

B Y - L A W N U M B E R 150-2018

**A BY-LAW TO AMEND BY-LAW NUMBER 137-2007  
BEING A BY-LAW RESPECTING THE LICENSING  
AND REGULATING OF PUBLIC VEHICLES**

Passed the 15<sup>th</sup> day of October, 2018.

**WHEREAS** the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to, among other things:

- (a) provide for a system of licences with respect to a business and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (b) pass by-laws respecting the health, safety and well-being of persons;
- (c) pass by-laws respecting the protection of persons including consumer protection; and
- (d) pass by-laws establishing rates to be charged by tow trucks and taxicabs.

**AND WHEREAS** the purposes of this By-law are:

- (a) to ensure public safety, quality of service and consumer protection for customers and service providers in the livery, tow truck, taxicab and prearranged transportation industries;
- (b) to establish a system of licensing of Livery Vehicles, Livery Drivers, Livery Plate Holders, Taxicabs, Taxicab Drivers, Taxicab Plate Holders, Transportation Network Companies and Tow Truck Owners;
- (c) to establish a system for the inspection of Livery Vehicles, Taxicabs, Transportation Network Company Vehicles and Tow Trucks;
- (d) to maintain sustainable livery, taxicab, tow truck and prearranged transportation industries;

**AND WHEREAS** By-law Number 137-2007 was passed on the 16<sup>th</sup> day of July, 2007 and has been hereinbefore amended several times;

**AND WHEREAS** it is deemed expedient to further amend By-law Number 137-2007;

**THEREFORE** the Council of The Corporation of the City of Windsor enacts as follows:

1. That By-law Number 137-2007 be amended by deleting the entire content of the By-law, including Schedules 1 to 6, inclusive, and substituting it with the following:

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## PART I - DEFINITIONS

1. In this By-law, where capitalized and bolded:

**“Ambulance”** means a motor vehicle for hire for the conveyance of sick or injured people;

**“Accessible Vehicle”** means a motor vehicle that is wheelchair-accessible, permitting the loading, transportation and off-loading of a person with a disability confined to a wheelchair or in reliance on a similar device, and is available for or providing conveyance service, but does not include a taxicab wheelchair accessible vehicle;

**“Applicant”** means any person either applying for a licence in the first instance, or renewing an existing licence;

**“Applicant Information”** means fulsome details of a person applying for or the renewal of a licence under this By-law and shall include their full name, date of birth, municipal address, telephone number, and if applicable, email address;

**“Articles of Incorporation”** means documents related to an incorporated business pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B. 16, or the *Corporation Act*, 1990 c. C.38 or the *Canada Business Corporations Act*, RSC 1985, c C-44;

**“Business”** means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality;

**“Business address”** means the place from which the business operates including a street number, street name, municipality and postal code and does not mean a post office box;

**“Building Code Act, 1992”** means the Building Code Act, 1992, S.O. 1992, c. 23;

**“Camera Inspection Report”** means a document satisfactory to the Licence Commissioner that is submitted as proof of a fully operational camera system installed in a taxicab vehicle; **(Added by By-law 69-2014, dated April 22, 2014)**

**“Car-Pool Vehicle”** means a vehicle that is not used for hire and reward or for profit, to provide shared transportation between individuals. Car-pool vehicles exclude services booked via a Transportation Network Company, Taxicab Brokerage or Livery Company;

**“City”** or **“City of Windsor”** means The Corporation of the City of Windsor;

**“Company”** means a corporation with share capital;

**“Corporation”** means a body corporate incorporated pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B. 16, or the *Corporation Act*, R.S.O. 1990, c. C.38 or the *Canada Business Corporations Act*, RSC 1985, c C-44;

**“Council”** means the Council for The Corporation of the City of Windsor;

**“carry on”** when used in relation to any trade, occupation, calling or business, shall include operating, promoting, advertising, soliciting for or offering goods and services in connection with such trade, occupation, calling or business;

**“Compulsory Automobile Insurance Act”** means the Compulsory Automobile Insurance Act, R.S.O. 1990, c. C.25;

**“Controlled Drugs and Substances Act”**, means the Controlled Drugs and Substances Act, S.C. 1996, c. 19;

**“Conveyance Service”** means the conveying of one or more passengers or of property in exchange for a fee or other consideration;

**“Criminal Code”** means the Criminal Code, R.S.C., 1985, c. C-46;

**“Drivers’ List”** means a list of applicants for taxicab and taxicab wheelchair accessible plate holder licences;

**“Drop Fee”** means the fee or commission paid to the owner or driver of a tow truck or to a tow truck broker in return for the towing or other conveyance of a vehicle to a location, which fee or

commission shall be in addition to the amount the owner or driver of such tow truck is authorized to charge to the hirer in accordance with the provisions of this By-law and associated schedules;

**“Dispatch”** means any communication of an order or other information between a Taxicab Broker and a Taxicab Driver;

**“Dispatcher”** means a person who sends a Taxicab or a Taxicab Wheelchair Accessible Vehicle to a destination for the purpose of carrying on the business of operating a Taxicab;

**“Executive Vehicle”** means a full-sized, four-door sedan motor vehicle, of a manufacturer’s top-quality line, with a closed body and a maximum seating capacity of five (5) people including the driver, and an original unaltered wheelbase of not less than 114.5 inches (290.83 centimetres); or a four-door motor vehicle having the combined features of a sedan and a truck and identified as a sport-utility vehicle by the manufacturer, with a closed body and a maximum seating capacity of nine (9) people including the driver, and an original unaltered wheelbase of 116.0 inches (294.64 centimetres);

**“Fire Protection and Prevention Act”** means the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4;

**“Highway Traffic Act”** means the *Highway Traffic Act*, R.S.O. 1990, c. H.8;

**“Hirer”** means the owner of a towed vehicle, or in the absence of the owner,

- (a) the agent of the owner of the towed vehicle, duly authorized by the owner to exercise control of the towed vehicle on the owner’s behalf; or,
- (b) any person having lawful custody of a towed vehicle or the legal right to possession thereof ;

**“Hoisting Device”** means any equipment which can lift a vehicle for the purpose of towing, and includes floats and flatbeds if used for the purposes of towing;

**“Horse-Drawn Carriage”** means vehicles commonly referred to as “carts” or “carriages” which shall not seat more than the manufacturer’s recommended seating specifications and are propelled by horses, donkeys or other draught animals;

**“Inspector Or Compliance Officer”** means police officer, enforcement officer, provincial offences officer, by-law enforcement officer, or any other person whose employment duties include enforcement of this By-law;

**“Licensing Commission”** means the Windsor Licensing Commission;

**“Licence Commissioner”** means the Licence Commissioner for the City of Windsor and shall mean and include any delegate or delegates of the Licence Commissioner for the City of Windsor as well as any successor position to the Licence Commissioner carrying out the responsibilities of the Licence Commissioner at the time of the passing of this By-law;

**“Licence”** means the certificate issued under this By-law as proof of licensing under this By-law;

**“Licensee”** means any person licensed under this By-law or a person required to be licensed under this By-law;

**“Lifting Charge”** means a fee which may be imposed by a tow truck driver where the tow truck driver has attended at a location for the purposes of towing a vehicle without the consent of the owner and has lifted the vehicle or has placed it in a position where it is capable of being physically removed from the property, but has not yet removed the vehicle;

**“Limousine”** means a four-door sedan motor vehicle with a closed body and a minimum seating capacity of six (6) people and a maximum seating capacity of nine (9) people including the driver;

**“Livery Driver”** means any person who drives a Livery Vehicle and who has been licensed under this By-law to permit the driving of a Livery Vehicle;

**“Livery Vehicle”** means a vehicle, other than a Taxicab or a Transportation Network Company Vehicle, used for hire for the conveyance of passengers and available for hire by the general public;

**“Livery Plate”** means the numbered metal plate issued by the City to be affixed to a Livery Vehicle;

**“Livery Plate Holder”** means a person to whom the livery plate holder licence and accompanying livery plate have been issued pursuant to this By-law;

**“Livery Plate Holder Licence”** means a certificate issued by the City to a livery plate holder under this By-law;

**“Model Year”** means the model year shown for a vehicle on its registration issued under the *Highway Traffic Act*;

**“Municipal Freedom of Information and Protection of Privacy Act”** means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56;

**“Municipality”** means The Corporation of the City of Windsor;

**“Operate”** means driving a vehicle and making it available to the public for transportation services;

**“Order”** means a request from a person for a Taxicab, a Taxicab Wheelchair Accessible Vehicle, Transportation Network Company Vehicle or a Livery Vehicle to provide a Conveyance Service;

**“Parking”** means allowing a vehicle to remain stationary on a street, parking lot or elsewhere except in obedience of traffic regulations, signs or signals, or for a longer period of time than is actually required for taking on or discharging persons or for loading and unloading merchandise;

**“Parking Lot”** means an area to which the public has access, whether on payment of a fee or gratuitously, for the purposes of parking vehicles;

**“Partnership”** means an association of two (2) or more persons to carry on, as co-owners, a business or other activity;

**“Passenger”** means any individual, not including the driver, seated in a vehicle engaged to provide a conveyance service;

**“Pedicab”** means a vehicle driven exclusively by human power, either on foot or in conjunction with a pedal-driven mechanical device, which seats no more than the manufacturer’s recommended seating specifications;

**“Person”** means any individual, company, firm, organization, partnership, body corporate or politic, and the heirs, executors, administrators or other legal representatives of a person to whom the term may apply in law;

**“Provincial Offences Act”** means the Provincial Offences Act, R.S.O. 1990, c. P.33;

**“Public Vehicles Act”** means the Public Vehicles Act, R.S.O. 1990, c. P.54;

**“Records Check - Enhanced Screening”** means the printed result of a search of the Canadian Police Information Centre, carried out by authorized personnel and commonly known as a “police clearance”, “criminal records check”-or a “vulnerable sector police record check”;

**“Safety Standards Certificate”** means a safety standards certificate issued under the *Highway Traffic Act*;

**“Service Animal”** means an animal trained by a recognized school for service as a guide dog for the blind, visually-impaired, deaf or hearing impaired, or as a service or special-skills dog for other persons with a disability, and shall include an animal used for therapy which is registered with a recognized organization for that purpose;

**“Tariff Card”** means a card showing the current tariff issued by the Licence Commissioner for display in a taxicab or taxicab wheelchair accessible vehicle;

**“Taxicab”** means a motor vehicle, other than a Livery Vehicle, a car-pool or Transportation Network Company Vehicle, having a seating capacity of not more than six (6) people, not including the driver, hired for one specific trip for the transportation of one person or group of persons, with one fare or charge being collected or made for the trip;

**“Taxicab Brokerage”** means the business of a broker applied specifically to taxicab operations and shall be deemed to include the land and premises upon which the business is carried on;

**“Taxicab Driver”** means any person who drives a Taxicab or Taxicab Wheelchair Accessible Vehicle who is licenced by the Licensing Commission to drive a taxicab or taxicab wheelchair accessible vehicle;

**“Taxicab Fare”** means the amount displayed on the Taxicab Meter at the conclusion of the trip and does not include any additional charges permitted by this By-law;

**“Taxicab Meter”** means a measuring device approved by the Licence Commissioner and used in a taxicab or a taxicab wheelchair accessible vehicle to calculate, among other things, the rate payable for a trip;

**“Taxicab Plate”** means the numbered metal plate issued by the City under this By-law to be affixed to the taxicab;

**“Taxicab Plate Holder”** means a person to whom a Taxicab Plate Holder Licence and accompanying Taxicab Plate have been issued pursuant to this By-law;

**“Taxicab Plate Holder Licence”** means a certificate issued by the City to a Taxicab Plate Holder pursuant to this By-law;

**“Taxicab Stand”** means an area set aside and designated by the City to be used exclusively by a Taxicab or Taxicab Wheelchair Accessible Vehicle while it is waiting for or picking up goods and/or passengers;

**“Taxicab Vehicle Standards Inspection Checklist”** means a form provided by the Licence Commissioner outlining taxicab vehicle standards to be inspected; **(Added by By-law 69-2014, dated April 22, 2014)**

**“Taxicab Wheelchair Accessible Plate”** means the numbered metal plate issued by the City under this By-law to be affixed to the taxicab wheelchair accessible vehicle;

**“Taxicab Wheelchair Accessible Plate Holder”** means a person to whom a taxicab wheelchair accessible plate holder licence and accompanying taxicab wheelchair accessible plate have been issued pursuant to this By-law;

**“Taxicab Wheelchair Accessible Plate Holder Licence”** means a certificate issued by the City to a taxicab wheelchair accessible plate holder pursuant to this By-law;

**“Taxicab Wheelchair Accessible Vehicle”** means a taxicab that is wheelchair-accessible, permitting the loading, transportation and off-loading of a person with a disability confined to a wheelchair or in reliance on a similar device, and is available for or providing conveyance service;

**“Tow Truck”** means a vehicle used for hire for towing or otherwise conveying a vehicle;

**“Tow Truck Owner”** means a person who owns a Tow Truck and is licensed under this By-law;

**“Transfer”** in reference to any licence in this By-law or any schedule hereto means the conveyance or passing of the licence from one person, partnership or corporation to any other person, partnership or corporation, with or without consideration, and is deemed to include the disposition by any means of all or any part of the shares in the capital stock of a corporations holding a licence directly, through another corporation or corporation(s) or as a partner in a partnership, regardless of whether such a transfer results in a change in control of the corporation holding the licence directly, through another corporation or corporation(s), or as a partner in a partnership **(added by By-law 94-2008, May 20, 2008)**;

**“Transportation Network Company” or “TNC”** means any person who offers, operates, or facilitates prearranged transportation services using a Transportation Network Company Platform to connect passengers with Transportation Network Company Drivers;

**“Transportation Network Company Driver”** means any person who is authorized to use a Transportation Network Company Platform to transport passengers for compensation using a Transportation Network Company Vehicle;

**“Transportation Network Company Fare”** means the amount displayed on a Transportation Network Company’s platform prior to the engagement of transportation services and only payable by electronic means including credit card;

**“Transportation Network Company Identifier”** means a sign, decal, emblem, or symbol displaying the logo or name of the Transportation Network Company through which a Transportation Network Company Driver is providing transportation service to passengers;

**“Transportation Network Company Licence”** means a Licence issued by the City to a Transportation Network Company pursuant to this By-law;

**“Transportation Network Company Platform”** means any software or application or telecommunications platform to connect passengers with Transportation Network Drivers;

**“Transportation Network Company Vehicle”** means a motor vehicle, other than a Taxicab or Livery Vehicle, having a seating capacity of not more than (6) people, not including the driver, hired for one specific trip for the transportation of one person or group of persons and is limited to Vehicles operating under a Transportation Network Company licenced by the Licence Commission;

**“Trip”** means the distance and time travelled or the distance and time to be travelled, measured from the time and point at which a passenger(s) first enters a Vehicle to the time and point at which a passenger(s) finally leaves the Vehicle;

**“Trip Sheet”** means a record whether written or electronic of each trip made by a Vehicle licenced under this By-law or a Vehicle affiliated with a Transportation Network Company licenced under this By-law as provided herein;

**“Van”** means a Vehicle that is kept or used for hire on an hourly or flat-rate basis for the conveyance of passengers, with a minimum capacity of seven (7) persons and a maximum capacity of ten (10) persons including the driver, unless the Van is specifically designed for the transport of wheelchairs in which case there shall be no minimum capacity, and which is not equipped with a taxi meter, top light or roof sign of any kind;

**“Vehicle”** means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle, cart and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;

**“Vehicle Standards Inspection Lane”** means an inspection period, the dates and times as established by the Licence Commissioner, during which inspectors or compliance officers examine vehicles to ensure compliance with this By-Law; **(Added by By-Law 79-2012, July 23, 2012)**

**“Without Consent of The Owner”** in reference to a vehicle means:

- (a) the prior consent to the towing of a Vehicle is given by the owner or operator of a vehicle to the Tow Truck Owner or its employee or operator; or,
- (b) consent to towing is deemed to be given by the owner or operator of the vehicle as a consequence of parking in a parking lot or where consent to towing is given by the owner or operator of the parking lot as an agent of the owner or operator of the Vehicle.

## PART II - APPLICATION

2. No person shall:
  - (a) carry on business as livery vehicle owner or driver;
  - (b) carry on business as a taxicab driver;
  - (c) carry on business as a taxicab broker;
  - (d) carry on business as a taxicab wheelchair accessible vehicle driver; or,
  - (e) carry on business as a taxicab plate holder or taxicab wheelchair accessible plate holder **(Added by By-law 135-2010 dated August 23, 2010)**;
  - (f) carry on business as a Transportation Network Company (TNC);
  - (g) carry on business as a tow truck driver; or,
  - (h) carry on business as a tow truck owner **(Added by By-law 135-2010 dated August 23, 2010)**;without first obtaining the requisite licence from the Licensing Commission. **(Amended by By-law 135-2010 dated August 23, 2010.)**
3. This By-law does not apply to the operation of:
  - (a) a motor vehicle with a seating capacity of eleven (11) or more people including the driver;
  - (b) an ambulance or funeral hearse;
  - (c) a motor vehicle that is inspected as a bus pursuant to the *Highway Traffic Act*;
  - (d) a school bus, as defined in the *Highway Traffic Act* and licenced under the *Public Vehicles Act* R.S.O. 1990 c. P.54;
  - (e) any vehicle operated by Transit Windsor, including any vehicle operated by a person under agreement with Transit Windsor for the conveyance of senior citizens or persons with disabilities.

## PART III - APPLYING FOR A LICENCE OR RENEWAL

4. Applications for licences and renewals shall be made to the Licence Commissioner.
5. Applications shall be time and date-stamped upon receipt by the Licence Commissioner and shall be processed in the order in which they are received.
6. Priority will be given to renewal applications for a particular year provided the application for renewal is received by the Licence Commissioner prior to the expiration of the licence.
7. At the time of application, every applicant shall:
  - (a) complete the application form in full and supply all required information;
  - (b) submit the prescribed licence fee specified in Schedule 2; and,
  - (c) provide any other document or information as may be required by this By-law.
8. No person shall provide false or misleading information for the purposes of obtaining, maintaining or renewing a licence.
9. Every application will be subject to investigation and approval from such municipal or provincial departments or agencies as the Licence Commissioner deems necessary or as may be directed by the Licensing Commission, which may include, but not be limited to: Windsor Police Services, Windsor Essex County Health Unit; Windsor Fire and Rescue Services; the City's Planning and Building Department; the City's Pollution Control Department and the City's Policy, Gaming, Licensing and By-law Enforcement Department.



- 10. Upon receipt of a complete application in the prescribed form for a licence or a renewal, the Licence Commissioner shall make all investigations deemed necessary or required by law and
  - (a) if the Licence Commissioner’s investigation discloses any reason to believe that the applicant is not of good character or that the carrying on of the licensed activity by the applicant will likely result in a breach of the law or be adverse to the public interest, the Licence Commissioner shall recommend to the Licensing Commission that it not issue or renew the licence, or that it impose conditions on the issuance of a licence, otherwise the Licence Commissioner shall recommend to the Licensing Commission that it issue or renew the licence; or,
  - (b) if the Licence Commissioner’s investigation does not disclose any reason to believe that the applicant is not of good character or that the carrying on of the licensed activity by the applicant will likely result in a breach of the law or be adverse to the public interest, the Licence Commissioner shall recommend to the Licensing Commission that it issue or renew the licence.
- 11. Any application which has not received approvals from all municipal or provincial departments or agencies as the Licence Commissioner deems necessary within sixty (60) days from the date of filing the application, shall be deemed to have expired because of the applicant’s inability to comply with the requirements to become licenced, unless the application is referred to the Licensing Commission for determination.
- 12. Where any determination is made that any applicant does not receive an approval under this By-law, the reason for denial of the approval shall be specified and the Licence Commissioner shall notify the applicant of the said reasons.

**PART IV - LICENCE FEES**

- 13. No person shall receive any nature of licence from the Licensing Commission without payment of the applicable fees as defined in Schedule 2 to this By-law.
- 14. Any licence bearing an expiry date listed in Column A may be obtained for one-half the applicable fee as established in Schedule 2 to this By-law if the licence is obtained on or after the adjacent date in Column B.

