

## **BYLAW NUMBER 99-01**

**of**

### **THE POLICE SERVICES BOARD FOR THE CITY OF BRANTFORD**

Being a Bylaw to repeal Bylaw Number 1-94 and to provide for licensing, regulating and governing owners and drivers of cabs and motor or other vehicles used for hire within the City of Brantford and for other purposes.

WHEREAS Police Services Boards for Cities are authorized by the *Municipal Act* to pass bylaws for licensing, regulating and governing owners and drivers of cabs, motor or other vehicles used for hire within the City of Brantford, and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of passengers, either wholly within the City or to any point not more than five kilometres beyond its limits, and for providing for the collection of such rates or fares and for revoking any such licences;

AND WHEREAS it has been found advisable to repeal Bylaw Number 1-94;

THEREFORE, the Police Services Board for the City of Brantford enacts Bylaw Number 1-99 as follows:

1. For the purpose of this Bylaw:
  - (a) "Board" shall mean the Police Services Board for the City of Brantford.
  - (b) "Chief of Police" shall mean the Chief of Police for the City of Brantford.
  - (c) "City" shall mean the municipality of the City of Brantford.
  - (d) "Cab" shall include taxicabs.
  - (e) "Call" within the meaning of this Bylaw shall include a request or direction for the use of a taxicab, transmitted by radio or radio-phone, or by personal request of a prospective passenger, or in any other manner.
  - (f) "Licence" shall mean a licence granted by the Board under the provisions of this Bylaw.
  - (g) "Taxicab" shall mean a motor vehicle having a normal seating capacity of not more than nine persons, kept or used for hire for the conveyance of passengers either wholly within the City of Brantford or to any point not more than five kilometres beyond its limits, but shall not include a public vehicle as defined in *The Public Vehicles Act, R.S.O.*, an ambulance, a funeral hearse or a limousine.

- (h) "Person" shall mean and include one or more persons, corporations, partnership, association or any other legal entity.
- (i) "Owner" shall mean the registered owner of a taxicab who is licensed as such under this Bylaw.
- (j) "Driver" shall mean a driver of a taxicab who is licensed as such under this Bylaw.
- (k) "Taxicab Broker" shall mean any person who accepts calls in any manner for taxicabs that are used for hire and that are not owned by that person or that person's immediate family or employer.
- (l) "Limousine" shall mean a motor vehicle which is used for hire for the conveyance of passengers for which the fee is charged on an hourly or greater basis or a flat fee for the transportation to a specific place and not at a metered rate, but shall not include a taxicab licensed under this Bylaw, a vehicle as defined in the *Public Vehicles Act, R.S.O. 1980*, an ambulance or a funeral hearse.

## 2. DUTIES OF THE CHIEF OF POLICE

The Chief of Police shall have supervision over all persons licensed under this Bylaw and over all cabs and other vehicles together with the equipment used by them, and the following shall be the duties of the Chief of Police in connection with the provisions of this Bylaw:

- (a)
  - (i) To submit to the Board applications for licences, transfers of licences, and reports for the revoking of any licences.
  - (ii) To make all necessary enquiries concerning applications for licences or transfers thereof as may be requisite to secure due observance of the law and this Bylaw.
  - (iii) To make all necessary enquiries concerning the fitness of applicants for licences, **including a criminal record check and vulnerable sector screening**, and without limiting the generality of the foregoing, investigate any police record.
  - (iv) To keep a register of all licences and transfers of licences granted by the Board, which register shall contain the name or names of the applicants, and the number of cabs kept by each applicant for a licence, the amount paid for the same and the date of the licence, and such further particulars and such other books and the Board may order.

- (v) To furnish each person taking out a licence with one copy of this Bylaw, and each owner with a tariff card, and each driver with an identification number, shown therein.
  - (vi) To issue all transfers of licences as may be authorized.
  - (vii) To prosecute all persons who shall offend against any of the provisions of this Bylaw.
  - (viii) To maintain a priority waiting list of applications for taxi owner's licences in order of the date on which they are received. This list shall be used in determining the priorities for the issuance of all licences.
  - (ix) To ensure that no person applies for more than one taxicab owners licence at any given time. Once a licence has been granted, they may apply again and their name shall be placed at the bottom of the priority list.
- (b) Any act authorized or directed to be done under the provisions of this Bylaw by the Chief of Police may be done by any member of the Brantford Police Service except as to the power to suspend licences.

