is not in first place at a stand shall not provide service to a customer but shall direct him or her to the first taxi in line.

10.16 A driver of a taxicab may not charge for time lost through defects or inefficiency of the taxicab or incompetence in driving.

11. PASSENGER CONDUCT

- 11.1 No person shall smoke, while a passenger is in a taxicab, if requested not to by the taxicab driver or a passenger.
- 11.2 A passenger may refuse to take a taxicab made available to the person if that taxicab does not meet the vehicle standards or the licensed taxicab driver's duties as provided for in this by-law.

12. REFUSAL TO GRANT A LICENCE

- 12.1 The Clerk may refuse to grant or issue a licence to any applicant who:
 - 12.1.1 has committed past breaches of this by-law or any predecessor hereof in the past, and the Clerk determines that it is not in the public's interest to grant such a licence to the applicant, or;
 - 12.1.2 has failed to comply with the requirements of this by-law or other applicable by-laws of the Municipality or any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied licensed activity of the business or premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity, or;
 - 12.1.3 has any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this by-law.
- 12.2 The Clerk may also refuse to grant or reissue a licence to any applicant where the Clerk believes it is not in the public interest to do so.

13. EXPIRY, SUSPENSION OR REVOCATION OF LICENCES

- 13.1 All taxicab operators' licences and all taxicab drivers' licences issued by the Municipality shall expire on the 31st day of December of each year.
- 13.2 The holder of the licence is responsible to apply for renewal on or before the date of the 15th day of January of each year.
- 13.3 The By-law Enforcement Officer may, at any time, for any cause appearing to him or her to be sufficient, suspend the licence issued to any taxicab operator or any taxicab driver and shall, in such event report such suspension forthwith to the Clerk, and the Clerk may either continue such suspension for such period of time as it shall determine or may reinstate such licence, or if the circumstances shall appear to warrant such action, may revoke said licence.
- 13.4 The Clerk may suspend or cancel the licence of any owner or driver of a taxicab convicted under any section of the *Liquor Licence Act*, the *Food and Drug Act*, the *Criminal Code of Canada* or the *Highway Traffic Act*.

14. NUMBER OF TAXICABS (Amended by By-law N° 46-2018)

- 14.1 There shall not be more than one (1) taxicab for every 600 inhabitants of the Town. The number of inhabitants will be determined by the census of the Town for the previous year. (amended by By-law N° 30-2015)
- 14.2 The Issuer of Licences shall establish and maintain a list (hereinafter referred to as the waiting list) of persons whose applications for taxicabs have been approved on which shall be recorded the names of those applicants who have been approved in the order of the date on which their applications were received.
- 14.3 When a licence issued under this Section becomes available, it shall be issued to the person having seniority according to the waiting list, provided that such person makes application for and qualifies to have that licence issued to him within 30 day period from the date upon which he was so notified, his name shall be remove from the waiting list and he shall forfeit all rights and the next person on the waiting list shall be advised of the availability of the licence and so on until the licence is issued.
- 14.4 Notwithstanding Subsection 14.1, four licences are hereby made available for accessible taxicabs. (added by By-law N° 46-2018)
- 14.5 Notwithstanding Subsection 14.3, Council shall decide based on the company's or individual's experience, reliability, complaints received and compliance with municipal, provincial and federal laws to whom shall be issued the four accessible taxicab licences. Council's decision is final and cannot be appealed. (added by By-law N° 46-2018)

15. NOTICE AND APPEAL (Amended by By-law N° 58-2013)

- 15.1 Where the Clerk refuses to issue, suspend, or revoke a licence, he shall notify the applicant in writing of such action and the said notice shall set out the grounds upon which it is taken and shall state that the applicant or licensee may appeal such decision to the Appeal Committee by filing an appeal with the Clerk within fifteen (15) days as set out in this by-law and pay the appeal fees as amended from time to time.
- 15.2 Where the Clerk refuses to grant a licence, suspend or revoke a licence under this by-law, the applicant or licensee may appeal this decision to the Appeal Committee of the Corporation of the Town of Hawkesbury by filing with the Clerk an appeal, in writing, of the said decision within (15) fifteen days of being notified of the decision by the Clerk.
- 15.3 Upon receipt of an appeal from the applicant, the Clerk shall determine the time and date for the hearing and shall give said notice in writing to the applicant. The notice shall be served personally or by registered mail to the applicant at the address as shown on the letter. (Amended by By-law N° 58-2013)

- 15.4 The Appeal Committee may, after the appropriate hearing is conducted, grant, refuse to grant, revoke or suspend a licence and may make any suspension of licence subject to such terms or conditions as the Committee Appeal may prescribe and a decision made pursuant to the exercise of these powers is final and binding upon the applicant or any licensee.
- 15.5 The Appeal Committee, in considering whether not to grant a licence, refuse to grant a licence, or to revoke or suspend a licence shall have regard to the following:
- 15.5.1 whether or not the applicant or licensee and the premises, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of a business which is licensed or which is required to be licensed, pursuant to this by-law, complies with the requirements of this by-law;
- 15.5.2 whether or not the applicant or licensee has failed to promptly remedy any of the Municipality's concerns with regard to those matters set out in this by-law or has committed past breaches of this by-law;
- 15.5.3 whether or not the applicant or licensee has failed to comply with any requirements of any other applicable by-law of the Municipality or any Local Board thereof or any statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board or Commission thereof, in, upon or in connection with the licensed activity or the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity;
- 15.5.4 whether or not the applicant or licensee has any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this by-law.
- 15.6 The Committee Appeal shall comply with the following procedure in granting a licence or refusing to grant a licence, revoking or suspending any licence issued under this by-law:
- 15.6.1 The Appeal Committee will set a date to consider the matter and the Clerk shall mail a Notice of Hearing to the licensee (at his address as shown in the records) and to any other person who has applied to be heard with regard to the matter;
- 15.6.2 such notice shall be mailed at least (15) fifteen days prior to the date and time fixed for such hearing;
- 15.6.3 at such hearing, the Appeal Committee shall receive a report, either verbally or in writing, from the Clerk and from such other officers or