<b>COLUMN A</b>	<b>COLUMN B</b>
<b>Expiry Date of Licence</b>	<b>Half-Price Fee</b>
August 31 <sup>st</sup> (any year)	May 1 <sup>st</sup> (same year)
November 30 <sup>th</sup> (any year)	August 1 <sup>st</sup> (same year)

- 15. Every person applying for a renewal of a licence shall procure such licence from the Licensing Commission in accordance with the deadline schedule attached as Schedule 1 to this By-law, and shall, at the time of filing the application, pay the licence fee shown in Schedule 2 to this By-law, provided however that where a licence is renewed after a deadline, the applicant shall be liable to pay the licence fee established by this By-law together with the penalty of 50% over the base fee.
- 16. All licence fees are non-refundable if the application is refused for any reason, or is withdrawn by the applicant prior to the issuance of a licence.

## PART V - LICENCE

17. The issuance or renewal of a licence does not constitute consent by the City for the licence holder to contravene any federal or provincial law, regulation or ordinance nor any municipal By-law.
18. No licence shall be issued in respect of any premises in which the carrying on or operation of any activity for which the application is being made is in contravention of any municipal By-law, federal or provincial legislation.
19. A licence issued under the provisions of this By-law shall be valid only for the period of time for which it was issued.
20. Every Licence is at all times the property of the City and shall be valid only in respect of the person and specific Vehicle named therein and for the nature of the service and class of Vehicle specified in the Licence.
21. No Licence may be sold, purchased, leased, mortgaged, charged, encumbered, assigned pledged, transferred, seized, distrained or otherwise alienated or dealt with except as provided herein.
22. Every metal plate shall remain the property of the City and shall be returned to the Licence Commissioner upon demand.
23. The Licence Commissioner shall sign all Licences on behalf of the Licensing Commission, and a printed or mechanically-reproduced signature shall be deemed to be an original.
24. All Licences issued under this By-law shall be maintained as follows:
  - (a) with respect to premises, displayed in a conspicuous place;
  - (b) with respect to Vehicles, displayed in a conspicuous place;
  - (c) with respect to an individual, kept in the licensed Vehicle operated by the person while conducting the licenced activity and produced for inspection when required by any person authorized under this By-law.
25. All persons shall diligently keep any and all of the records required to be kept under the provisions of any section of any part of this By-law or Schedules.
26. Where an original Licence has been lost or destroyed, the Licence Commissioner, upon receipt of a police report to that effect furnished by the original holder thereof or by some person having the authority to act on behalf of the Licensee, may issue a duplicate Licence to the Licensee upon payment of the fee set out in Schedule 2 to this By-law.
27. Every Licence issued or renewed is subject to the following conditions for obtaining, holding and renewing a licence:
  - (a) the applicant or licensee shall be required to pay the applicable fee;
  - (b) the applicant or licensee shall allow the City to inspect the places and premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying on of the business;
  - (c) the applicant or licensee shall ensure that the places or premises used for the business are not constructed or equipped so as to hinder the enforcement of this By-law;
  - (d) the conduct of the licensee or applicant shall afford reasonable cause to believe that the applicant or licensee will carry on or engage in business in accordance with the law or with honesty and integrity;
  - (e) the applicant or licensee or member of a partnership that is the holder of a licence shall be a Canadian citizen, a person lawfully admitted to Canada for permanent residence who is ordinarily a resident in Canada, or a person permitted to work in Canada as determined by Citizenship and Immigration Canada;
  - (f) where the applicant or licensee is a corporation or a partnership of which a corporation is a member, the conduct of its officers or directors or of a shareholder who owns or controls ten percent or more of its issued and outstanding voting and non-voting share shall afford reasonable cause to believe that the applicant or licence holder will carry on or engage in the business in accordance with the law or with honesty and integrity;
  - (g) where the applicant or licensee is a corporation, it shall notify the Licence Commissioner in writing within fifteen days of a change in officer, director or controlling interest in the corporation;

- (h) the premises in which the business is located shall at all times be in compliance with the *Building Code Act, 1992*, the *Fire Protection and Prevention Act (1997)*, and any amendments, regulations or successor legislation thereto, as well as any ordinances or requirements of the Windsor-Essex County Health Unit and any City By-law prescribing standards for maintenance and occupancy of property;
  - (i) the zoning of the premises is appropriate for the use by the business;
  - (j) the owner or operator shall have a contractual or proprietary interest in the lands and premises upon which the business is to be operated, enabling the owner or operator to carry on the business;
  - (k) the applicant or licensee shall pay any and all fines resulting from contravention of this By-law after it becomes due and payable under section 66 of the *Provincial Offences Act*, including any extension of time permitted under that section however nothing in this By-law abrogates any right of the applicant or licensee to pursue any appeals available in respect of such a fine;
  - (l) the applicant or licensee must maintain a current, accurate photograph;
  - (m) the applicant or licensee must provide proof of residence address;
  - (n) the licensee shall maintain insurance in compliance with this By-law, which insurance shall remain in force by the licensee during the effective period of the licence and any renewals thereof. Upon receipt of a notice that a policy of insurance is to expire on a stated date, the Licence Commissioner shall notify the licensee that unless proof of adequate insurance is filed on or before the expiry of the existing policy, a recommendation shall be made to the Licence Commission to suspend or revoke the licence.
28. Every Licensee shall be responsible for the act or acts of any employee or other person associated with the Licensee in the carrying on of any trades, businesses or occupations authorized by the Licence in the same manner and to the same extent as if such act or acts were done by the Licensee.
29. Every Licensee shall notify the Licence Commissioner within seven days:
- (a) of any change of business or home address;
  - (b) of the sale, transfer or termination of the business;
  - (c) of retirement;
  - (d) in the situation where the Licensee obtained a Licence on the basis of the employee's certificate, the termination of the employee's employment;
  - (e) any change in the Ontario Licence Number of the licensed motor vehicle that is registered with the Ministry of Transportation and, if applicable, the appropriate insurance endorsement in respect of the motor vehicle.
30. The Licence Commissioner may revoke a Licence that is voluntarily surrendered by the holder for revocation.
31. When a licensee is seriously ill or has received serious injuries, the licensee may deliver his or her licence to the Licence Commissioner for safekeeping until the licensee has completely recovered by filing the following with the Licence Commissioner:
- (a) the Licence;
  - (b) a medical certificate from a duly qualified medical practitioner certifying that the Licensee is, in the opinion of the practitioner, unfit and unable to carry on working at the licensed activity; and,
  - (c) a statutory declaration describing the nature of the incapacity indicated in the medical certificate and stating that the Licensee is no longer carrying on the licensed activity.
- When the Licensee has recovered from the illness or serious injuries, before resuming the licensed activity, the licensee shall file with the Licence Commissioner a further medical certificate from a duly qualified medical practitioner certifying that the Licensee is, in the opinion of the medical practitioner, fit and able to carry on the licensed activity.
32. Upon receipt of the medical certificate, the Licence Commissioner shall
- (a) where the Licence has not expired, return it to the licensee;
  - (b) where the licence has expired, recommend the renewal thereof to the Licensing Commission in accordance with the terms of this By-law.
33. Where the medical certificate is filed after the expiry of a licence, the applicant or licensee shall pay at the time of the issuance of the licence the fees set out in Schedule 2.

34. No person licensed under this By-law shall discriminate against any member of the public because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, marital status, family status, sexual orientation, handicap or any other prohibited ground of discrimination in the carrying on of the licensed activity.

## **PART VI - POWERS AND DUTIES OF LICENCE COMMISSIONER**

35. The Licence Commissioner has authority to:
- (a) inspect those parts of any house, place or premises which may be used for the carrying on the licensed activity;
  - (b) inspect goods, wares, merchandise, articles, books, records or other documents relating to the licensed activity;
  - (c) inspect every vehicle and other personal property used or kept for hire in carrying on the licensed activity;
  - (d) require that each vehicle and other personal property used or kept for hire in carrying on the licensed activity be submitted for inspection; and,
  - (e) ensure that each licensee produces the licensed vehicle for inspection at the time and place so designated.
36. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty authorized by this By-law.
37. Any application, comment, recommendation, information, document or thing in the possession of the Licence Commissioner pursuant to the provisions of this By-law shall be made available by the Licence Commissioner for inspection:
- (a) by any person responsible for the administration and/or enforcement of this By-law;
  - (b) by any other person upon the consent, satisfactory to the Licence Commissioner, of the person, civic department, board, commission, authority or other agency which produced or submitted the application, comment, recommendation, information, document or thing subject only to the limitations imposed by the *Municipal Freedom of Information and Protection of Privacy Act* R.S.O. 1990, c.M.56 or any replacement or successor legislation.
38. Where, in the opinion of the Licence Commissioner, the carrying on of a licensed activity by a licensee will likely result in a breach of the law or be adverse to the public interest, the Licence Commissioner shall recommend to the Licensing Commission that it suspend, revoke or impose conditions on the licence.

## **PART VII - POWERS AND DUTIES OF LICENSING COMMISSION**

39. At any time before the Licence Commissioner shall issue or renew a licence, or recommend to the Licensing Commission that it refuse to issue or refuse to renew a licence, the Licence Commissioner may as he or she sees fit, or shall at the request of the applicant, refer the application for issuance or renewal of the licence to the Licensing Commission.
40. Where there is a referral to the Licensing Commission pursuant to this section, the Licensing Commission shall hold a hearing for the purpose of:
- (a) issuing or renewing the licence;
  - (b) refusing to issue or renew the licence;
  - (c) suspending the licence;
  - (d) revoking the licence; or,
  - (e) issuing or renewing the licence with the imposition of conditions.
41. Where the Licence Commissioner intends to recommend to the Licensing Commission that it refuse to issue, refuse to renew, place conditions on, revoke or suspend a licence, the Licence Commissioner shall give notice of the intended recommendation and the reasons for the intended recommendation to the applicant or licensee as well as to such

other persons, civic departments, boards, commissions, authorities and agencies having an interest in the recommendation. Under this section, notice to the applicant or licensee shall be written notice served personally or by registered mail to the address shown on the application or licence.

42. Where the applicant has been convicted of an offence under the *Criminal Code*, R.S.C. 1995 c. C-46, the *Controlled Drugs and Substances Act*, S.C. 1995 c. 19, or has been convicted of criminal negligence or impaired driving charges within four years of the application, the Licence Commissioner shall refer the application to the Licensing Commission for a decision based on criteria established by the Commission in consultation with the Chief of Police.
43. At the hearing, the Licensing Commission may suspend, revoke, and refuse to issue or impose conditions on any licence under this By-law:
  - (a) for any reason that would disentitle any licensee to a licence;
  - (b) where the licensee or applicant is in breach of a condition of the licence;
  - (c) where the licensee or applicant is in breach of any of the provisions of this By-law;
  - (d) if there are reasonable grounds to believe any of the statements made on the application for issuance or renewal are false;
  - (e) if, subsequent to the issuance of the licence, a report is filed by anybody which originally provided its approval that indicates that the licensee is no longer in compliance with this By-law;
  - (f) upon such grounds as are set out in this By-law;
  - (g) if the applicant has outstanding fees or fines owing to the City, or if the applicant has not paid the required application fee;
  - (h) if the conduct or character of the applicant or licensee affords reasonable cause to believe that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;
  - (i) if the geographic location of the business does not meet land use requirements;
  - (j) if in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable cause to believe that the business will not be carried on in accordance with the law or with honesty and integrity; or,
  - (k) if issuing the licence is not in the public interest.
44. If the Licensing Commission suspends or revokes a licence, the licensee shall within twenty-four (24) hours of service of the notice of such suspension or revocation by registered mail, or immediately in the case of personal service, return the licence to the Licence Commissioner along with any plates issued in respect of the suspended or revoked licence, and the Licence Commissioner shall have access to any premises, vehicle or other property of the licensee for the purpose of receiving or taking same. All plates not returned within twenty-four (24) hours of service of the notice will automatically be deemed invalid.
45. No person shall refuse to deliver to the Licence Commissioner the licence and any plates relative to a suspended or revoked licence or shall in any way prevent or hinder the Licence Commissioner from receiving or taking same.
46. Where a licence is revoked, the licensee is entitled to a refund of that part of the licence fee proportionate to the unexpired part of the term for which it was granted, such refund to be prorated on a monthly basis.
47. Where the Licensing Commission renders a decision granting the applicant the licence applied for, the licence shall be issued upon the applicant complying with the terms of this By-law and the conditions imposed on the licence, if any, and the applicant shall complete the application within fourteen (14) days of the decision of the Licensing Commission.

## PART VIII - ENFORCEMENT

48. This By-law shall be enforced by the Windsor Police Services, the City's appointed By-law Enforcement Officers, and any Provincial Offences Officers appointed by City Council.
49. Any member of the Windsor Police Services or any person designated by City Council to enforce this By-law may, at all reasonable times and upon the production of proper identification, enter and inspect any premise or part thereof licensed under this By-law.
50. Any act or duty to be performed by the Chief of Police under this By-law may be performed by any police officer authorized by the Chief of Police to do so.

## PART IX - OFFENCES

51. Every person who contravenes any of the provisions of this By-law and every director and officer of a corporation who concurs in the contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000 or to imprisonment of a term not exceeding one year, or to both.
52. Where a corporation is convicted of an offence under subsection 51, the maximum penalty that may be imposed on a corporation shall be \$50,000
53. Pursuant to section 433 of the *Municipal Act, 2001* S.O. 2001 c.M.25, if any part of a fine for contravention of this By-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act* R.S.O. 1990 c.P.33, or any successor provision thereto, including any extension of time for payment ordered under that section, the City's Treasurer and Chief Financial Officer or designate may give the person against whom the fine was imposed written notice specifying the amount of the fine payable and the final date on which it is payable, which is not less than 21 days after the date of the notice. This notice shall be sent by registered mail to be delivered to that person at that person's residence or place of business.
54. If the fine referred to in section 53 remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of section 398 of the *Municipal Act, 2001* S.O. 2001 c.M.25, as amended, or any successor provision.

## PART X - GENERAL PROVISIONS

55. In this By-law, where the time for doing any act or taking any proceeding expires on a Saturday, Sunday or holiday the act or proceeding may be done or taken on the next day following the Saturday, Sunday or holiday upon which the City of Windsor administrative offices are open for business.
56. In the event that any provision of this By-law is declared invalid or unenforceable by a court of competent jurisdiction, that provision shall be severed and all other provisions of this By-law shall remain valid and enforceable.
57. All schedules and appendices to this By-law form part of this By-law.
58. Where the specific provision of any Schedule or Appendix herein conflicts with any general provision of this By-law the provision of the Schedule or Appendix shall prevail over the general provision of this By-law.
57. Reference in this By-law to any legislation shall be deemed to include any amendments to and re-enactments thereof, as well as any replacement or successor legislation.
58. By-law 396-2004 is hereby repealed.
59. This By-law shall come into force and take effect on the date of final passing hereof.

60. Any reference to a licence issued under this By-law or its Schedules shall be deemed to include any licenses issued under any predecessor by-laws governing public vehicle licensing, despite the fact that it may be repealed.
61. This By-law may be cited as the "Public Vehicles Licensing By-law".

## SCHEDULE 1 TO BY-LAW NO. 137-2007

### Deadline Dates for Licence Categories

Deadline	Licence Category
August 31 <sup>st</sup> *	Taxicab - Placeholder Taxicab - Driver Taxicab - Broker Transportation Network Company (TNC)
August 31 <sup>st</sup> *	Livery - Placeholder Livery - Driver
November 30 <sup>th</sup>	Towing



## SCHEDULE 2

### Public Vehicle Licensing Fees

<u>CATEGORY</u>	<u>FEE</u>
<b>Livery Vehicle</b>	
Plate Holder Licence (Motorized)	\$180.00
Plate Holder (Muscular)	\$70.00
Driver licence	\$110.00
Transfer from vehicle to vehicle	\$70.00
Photo I.D. card	\$15.00
Replacement Photo I.D. card	\$25.00
Vehicle Re-inspection	\$60.00
<b>Taxicab</b>	
Plate Holder Licence	\$400.00
Driver licence	\$110.00
Transfer from Plate Holder to Plate Holder	\$400.00
Transfer from vehicle to vehicle	\$70.00
Broker (per vehicle dispatched)	\$60.00
Photo I.D. card	\$15.00
Replacement Photo I.D. card	\$25.00
<b>(Deleted by By-law 69-2014, dated April 22, 2014)</b>	
Filing of leases	\$30.00
Drivers' List	\$30.00
Vehicle Re-inspection	\$60.00
<b>Transportation Network Company (TNC)</b>	
"TNCV" means Transportation Network Company Vehicles	
1 - 100 TNCV	\$5,000 plus 0.11¢ per Trip
101 - 250 TNCV	\$7,500 plus 0.11¢ per Trip
251 - 500 TNCV	\$15,000 plus 0.11¢ per Trip
501 - 750 TNCV	\$20,000 plus 0.11¢ per Trip
751 - 1000 TNCV	\$25,000 plus 0.11¢ per Trip
1001 plus TNCV	\$30,000 plus 0.11¢ per Trip
<b>Towing</b>	
Owner	\$105.00
Each vehicle	\$52.00
Each Driver	\$20.00
Photo I.D. card	\$15.00
Replacement Photo I.D. card	\$25.00

## SCHEDULE 3

### Livery Vehicles

#### 1. Application of this Schedule

1.1 This schedule governs the licensing of the following vehicles:

- (a) **DELETED BY BY-LAW 130-2011, dated July 4, 2011**
- (b) Class B - Limousine;
- (c) Class C - Executive;
- (d) Class D - Van;
- (e) Class E - Pedicab; and,
- (f) Class F - Horse Drawn Carriage.

1.2 The responsibilities and restrictions set out in this Schedule apply to the following licensees:

- (a) Livery Drivers
- (b) Livery Plate Holders

#### 2. Limitations on the Number of Livery Plates

2.1 The following limit on the number of licences shall be established and reviewed by the Licensing Commission from time to time:

- |   |          |
|---|----------|
| (a) Class B - Limousine                                 | 25 units |
| <b>(Amended by By-law 130-2011, dated July 4, 2011)</b> |          |
| (b) Class C - Executive                                 | 15 units |
| (c) Class D - Van                                       | 30 units |
| (d) Class E - Pedicab                                   | 10 units |
| (e) Class F - Horse Drawn Carriage                      | 12 units |

#### 3. General Terms

3.1 Livery vehicles shall only operate by pre-arranged contract or payment from a point within the City to a point either within or outside the City, at a predetermined rate in accordance with a rate schedule filed with the Licence Commissioner, and shall not include operation on a fare system similar to a taxicab either through a meter or zone system, and livery vehicle operators shall be prohibited from cruising for fares or "standing" for fares unless awaiting the completion of a pre-arranged engagement.

3.2 No person licensed under this By-law to carry on business as a livery vehicle owner or livery vehicle driver shall:

- (a) operate or permit to be operated, a livery vehicle which does not have a current and valid livery plate affixed to it in a manner approved by the Licence Commissioner;
- (b) accept or solicit passengers without a pre-arranged contract for hire, nor accept or solicit passengers by knowingly misleading or deceiving such persons as to the location or distance from any part of the City to any public place or private residence, or demand or receive rates and charges other than those authorized by this schedule;
- (c) use a livery vehicle for the separate conveyance of parcels, letters, documents, goods, chattels, or groceries;
- (d) permit a livery vehicle to be operated as a taxicab as defined under this By-law; or,
- (e) engage in any class of livery vehicle operation for which a licence has not been granted.