### 3. LICENCES

- (a) No person shall:
- (i) Own a taxicab for hire within the City without having a current licence so to do issued under the provisions of this Bylaw and herein referred to as a Taxicab Owner's Licence.
  - (ii) Drive a taxicab within the City without having a current valid licence so to do issued under the provisions of this Bylaw and herein referred to as a Taxi Driver's Licence.
  - (iii) Act as a taxicab broker within the City without having a current valid licence so to do issued under the provisions of this Bylaw and herein referred to as a Taxicab Broker's Licence.
- (b) Every licence issued under the provisions of this Bylaw shall, unless sooner revoked or cancelled, expire on the 31st day of March next after the date of issue thereof.
- (c) (i) All taxicab driver's licences shall be put into operation within thirty days after notification of the applicant of the approval of issue, otherwise they shall be revoked.

- (ii) All vehicle licences which remain inoperative for a period of thirty days shall be revoked unless otherwise directed by the Chief of Police.
- (iii) The number of current valid taxicab owner's licences shall at all times be limited to ninety-four (94) or such other numbers greater or lesser as the Board may by resolution determine from time to time.
- (iv) No person shall enjoy a vested right in the continuance of a vehicle licence plate and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of a licence shall be the property of the board.
- (v) Every person licensed under the provisions of this Bylaw who intends to withdraw or terminate their services pursuant to such licence will give forty-eight hours notice in writing to the board of such intention. Upon the expiration of the forty-eight hour notice of the licensee, will surrender such licence to the Chief of Police forthwith.
- (vi) Every person licensed under this Bylaw shall upon changing their address, notify the Chief of Police within 48 hours, giving the new address.
- (vii) All brokers, owners/operators, shall by February 1<sup>st</sup> of each year provide the Chief of Police with the name, current address and date of birth of the licensees in their employment.
- (viii) By February 1<sup>st</sup> of each year, unemployed licence holders shall provide their name, current address and date of birth to the Chief of Police.

#### 4. APPLICATIONS FOR LICENCES

- (a) With respect to brokers and owners/operators, applications for licences, transfers of a licence, or the renewal of a licence shall be addressed to the Chief of Police and delivered upon such forms as may be prescribed by the Board together with payment of the appropriate licence fee and proof of a valid insurance policy where requested by this Bylaw. All such applicants shall be fingerprinted if so required by the Chief of Police.
  - (i) In making an application as a new company, or through the transfer of a company already in existence, the applicant for a Taxicab Broker's Licence must appear in person, as an officer of the corporation and satisfy the Chief of Police that the applicant is able to carry on the operation of a taxicab brokerage, as defined in Section 1, part (k) of the Taxi Bylaw.
  - (ii) To support any application for a new licence, the applicant must appear in

public before the Police Services Board.

- (b) Every applicant for a taxicab driver's licence, upon approval from the Brantford Police Service, will attend at the City Clerk's office, City Hall, be photographed, and receive their taxi driver's licence and identification card. Renewal of their taxi driver's licence will also require the driver to attend at the City Clerk's office, City Hall, to receive a valid identification card.
  - (i) In respect to this Bylaw, the duties of the City Clerk's office will include the processing and issuing of taxi licences and identification cards, upon approval of the Brantford Police Service, and creating and maintaining a taxi data base which will be available to the Brantford Police Service and allow 24/7 access to photo information.
- (c) All licence and transfer fees as prescribed in Schedule "B" of this Bylaw shall be payable to the Chief of Police, who in turn shall transmit such monies to the City Treasurer.
- (d) Every vehicle owner shall submit with their application, a certificate of mechanical fitness with respect to any used vehicle to be licensed, certified that said vehicle is in satisfactory condition of mechanical repair and suitable for use as a taxicab.