employees of the Corporation who may be involved in the matter being considered by the Appeal Committee;

15.6.4 at the hearing before the Appeal Committee, the licensee, either personally or through his agent or solicitor, shall be afforded an opportunity to call witness and present such material and evidence relevant to the issue before the Appeal Committee as he may deem expedient and may ask questions of any person presenting evidence or a report to the Appeal Committee relevant to the said issue;

15.6.5 the Appeal Committee, may in its sole discretion, afford any other person who applied to be heard and who appears to have an interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue before the Appeal Committee and to ask questions of any person presenting evidence on the matters before the Appeal Committee.

15.7 The decision of the Appeal Committee may be subject to such terms and conditions as the Appeal Committee shall impose and shall be final.

16. ADMINISTRATION AND PENALTIES

16.1 This by-law shall be enforced by the By-law Enforcement Officers and/or a Police Officer.

16.2 Any notice or order required to be given or served under this by-law is sufficiently given or served if delivered personally or sent by registered mail, addressed to the person to whom delivery or service is required to be made at the last address for service appearing on the application record with the Town Clerk.

16.3 All notices served by mail pursuant to this by-law shall be deemed to be received five (5) days following mailing of the notice.

16.4 Any person who contravenes any of the provisions of this by-law, and the procedures with respect thereto is guilty of an offence and the penalty upon conviction therefore shall be as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33 and amendments thereto.

17. IDEMNIFICATION

17.1 No person shall be granted or may hold a licence for a Taxicab Operator's Licence unless he or she has in writing on a form prescribed by the Town, found in Schedule "C" agreed to indemnify and hold harmless the Municipality, its agents, servants, employees and officials from any claims, actions or suits which might be brought against the said person and the Municipality arising out of the operation of the taxicab in any manner whatsoever, or any error, negligence, or omission of the person, his agents, servants or employees.

18. VALIDITY

18.1 If any section of this by-law is for any reason deemed invalid by a competent court of law, the remaining sections shall remain in effect until repealed.

18.2 Where provisions of this by-law conflicts with any other by-laws in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.

18.3 This by-law shall come into force and take effect upon its final passing.

19. SHORT FORM

19.1 This by-law may be referred to as the Taxi By-law.

20. REPEAL OF BY-LAWS

20.1 That Sections 63 and 64 (Limousines) and Sections 114 to 117 inclusively (Taxi) of By-law N° 16-98 being a by-law to license, regulate and govern businesses in the Town of Hawkesbury are hereby repealed.

ADOPTED THIS 22nd DAY OF JUNE 2004.

CONSOLIDATED BY-LAW SIGNED THIS 5TH DAY OF NOVEMBER 2013.

René Berthiaume, Mayor

Christine Groulx, Clerk

SCHEDULE "A"
of
By-law N° 37-2004

LICENCE	FEE
Taxicab/Limousine Operator licence	\$ 200.00 each
Taxicab/Limousine Vehicle	\$ 200.00 each licence
Taxicab/Limousine Driver	\$ 50.00 each driver
Replacement Vehicle Fee	\$ 60.00 each vehicle
Licence Replacement Fee (damaged or lost licence)	\$ 5.00 each
Taxicab/Limousine Driver Transfer Fee transfer	\$ 10.00 each

SCHEDULE "B"
of
By-law N° 37-2004

**(As amended by By-law N° 84-2005 adopted on November 28, 2005,
by By-law N° 56-2010 adopted on June 28, 2010 &
by By-law N° 27-2013 adopted on May 27, 2013)**

This Schedule does not apply to limousine.

TAXICAB TARIFF AND FARE

For the first 100 metres	\$ 3.50
For each additional 100 metres	\$ 0.17
For each 17 seconds waiting time while under engagement	\$ 0.17
For each one (1) hour waiting time while under engagement	\$ 37.80
Cleaning of cab due to negligence from passenger	\$ 21.60

SCHEDULE "C"
of
By-law N° 37-2004

IDEMNIFICATION

In accordance with Section 17 of By-law N° 37-2004, I hereby agree to indemnify and hold harmless the Town of Hawkesbury, its agents, servants, employees and officials from any claim, actions or suit which might be brought against the Town of Hawkesbury arising out of the operation of my taxicab(s) in any matter whatsoever, or any error or omission.

Further, I hereby acknowledge that the Town of Hawkesbury will receive in writing (at least 15 days prior notice) of any cancellation or expiration, or any changes to the terms and conditions of any insurance policy regarding a licensed vehicle.

Owner / Agent Signature

Date