#### 4. Application for Licence Governed by this Schedule

4.1 Applicants for livery plate holder licenses in the first instance shall provide to the Licence Commissioner for consideration by the Licensing Commission:

- (a) type and number of vehicles to be operated;
- (b) details of the nature of the operation;
- (c) market studies or other information to justify the need for the service within the

- current marketplace, including details of any specific contracts for the service;
  - (d) an assessment of the impact of the proposed service on existing "for hire" transportation services in the municipality; and,
  - (e) rate structure proposed for the service for comparison with existing, competing services.
- 4.2 In addition to the requirements in 4.1, as may be applicable, no livery vehicle plate and associated livery plate holder licence shall be issued under this By-law until the following requirements have been met:
- (a) If the Applicant;
    - (i) is an individual, the applicant shall attend at the office of the Licence Commissioner in person and complete a written application for such licence as prescribed by the Licence Commissioner and provide proof that the applicant is not less than eighteen (18) years of age;
    - (ii) if a corporation, the applicant shall file copies of the articles of incorporation as well as any articles of amendment or articles of amalgamation, together with an annual return which contains a list of all shareholders of the corporation; or,
    - (iii) if a partnership, the applicant shall provide the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on the business provided that if one or more of the partners is a corporation, the requirements of (ii), above, shall also be fulfilled in respect of the corporate partner or partners;
  - (b) The applicant shall file with the Licence Commissioner evidence of ownership of such livery vehicle and proof that the livery vehicle to be licensed under this By-law has a valid vehicle permit issued under the *Highway Traffic Act* and is either registered in the name of the applicant or leased to the applicant;
  - (c) the applicant shall file with the Licence Commissioner evidence of insurance coverage for the livery vehicle to be licensed under this By-law in the form and amount provided in this Schedule;
  - (d) the applicant shall file with the Licence Commissioner the vehicle identification number of the vehicle for which the livery vehicle plate holder licence is applied and to which the applicant shall affix the livery plate;
  - (e) the applicant shall file with the Licence Commissioner a safety standards certificate issued within 30 days of the date of the applicant's application; and,
  - (f) the applicant shall pay the fees prescribed by this By-law.
- 4.2.1 In addition to the requirements in 4.1 and 4.2, as may be applicable, applicants for a Class E - Pedicab vehicle plate and associated livery plate holder licence shall submit a document, completed by a mechanic duly licensed to practice in the Province of Ontario, showing mechanical fitness of the vehicle which is satisfactory to the Licence Commissioner. **(Added by By-law 164-2013, dated October 21, 2013)**
- 4.3 All applicants for a livery vehicle licence shall comply with the requirement in the *Sandwich, Windsor & Amherstburg Railway Act* that Council grant express written consent to allow them to provide transportation of passengers for hire in the City by obtaining such written consent from the Licensing Commission, to which Council has delegated its powers under the *Sandwich, Windsor & Amherstburg Railway Act*.
- 4.4 Every licence certificate issued to a livery vehicle owner shall clearly identify:
- (a) the specific vehicle in respect of which the licence was issued; and,
  - (b) the class of livery vehicle licence in respect of which the licence was issued.
- 4.5 Every applicant for a livery driver licence shall:
- (a) attend at the office of the Licence Commissioner and complete a written application for such licence;
  - (b) have a basic working knowledge of the English language;
  - (c) be at least 18 years of age;
  - (d) have a current valid Class G driver's licence issued by the Province of Ontario pursuant to the *Highway Traffic Act*;
  - (e) supply proof of:

- (i) Canadian Citizenship;
  - (ii) Permanent Resident Status; or,
  - (iii) a Work Permit to work as a Driver issued by the Government of Canada;
- (f) provide:
- (i) a current passport-sized colour photograph of the applicant;
  - (ii) the original search results of a Vulnerable Sector Criminal Record Check, enhanced screening for those employed in positions working with vulnerable persons, from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days that is satisfactory in form and content to the Licence Commissioner. In the case of a renewal, the criminal record check must be dated no more than one (1) year prior to the date of the application for a licence renewal. For new applications, the criminal record check must be dated no more than thirty (30) days prior to the application for a licence; **(Amended by By-law 127-2011, dated June 20, 2011)**
  - (iii) a Statement of Driving Record issued by the Ontario Ministry of Transportation Safety and Regulations division no more than thirty (30) days prior to the date of the application and which is deemed acceptable by the Licence Commissioner; and,
- (g) pay all fees required under this By-law.
- 4.6 Every person licensed as a livery driver under this By-law shall be required to obtain a new photo licence every two (2) years, or sooner if there is a significant change in appearance, as may be required by the Licence Commissioner.
- 5. Transfer of Licence**
- 5.1 No livery driver licence, livery plate holder licence or livery plate shall be transferable.
- 5.2 No livery plate holder licence shall be transferable from one class of livery vehicle to another.
- 5.3 The Licence Commissioner may, upon receiving satisfactory evidence of the death of a livery plate holder, transfer such licence(s) into the name of the estate of the deceased owner, and shall transfer such licence or licences where it is determined that the personal representative of the deceased owner is qualified under this schedule.
- 5.4 Where a licence(s) had been transferred to the estate of a deceased livery plate holder, the personal representative(s) of the deceased livery plate holder shall be deemed to be the owner(s) of the livery vehicle for the purposes of this schedule.
- 5.5 No licence governed by this Schedule shall be sold, rented, or leased.
- 6. Expiry of Licence**
- 6.1 Licenses issued under the provisions of this Schedule shall expire and revert to the City if not renewed by August 31st of each year, and the Licensing Commission shall be empowered to dispose of such licence in accordance with the provisions of this Schedule.
- 6.2 Where the Licence issued under the provisions of this Schedule has expired and been revoked, the Licence Commissioner shall forthwith notify, in writing by registered mail, the licensee of the revocation of the licence.
- 7. Responsibilities - Livery Plate Holder**
- 7.1 Every livery plate holder shall:
- (a) ensure that any person operating the livery vehicle upon which the livery plate is affixed holds a current livery driver's licence;
  - (b) maintain a record of the names and livery driver licence numbers of all livery drivers operating the livery vehicle upon which the livery plate is affixed including the dates and times during which each livery driver provided livery service; and
  - (c) immediately produce the record maintained pursuant to 7.1(b) upon request by the Licence Commissioner.
- 8. Responsibilities - Livery Vehicle Drivers**
- 8.1 When operating a livery vehicle, every livery driver licensed under this By-law shall:
- (a) carry his or her licence with him or her and maintain it;

- (b) produce for inspection his or her licence when requested to do so by anyone charged with enforcement of this By-law;
- (c) punctually keep all appointments and engagements;
- (d) take care of all property delivered or entrusted to and accepted by him or her;
- (e) immediately before commencing and after ceasing to operate a Livery Vehicle, examine it for mechanical defects or interior or exterior damage and report any defects or damage to the livery plate holder;
- (f) be civil and courteous, refrain from using profanity and offer to assist any passenger when it is evident that the passenger is a person with a disability, elderly or otherwise in need of assistance;
- (g) report immediately to the Licence Commissioner when he or she is charged with or convicted of an offence under the *Criminal Code*, R.S.C. 1985, c. C-46, the *Controlled Drugs and Substances Act*, S.C. 1996 c.19, or the *Highway Traffic Act*;
- (h) report immediately to the Licence Commissioner if his or her driver's licence issued under the *Highway Traffic Act* is cancelled, suspended or revoked, and immediately surrender his or livery vehicle driver licence to the Licence Commissioner; and
- (i) immediately upon the termination of any hiring or engagement, carefully search his/her livery vehicle for any property lost or left therein, and all property or money left in his/her vehicle shall be forthwith delivered over to the person owning the same, or to the police if the owner cannot be readily discerned.

8.2 Every livery driver shall ensure that adequate trip records are kept and these records shall include the following:

- (a) client identification;
- (b) driver identification;
- (c) rate charged;
- (d) date and time of service;
- (e) type of service rendered; and,
- (f) pickup points and destination points.

8.3 Trip records are to be prepared immediately upon the conclusion of every trip, and all trip records must be maintained by the licensed livery vehicle owner for a period of twelve (12) consecutive months.

8.4 No livery driver shall:

- (a) operate a livery vehicle without having a valid livery driver licence or without the livery plate issued for the vehicle affixed to the livery vehicle;
- (b) carry or permit to be carried in any livery vehicle, more occupants than the manufacturer's stated seating capacity for such livery vehicle;
- (c) solicit or permit the solicitation of any person to become a passenger in a livery vehicle;
- (d) Induce any person to order conveyance service by knowingly misleading or deceiving such person as to the location or distance from any part of the City to any other location, nor shall a livery driver allow any person to employ the livery vehicle by any false representation;
- (e) be under the influence of any intoxicant or take, consume or have in his or her possession any intoxicant while operating a livery vehicle;
- (f) contravene or permit the contravention of the City's Smoking By-law;
- (g) operate a livery vehicle if the livery driver knows such livery vehicle would not comply with requirements of a safety standards certificate;
- (h) operate a livery vehicle whose owner does not have a livery plate and associated livery plate holder licence; or,
- (i) operate a livery vehicle for which there is no current insurance under the *Compulsory Automobile Insurance Act*, R.S.O. 1990, and c. C. 25. or other applicable legislation.

## 9. Insurance

9.1 Every applicant for a livery vehicle plate holder licence shall file with the Licence Commissioner either a copy of the insurance policy or a certificate of insurance in respect of the livery vehicle which insurance shall meet the following requirements:

- (a) issuance by an insurer duly authorized to issue insurance within the Province of Ontario;
  - (b) for each livery vehicle, liability coverage is in the amount of not less than THREE MILLION DOLLARS (\$3,000,000.00) for personal injury or property damage arising out of any one accident or occurrence;
  - (c) it shall not be cancelled by the insurer until after fifteen (15) days written notice of such cancellation is given to the Licence Commissioner; and,
  - (d) the owner of the livery vehicle shall be named as the insured and all insured livery vehicles shall be listed and described.
- 9.2 Where notice of cancellation of the insurance policy or the certificate of liability insurance is given to the Licence Commissioner by the insurer, the livery plate holder licence shall be deemed to be revoked upon the same date the insurance policy or certificate of liability insurance is cancelled, unless the livery vehicle plate holder licensee presents the Licence Commissioner with new proof of insurance as required under this schedule.

## **10. Livery Vehicles**

- 10.1 No livery vehicle shall display advertising bearing the words "taxicab", "taxi", or "cab"; nor be equipped with a roof sign or fare meter, nor be dispatched by a two-way radio.
- 10.2 Every licensee under this schedule shall keep both the exterior and interior of the licensed vehicle clean, fit, proper and in good repair, and whenever the driver or owner of the licensed vehicle receives notice signed by the Licence Commissioner stating that such vehicle is not in a fit or proper condition for use and setting forth briefly the items complained of, such driver or owner shall, within the time set forth in such notice, put the same in a fit and proper condition.
- 10.3 Every livery plate holder shall submit the livery vehicle for examination by a certified mechanic duly licensed by the Province of Ontario and provide a safety standards certificate to the Licence Commissioner
- (a) upon renewal of the livery plate holder licence, which safety standards certificate shall be dated no more than thirty (30) days prior to the renewal date; and,
  - (b) at any other time as the Licence Commissioner may require.
- 10.4 Every livery vehicle shall be inspected by the Licence Commissioner prior to being licenced, and thereafter from time to time as the Licence Commissioner may require, and no livery plate holder or livery driver shall refuse or neglect to submit such livery vehicle for inspection when required, or prevent or hinder the Licence Commissioner from inspecting and/or testing the livery vehicle or from entering any garage or other building for such purpose.
- 10.5 During any inspection, every livery plate holder or livery driver shall, upon the request of the Licence Commissioner or any other person charged with the enforcement of this By-law, produce all relevant licenses, permits, invoices, vouchers, appointment books, trip records or like documents and any of these documents may be removed for photocopying provided that the livery plate holder or livery driver is given a receipt and the documents are returned within forty-eight (48) hours.
- 10.6 When the Licence Commissioner believes that a livery vehicle or its equipment is mechanically defective, the Licence Commissioner or designate shall personally serve written notice on the livery plate holder or livery driver requiring such livery plate holder or livery driver to submit the livery vehicle for examination by a certified mechanic duly licensed by the Province of Ontario and the owner shall have twenty-four (24) hours from the time of service of the notice to obtain the required inspection and to provide the Licence Commissioner with a valid certificate of mechanical fitness, and the vehicle may not be operated as a livery vehicle until such time.
- 10.7 Whenever any livery vehicle is involved in any accident which affects the safe operation of a livery vehicle, whether within or outside the limits of the City, the livery plate holder or livery driver of such vehicle shall immediately submit a written report of such accident to the Licence Commissioner.
- 10.8 All Class B, and C livery vehicles shall not exceed twelve (12) model years in age.

**(Amended by By-law 130-2011, dated July 4, 2011)**

- 10.9 No Class D livery vehicle shall be more than ten (10) model years in age.
- 10.10 For the purpose of this By-law, the age of a Class D livery vehicle shall be determined from August 31st of the model year of said vehicle.
- 10.11 A livery vehicle plate holder may apply for a vehicle replacement upon filing the following with the Licence Commissioner:
- (a) application for a vehicle replacement in the prescribed form;
  - (b) evidence of insurance coverage as required herein;
  - (c) safety standards certificate;
  - (d) copy of ownership of the proposed replacement vehicle; and,
  - (e) fees as prescribed in Schedule 2 of this by-law.
- 10.12 Where a vehicle replacement application is submitted to the Licensing Commission, the Licensing Commission may in its sole discretion approve or deny the vehicle replacement application.
- 10.13 Where the Licensing Commission does not approve the vehicle replacement, the applicant shall be permitted to withdraw the application.
- 10.14 Every livery plate holder shall be permitted to maintain a substitute vehicle at all times, provided that the substitute vehicle is of the same class as the vehicle for which it will be substituted, and provided that the reasons for the substitution shall be communicated to the Licensing and Enforcement Department by facsimile transmission or by electronic mail not later than the next business day following the substitution.
- 10.15 Every livery plate holder licensed under this By-law shall be required to notify the Licence Commissioner, in writing, of the particulars of any livery vehicle which has been taken out of service and the date thereof, within fourteen (14) days of such event.
- 10.16 In the event that the Licence Commissioner requires a sign, card or other notice be displayed in a livery vehicle, the Licence Commissioner shall send the sign, card or other notice by regular mail to the licensees under this Schedule at the addresses noted on file and the livery plate owner and the livery vehicle driver shall be responsible to ensure that same is displayed as required.

**11. Rates and Charges**

- 11.1 Every livery vehicle excluding pedicabs shall charge at least \$50 per hour or parts thereof.
- 11.2 Every livery vehicle of a van type shall charge a 15% premium on livery fares that are based on destinations within the City and are not less than the fare for a ten (10) kilometre taxicab ride.
- 11.3 Every owner of a livery vehicle shall file with the Licence Commissioner a schedule of rates to be charged for the conveyance of passengers in the Windsor area for every livery vehicle owned by them.
- 11.4 A copy of the applicable schedule of rates filed in accordance with 11.3 shall at all times be kept by the livery vehicle plate owner and/or the livery vehicle driver in such vehicle to be shown to the hirer on demand, and no person licensed under this by-law shall use or publish any other schedule of rates or tariff than that described in 11.3.
- 11.5 A schedule of rates filed with the Licence Commissioner by an owner of a livery vehicle may only be amended:
- (a) upon the provision of thirty (30) days' notice of the owner's intention to amend such rate schedule to the Licence Commissioner; or,
  - (b) on consent of the Licensing Commission.

11.6 No person licensed under this Schedule shall publish or use a tariff, or demand or receive rates or charges, other than those filed with the Licence Commissioner and such rates or charges shall be maintained in the vehicle and made available for inspection on request.

**12. Pedicab Restrictions**

12.1 Pedicabs are prohibited from operating on the following streets in the Downtown Business Improvement Area:

- (a) Wyandotte Street;
- (b) University Avenue;
- (c) Riverside Drive; and,
- (d) Goyeau at the tunnel entrance.



## SCHEDULE 4

### Tow Truck Owners and Tow Truck Drivers

#### 1. Application of this Schedule

- 1.1 This Schedule governs the following licences:
- (a) tow truck owners
  - (b) tow truck drivers.
- 1.2 In this Schedule, unless otherwise specified, the term “driver” is deemed to include an owner acting as a driver of the owner’s own tow truck.

#### 2. General

- 2.1 Every number plate furnished by the Licence Commissioner shall be returned to the Licence Commissioner whenever required.
- 2.2 Every owner who permits a plate supplied to him or her to be affixed to a tow truck other than in accordance with this Schedule shall be required to attend before the Licensing Commission and show cause why his or her licence should not be revoked.
- 2.3 Every owner or driver licensed under this Schedule shall, upon changing his address, notify the Licence Commissioner of such change within forty-eight hours and give his new address.

#### 3. Licenses

- 3.1 In addition to any information required to be furnished under this By-law or as required by the Licence Commissioner, every applicant for a tow truck driver licence or for endorsement on a tow truck owner’s licence of the authority to drive a tow truck owned by him shall:
- (a) produce a Provincial Driver’s licence of the proper class authorizing the driving of the appropriate class of tow truck; and,
  - (b) submit the original results of a criminal record check from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days that is satisfactory in form and content to the Licence Commissioner. In the case of a renewal, the criminal record check must be dated no more than one (1) year prior to the date of the application for a licence renewal. For new applications, the criminal record check must be dated no more than thirty (30) days prior to the application for a licence. **(Amended by By-law 127-2011, dated June 20, 2011)**
- 3.2 An owner who is an individual person and who has complied with the requirements to be licensed as a tow truck driver may act as a tow truck driver of any tow truck of which he or she is the owner.

#### 4. Owner and Driver Obligations and Responsibilities

- 4.1 Every owner shall, in respect of each tow truck owned by him,
- (a) file with the Licence Commissioner information pertaining to the tow truck in the form provided by the Licence Commissioner;
  - (b) take out or arrange for the taking out of a policy of insurance and file a certificate of insurance or copy of the insurance policy with the Licence Commissioner as required by this Schedule; obtain a licence or the endorsement by the Licensing Commission in respect of every tow truck owned by him; and
  - (c) pay any fees required by this By-law.
- 4.2 Every tow truck driver shall maintain in good standing at all times a licence issued by the Province of Ontario of an appropriate class authorizing him or her to drive a tow truck, and

the tow truck driver licence shall be deemed suspended during any period in which the tow truck driver's Provincial licence is under suspension.

- 4.3 Every tow truck driver shall carry the tow truck driver licence issued under this Schedule at all times while driving a tow truck, and shall produce same for inspection when requested to do so by any person charged with the enforcement of this By-law.
- 4.4 No owner shall permit the use of his tow truck owner's licence or endorsement thereon or in respect of any tow truck not owned by him.
- 4.5 The owner of a tow truck shall, at all times while the vehicle is in use, keep in the vehicle any licences issued therefore by the Licence Commissioner, or a copy of such licence, and of the endorsement thereon in respect of such tow truck.
- 4.6 Every owner shall keep a permanent daily record of work performed by the tow truck which record shall contain:
- (a) the name and address of every hirer;
  - (b) a description of the vehicle towed or conveyed including the licence plate number of the vehicle; and,
  - (c) the rate charged and the total charge, and the Licence Commissioner shall at all times have access to such records.
- 4.7 No driver shall use any tow truck for the towing or otherwise conveying of a vehicle unless the owner of such tow truck is licensed under this By-law as an owner in respect of such tow truck.
- (a) No tow truck owner shall permit any person other than a licensed tow truck driver to use the tow truck for the towing or otherwise conveying a vehicle.
  - (b) No tow truck driver having the care and control of a tow truck shall permit any person other than a licensed tow-truck driver to use it for the towing or otherwise conveying of a vehicle.
- 4.8 Every tow truck owner shall give to the tow truck driver having care and control of the tow truck a run-sheet upon which the tow truck driver shall record:
- (a) the name and address of the tow truck owner;
  - (b) the name of the hirer;
  - (c) the date, origin and destination of each trip or service to be performed;
  - (d) the rate or charge assessable under the schedule of rates applicable; and,
  - (e) the licence plate number of every vehicle towed or conveyed and run sheets shall be made in duplicate, in a form approved by the Licence Commissioner, and shall be numbered consecutively.
- 4.9 Every tow truck owner shall keep the original copy of all run-sheets for at least twelve (12) months after the services recorded in them are provided, and shall make them available for inspection by any person charged with the enforcement of this By-law, and such person shall be permitted to remove such records and retain the same for a reasonable time.
- 4.10 Every tow truck owner shall, before commencing each work shift, examine for defects any of the tow truck owner's trucks to be used during the shift, and every tow truck driver shall, before commencing each shift, examine for defects the truck he or she is to drive during the shift, and both shall conduct a like examination at the end of each shift, and every tow truck driver shall report forthwith to the tow truck owner any noted defects.
- 4.11 Every tow truck owner or tow truck driver shall post the following notice on the driver's door of the tow truck or at an appropriate location elsewhere on the tow truck, within thirty (30) centimetres (1 foot) of the driver's door and clearly visible to the general public the following notice:

**"If you have concerns regarding this towing company or wish to provide positive comments, please contact 311."**

- 4.12 No tow truck owner or tow truck driver shall tow any motor vehicle, without the consent of its owner or operator, from a public parking lot, which is not posted with one (1) or more signs or notices prescribed in this Schedule
- 4.13 Where any person has hired or indicated his intention to hire, any tow truck or the services of any tow truck owner or tow truck driver, no other tow truck owner or tow truck driver shall knowingly interfere in any way with any such contract or hiring, except under the direction of a police officer directing the removal of a vehicle by a tow truck owner or tow truck driver.
- 4.14 Every tow truck driver and every tow truck owner, shall, upon a request made to him by any person granted inspection or enforcement powers under this By-law, provide his or her name, residential address, and business address to such person and shall produce his or her tow truck driver or tow truck owner licence to such officer upon request.
- 4.15 No tow truck owner or tow truck driver shall induce any person to employ or hire a tow truck by knowingly misleading or deceiving such person as to the location or distance of any place or as to any other thing, or by making any false representation to such person.

## 5. Tow Truck Vehicle Requirements

- 5.1 Every owner who has been issued a licence or endorsement under this By-law in respect of a tow truck shall:
- (a) have attached to or painted on both sides of the body of the tow truck in a clearly visible position:
- i. a sign showing his name in letters and figures of not less than eight centimetres in height;
  - ii. the number on the plate referred to in 5.1(b) of this section shall be painted in numbers at least fifteen centimetres high and of contrasting colour;
- (b) have at all times prominently affixed to the rear portion on the outside of the tow truck in a clearly visible position, a valid number plate bearing an identifying number issued by the Licensing Commission for that particular tow truck.
- 5.2 Every owner and driver licensed under this Schedule shall keep every tow truck owned or driven by him or her and its equipment, clean and in good repair, and whenever notice is received from the Licence Commissioner that a tow truck owned or driven by him or its equipment is not in a fit or proper condition for use and outlining briefly the items complained of, shall, within the time mentioned in such notice, put the same in a fit and property condition.
- 5.3 No tow truck owner shall use or permit to be used a tow truck found unsafe or defective upon examination and inspection as hereinafter provided.
- 5.4 Every tow truck owner shall provide and maintain on or in every tow truck owned by him the following equipment:
- (a) a hoisting device of sufficient capacity to safely lift the vehicle to be towed, and a tow cradle, tow bar or tow sling equipped and maintained in a manner to ensure the safe lifting and conveying of towed vehicles;
  - (b) one device for securing the steering wheel of a vehicle;
  - (c) at least one fire extinguisher of the following description: 1.25 kilogram dry chemical of a type capable of functioning at -40 degrees Celsius;
  - (d) at least two safety chains having a minimum length of 2.7432 metres, each comprised of links of at least 7.9375 millimetres steel.
- 5.5 No owner shall drive or permit the use for hire of a tow truck owned by him unless the said tow truck is fully equipped with the equipment required by 5.4.
- 5.6 No driver shall drive a tow truck used for hire unless the said tow truck is fully equipped with the equipment required by 5.4.

- 5.7 No owner and no driver shall drive or operate or permit to be driven or operated any tow truck unless the tow truck and its equipment, as applicable, are:
- (a) clean and in good repair as to its exterior;
  - (b) free from mechanical defects; and
  - (c) equipped with a plate supplied by the Licence Commissioner securely affixed as required by this Schedule.
- 5.8 Every owner shall submit proof that the tow truck has been inspected and licensed by the Province of Ontario before a licence is issued therefore, and upon the renewal of the licence, and at any other time specified by the Licence Commissioner during any subsequent year that a licence has been renewed.
- 5.9 If the Licence Commissioner believes, on reasonable and probably grounds, that a tow truck or its equipment is defective, the Licence Commissioner shall give the tow truck owner or tow truck driver written notice requiring such tow truck owner or tow truck driver to submit such tow truck for examination by a mechanic within forty-eight (48) hours.
- 5.10 If the Licence Commissioner believes, on reasonable and probable grounds, that a tow truck or its equipment is dangerous or unsafe may remove the tow truck number plate supplied by the Licence Commissioner and shall require the owner or driver to submit the tow truck for examination by a mechanic forthwith.
- 5.11 A tow truck owner or tow truck driver who fails to submit his or her tow truck and its equipment for examination by a mechanic as required by or pursuant to this section is guilty of an offence.
- 5.12 When a tow truck and its equipment is examined by a mechanic who reports in writing that the tow truck or its equipment is mechanically defective, the owner shall not drive, operate or permit to be driven or operated, such tow truck until such mechanic certifies in writing that the physical or mechanical defects so reported are corrected.
- 5.13 When a tow truck is examined by a mechanic who reports in writing that the tow truck or its equipment is dangerous or unsafe and gives his reasons therefore, the Licence Commissioner or an inspector appointed by the Licence Commissioner shall immediately remove the tow truck licence plate supplied by the Licence Commissioner until such time as the mechanic certifies in writing that the tow truck and its equipment are no longer dangerous or unsafe.
- 5.14 Where the Licence Commissioner or designate has made an appointment for the inspection of a tow truck or its equipment pursuant to this Schedule and if such tow truck and equipment are not produced at the time and place appointed for such inspection, the Licence Commissioner or any person authorized by the Licence Commissioner may, notwithstanding anything else contained in this By-law, suspend the tow truck owner's licence in respect of such tow truck until such time as the tow truck and its equipment have been tested, inspected and approved.
- 5.15 A tow truck owner who is replacing, selling or otherwise disposing of a tow truck shall give written notice of same to the Licence Commissioner within six (6) days of such transaction.
- 5.16 In the event that the Licence Commissioner requires a sign, card or other notice be displayed in a tow truck, the Licence Commissioner shall send the sign, card or other notice by regular mail to the licensees under this Schedule at the addresses noted on file and the tow truck owner and the tow truck driver shall be responsible to ensure that same is displayed as required.

## **6. Transfer of Licence**

- 6.1 No owner's licence shall be transferred but, subject to the provisions of this By-law, a tow truck owner may sell a tow truck and its equipment to any person and upon such sale the owner's licence issued in respect of such tow truck shall be terminated, and the Licensing Commission may, in its discretion, issue a new licence to the purchaser.

## **7. Insurance**

- 7.1 Every person who, as the owner of a tow truck, applies for a licence or endorsement thereof under this By-law, shall file with the Licence Commissioner either a copy of the insurance policy or a certificate of insurance in respect of the tow truck which insurance shall meet the following requirements:
- (a) in respect of any one accident, to the limit of at least TWO MILLION DOLLARS (\$2,000,000.00) exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property;
  - (b) issuance by an insurer duly authorized to issue insurance within the Province of Ontario.

## **8. Impound Lots**

- 8.1 No owner or driver shall demand, request, accept or receive, directly or indirectly, any charge, gift payment, drop-fee, thing or other consideration from any person who owns or has an interest, direct or indirect, in any motor vehicle pound, motor vehicle body shop, public garage or any other yard, shop, building or place used for the storage, repair or servicing of motor vehicles, in respect of or in consideration for the towing or conveying of a vehicle to such pound, body shop, public garage, yard, shop, building or place, and no tow truck owner or tow truck driver shall be a party to any transaction by which any such charge, gift, payment, drop-fee, thing or other consideration is paid or give or is required to be paid or given.
- 8.2 No hirer of a tow truck shall be required or requested, directly or indirectly, to pay any drop-fee or any payment or transaction made or done in contravention of this Schedule.
- 8.3 This section does not prohibit
- (a) any payment for the towing or otherwise conveying of a vehicle owned by the person making such payment, provided that such payment is authorized by this By-law to be charged to such person as hirer;
  - (b) where the person making the payment is the owner of a tow truck or is a tow truck broker, the payment by him to the driver of a tow truck owned or provided by such person, provided that:
    - i. full disclosure in writing of such payment and of the services in respect of which it is made, is made to the hirer before any charge is made to him in respect of such services; and,
    - ii. no charge is made to the hirer in respect of such services other than as authorized by this schedule for the services referred to therein;
  - (c) any payment to an owner or driver for towing or other services, provide that such payment is authorized by this By-law to be charged to the hirer of the tow truck in respect of such services, and is paid on behalf of and at the request of such hirer.

## **9. Fees**

- 9.1 Notwithstanding Appendix "A" to this schedule, tow truck owner shall file with the Licence Commissioner a schedule of rates to be charged to hirers for the towing or other conveyance of vehicles within Windsor by every tow truck owned by him, and for other services offered or performed by him or his drivers, employees or other persons performing services for persons hiring such tow truck.
- 9.2 A copy of a tariff card showing the applicable schedule of rates filed with the Licence Commission in accordance with 9.1 shall be kept by the tow truck owner or tow truck driver in the tow truck and be shown to the hirer on demand.
- 9.3 A schedule of rates filed with the Licence Commission by an owner may not be altered or amended without the consent of the Licence Commission unless thirty (30) days notice of the tow truck owner's intention to change such schedule is given to the Licence Commission.
- 9.4 No person carrying on the business of towing motor vehicles and no driver of a tow truck shall:

- (a) charge or accept from any person as compensation an amount in excess of the rates established in Appendix "A" of this schedule in respect of the removal or towing of a vehicle when such vehicle is towed without the consent of the owner or operator of such vehicle save and except any fees and/or service charges levied by the Windsor Police Service;
  - (b) charge or accept from any person any amount as compensation in respect of the removal or towing of such vehicle when such vehicle is not towed completely from a public parking lot except a lifting charge as set forth in Appendix "A" to this Schedule provided that the vehicle has been lifted or physical in a position to be removed;
  - (c) charge any amount, whether fixed or calculated at a rate based on any unit of time, for waiting; or,
  - (d) charge or accept from any person any amount for a service not mentioned in Appendix "A" to this schedule in respect of the removal or towing of a motor vehicle without the consent of its owner or operator from a public parking lot.
- 9.5 Notwithstanding the provisions of any other section of this By-law, where an estimate is given to the hirer of the cost of services or equipment to be provided by an owner or driver, the charge to the hirer shall not exceed the lesser of the total charge authorized according to the owner's schedule of rates filed with the Licence Commission pursuant to the provisions of this schedule or the amount of the estimate plus 15% of the amount of such estimate.
- 9.6 Every tow truck owner or tow truck driver hired to perform or provide services shall, before demanding payment for such services, present to the hirer an itemized bill for such services setting out the cost of all services and equipment provided or to be provided on the basis of the rate set out in the tariff of rates filed by the owner with the Licence Commission.
- 9.7 No tow truck owner or tow truck driver shall, except as otherwise provided in this By-law, be entitled to recover or receive any fee or charge or amount from any person or persons from whom he shall have demanded any fee, charge or amount greater or less than those set out in the applicable schedule of rates filed with the Licence Commission pursuant to this By-law, or to whom he has refused to show his tariff card as provided in this By-law.
- 9.8 No tow truck owner or tow truck driver shall make any charge under this By-law for time lost through defects or inefficiency of the tow truck, or the incompetence of the owner or driver thereof.
- 9.9 When a dispute arises between a tow truck owner or tow truck driver and a hirer as to the amount or rates to be paid, if hirer agrees, the dispute may be referred to the Licence Commissioner.
- 9.10 Every tow truck owner or tow truck driver shall, upon the request of a hirer or of a person who may become a hirer, provide such person with a copy of the applicable schedule of rates filed with the Licence Commission as required by this By-law.

## 10. Towing Without Consent

- 10.1 Every tow truck owner or tow truck driver licensed under this schedule for towing vehicles shall comply with the following:
- (a) prior to towing a motor vehicle without the consent of the owner or operator of the vehicle, provide the Windsor Police Service with the following information:
    - (i) the name of the towing company;
    - (ii) the make, model and licence plate number of the vehicle being towed;
    - (iii) the public parking lot from which the vehicle is being towed;
    - (iv) the location within the City of Windsor to which the vehicle is being towed for storage;
    - (v) the date and time when the vehicle is going to be towed from the parking lot;
    - (vi) that the motor vehicle is being towed without the consent of the owner or operator; and,
    - (vii) any other particulars as the Windsor Police Service may require.

**(Amended by By-law 87-2013 dated June 17, 2013.)**

- (b) every motor vehicle towed without the consent of the owner or operator of the vehicle shall be taken forthwith by the towing company for storage to a location within the City of Windsor, which has a valid Automobile Service Station licence **(Amended by By-law 135-2010 dated August 23, 2010.)**
- 10.2 No owner or operator of a parking lot and no person carrying on a business with which a parking lot is connected shall tow or cause any motor vehicle to be towed without the consent of the vehicle's owner or operator from a parking lot unless the parking lot is posted with one (1) or more signs or notices at each entrance to the parking lot including the following:
- (a) a statement that the parking of motor vehicles is enforced by towing;
  - (b) rates established in Appendix "A" of this by-law in respect of the towing, care and storage of a motor vehicle towed from the parking lot and a statement that the vehicle owner shall also be liable for administrative fees and/or service charges levied by the Windsor Police Service incidental to the towing of the vehicle.
- 10.3 A sign or notice containing the following statements shall be deemed to comply with 10.2:
- (a) parking is restricted to the vehicles of customers, visitors, patrons, clients, patients or guests; and
  - (b) any other vehicle may be towed from the parking lot at the vehicle owner's risk and expense.
- A sign or notice is deemed to comply with the requirements of this Schedule if the sign, in addition to the statements mentioned above, contains a statement that parking is restricted to a specific duration or to a specified period of any day or to specified days of the week.
- 10.4 A sign or notice required under this Schedule shall:
- (a) have a minimum area on one side of one (1) metre;
  - (b) be constructed of durable, weather-resistant material;
  - (c) be permanently affixed to a building, structure, post, pole or tree;
  - (d) be clearly visible at a minimum height of two (2) metres (7 feet) and maximum height of 2.75 metres (9 feet) above the grade of the parking lot; and
  - (e) be positioned so that the sign or notice is clearly discernible in daylight under normal conditions and in darkness under the display of the white light of the low beam of the headlamps of a motor vehicle from any part of the parking lot to which the sign applies.
- 11. Towing Requirements**
- 11.1 Every tow truck owner and tow truck driver shall take due care of all vehicles and property delivered or entrusted to him for towing, conveyance or safekeeping.
- 11.2 Every tow truck driver shall drive the tow truck towing or otherwise conveying a towed vehicle by the most direct route reasonably possible in the circumstances, and the most expeditious manner, unless otherwise directed by the hirer.
- 11.3 No tow truck driver or tow truck owner driving his own tow truck shall commence to tow or otherwise convey any vehicle, or to hook, lift or connect the vehicle to the tow truck, or to perform any other services, unless first requested so to do by one of the following:
- (a) a hirer;
  - (b) any peace officer, as defined in the *Criminal Code*, R.S.C. 1985 c. C-46;
  - (c) any member of a municipal fire department; or,
  - (d) an inspector or compliance officer.
- 11.4 Every owner or driver, upon being hired to tow or convey any vehicle or to perform any services in respect of such vehicle, at the request of one of the persons referred to in 11.3 shall comply with all reasonable instructions from the said person, and, without limiting the generality of the foregoing, shall tow or convey the vehicle to the place designated by the said person.

- 11.5 No tow truck owner or tow truck driver shall suggest or recommend to any hirer or other person requesting his services that any vehicle in respect of which his services are given or requested, be towed, conveyed, driven or delivered to any particular salvage yard, body shop, storage yard, or any other public garage, building or place, unless requested to do so by such person.
- 11.6 Every tow truck owner shall ensure that all stationery, forms, bills, invoices, statements and other printed or written advertising material including any published advertisement in a newspaper, periodical, directory or other publication used by such owner in the course of such business, bear in clearly legible figures and letters the name and address and licence number of such owner, and the name of any tow truck broker offering the services of the said tow truck.
- 11.7 Every owner of a tow truck licensed under this By-law shall retain, for a period of sixty (60) days, copies of all advertising matter used by him and shall produce the same to the Licence Commission or any person designated by it if and when requested.
- 11.8 No tow truck owner or tow truck driver shall remove any vehicle from the scene or immediate vicinity of an accident in respect of which a report is required by law to be made to a police officer, until such report has been made and the investigating officer has completed the investigation in respect of such vehicle, or has stated that the presence of such vehicle is no longer required.
- 11.9 Nothing contained in 11.8 shall prevent the removal or moving of a vehicle for the purpose of preventing injury or damage to any person or property, or for the purpose of avoiding undue interference with traffic on a highway.
- 11.10 Nothing in this by-law shall limit the Windsor Police Service from levying any administrative fees or service charges for work done by employees of the Windsor Police Service incidental to the administration and enforcement of this by-law and such fees may be collected by the tow truck driver or tow truck owner on behalf of the Windsor Police Service.

**APPENDIX "A" TO SCHEDULE 4 OF BY-LAW NO. 137-2007**

**Maximum Towing Rates for Vehicles Towed without the Consent of the Owner**

- 1. Subject to section 3, below, the charge for the cost of removal and towing of a motor vehicle towed from a public parking lot without the consent of the owner or operator of the vehicle shall be the lesser of:
  - (a) the maximum amount of towing and storage costs shown on a sign posted in accordance with 10.2 of Schedule 4; or
  - (b) the amounts established under section 2, below.
- 2. The following amounts are hereby established solely for the purposes of Section 1(b) of Appendix "A" to Schedule 4 of the Public Vehicle Licensing By-law and are exclusive of any administrative fees and/or service charges levied by the Windsor Police Service incidental to the administration and/or enforcement of this by-law. The following are maximum charges for a passenger motor vehicle having no more than four (4) single wheels:

Towing (service charge)	\$75.00 per vehicle
Lifting	\$25.00 per vehicle
Storage	\$10.00 per day

**There shall be no maximum charge for any service provided to any motor vehicle other than a passenger vehicle described above.**

- 3. A towing company is not entitled to any charges unless authorized under this Schedule.
- 4. A towing company is not entitled to charge any amount, whether fixed or calculated at a rate based on any unit of time, for waiting.



## SCHEDULE 5

### Taxicab Drivers, Brokers, Taxicab and Taxicab Wheelchair Accessible Vehicle Owners

#### PART I - GENERAL

##### 1. Application of this Schedule

1.1 This Schedule governs the following licenses:

- (a) Taxicab Drivers;
- (b) Brokers;
- (c) Taxicab Plate Holders;
- (d) Taxicab Wheelchair Accessible Plate Holders.

1.2 In this Schedule, unless otherwise specified, where notice is required to be sent by the Licence Commissioner, notice shall be sent by registered mail to the last address for the recipient contained in the records of the City's Licensing Office, such notice being deemed to be received on the 3<sup>rd</sup> day after mailing, regardless of whether the notice was actually received.

##### 2. Limitation on Number of Plates Issued

2.1 The number of Taxicab Plates to be issued by the Licence Commissioner shall not exceed two hundred and eleven (211) Taxicab Vehicle Plates, and twenty one (21) Taxicab Wheelchair Accessible Vehicle Plates, in number.

2.2 At least every two (2) years, the Licence Commissioner shall determine the number of Taxicab Plates and Taxicab Wheelchair Accessible Plates to be in issuance and will consider such factors as changes in:

2.3 At least every two (2) years, the Licence Commissioner shall determine the number of Taxicab Plates and Taxicab Wheelchair Accessible Plates to be in issuance and will consider such factors as changes in:

- (a) wait times and demand for service (regular and accessible);
- (b) level of customer satisfaction;
- (c) number of trips dispatched;
- (d) changes in population;
- (e) changes in tourism-related activity; and,
- (f) changes in public transit and handi-transit ridership.

##### 3. Term of Licence

3.1 Licenses issued under the provisions of this Schedule shall expire and revert to the City if not renewed by August 31st of each year, and the Licensing Commission shall be empowered to dispose of the licence in accordance with the provisions of this Schedule.

3.2 Where the Licence issued under the provisions of this Schedule has expired and been revoked, the Licence Commissioner shall forthwith notify in writing the holder of the licence of the revocation of the licence.

3.3 All taxicab and taxicab wheelchair accessible plates and associated taxicab and taxicab wheelchair accessible plate holder licenses issued by the City shall be valid for a period not exceeding one (1) year.

## PART II - APPLICATIONS AND RENEWALS

### 4. Plate Holder Applications and Renewal

- 4.1 No taxicab plate or taxicab wheelchair accessible vehicle plate and associated taxicab or taxicab wheelchair accessible vehicle plate holder licence shall be issued under this By-law until the following requirements have been met:
- (a) If the Applicant;
    - (i) is an individual, the applicant shall attend the office of the Licence Commissioner in person and complete a written application for such licence as prescribed by the Licence Commissioner and provide proof that the applicant is not less than eighteen (18) years of age;
    - (ii) If a corporation, the applicant shall file copies of the articles of incorporation as well as any articles of amendment or articles of amalgamation, together with an annual return which contains a list of all shareholders of the corporation; or
    - (iii) is a partnership, the applicant shall provide the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on a business provided that if one or more of the partners is a corporation, the requirements of (ii), above, shall also be fulfilled in respect of the corporate partner or partners;
  - (b) the applicant shall file with the Licence Commissioner evidence of ownership of such taxicab or taxicab wheelchair accessible vehicle and proof that the taxicab or taxicab wheelchair accessible vehicle to be licensed under this By-law has a valid vehicle permit issued under the *Highway Traffic Act* and is either registered in the name of the applicant or leased to the applicant;
  - (c) the applicant shall file with the Licence Commissioner evidence of insurance coverage for the taxicab or taxicab wheelchair accessible vehicle to be licensed under this By-law in the form and amount provided in this Schedule;
  - (d) the applicant shall file with the Licence Commissioner the vehicle identification number of the vehicle for which the taxicab or taxicab wheelchair accessible vehicle plate holder licence is applied and to which the applicant shall affix the taxicab or taxicab wheelchair accessible vehicle plate;
  - (e) **DELETED BY BY-LAW 79-2012, dated July 23, 2012**
  - (f) the applicant shall pay any fees prescribed by this By-law.
  - (g) upon written notification to the Licence Commissioner at least 30 days prior to the renewal deadline, a plate holder may request a hearing before the Windsor Licensing Commission to request that the requirements of Sections 4.1 (b) (c) (d) and (e) of this schedule be waived at the time of application for plate holder licence renewal. **(Added by By-law 89-2012, dated July 9, 2012)**
  - (h) a plate holder who receives approval from the Windsor Licensing Commission, granted under 4.1 (g) of this Schedule, will be allowed to make application for renewal of said plate holder licence in accordance with all conditions placed by the Commission and all other requirements of this schedule but will not be issued a licence or a validation sticker until the applicant provides all necessary documentation and the taxicab vehicle is inspected and approved by the Licence Commissioner or his/her delegate. **(Added by By-law 89-2012, dated July 9, 2012)**
- 4.2 If the taxicab or taxicab wheelchair accessible plate holder licensee has not made application for renewal by the fifteenth (15<sup>th</sup>) day after expiration of the licence, the Licence Commissioner shall provide written notice to the licensee to the address shown on the licence.
- 4.3 The notice sent under 4.2 shall contain information regarding the last date for renewal and a statement advising that if the taxicab or taxicab wheelchair accessible plate holder fails to renew by the thirtieth (30<sup>th</sup>) day after expiration of the licence, the taxicab or taxicab wheelchair accessible plate holder licence will be forfeited.
- 4.4 In the event that a taxicab or taxicab wheelchair accessible plate holder does not renew the licence on or before its expiration, the plate holder may renew the licence by making application up to and including the thirtieth (30<sup>th</sup>) day after the expiration of the licence and shall pay at the time of the issuance of the taxicab or taxicab wheelchair accessible plate holder licence the licence fee as set out in Schedule 2.

- 4.5 In the event the taxicab or taxicab wheelchair accessible plate holder licence is not renewed on or before the thirtieth day after its expiration, the taxicab or taxicab wheelchair accessible plate licence shall be forfeited and the plate shall be returned immediately to the Licence Commissioner who may offer the plate to the persons on the Drivers' List in order of priority.
- 4.6 A separate taxicab and taxicab wheelchair accessible plate holder licence shall be obtained for each taxicab and taxicab wheelchair accessible vehicle.
- 4.7 Upon issuance of a licence under this Schedule, the Licence Commissioner shall furnish to the licensee the licence certificate, the taxicab or taxicab wheelchair accessible plate and the validation sticker bearing the current licensing year.
- 4.8 The taxicab or taxicab wheelchair accessible plate shall be firmly affixed to the back of the taxicab or taxicab wheelchair accessible vehicle by at least two (2) bolts inserted through the plate into the body of the vehicle in a position approved by the Licence Commissioner.

## 5. Taxicab Driver Licence and Renewal

- 5.1 Subject to Section 22.2 of this By-law, every Applicant in the first instance for a Taxicab Driver Licence shall:
  - (a) attend at the office of the Licence Commissioner and complete a written application for such licence;
  - (b) be at least 18 years of age;
  - (c) have a current valid Class G driver's licence issued by the Province of Ontario pursuant to the *Highway Traffic Act*;
  - (d) provide a document satisfactory to the Licence Commissioner showing that the applicant has completed a taxicab training course approved by the Licence Commissioner. The applicant must have successfully completed the taxicab training course within 180 days immediately preceding the application for a Taxicab Driver Licence. **(Amended by By-Law 69-2014, dated April 22, 2014)**
  - (e) supply proof of:
    - i. Canadian Citizenship;
    - ii. Permanent Resident Status; or,
    - iii. a Work Permit to work as a Driver issued by the Government of Canada;
  - (f) provide:
    - i. a current passport-sized colour photograph of the applicant;
    - ii. the original search results of a Vulnerable Sector Criminal Record Check, enhanced screening for those employed in positions working with vulnerable persons, from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days that is satisfactory in form and content to the Licence Commissioner. In the case of a renewal, the criminal record check must be dated no more than one (1) year prior to the date of the application for a licence renewal. For new applications, the criminal record check must be dated no more than thirty (30) days prior to the application for a licence; **(Amended by By-law 127-2011, dated June 20, 2011)**
    - iii. a Statement of Driving Record issued by the Ontario Ministry of Transportation Safety and Regulations division no more than thirty (30) days prior to the date of the application and which is deemed acceptable by the Licence Commissioner;
  - (h) pay all fees required under this By-law.
- 5.2 No person shall drive a taxicab or taxicab wheelchair accessible vehicle without holding a current taxicab driver licence issued by the Licence Commissioner.
- 5.3 Subject to Section 22.2 of this By-law, upon renewal of a taxicab driver licence, the applicant must submit to the Licence Commissioner:
  - (a) an application for a taxicab driver licence completed and executed by the applicant in person;
  - (b) proof of a current valid Class G driver's licence issued to the applicant by the Province of Ontario pursuant to the *Highway Traffic Act*;
  - (c) the original search results of a Vulnerable Sector Criminal Record Check, enhanced screening for those employed in positions working with vulnerable persons, from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days that is satisfactory in form and content to the

Licence Commissioner. In the case of a renewal, the criminal record check must be dated no more than one (1) year prior to the date of the application for a licence renewal. For new applications, the criminal record check must be dated no more than thirty (30) days prior to the application for a licence; **(Amended by By-law 127-2011, dated June 20, 2011)**

- (d) a Statement of Driving Record issued by the Ontario Ministry of Transportation Safety and Regulations division no more than thirty (30) days prior to the date of the application and which is deemed acceptable by the Licence Commissioner;
- (e) payment of all fees required by this By-law; and

Upon submission of the aforementioned items and the other requirements of Section 5.3, a licence, conditional upon receiving complete results of the vulnerable sector criminal record check and satisfactory in form and content to the Licence Commissioner, will be issued **(Added by By-law 136-2010 dated August 23, 2010)**

- 5.4 In the event that a taxicab driver allows his or her licence to lapse, the taxicab driver shall be required to successfully complete a taxicab training course approved by the Licence Commissioner. **(Amended by By-law 69-2014, dated April 22, 2014)**;
- 5.5 Every person licensed as a taxicab driver under this By-law shall be required to obtain a new photo licence every two (2) years, or sooner if there is a significant change in appearance, or as may be required by the Licence Commissioner.

### **PART III - DRIVERS' LIST**

#### **6. Drivers' List**

- 6.1 Licenses, which are in the possession of the Licensing Commission by reasons of revocation, or by an increase in the number of plates to be made available as approved by City Council, shall be distributed by the Licence Commissioner to those on the Drivers' List.
- 6.2 The Licence Commissioner shall maintain a Drivers' List of applicants for taxicab and taxicab wheelchair accessible plates in order of the date on which the applications are submitted and, subject to the provisions of this By-law, this Drivers' List shall be used in determining the priority for issuing taxicab and taxicab wheelchair accessible vehicle plates.
- 6.3 The Drivers' List shall be open and accessible to the public during normal business hours at the office of the Licence Commissioner.
- 6.4 When a complete application for a taxicab and taxicab wheelchair accessible plate is submitted to the Licence Commissioner and the applicant satisfies all the requirements of this Schedule, but a taxicab or taxicab wheelchair accessible plate cannot be issued due to the limitation on the number of such plates to be issued as declared in this By-law, the Licence Commissioner shall place the applicant's name at the end of the Drivers' List.
- 6.5 No person shall be named more than once on the Drivers' List at any one time.
- 6.6 Once a person receives a taxicab or taxicab wheelchair accessible plate, either by the operation of the Drivers' List or by a transfer permitted herein, that person is no longer eligible and shall be stricken from the Drivers' List.
- 6.7 No person who has been issued a taxicab or taxicab wheelchair accessible plate by the operation of the Drivers' List may re-enter his or her name on the Drivers' List at any time.
- 6.8 When a taxicab or taxicab wheelchair accessible plate becomes available for issuance, the Licence Commissioner shall notify the applicant whose name is at the top of the Drivers' List in writing requesting that the applicant attend at the office of the Licence Commissioner within fourteen (14) days of the date of the letter to pay the required fee and be issued the taxicab or taxicab wheelchair accessible plate and the associated taxicab or taxicab wheelchair accessible plate holder licence
- 6.9 When a taxicab or taxicab wheelchair accessible plate and associated taxicab or taxicab wheelchair accessible plate holder licence is issued to an applicant on the Drivers' List, the name of that applicant shall be removed from the Drivers' List by the Licence Commissioner and all other names below shall be moved forward one position.
- 6.10 Should the applicant on the Drivers' List refuse the next available taxicab or taxicab wheelchair accessible plate and associated taxicab or taxicab wheelchair accessible plate holder licence, the applicant's name shall be maintained in position on the Drivers' List by the Licence Commissioner and will continue to be eligible for a taxicab or taxicab wheelchair accessible plate and associated taxicab or taxicab wheelchair accessible plate

holder licence.

- 6.11 No person issued a taxicab or taxicab wheelchair accessible plate and associated taxicab or taxicab wheelchair accessible plate holder licence from the Drivers' List after the date of enactment of this By-law shall:
- (a) lease, give up possession of, transfer, assign or convey any right, title or interest in the taxicab or taxicab wheelchair accessible plate holder licence; or,
  - (b) give up possession, custody or control of the taxicab or taxicab wheelchair accessible vehicle, except to drivers engaged by him or her to operate the taxicab or taxicab wheelchair accessible vehicle on a rotating shift basis.
- 6.12 Should any taxicab or taxicab wheelchair accessible plate holder fail to maintain the operation of any taxicab or taxicab wheelchair accessible vehicle owned by the taxicab or taxicab wheelchair accessible plate holder for a period of at least 120 successive days, the taxicab or taxicab wheelchair accessible plate holder licence shall be recommended for suspension or revocation by the Licence Commissioner.

## **7. Eligibility**

- 7.1 To be placed on the Drivers' List, the following criteria must be met:
- (a) the applicant is not at the time of application licensed as a taxicab or taxicab or taxicab wheelchair accessible vehicle plate holder and has not been so licensed for a period of at least one (1) year immediately preceding the application;
  - (b) the applicant is not, and has not been during the period of at least one (1) year immediately preceding the application, a shareholder or a partner in any company or firm having a direct or indirect interest in a taxicab or taxicab wheelchair accessible plate holder's licence;
  - (c) the applicant is and has been licensed as a taxicab driver continuously by the City of Windsor, without revocation, lapse or suspension for at least one (1) year immediately preceding the application, and has been continuously and is presently earning a living in the City of Windsor either as a taxicab driver or as a taxicab dispatcher or taxicab fleet manager for an owner during the whole of such one (1) year period (on a full-time basis and not on a part-time basis, where full-time is defined as working at least 35 hours a week for 40 weeks in the one (1) year prior to the date of the application);
  - (d) the applicant provides a signed declaration and an employer's letter confirming the full-time status in accordance with 7.1;
  - (e) the applicant's taxicab driver licence is in good standing, with no outstanding charges under this By-law; and,
  - (f) the applicant pays all fees prescribed by this By-law.
- 7.2 An applicant whose name has been placed on the Drivers' List shall be stricken from the Driver's List if at any time after being placed on the Drivers' List:
- (a) the applicant acquires, by any means, a taxicab or taxicab wheelchair accessible vehicle plate licence or an interest of any kind, whether direct or indirect, in a taxicab or taxicab wheelchair accessible plate holder licence, or becomes a shareholder in, or a partner in, or acquires some other interest in, a company or firm holding a taxicab or taxicab wheelchair accessible plate holder licence;
  - (b) the applicant's taxicab driver licence lapses or is revoked;
  - (c) the applicant ceases to earn his or her living in the City of Windsor on a full-time basis as defined in 7.1(c), where an applicant whose taxicab driver's licence has been suspended under this By-law shall be deemed not to cease to earn his living on a full-time basis as a taxicab driver during the period of his suspension; or,
  - (d) the applicant fails to renew the application annually, including the signing of a statutory declaration as provided in 7.1(d) and the provision of the letter described in 7.1(d) and the payment of any required fees to maintain his or her status on the Drivers' List as required by the Licence Commissioner.
- 7.3 Any applicant on the Drivers' List who is determined by the Licence Commissioner not to comply with the requirements of this By-law, shall be notified in writing by the Licence Commissioner that his or her name is to be removed from the Drivers' List, and may appeal this removal by requesting a hearing before the Licensing Commission no more than fourteen (14) days following the date of issuance of the notice.

- 7.4 Where an applicant on the Drivers' List requests a hearing before the Licensing Commission under 7.3, the onus of proving compliance with the provisions of this Schedule shall rest with the applicant.
- 7.5 When a request for a hearing before the Licensing Commission has been made, the Licence Commissioner shall:
- (a) not remove the name of the applicant appealing from the Drivers' List until the Licensing Commission has heard the appeal and City Council has finally disposed of it;
  - (b) note beside the name on the Drivers' List that an appeal has been requested; and,
  - (c) not issue any taxicab or taxicab wheelchair accessible plate and associated taxicab or taxicab wheelchair accessible plate holder licence until such time as the Licensing Commission has disposed of all outstanding appeals, except in the case of permitted transfers of taxicab or taxicab wheelchair accessible plates and associated taxicab or taxicab wheelchair accessible plate holder licenses under this Schedule.
- 7.6 In the event that an applicant dies while named on the Driver's List, the Licence Commissioner shall immediately strike that applicant's name upon becoming aware of the death.
- 7.7 Notwithstanding section 7.2 of this Schedule, when an applicant has been unable to meet the requirements of that section on account of illness, injury or other medical disability, the applicant's name may remain on the Drivers' List if immediately upon the happening or onset of the illness, injury or disability, the applicant files with the Licence Commissioner a statutory declaration attesting to the condition, together with supporting documentation including a medical certificate from a physician certified to practise in Ontario detailing the nature of the illness, the date of the loss of ability to operate a taxicab or taxicab wheelchair accessible vehicle and the expected date of return to work, and any other such other evidence as the Licence Commissioner may require.
- 7.8 On every anniversary of the submission of a medical certificate pursuant to 7.7, where the applicant continues to be unable to drive a taxicab or taxicab wheelchair accessible vehicle as required under 7.1 of this Schedule, the applicant shall submit to the Licence Commissioner a report, completed by a physician certified to practise in Ontario, detailing the applicant's medical condition and continued inability to operate a taxicab or taxicab wheelchair accessible vehicle, and the expected date of return to work.
- 8. No Right Granted**
- 8.1 No person, by virtue of applying for a taxicab and taxicab wheelchair accessible plates and associated taxicab and taxicab wheelchair accessible plate holder licence, or by virtue of being placed on the Drivers' List, shall obtain a vested interest or any right whatsoever to a taxicab and taxicab wheelchair accessible plate and associated taxicab and taxicab wheelchair accessible plate holder licence or to remain on the Drivers' List.
- 8.2 City Council may at any time amend or repeal this By-law or enact a successor by-law or by-laws which may place further or additional requirements or restrictions on applicants for taxicab and taxicab wheelchair accessible plates and associated taxicab and taxicab wheelchair accessible plate holder licenses, or may purge or eliminate the Drivers' List in its entirety.
- 8.3 The Drivers' List shall not oblige the City to issue a licence to any applicant on the Drivers' List, regardless of whether the applicant is at the top of the list or is the earliest entry, nor does the Drivers' List give any such applicant a vested interest or any right whatsoever in a taxicab and taxicab wheelchair accessible plates and associated taxicab and taxicab wheelchair accessible plate holder licence and its use shall be solely for establishing the order of priority of applicants seeking to obtain taxicab and taxicab wheelchair accessible plates and associated taxicab and taxicab wheelchair accessible plate holder licenses.
- 8.4 Those applicants listed on the Drivers' List established under By-law No. 396-2004 shall be placed and maintained on the Drivers' List established under this By-law in the order in which they appeared on the Drivers' List under By-law No. 396-2004, provided that they meet all the requirements of this By-law and in priority to all subsequent applicants for a taxicab and taxicab wheelchair accessible plate and associated taxicab and taxicab wheelchair accessible plate holder licence under this By-law.

## PART IV - OBLIGATIONS AND RESPONSIBILITIES

### 9. Taxicab and Taxicab Wheelchair Accessible Plate Holder Responsibilities

9.1 Every taxicab or taxicab wheelchair accessible vehicle plate holder shall:

- (a) ensure that any person operating the taxicab or taxicab wheelchair accessible vehicle upon which the taxicab or taxicab wheelchair accessible vehicle plate is affixed holds a current taxicab driver's licence;
- (b) maintain a record of the names and taxicab driver licence numbers of all taxicab drivers operating the taxicab or taxicab wheelchair accessible vehicle upon which the taxicab or taxicab wheelchair accessible vehicle plate is affixed including the dates and times during which each taxicab driver provided conveyance service; and,
- (c) immediately produce the record maintained pursuant to 9.1 (b) upon request by the Licence Commissioner.

9.2 Every newly-licensed taxicab or taxicab wheelchair accessible plate holder shall place his or her vehicle in operation within 30 days from the date the taxicab or taxicab wheelchair accessible plate and associated taxicab or taxicab wheelchair accessible plate holder licence is granted, failing which the taxicab or taxicab wheelchair accessible plate and associated taxicab or taxicab wheelchair accessible plate holder licence shall be returned to the Licence Commissioner who may proceed to issue the taxicab or taxicab wheelchair accessible plate and associated taxicab or taxicab wheelchair accessible plate holder licence to the next eligible applicant on the Drivers' List.

### 10. Taxicab Driver Responsibilities

10.1 When operating a taxicab or taxicab wheelchair accessible vehicle, every taxicab driver licensed under this By-law shall:

- (a) carry his or her taxicab driver licence on his or her person and make it visible at all times to the passenger(s) in his or her taxicab or taxicab wheelchair accessible vehicle;
- (b) produce for inspection his or her taxicab driver licence when requested to do so by anyone charged with enforcement of this By-law;
- (c) immediately before commencing and after ceasing to operate a taxicab or taxicab wheelchair accessible vehicle, examine it for mechanical defects or interior or exterior damage and report any defects or damage to the taxicab or taxicab wheelchair accessible vehicle plate holder;
- (d) punctually keep all appointments and engagements;
- (e) be civil and courteous, refrain from using profanity, and offer to assist any passenger when it is evident that the passenger is a person with a disability, elderly or otherwise in need of assistance;
- (f) be clean and well groomed at all times while on duty, where "clean" means a state of personal hygiene, body and hair cleanliness and absence of offensive body odour normally associated with infrequent laundering of clothes and infrequent or inadequate bathing;
- (g) wear clothing, which is neat, clean, free from soil, grease and dirt and not having any unrepaired rips or tears;
- (h) keep a current street guide or similar resource satisfactory to the Licence Commissioner for the City and surrounding area in the taxicab or taxicab wheelchair accessible vehicle;
- (i) drive the taxicab or taxicab wheelchair accessible vehicle using the most direct travelled route to the destination, unless otherwise directed by the passenger;
- (j) upon request by a passenger, furnish him or her with a receipt for charges made and paid, which shall include the mileage travelled and the name and licence number of the taxicab driver, the date and taxicab number. Upon request by a passenger, the taxicab driver shall allow the fare to be paid by credit card or debit card payment through the system authorized by the Licence Commissioner;
- (k) take care of all property delivered or entrusted to and accepted by him or her;
- (l) ensure that packages carried shall be of a size to be safely and wholly enclosed either in the vehicle or trunk/cargo area;
- (m) immediately upon the termination of any hiring or engagement, carefully search the taxicab or taxicab wheelchair accessible vehicle for any property lost or left therein, and all property or money left in the vehicle shall be forthwith delivered over to the person owning the same, or to the police if the owner cannot be readily discerned;

- (n) report immediately to the Licence Commissioner when he or she is charged with or convicted of an offence under the *Criminal Code*, R.S.C. 1985 c.C-46, the *Controlled Drugs and Substances Act*, S.C. 1996 c.19, or the *Highway Traffic Act*;
- (o) report immediately to the Licence Commissioner if his or her driver's licence is suspended or revoked and shall immediately surrender his or her taxicab vehicle driver licence to the Licence Commissioner; and
- (p) maintain a trip sheet during every shift, which is to be deposited at the end of each shift with the plate holder of the vehicle, or the broker, who shall maintain same for a period of one (1) year. The trip sheet shall be in a form approved by the Licence Commissioner and shall contain the following information:
  - (i) the name of the owner of taxicab or taxicab wheelchair accessible vehicle plate, and the name of the broker, if any;
  - (ii) taxicab number;
  - (iii) date;
  - (iv) start and end times of each driver's shift;
  - (v) the odometer reading showing on the meter at:
    - (1.) the commencement of each shift; and,
    - (2.) the conclusion of each shift;
  - (vi) the number of trips taken during the shift;
  - (vii) the time of each trip;
  - (viii) pick-up address of each trip;
  - (ix) the destination of each trip; and,
  - (x) the charge for each trip.

10.2 All taxicab drivers shall ensure that the following things are visible to any passenger inside the taxicab or taxicab wheelchair accessible vehicle:

- (a) the taxicab driver's photo licence;
- (b) the tariff card;
- (c) a small self-adhesive sign with the words:  
"Please contact 311 if you have any complaints or compliments regarding service received. All calls confidential."
- (d) a minimum of two (2) City of Windsor By-law "No Smoking" stickers;
- (e) City of Windsor By-law "No Smoking" stickers with the words "Passengers may face charges for smoking in this taxicab";
- (f) a small self-adhesive sign with the words "If the meter is not on, the fare is free"; and
- (g) a City of Windsor Passenger Bill of Rights attached to this schedule as Appendix "B".

10.3 No taxi driver shall:

- (a) operate a taxicab or taxicab wheelchair accessible vehicle without having a valid taxicab driver licence or without the taxicab or taxicab wheelchair accessible vehicle plate issued for the vehicle affixed to the taxicab or taxicab wheelchair accessible vehicle;
- (b) carry or permit to be carried in any taxicab or taxicab wheelchair accessible vehicle more occupants than the manufacturer's stated seating capacity for such taxicab or taxicab wheelchair accessible vehicle;
- (c) solicit or permit the solicitation of any person to become a passenger in a taxicab or taxicab wheelchair accessible vehicle;
- (d) induce any person to order conveyance service by knowingly misleading or deceiving such person as to the location or distance from any part of the City to any other location, nor shall a taxicab driver induce any person to employ the taxicab or taxicab wheelchair accessible vehicle by any false representation;
- (e) be under the influence of any intoxicant or take, consume or have in his or her possession any intoxicant while operating a taxicab or taxicab wheelchair accessible vehicle;
- (f) contravene or permit the contravention of the City's Smoking By-law;



- (g) operate a taxicab or taxicab wheelchair accessible vehicle if the taxicab driver knows such taxicab or taxicab wheelchair accessible vehicle would not comply with requirements of a safety standards certificate;
  - (h) operate a taxicab or taxicab wheelchair accessible vehicle whose owner does not have a taxicab or taxicab wheelchair accessible vehicle licence plate and associated taxicab or taxicab wheelchair accessible vehicle plate holder licence;
  - (i) operate a taxicab or taxicab wheelchair accessible vehicle for which there is no current insurance under the *Compulsory Automobile Insurance Act*, R.S.O. 1990, and c. C. 25. or other applicable legislation;
  - (j) provide a conveyance service to an individual when the taxicab driver's taxicab or taxicab wheelchair accessible vehicle is already occupied by another passenger, unless:
    - (i) the first passenger approves; or,
    - (ii) the situation is an emergency; or,
    - (iii) the trip is exclusively to take students to or from school;
  - (k) overcrowd a taxicab stand or displace any taxicab or taxicab wheelchair accessible vehicle already at a taxicab stand;
  - (l) interfere in any way with the normal use of a taxicab stand, a public place or with the flow of surrounding traffic;
  - (m) operate the taxicab or taxicab wheelchair accessible vehicle for the provision of taxicab service when the seal affixed to the taximeter is not intact;
  - (n) operate a taxicab or taxicab wheelchair accessible vehicle without side numbers and a properly functioning roof light;
  - (o) accept any engagement conflicting with a previous appointment; if the taxicab driver should neglect to fulfil his or her engagements in a punctual manner the taxicab driver may be subject the penalties under this By-law; provided, however, that the taxicab driver shall not be compelled to accept any order from a person who has outstanding charges in respect of a previous fare or service, unless and until such outstanding charges shall be paid;
  - (p) without reasonable excuse, refuse at any time to serve the first person requiring the service of his or her taxicab or taxicab wheelchair accessible vehicle at any place within the City; or
  - (q) transport or permit to be transported, goods exceeding a value of \$250.00 unless adequate insurance coverage is provided by the individual requesting the transfer of goods.
- 10.4 No taxicab driver shall refuse to transport a passenger accompanied by a service animal or by an animal in a portable kennel or cage.
- 10.5 Despite any other provision of this By-law, a taxicab driver shall be entitled to refuse to provide taxicab service to any person if:
- (a) the taxicab is already engaged in providing taxicab service;
  - (b) such person has not paid the fare for a previous trip;
  - (c) such person refuses to pay in a manner provided in this By-law;
  - (d) such person refuses to disclose the final destination for the trip upon entering the taxicab;
  - (e) such person asks the taxicab driver to drive him or her to a destination that the taxicab driver believes to be unsafe;
  - (f) such person has an excessive number of packages or personal articles that will not fit safely in the taxicab;
  - (g) such person seeks to be accompanied by a number of passengers which exceeds the number of seat belt assemblies available for passengers;
  - (h) such person is, in the opinion of the taxicab driver, obnoxious or abusive;
  - (i) in the opinion of the taxicab driver, such person poses a threat to the taxicab driver;
  - (j) such person is accompanied by an animal that is neither a service animal nor in a cage or portable kennel.
- 10.6 Where a taxicab driver refuses to provide taxicab service to a person or persons pursuant to 10.5, the taxicab driver shall immediately record in writing the reasons for his or her refusal and shall retain the record for a period of thirty (30) days.

## PART V - TAXICABS, INSURANCE AND EQUIPMENT

### 11. Taxicab and Taxicab Wheelchair Accessible Vehicles

11.1 In addition to the taxicab or taxicab wheelchair accessible vehicle plate, every taxicab or taxicab wheelchair accessible vehicle plate holder for each taxicab and taxicab wheelchair accessible vehicle shall provide and maintain the following equipment and markings on the vehicle while it is operated as a taxicab or taxicab wheelchair accessible vehicle:

- (a) a number, assigned by the Licence Commissioner, shall be painted on the exterior sides of the taxicab or taxicab wheelchair accessible vehicle in a contrasting colour and in characters at least sixteen (16) centimetres (six inches) high, to the approval of the Licence Commissioner;
- (b) no number, other than the number referred to in 11.1(a) and other than a telephone number, shall be painted on any licensed taxicab or taxicab wheelchair accessible vehicle;
- (c) taxicab drivers, taxicab and taxicab wheelchair accessible vehicle plate holders shall maintain a Braille information sheet in the taxicab or taxicab wheelchair accessible vehicle, to be provided to any passenger on request.

11.2 A taxicab must:

- (a) be equipped with a taxi meter, toplight or roof sign; and,
- (b) have a minimum of three passenger doors excluding hatches and/or cargo doors.

11.3 Every taxicab or taxicab wheelchair accessible vehicle plate holder and taxicab driver shall maintain the interior and exterior of the taxicab and taxicab wheelchair accessible vehicle in a clean and tidy condition.

- (a) Interior maintenance shall include but not be limited to:
  - (i) keeping the interior surfaces free from all dust, dirt, grease, oil, adhesive residue and any other substance that can be transferred onto the person, clothing or possessions of a passenger;
  - (ii) keeping the interior free of all waste paper, cans, garbage or any other item not necessary or commonly ancillary to the operation of the motor vehicle;
  - (iii) keeping the interior free of noxious substances;
  - (iv) keeping the interior free of excess wear, including tears and cigarette burns in the upholstery;
  - (v) keeping the interior in a dry condition;
  - (vi) keeping the interior in good general repair;
  - (vii) ensuring all seat belt assemblies are in working order;
  - (viii) ensuring all side windows open and close;
  - (ix) ensuring all seats are securely mounted in position and are capable of being adjusted; and,
  - (x) maintaining a working dome light.
- (b) Exterior maintenance shall include but shall not be limited to:
  - (i) keeping the exterior free from all dust, dirt, grease, oil, adhesive residue and any other item that can be transferred onto the person, clothing or possessions of a passenger, except water or snow;
  - (ii) keeping the exterior in good general repair;
  - (iii) maintaining the exterior free from body damage;
  - (iv) maintaining all fenders, grilles or molding, with none removed or missing;
  - (v) ensuring that the doors and trunk lid close and latch securely;
  - (vi) ensuring all door handles and catches are in good repair;
  - (vii) maintaining the paint or finish in good general condition; and
  - (viii) ensuring the vehicle has four matching hubcaps.

11.4 In the event that the Licence Commissioner requires a sign, card or other notice be displayed in a taxicab or taxicab wheelchair accessible vehicle, the Licence Commissioner

shall send the sign, card or other notice by regular mail to the licensees under this Schedule at the addresses noted on file and the taxicab, wheelchair accessible taxicab plate owner and the taxicab driver shall be responsible to ensure that same is displayed as required.

## **12. Taxicab Meters**

- 12.1 Every taxicab and taxicab wheelchair accessible vehicle shall have affixed to it a taxicab meter for registering distances travelled and computing fares to be paid.
- 12.2 Every taxicab and taxicab wheelchair accessible vehicle plate holder shall ensure that the taxicab meters required by this section be:
- (a) submitted to the Licence Commissioner for testing and inspection whenever required;
  - (b) if applicable, used only when the seal is intact;
  - (c) kept in good working condition at all times.
  - (d) illuminated between dusk and dawn;
  - (e) clearly visible to passengers;
  - (f) attached to the taxicab in the location and in a manner approved by the Licence Commissioner;
  - (g) adjusted in accordance with the tariff prescribed by this Schedule;
  - (h) tested at the expense of the taxicab or the taxicab wheelchair accessible plate holder by running the metered vehicle over a measured course or distance or by any mechanical system or device which is satisfactory to the Licence Commissioner;
  - (i) kept in good working condition at all times and not used when defective in any way;
  - (j) numbered as required by the Licence Commissioner; and,
  - (k) not put into use until inspected and tested by the Licence Commissioner.
- 12.3 Every taxicab or taxicab wheelchair accessible vehicle plate holder whose vehicle is equipped with an interior computer console shall ensure that the console is mounted securely and does not obstruct the taxicab driver's range of vision or impede the taxicab driver's ability in any way to operate the taxicab in a safe manner.
- 12.4 In the event that a taxicab meter has been changed, repaired, altered, tampered with or adjusted, or if the seal has been broken, the taxicab or taxicab wheelchair accessible vehicle plate holder shall submit the taxicab meter for testing, inspection and re-sealing prior to permitting the taxicab or taxicab wheelchair accessible vehicle to which the meter is attached to resume operation.
- 12.5 The Licence Commissioner shall, from time to time, cause to be made an inspection of all taxi meters in use on taxicabs and taxicab wheelchair accessible vehicles, and to have the same sealed or take such other precautions as deemed necessary to prevent interference or tampering with the said meters.

## **13. Advertising**

- 13.1 Taxicab and taxicab wheelchair accessible vehicle plate holders may display advertising in the rear window and place advertisement signs on taxicabs subject to the following conditions:
- (a) the name of the taxicab company and the taxicab number must always be visible;
  - (b) advertising must not obstruct the taxicab driver's view;
  - (c) taxicab or taxicab wheelchair accessible vehicles shall have only one advertisement on each vehicle;
  - (d) advertising may only be placed on the rear window, rocker panels and hubcaps of the taxicab or taxicab wheelchair accessible vehicle;
  - (e) if the taxicab or taxicab wheelchair accessible vehicle has advertising on the rocker panels and hubcaps, no other advertising is permitted on any other part of the taxicab or taxicab wheelchair accessible;
  - (f) advertising copy is to be of a nature similar to other billboard and outdoor advertising, and shall not be offensive, inflammatory, obscene, racist, sexist,

discriminatory or distasteful in nature, and the Licensing Commission shall have the final determination as to the propriety of any advertising content; and,

- (g) no other forms of advertising are permitted on taxicabs without the express written approval of the Licensing Commission.

#### 14. Vehicular Standards

- 14.1 Every taxicab and taxicab wheelchair accessible plate holder shall submit the taxicab or taxicab wheelchair accessible vehicle for examination by a certified mechanic duly licensed by the Province of Ontario and submit a Safety Standards Certificate and a completed Taxicab Vehicle Standards Inspection Checklist to the Licence Commissioner in accordance with the following timeline:
- i) Vehicles one (1) to ten (10) model years in age shall be between August 1 and August 31;
  - ii) Vehicles six (6) to ten (10) model years in age shall be subject to a second submission between February 1 and February 28/29;
  - iii) At any other time as the Licence Commissioner may require.
- 14.2 **DELETED BY BY-LAW 79-2012, dated July 23, 2012**
- 14.3 During any inspection, every taxicab and taxicab wheelchair accessible plate holder or taxicab driver shall, upon the request of the Licence Commissioner or any other person granted enforcement or inspection powers of this By-law, produce all relevant licences, permits, invoices, vouchers, appointment books, trip records or like documents and any of these documents may be removed for photocopying provided that the taxicab and taxicab wheelchair accessible plate holder or taxicab driver is given a receipt and the documents are returned within forty-eight (48) hours.
- 14.4 When the Licence Commissioner believes that a taxicab or taxicab wheelchair accessible vehicle or its equipment is mechanically defective, the Licence Commissioner or designate shall personally serve written notice on the taxicab or taxicab wheelchair accessible plate holder or taxicab driver requiring such taxicab or taxicab wheelchair accessible plate holder or taxicab driver to submit the taxicab vehicle for examination by a certified mechanic duly licensed by the Province of Ontario and the owner shall have twenty-four (24) hours from the time of service of the notice to obtain the required inspection and to provide the Licence Commissioner with a valid certificate of mechanical fitness, and the vehicle may not be operated as a taxicab or taxicab wheelchair accessible vehicle until such time.
- 14.5 Every taxicab and taxicab wheelchair accessible vehicle shall be inspected by the Licence Commissioner before any licence is granted in respect of that vehicle, and thereafter from time to time as required by the Licence Commissioner, and no taxicab or taxicab wheelchair accessible vehicle plate holder or taxicab driver shall refuse or neglect to submit such taxicab or taxicab wheelchair accessible vehicle for inspection when required, or prevent or hinder the Licence Commissioner from inspecting and/or testing the said taxicab or taxicab wheelchair accessible vehicle, or entering any garage or other building for such purpose.
- 14.6 Every taxicab or taxicab wheelchair accessible vehicle plate holder shall submit the taxicab or taxicab wheelchair accessible vehicle to random inspections at any time specified by the Licence Commissioner, which inspections will be undertaken by an inspector or compliance officer and may be conducted in conjunction with a Ministry of Transportation Inspector or their designate. **(Amended by By-law 69-2014, dated April 22, 2014)**
- 14.7 Whenever any taxicab or taxicab wheelchair accessible vehicle is involved in any accident which affects the safe operation of a taxicab or taxicab wheelchair accessible vehicle, whether within or outside the limits of the City, the taxicab or taxicab wheelchair accessible vehicle plate holder or taxicab driver of such vehicle shall immediately submit a written report of such accident to the Licence Commissioner.
- 14.8 No vehicle more than ten (10) years old shall be used as a taxicab in the City. By example, August 31, 2017 means the model year is 2017. By further example, a current taxicab vehicle that is more than ten (10) years old on August 31, 2017 i.e. 2007 or older taxicabs would have to be taken out of service.
- 14.9 For the purpose of this By-law, the age of a vehicle shall be determined from August 31st of the model year of said vehicle. The current model year as at August 31<sup>st</sup> in any year is

the calendar year as at August 31<sup>st</sup> in any year. (**Added By-law 152-2010 dated September 27, 2010**)

## **15. Security Camera**

- 15.1 Commencing on August 31<sup>st</sup> 2008, each taxicab or taxicab wheelchair accessible vehicle shall be equipped with a fully-operational security camera satisfactory to the Licence Commissioner.
- 15.2 The camera system referred to in 15.1 shall be approved by the Licence Commissioner, and shall be capable of recording images of persons in taxicabs and taxicab wheelchair accessible vehicles. Access to the information recorded by the camera system shall be limited to law enforcement personnel authorized by the Licence Commissioner to access the information for law enforcement purposes only.
- 15.2 Every taxicab and taxicab wheelchair accessible plate holder shall submit a Camera Inspection Report showing that the security camera installed in the taxicab or taxicab wheelchair accessible vehicle is fully-operational to the Licence Commissioner in accordance with the following timeline:
- i) First submission shall be between February 1 and February 28/29 annually;
  - ii) The second submission shall be between August 1 and August 31 annually;
  - iii) At any other time as the Licence Commissioner may require.

## **16. Vehicle Replacement, Out of Service, and Substitution Requirements**

- 16.1 A taxicab or taxicab wheelchair accessible plate holder may apply for a vehicle replacement upon filing the following with the Licence Commissioner:
- (a) application for a vehicle replacement in the prescribed form;
  - (b) evidence of insurance coverage as required herein;
  - (c) safety standards certificate;
  - (d) copy of ownership of the proposed replacement vehicle; and,
  - (e) fees as prescribed in this By-law.
- 16.2 Where a vehicle replacement application is submitted to the Licensing Commission, the Licensing Commission may in its sole discretion approve or deny the vehicle replacement application.
- 16.3 Where the Licensing Commission does not approve the vehicle replacement, the applicant shall be permitted to withdraw the application.
- 16.4 A taxicab or taxicab wheelchair accessible vehicle shall not be taken out of service for more than sixty (60) consecutive days, nor an aggregate total time exceeding ninety (90) days in a calendar year without the prior written consent of the Licensing Commission, failing which, the taxicab or taxicab wheelchair accessible vehicle plate relating to that specific vehicle may be revoked, in the sole discretion of the Licensing Commission.
- 16.5 Every taxicab or taxicab wheelchair accessible vehicle plate holder shall be required to notify the Licence Commissioner, in writing, of the particulars of any taxicab or taxicab wheelchair accessible vehicle which has been taken out of service and the date thereof, within ten (10) days of such event.
- 16.6 Every taxicab or taxicab wheelchair accessible vehicle plate holder may apply for permission to maintain a substitute taxicab or taxicab wheelchair accessible vehicle to temporarily replace vehicles, which are seriously damaged or damaged beyond repair, during the period of repair or replacement and subject to the following conditions:
- (a) The substitute vehicle must meet all the requirements of this Schedule, and shall be required to be inspected in accordance with section 14.1 and 15.2;
  - (b) there shall be no fee for the temporary transfer of licences to substitute vehicles;
  - (c) the taxicab or taxicab wheelchair accessible vehicle plate holder shall be required to advise the Licence Commissioner in writing by letter or facsimile transmission that the substitute vehicle has been brought into service and the taxicab or taxicab wheelchair accessible vehicle plate has been affixed to the substitute vehicle, and shall advise when the originally-licenced vehicle has returned to service; and,
  - (d) no temporary transfer of a licence to a vehicle shall be permitted for a period

exceeding six (6) months.

## 17. Insurance

- 17.1 Every applicant for a taxicab or taxicab wheelchair accessible vehicle plate holder licence shall file with the Licence Commissioner either a copy of the insurance policy or a certificate of insurance in respect of the taxicab or taxicab wheelchair accessible vehicle which insurance shall meet the following requirements:
- (a) issuance by an insurer duly authorized to issue insurance within the Province of Ontario;
  - (b) for each taxicab or taxicab wheelchair accessible vehicle, automobile liability coverage in the amount of not less than TWO MILLION DOLLARS for personal injury or property damage arising out of any one accident or occurrence; (**Amended by By-law 79-2012, dated July 23, 2012**)
  - (c) it shall not be cancelled by the insurer until after fifteen (15) days written notice of such cancellation is given to the Licence Commissioner;
  - (d) the owner of the taxicab or taxicab wheelchair accessible vehicle shall be named as the insured and all insured taxicab or taxicab wheelchair accessible vehicles shall be listed and described by vehicle make, model, model year and vehicle identification number.
- 17.2 Where notice of cancellation of the insurance policy is given to the Licence Commissioner by the insurer, the taxicab or taxicab wheelchair accessible vehicle plate holder licence shall be deemed to be revoked upon the same date the insurance policy is cancelled, unless the taxicab or taxicab wheelchair accessible vehicle plate holder presents the Licence Commissioner with new proof of insurance as required under this Schedule.

## PART VI - TARIFFS

### 18. Tariffs

- 18.1 Subject to Section 18.2, every taxicab driver, broker, taxicab plate holder or taxicab wheelchair accessible vehicle plate holder shall charge exactly the rates or fares as shown in Appendix "A" to this Schedule, and no higher or lower amount than that contained in the said Appendix "A" shall be charged or payable for rates or fares either wholly within the City, or to any other point not more than five (5) kilometres beyond its limits.
- 18.2 In lieu of Section 18.1, a taxicab driver, broker, taxicab plate holder or taxicab wheelchair accessible vehicle plate holder may be permitted to surcharge or offer a discount at the end of any trip the fares and rates shown in Appendix "A" of this Schedule provided that:
- i) The associated taxicab brokerage has previously filed their tariffs and rates with the Licence Commissioner;
  - ii) The intention to surcharge or discount the fare be explicitly brought to the attention of the passenger(s) prior to the commencement of the trip.
  - iii) The rates are published and prominently displayed in view of the passengers inside the taxicab or taxicab wheelchair accessible vehicle.
- 18.3 No taxicab driver, broker, taxicab plate holder or taxicab wheelchair accessible vehicle plate holder shall be entitled to recover or receive any fare or charge from any passenger to whom the taxicab driver has refused to show his or her licence, or the tariff as provided in this Schedule and appendices.
- 18.4 No taxicab driver, broker, taxicab plate holder or taxicab wheelchair accessible vehicle plate holder shall publish or use a tariff unless authorized by this Schedule and appendices.
- 18.5 The calculation of tariff rates shall be from the time or place when or at which the passenger(s) first enter the taxicab or taxicab wheelchair accessible vehicle, to the time or place when or at which the passenger(s) finally discharge the taxicab. This section shall not prevent a proper charge for waiting time as prescribed in Appendix "A" to this Schedule.
- 18.6 No taxicab driver, broker, taxicab plate holder or taxicab wheelchair accessible vehicle plate holder shall make any charge for time lost as a result of defects of the taxicab or taxicab wheelchair accessible vehicle or the incompetence of the taxicab driver, or for

excess time resulting from the arrival of the taxicab or taxicab wheelchair accessible vehicle in advance of the time such taxicab or taxicab wheelchair accessible vehicle was requested.

- 18.7 Every taxicab driver operating a taxicab or taxicab wheelchair accessible vehicle may carry two (2) or more passengers from a common starting point to two (2) or more destinations, or from two (2) or more starting points to a common destination, but in such case, the fares to be charged for such trip shall be reckoned as if each stop made for the purpose to taking on or discharging one (1) or more such passengers were the end of one trip and the commencement of a new trip, and the taxicab meter shall be cleared and re-set after each such stop. Where two (2) or more passengers are discharged at the same place, only the fare authorized by this schedule shall be charged, and such passengers shall be jointly and severally liable for the payment of the fare, regardless of whether such passengers are strangers to one another.
- 18.8 A taxicab driver, broker, taxicab plate holder or taxicab wheelchair accessible vehicle plate holder may charge a "convenience fee" as approved by the Licensing Commission to process the payment of the fare using a debit card or credit card, and the "convenience fee" shall be clearly displayed on the keypad before the transaction is completed.
- 18.9 Every person employing any taxicab or taxicab wheelchair accessible vehicle shall pay the fare or charged authorized by this Schedule upon demand.
- 18.10 Any taxicab or taxicab wheelchair accessible vehicle crossing the border between Windsor and the United States of America shall charge a rate of exchange, which is commercially reasonable, and shall post a card in the taxicab or taxicab wheelchair accessible vehicle, which reflects this exchange rate.
- 18.11 Failure to abide by the tariff provisions of this Schedule may result in an automatic suspension of the municipal licence issued under this By-law for one (1) week for a first offence, and repeat offences shall be addressed on a case-by-case basis by the Licensing Commission.

## **PART VII - TRANSFER AND LEASING OF LICENCES**

### **19. Transfer of Licences**

- 19.1 No taxicab driver licence shall be transferred.
- 19.2 No taxicab broker licence shall be transferred.
- 19.3 No taxicab or taxicab wheelchair accessible plates and associated taxicab or taxicab wheelchair accessible plate holder licences shall be transferred.

### **20. Transfer of Licences Issued Prior to the Passing of this By-law (Plate #001 to 224 inclusive)**

- 20.1 Except as approved by the Licensing Commission, a taxicab plate holder may not transfer a taxicab plate and associated taxicab plate holder licence for a period of at least five (5) years from the date of issue of the licence.
- 20.2 No taxicab plate holder licence shall be transferred without the approval of the Licensing Commission.
- 20.3 No taxicab plate holder licence shall be transferred until the person to whom the transfer is to be made has first received approval from the Licence Commissioner as a licensee.
- 20.4 Subject to the restrictions herein, taxicab plates numbered 001 to 224 are transferable, provided that:
  - (a) the transferee satisfies the eligibility criteria for inclusion on the Drivers' List;
  - (b) the transferee signs a form of statutory declaration prescribed by the Licence Commissioner;
  - (c) the transferor has completed a written application for the transfer in the prescribed form;
  - (d) the transferee satisfies the requirements of a taxicab plate holder under this By-law, including submitting for inspection the taxicab to which the plate will be affixed;
  - (e) the transferee pays all fees required under this By-law;

and the transferee will receive a taxicab plate holder licence at the time of transfer of the taxicab plate.

- 20.5 Subject to the restrictions herein, taxicab plates numbered 001 to 224 inclusive may be transferred by an estate, provided that:
- (a) within 30 days following the death of an individual holding one or more taxicab plates and associated taxicab plate holder licences, the estate trustee shall file with the Licence Commissioner:
    - (i) proof of death of the individual in the form of an original Funeral Director's Statement of Death; and
    - (ii) a copy of the Certificate of Appointment of Estate Trustee.
- 20.6 On the death of an individual holding one or more taxicab plates and associated taxicab plate holder licenses:
- (a) the estate trustee may continue to hold any taxicab plates and associated taxicab plate holder licenses for up to two (2) years following the date of death, subject to the requirements of this By-law;
  - (b) during the two (2) year period following the date of death, the estate trustee may transfer the taxicab plate(s) and associated taxicab plate holder licence(s) to anyone meeting the eligibility requirements for inclusion on the Drivers' List, including the estate trustee in his or her personal capacity;
  - (c) after the expiry of two (2) years following the date of death, all taxicab plates and associated taxicab plate holder licenses that have not been transferred in accordance with subsections (a) or (b) shall be revoked and must be immediately returned to the Licence Commissioner by the estate trustee.
  - (d) Notwithstanding subsection (c), if the estate trustee has not transferred all taxicab plates and associated taxicab plate holder licenses in accordance with subsections (a) or (b), the estate trustee may request a hearing of the Licensing Commission to consider an extension of up to one (1) year before revocation.

## 21. Leasing

- 21.1 Except as provided in this Schedule, no taxicab plate holder, taxicab wheelchair accessible plate holder, taxicab driver or broker shall sell, rent or lease a taxicab or taxicab wheelchair accessible vehicle without the consent of the Licensing Commission, and a copy of the lease, satisfactory in form to the Licence Commissioner, shall be filed with the Licensing Commission.
- 21.2 For the purposes of this section, the term "lease" includes any arrangement or agreement whereby the owner gives to some other person the right to possession and control of the taxicab licence for a period of more than one (1) standard taxicab driver's shift.
- 21.3 A taxicab or taxicab wheelchair accessible vehicle plate holder who has held a licence for a minimum of one (1) year may lease the taxicab or taxicab wheelchair accessible vehicle licence on a daily, weekly, monthly or yearly basis provided that:
- (a) the lessee is licensed by the City of Windsor as a taxicab driver;
  - (b) all weekly, monthly or yearly leases are filed with and approved by the Licence Commissioner and shall be subject to such terms and conditions the Licence Commissioner may require;
  - (c) the amount charged under the lease shall be a fair fee as approved by the Licence Commissioner and no additional charges shall be made against the lessee;
  - (d) the lease agreement shall include a statement that the leasing agreement is considered null and void in the event that the lessor or lessee, either by written or verbal agreement, sub-leases the taxicab or taxicab wheelchair accessible vehicle or transfers responsibility for the operation of the taxicab or taxicab wheelchair accessible vehicle to a third party;
  - (e) the lease agreement shall contain a clearly-stated right of the lessor and lessee to early termination of the lease;
  - (f) where the lessee is a corporation, the lessee shall, at the time at which the lease is filed with the Licence Commissioner in accordance with the provision of this section, file with the Licence Commissioner a form supplied by the Licence Commissioner and a copy of the lessee's articles of incorporation, amendment or amalgamation; and,
  - (g) the lease term shall be a minimum of twelve (12) months and a maximum of sixty (60) months.



- 21.4 The Licence Commissioner may from time to time adopt an approved form of lease, and may also approve any lease, which satisfies the requirements of this by-law, whether or not it is on the approved form.
- 21.5 The Licensing Commission shall cause an investigation to be made where there is evidence that the lease should not be approved by the Licence Commissioner because the lessee or lessor will be unlikely or unable to comply with terms or because the fee is unreasonable.
- 21.6 The License Commissioner has the discretion to refuse to approve a proposed lease agreement.
- 21.7 Where the License Commissioner refuses to approve a proposed lease, written notice shall be given to the taxicab or taxicab wheelchair accessible vehicle plate holder by the Licence Commissioner.
- 21.8 Where the Licence Commissioner refuses to approve a proposed lease agreement, the taxicab or taxicab wheelchair accessible vehicle plate holder may appeal the decision to the Licensing Commission for consideration within fourteen (14) days of the date of the refusal in 21.6.
- 21.9 Any lessor who enters into, or purports to enter into, any lease or any other agreement in respect of a taxicab or taxicab wheelchair accessible vehicle plate holder licence other than in accordance with the terms of this schedule shall be required to attend before the Licensing Commission to show cause why the lessor's licence should not be revoked.
- 21.10 Through 21.9 applies notwithstanding that the lease, purported lease, other agreement or other purported agreement, was entered into before the date of the coming into force of this Schedule.
- 21.11 A lessor who enters into a lease under the provisions of this section shall terminate such lease within fourteen (14) days following receipt of a written demand from the Licence Commissioner to do so.

## PART VIII - BROKERS

### 22. Licensing

- 22.1 Every applicant for a broker licence shall:
  - (a) If the Applicant:
    - (i) is an individual, the applicant shall attend at the office of the Licence Commissioner in person and complete a written Application for such Licence as prescribed by the Licence Commissioner and provides proof that the applicant is not less than eighteen (18) years of age;
    - (ii) is a corporation, the applicant shall file copies of the articles of incorporation as well as any articles of amendment or articles of amalgamation, together with an annual return which contains a list of all shareholders of the corporation; or
    - (iii) is a partnership, the applicant shall provide the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business provided that if one or more of the partners is a corporation, the requirements of ii, above, shall also be fulfilled in respect of the corporate partner or partners.
  - (b) provide proof to the satisfaction of the Licence Commissioner that the premises from which the applicant intends to carry on business as a broker are within the geographical boundaries of the City and are appropriately zoned and will continue to be so located throughout the term of the licence;
  - (c) demonstrate that the applicant has a system for receiving orders and dispatching taxicabs and/or taxicab wheelchair accessible vehicle licensed under this By-law in his or her fleet and that the system will not interfere with any other broker; and,
  - (d) pay all the fees prescribed by this By-law.
- 22.2 In lieu of Section 5.1 and 5.3 of this Schedule, a broker may collect the necessary applicant information and issue a taxicab driver licence or taxicab driver renewal on behalf of the

City to a person whom will be employed to provide taxi services for their taxicab brokerage provided that:

- (a) the broker notifies the Licence Commissioner in writing prior to January 1<sup>st</sup> annually, their intention to issue taxicab driver licences for their taxicab brokerage;
- (b) licences are issued in accordance to the general provisions, fee structure and regulations under this By-law & Schedule;
- (c) an application is completed for each taxicab driver and that all requirements and documentation outlined under Section(s) 5.1 and 5.3 of this Schedule are provided to the Licence Commissioner for auditing and processing purposes prior to the driver being employed for taxi services in the first instance or by August 31<sup>st</sup> annually in the case of issuing a renewal;
- (d) applications are completed in full to the satisfaction of the Licence Commissioner and are signed by the applicant in original ink;
- (e) taxicab driver fees required under this by-law are collected by the broker from the applicant and submitted forthwith to the Licensing Department upon submission of the taxicab driver licence application;
- (f) unless approved by the Licence Commissioner or Windsor Licensing Commission, no taxicab driver licence be issued by a broker to a person when:
  - (i) one (1) or more criminal convictions is shown on a Vulnerable Sector Criminal Record Check;
  - (ii) any record of offence relevant to the nature of the services of a taxicab driver, or any record of offence that directly affects the taxicab driver's ability to competently and responsibly carry on the services of a taxicab driver, including but not limited to: an offence under the *Criminal Code*, the *Narcotics Control Act* or the *Food and Drug Act*; or,
  - (iii) nine (9) or more demerit points is shown on a Driver's Abstract issued by the Ministry of Transportation;
- (g) prior to conducting taxi services, a photo card approved by the Licence Commissioner is issued to each taxicab driver by the brokerage that shall be displayed in the taxicab and produced for inspection in accordance to Section(s) 10.1 (a) and (b) of this Schedule.

22.3 Taxicab driver applications submitted by a broker to the Licence Commissioner that are incomplete or not in accordance to any provision under this By-law or Schedule shall not be processed by the Licensing Department and be subject to penalty as outlined under this By-law.

22.4 The Licence Commissioner shall recommend to the Windsor Licensing Commission, a suspension or revocation of the taxicab brokerage licence if it is determined that a broker has issued a taxicab driver licence to a person that does not meet the requirements under this By-law and Schedule or when a licence was issued by a broker deliberately to a person that would likely breach any law or to a person that would be adverse to the public interest.

## **23. Broker Obligations and Responsibilities**

23.1 All brokers shall:

- (a) provide or ensure that taxicab dispatch service is provided twenty-four (24) hours per day, seven (7) days per week to persons requesting taxicab service;
- (b) inform any individual requesting taxicab service of any potential delay in providing such taxicab service prior to accepting a request for taxicab service;
- (c) take all reasonable steps to ensure that the broker's employees behave civilly and courteously in the performance of their duties; and
- (d) ensure that a request for taxicab wheelchair accessible service in respect of person with a disability shall be dispatched on a priority basis to the next available taxicab wheelchair accessible vehicle located nearest the location of the request for service.

23.2 Every broker shall keep a record:

- (a) of every car dispatched on a trip, the date and time of dispatch and the place of

pick-up, and shall retain such record for a period of at least twelve (12) months and shall, at the request of the Licence Commissioner or anyone else charged with enforcement of this By-law produce such records for inspection;

- (b) of the name of every taxicab driver driving a taxicab or a taxicab wheelchair accessible vehicle in respect of which the broker has any arrangement or agreement for the accepting of calls for service, and shall on 24 hours notice, produce such records for inspection; and,
- (c) showing, in respect of the broker's brokerage, the following information:
  - (i) the number of calls for taxicab and taxicab wheelchair accessible service received;
  - (ii) the number of such calls received which are not serviced and the reason such calls were not serviced

and such record shall be open for inspection during the regular business hours of the City's Licensing and By-law Enforcement administrative offices.

### 23.3 No Broker shall:

- (a) with the intent to prevent the reception of incoming calls from the public for taxicab or taxicab wheelchair accessible vehicle service, remove or permit the removal of the receiver from the hook of any telephone normally used by him for the accepting of such calls, and no broker shall with such intent agree to arrange with any other person to prevent or interfere in any way with the reception of such calls;
- (b) dispatch or permit to be dispatched any taxicab or taxicab wheelchair accessible vehicle to pick up a fare in the City unless that taxicab or taxicab wheelchair accessible vehicle is licensed under this By-law;
- (c) subject to Section 18.2, dispatch or permit to be dispatched any taxicab or taxicab wheelchair accessible vehicle if the taxicab fare is less or more than that prescribed by this By-law; or,
- (d) dispatch any taxicab or taxicab wheelchair accessible vehicle if the order is for any service, which is illegal service under federal, provincial or municipal law.

23.4 Every Broker shall make or cause to be made an inspection of all taxicab or taxicab wheelchair accessible vehicles operated in association with the broker prior to each period of continuous operation or "shift", ensuring that the licensed vehicles are clean, properly equipped and identified.

### 23.5 Every broker shall:

- (a) select one colour scheme comprised of no more than two colours, where black and white shall be deemed to be colours, which colour scheme shall be satisfactory to the Licence Commissioner, for all taxicabs and taxicab wheelchair accessible vehicles dispatched by the broker; and **(added By-law 94-2008, May 20, 2008)**,
- (b) submit the proposed colour scheme(s) to the Licence Commissioner for approval before implementation.

23.6 The colour of the bumpers, trim, mirrors, roof racks and tires shall be acceptable if they are as originally supplied as black, grey or chrome, by the manufacturer of the taxicab or taxicab wheelchair accessible vehicles, or painted in one of the two body colours of the broker's colour scheme. **(added by By-Law 108-2012, dated August 7, 2012)**

## 24. Brokerage Agreements - Insurance

24.1 A taxicab or taxicab wheelchair accessible vehicle plate holder may, for purposes of obtaining insurance coverage, enter into an agreement each year with a broker. The agreement shall provide for the following:

- (a) transfer of the taxicab or taxicab wheelchair accessible vehicle plate holder licence to the broker for the period of the agreement;
- (b) termination of the agreement on thirty (30) days' written notice by registered mail by either party with a copy of any such notice to be forwarded to the Licence Commissioner immediately; and,
- (c) the statement that the sole principal purpose of the agreement is for the provision of insurance coverage for the taxicab or taxicab wheelchair accessible vehicle.

24.2 Upon receipt of the notice of termination referred to in 24.1, the broker shall, within forty-eight (48) hours, excluding Sundays and holidays, forward to the owner by registered mail the motor vehicle permit properly executed to permit transfer of ownership back to the owner, and shall forward to the Licence Commissioner by regular mail the taxicab or

taxicab wheelchair accessible vehicle plate issued for such taxicab or taxicab wheelchair accessible vehicle.

- 24.3 In the event the broker fails to return the motor vehicle permit to the owner and the taxicab or taxicab wheelchair accessible vehicle plate to the Licence Commissioner within the time stipulated in 24.2, the taxicab or taxicab wheelchair accessible vehicle plate for the vehicle shall be deemed to be immediately suspended and the Licensing Commission shall consider a recommendation from the Licence Commissioner for revocation of the taxicab or taxicab wheelchair accessible vehicle plate.

#### APPENDIX "A" TO SCHEDULE 5 OF BY-LAW NO. 137-2007

##### Tariff Charges

##### Taxicabs By Distance

- |    |  |         |
|----|--|---------|
| 1. | For the first one hundred & five (105) metres  | \$ 3.80 |
| 2. | For each additional sixty-nine (69) metres thereafter  | \$ .10  |
| 3. | (a) For waiting time under engagement for each hour<br><b>when the taxicab or taxicab wheelchair accessible vehicle is being used for passenger conveyance.</b>  | \$27.00 |
|    | (b) Notwithstanding the provisions of the above, charges for waiting time when rendering service to boards of education, or making deliveries of parcels merchandise and providing services under contract awarded by tender, shall be \$ 2.00 |         |

##### CROSS BORDER TAXICAB FARES

1. Taxicab Drivers shall charge the metre rate plus a \$10.00 Canadian or \$8.00 U.S. cross border fee plus tolls between Windsor and Detroit.  
(Appendix "A" deleted and replaced by By-Law 119-2015, dated September 9, 2015)

## APPENDIX "B" TO SCHEDULE 5 OF BY-LAW NO. 137-2007



# WINDSOR TAXICAB PASSENGER BILL OF RIGHTS

If you have a compliment or complaint regarding this taxicab ride, call 311.

## As a taxicab passenger, you have the right to:

- A professional driver who:
  - ✓ Is licensed and knowledgeable
  - ✓ Knows the major routes and destinations in the City of Windsor
  - ✓ Speaks and understands English
  - ✓ Is courteous and provides assistance
  - ✓ Knows and obeys the by-laws and all laws
  - ✓ Offers a silent ride if desired
  - ✓ Provides a safe ride
- A quality taxicab which:
  - ✓ Is in good mechanical and physical condition
  - ✓ Has a clean passenger area and trunk
  - ✓ Is heated or air conditioned on demand
  - ✓ Is a smoke-free environment
  - ✓ Has easy access to seatbelts
  - ✓ Is equipped with a meter
- A FREE ride if the meter is not on
- An effective customer complaints process
- Direct the driver on the route to be taken

**Drivers are not permitted to recommend a hotel or restaurant unless the passenger requests this information.**

# SCHEDULE 6 TO BY-LAW NO. 137-2007

## Transportation Network Company (TNC)

### PART I - GENERAL

#### 1. Application of this Schedule

- 1.1 This Schedule governs the licensing of Transportation Network Companies (TNC).
- 1.2 A Transportation Network Company Driver does not require a licence issued under this By-law;
- 1.3 There are no limits on the number of Vehicles permitted to be operated with an affiliated Transportation Network Company;
- 1.4 In this Schedule, unless otherwise specified, where notice is required to be sent by the Licence Commissioner, notice shall be sent by registered mail to the last address for the recipient contained in the records of the City's Licensing Office, such notice being deemed to be received on the 3<sup>rd</sup> day after mailing, regardless of whether the notice was actually received.

#### 4. Term of Licence

- 2.1 Licenses issued under the provisions of this By-law shall expire and revert to the City if not renewed by August 31<sup>st</sup> of each year, and the Licensing Commission shall be empowered to dispose of the licence in accordance with the provisions of this Schedule.
- 2.2 Where the Licence issued under the provisions of this By-law has expired and been revoked, the Licence Commissioner shall forthwith notify in writing the holder of the licence of the revocation of the licence.
- 2.3 All Transportation Network Company licenses issued by the City shall be valid for a period not exceeding one (1) year and shall be renewed annually by August 31<sup>st</sup> as prescribed under Schedule 1 of this By-law.
- 2.4 Prior to any new services being provided, all Transportation Network Companies are obliged to provide the City with formal notice when new service types are offered under the umbrella of the affiliated Transportation Network Company Platform;
- 2.5 A Transportation Network Company shall not provide false or misleading information in any application under this By-law nor shall it knowingly provide erroneous information in any application under this By-law. A Transportation Network Company that provides false or misleading information or knowingly provides erroneous information in any application under this By-law may be subject to fines, suspension or revocation of all licensing privileges under this By-law.

### PART II - APPLICATIONS AND RENEWALS

#### 3. Transportation Network Company (TNC) Applications and Renewal

- 3.1 A person wishing to carry on business of a Transportation Network Company shall provide the Licence Commissioner with the following:
  - (a) a completed application in the form required by the Licence Commissioner containing all required applicant information;
  - (b) payment of the applicable licensing fee in accordance to Schedule 2 of this By-law;
  - (c) if the applicant is not a corporation or a partnership, proof that the applicant is at least eighteen (18) years of age, if the applicant is an individual;
  - (d) if the applicant is a corporation:
    - (i) proof that the corporation is legally entitled to conduct business in Ontario;
    - (ii) articles of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada; and,
    - (iii) a certified copy of an annual return which contains a list of all shareholders

of the corporation,

- (e) if the applicant is a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
- (f) the address and contact information of the Transportation Network Company's registered business address in the Province of Ontario, which is not a post office box, to which the City may send during business hours any notice or documentation or communication that may be required under this By-law and at which the applicant or the applicant's agent will accept receipt of such notice, documentation or communication together with the name, telephone, and email contact information for the person authorized to receive and respond on behalf of the transportation network company to any and all communications from the City relating to the transportation network company's licence or the transportation network company's conduct of business;
- (g) a Transportation Network Company identifier to be displayed on a Transportation Network Company Vehicle, that may be in a removable format, for approval by the Licence Commissioner;
- (h) a list of all Transportation Network Company Drivers authorized to use the Transportation Network Company Platform, which list shall include the following information in a form satisfactory to the Licence Commissioner:
  - (i) confirmation that the Transportation Network Company Driver is authorized to use the Transportation Network Company Platform;
  - (ii) the full name, date of birth, address and phone number of the Transportation Network Company Driver; and
  - (iii) the year, make, model and Ontario licence plate number of the Vehicle to be operated by the Transportation Network Company Driver as a Transportation Network Company Vehicle;
- (j) A sworn declaration confirming that all Transportation Network Company Drivers have provided the following to the Transportation Network Company:
  - (i) proof of a current valid Class G driver's licence issued by the Province of Ontario pursuant to the *Highway Traffic Act*;
  - (ii) proof of being at least eighteen (18) years of age;
  - (iii) proof of Canadian Citizenship or Permanent Resident Status or a work permit to work as a Driver issued by the Government of Canada;
  - (iv) the original search results of an annual Vulnerable Sector Criminal Record Check, enhanced screening for those employed in positions working with vulnerable persons, from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days that is satisfactory in form and content to the Licence Commissioner. The Vulnerable Sector Check must be dated no more than one (1) year old for existing drivers providing service for a transportation network company and no more than thirty (30) days old upon presentation to a Transportation Network Company by drivers providing services for a transportation network company in the first instance, and that, unless approved by the Licence Commissioner or Windsor Licensing Commission, no transportation network company driver be permitted to provide service for a transportation network company where:
    - (i) (1) or more criminal convictions is shown on a Vulnerable Sector Criminal Record Check; or,
    - (ii) any record of offence relevant to the nature of the services of a transportation network company driver, or any record of offence that directly affects the transportation network company driver's ability to competently and responsibly carry on the services of a transportation network company driver, including but not limited to: an offence under the *Criminal Code*, the *Narcotics Control Act* or the *Food and Drug Act*;
  - (v) an annual Statement of Driving Record issued by the Ontario Ministry of Transportation Safety and Regulations division. The record must be dated no more than thirty (30) days old prior to providing services for a Transportation Network Company and that, unless approved by the Licence Commissioner or Windsor Licensing Commission, no Transportation Network Company Driver be permitted to provide service for a Transportation Network Company where:

- (i) nine (9) or more demerit points is shown on a Driver's Abstract issued by the Ministry of Transportation;
- (vi) proof that the Transportation Network Company Vehicle used by the Transportation Network Company Driver is no more than ten (10) years old;
- (vii) proof of a Safety Standards Certificate dated not more than thirty-six (36) days, issued by a certified mechanic duly licensed by the Province of Ontario for all vehicles associated with a transportation network company. Certificates shall be submitted in the following manner:
  - (i) prior to commencement of use as a Transportation Network Company Vehicle;
  - (ii) annually thereafter if the vehicle is five (5) years old or less;
  - (iii) biannually thereafter if the vehicle is more than 5 years old;
  - (iv) at any other time as the Licence Commissioner may require;
- (viii) proof of automobile liability insurance required by the *Compulsory Automobile Insurance Act* and an endorsement or an automobile liability insurance form approved by the Financial Services Commission of Ontario for use by a Transportation Network Company Driver.

## PART III - REGULATIONS

### 4. Transportation Network Company (TNC) Regulations

#### 4.1 A Transportation Network Company shall:

- (a) ensure that every Transportation Network Company Driver authorized to use the Transportation Network Company Platform has submitted to the Transportation Network Company, all requirements listed under Section 3.1 (j) (i) to (viii) of this Schedule prior to commencement as a Transportation Network Company Driver and annually thereafter;
- (b) ensure all Transportation Network Company Vehicles, from the moment a ride is accepted up until the moment of passenger drop-off, are insured with Automobile Liability Insurance with limits of not less than \$2,000,000.00 inclusive per occurrence for bodily injury, death and damage to property. The Automobile Liability Insurance shall be provided through an endorsement or an automobile liability form approved by the Financial Services Commission of Ontario for use by a Transportation Network Company or Transportation Network Company Driver. Such coverage may be maintained by the Transportation Network Company Driver, the Transportation Network Company, or any combination of the two. The insurance coverage required herein shall be endorsed to the effect that the City of Windsor shall be given at least thirty (30) days' notice in writing of any cancellation or material variation to the policy;
- (c) maintain commercial general liability business insurance coverage of at least \$5,000,000.00 per occurrence, with The Corporation of the City of Windsor added as an additional insured, and must include a cross-liability provision and at least thirty (30) days notice of material change/cancellation provision;
- (d) an indemnity in favour of the City from and against claims, demands, losses, costs, damages, actions suits or proceedings that arise out of, or are attributable to, the Transportation Network Company's business and services, which shall be in a form satisfactory to the Licence Commissioner.
- (e) ensure that its Transportation Network Company Platform incorporates a global positioning system (GPS) in which all trips are recorded and be accessible for persons with disabilities;
- (f) ensure that a Transportation Network Company Driver has no access and is not authorized to use the Transportation Network Company Platform in any of the following circumstances:
  - (i) a Vulnerable Sector Criminal Record Check discloses one (1) or more criminal convictions or any record of offence relevant to the nature of the services of a Transportation Network Company Driver, or any record of offence that directly affects the Transportation Network Company Driver's ability to competently and responsibly carry on the services of a Transportation Network Company Driver, including but not limited to: an offence under the *Criminal Code*, the *Narcotics Control Act* or the *Food and Drug Act*;
  - (ii) the Transportation Network Company Driver has had their driver's licence issued under the *Highway Traffic Act* cancelled, revoked or suspended for any reason;
  - (iii) the Ontario driver's record shows nine (9) or more demerit points for the Transportation Network Company Driver;



- (iv) the Licence Commissioner has reasonable grounds to believe that the vehicle being operated by the Transportation Network Company Driver is unsafe;
  - (v) the Safety Standard Certificate relating to the transportation network company vehicle is not renewed annually for vehicles aged one (1) to ten (10) years of age and biannually for vehicles aged six (6) to ten (10) years of age;
  - (vi) the Transportation Network Company Driver does not maintain insurance as required by this By-law; or,
  - (vii) the Transportation Network Company Driver does not display the Transportation Network Company identifier when operating the Vehicle as a Transportation Network Company Vehicle;
- (g) notify the Licence Commissioner when a Transportation Network Company Driver is no longer authorized to access the Transportation Network Company Platform for any reason;
- (h) keep a current list of every Transportation Network Company Driver authorized to access the Transportation Network Company Platform and of every Transportation Network Company Vehicle in a readily accessible electronic format that includes:
- (i) the full name and address of every Transportation Network Company Driver;
  - (ii) the make, model and licence plate of every Transportation Network Company Vehicle; and,
  - (iii) operational data such as background and driving record checks, vehicle inspection records, trip sheets, and proof of insurance;
- (i) ensure that driver training is provided to all Transportation Network Company Drivers specific to the use of the Transportation Network Company's Platform, the handling of passengers, sensitivity towards diversity and accessibility and providing assistance to passengers in need;
- (j) prior to the collection of any personal information, a Transportation Network Company shall obtain a consent for such collection and potential disclosure to the Licence Commissioner from any Transportation Network Company Driver with whom it is affiliated in the City;
- (k) retain all records respecting transportation services offered, operated or facilitated by it in the City for a period of at least three (3) years and produce to the Licence Commissioner upon request any such records in electronic format within fourteen (14) days of the date of the request, including records required as part of random audits or investigations conducted by the Licence Commissioner to evaluate compliance with this By-law. Where any records referenced herein are required for law enforcement purposes, a Transportation Network Company shall make the requested records available to the requesting agency as soon as possible, and in any event within seven (7) days;
- (l) assist with the creation of passenger and driver accounts for use by the Licence Commissioner and shall not obstruct any accounts created for law enforcement purposes;
- (m) provide a name, telephone number, email address, and address for service within Ontario, to which the Licence Commissioner may send any communications, including any requests for information;
- (n) Disclose on its website and/or Transportation Network Company Platform used to communicate between passengers and Transportation Network Company Drivers, and make available for the public:
- (i) fares to be charged, together with an explanation of the method used to calculate those fares;
  - (ii) the criteria applied by the Transportation Network Company to Transportation Network Company Drivers and Transportation Network Company Vehicles allowed to operate on or through the relevant Transportation Network Company Platform;
  - (iii) information on the types or categories of services available to passengers through the relevant Transportation Network Company Platform;
  - (iv) a clear explanation of insurance coverage of a Transportation Network Company and the Transportation Network Company Vehicle, including detailed information on how to submit a claim; and,
  - (v) advise that personal information collected by the Transportation Network Company may be disclosed to the City for the purposes of licensing enforcement when the passenger obtains transportation services within or from the City;
- (o) set fares based on market conditions to be charged to passengers transported by Transportation Network Company Drivers subject to the following conditions:
- (i) the fare for a trip shall be communicated to a potential passenger clearly and transparently prior to the start of the trip;
  - (ii) the Transportation Network Company Driver shall not commence the trip until the passenger has provided electronic acceptance of the fare communicated in

- accordance with (i) above;
- (iii) the Transportation Network Company Driver shall charge the passenger the communicated and accepted fare in accordance with (i) and (ii) above; and
- (iv) a Transportation Network Company shall ensure that a record is maintained of the passenger's acceptance of the fare provided;
- (p) provide passengers with the following information prior to the start of a trip:
  - (i) the vehicle make and model;
  - (ii) the Transportation Network Company driver's first name;
  - (iii) the Ontario licence plate number of the Transportation Network Company Vehicle; and,
  - (iv) a photograph of the Transportation Network Company Driver;
- (q) at the conclusion of every trip, or require its Transportation Network Company Driver, provide the passenger an electronic receipt containing at least the following information:
  - (i) the fare charged;
  - (ii) the date and total time of the trip;
  - (iii) the start and end locations of the trip; and,
  - (iv) the Transportation Network Company Driver name and Ontario licence plate number of the Transportation Network Company Vehicle;
- (r) that all of Transportation Network Company Drivers affix securely to their Transportation Network Company Vehicle a Transportation Network Company identifier when operating as a Transportation Network Company Vehicle;
- (s) only permit passengers requesting transportation to submit a request for transportation through a Transportation Network Company Platform;
- (t) not permit, encourage, or condone the acceptance of hails or the solicitation of passengers by Transportation Network Company Drivers, whether on the street or at a taxicab stand or in any other manner or at any other location;
- (u) ensure that all Transportation Network Company Drivers authorized to use its Transportation Network Company Platform have an ongoing duty to disclose:
  - (i) any criminal charges relevant to the nature of the services of a Transportation Network Company Driver, or directly affects the Transportation Network Company Driver's ability to competently and responsibly carry on the services of a Transportation Network Company Driver, including but not limited to: a charge under the *Criminal Code*, the *Narcotics Control Act* or the *Food and Drug Act*;
  - (ii) any suspension of their Ontario driver's licence;
  - (iii) any change in insurance; and,
  - (iv) any accidents while operating as a Transportation Network Company Vehicle;
- (v) ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service, or any other issues arising from the Transportation Network Company operation and such complaint records be made available to the City or as requested by the Licence Commissioner;
- (w) issue to all affiliated Transportation Network Company Drivers, current information normally associated with an identification card in written or accessible electronic form bearing the following information:
  - (i) the first and last name and photograph of the Transportation Network Company Driver;
  - (ii) the make, model and Ontario licence plate number of the Transportation Network Company Vehicle used by the Transportation Network Company Driver; and,
  - (iii) the name and contact information of the Transportation Network Company with which the Transportation Network Company Driver is affiliated;
- (x) ensure that all Transportation Network Company Drivers authorized to use the Transportation Network Company Platform have the identification card required under subsection (w) in the Transportation Network Company Vehicle at all times when transportation services are offered and provided, and, is produced immediately upon request of the Licence Commissioner or an inspector or compliance officer authorized to conduct the enforcement of this By-law; and,
- (y) ensure all Transportation Network Company Drivers authorized to use the Transportation Network Company Platform are operating Transportation Network Company Vehicles that are no more than ten (10) years old.

4.2 A Transportation Network Company Driver shall not:

- (a) transport a passenger who is a minor unless accompanied by an adult;

- (b) solicit or accept requests for transportation services that are not prearranged using the Transportation Network Company Platform the Transportation Network Company Driver is authorized to use, including street hails or picking up fares at taxi stands or in any other manner or at any other location;
- (c) accept payment by cash from a passenger;
- (d) fail to notify the Transportation Network Company in writing of any change in any of the information required by the Transportation Network Company prior to access to the Transportation Network Company Platform;
- (e) operate a vehicle as a Transportation Network Company Vehicle unless the vehicle:
  - (i) is not more than ten (10) years old;
  - (ii) displays the Transportation Network Company identifier when operating as a Transportation Network Company Vehicle;
  - (iii) has no meter, roof light or markings that have the effect of making it look like a taxicab or identify it as being available for hire;
- (f) provide transportation services without maintaining accurate trip records which are to be made available to the Licence Commissioner or inspector or compliance officer authorized to conduct the enforcement of this By-law.
- (g) deviate from the shortest possible route to the destination requested by a passenger as determined by GPS unless the passenger designates another route;
- (h) fail to produce their identification card required under subsection 1 (w), driver's licence, proof of insurance, or evidence that they are operating pursuant to a transportation network company platform immediately upon request of the Licence Commissioner or an inspector or compliance officer authorized to conduct the enforcement of this By-law; and,
- (i) leave any passenger at any location other than the destination requested by the passenger unless the driver is unable to take the passenger to the requested destination by reason of:
  - (i) the Transportation Network Company Vehicle is incapable of being operated safely;
  - (ii) the Transportation Network Company Driver being incapable of operating the Transportation Network Company Vehicle safely; or,
  - (iii) the conduct of the passenger being such that the Transportation Network Company Driver can no longer operate the Transportation Network Company Vehicle safely and in such cases, the Transportation Network Company Driver has requested the attendance of the police.

2. That this By-law shall come into force and take effect on the day of the final passing thereof.

**DREW DILKENS, MAYOR**

**CLERK**

First Reading - , 2018  
 Second Reading - , 2018  
 Third Reading - , 2018