## 5. FINANCIAL RESPONSIBILITY

No person shall be granted or hold a taxicab owner's licence unless the applicant establishes and maintains in effect a current valid policy of insurance issued by a company authorized to do business in Ontario. Such insurance shall apply to the vehicle in respect of which the licence is sought and shall indemnify and protect the owner and the public, including passengers carried in such vehicle of **\$2,000,000** legal liability for bodily injury or death of any person or damage to property. The required policy of insurance shall be endorsed with the condition that neither the insurer nor the insured shall cancel the policy unless thirty days prior notice in writing is delivered to the Board.

## 6. REVOCATION OR SUSPENSION OF LICENCES

- (a) The Chief of Police may at any time for any cause appearing to him sufficient, suspend any licence and in such event shall report such suspension to the Board with all reasonable dispatch and the Board may either continue such suspension for such period of time as it shall determine or may re-instate such licence, or if the circumstances appear to warrant such action, may revoke such licence. No suspension of a licence by the Chief of Police is effective after the expiration of two weeks from the date of the suspension or the time of the next meeting of the Board after the suspension, whichever comes first.

- (b) If the holder of a licence is convicted of any infraction of this Bylaw or any Bylaw of the City regulating traffic or any of the provisions of the Ontario *Highway Traffic Act* or is convicted of one infraction of the *Ontario Liquor Control Act* or the *Criminal Code of Canada*, his/her licence may be forthwith revoked by the Board.
- (c) Any transfer of any licence done without the consent of the Chief of Police will result in the immediate forfeiture of the licence, and possible fine.
- (d) At a meeting of the Board where the suspension or revocation of a licence is being considered, the owner of that licence shall be notified of the date, time and place of the meeting and shall have the opportunity to speak and give evidence on their own behalf.

## 7. QUALIFICATIONS

- (a) The Board may, in its discretion, authorize the issuing of any licence with such stipulations and conditions as may be deemed proper.
- (b) No person shall be granted a taxicab driver's licence unless they are the holder of a valid Class "G" or equivalent licence for the Province of Ontario.
- (c) Every owner of more than one cab required to be licensed under this Bylaw shall obtain a separate licence for each cab.
- (d) Any taxicab owner's licence or broker's licence issued under this Bylaw may be transferred to any other person approved by the Board, the transferee complying with all provisions of this Bylaw.
- (e) Any act done by or by authority of the Chief of Police under any of the provisions of this Bylaw shall be subject to an appeal to the Board by any person feeling aggrieved.
- (f) Every person licensed as a taxicab broker will:
  - (i) Make out and deliver to the Chief of Police a monthly list of:
    - (a) the names of the owner or owners operating taxicabs in association with such broker and the number of taxicabs operating by such owner or owners, and
    - (b) the names of all taxicab drivers operating in association with such broker.
  - (ii) Keep a record of calls received and dispatched, giving date, time, origin,

vehicle licence number and driver. Records to be retained in an orderly manner for a period of twelve months on such forms as approved by the Chief of Police and open for inspection to the Chief of Police or any designated police officer.

- (iii) Ensure that all vehicles and drivers dispatched are properly licensed under this Bylaw.
- (iv) Upon becoming aware that a taxicab driver in their employment has been charged with an offence under the Liquor Licence Act, the Criminal Code of Canada, or other criminal offence, report the information to the Chief of Police.

## 8. TAXICAB OWNER

Every person licensed as a taxicab owner shall:

- (a) Keep a record of calls answered by vehicles showing date, time, origin, destination, vehicle licence number and driver. Records to be kept in an orderly manner for a period of twelve months and open for inspection of the Chief of Police or any designated officer.
- (b) Display the driver's identification card and the taxi tariff card in the vehicle so as to be conveniently seen and read by any person engaging the taxicab.
- (c) Submit their vehicle for examination prior to a licence being issued and following the completion of each six month period thereafter, or at any time as required by the Chief of Police.
- (d) Upon disposing of a vehicle, within forty-eight hours, attend at the office of the Chief of Police and surrender the licence in respect of such taxicab.
- (e) When employing a taxicab driver, notify the Chief of Police within forty-eight hours thereafter that he/she has employed such driver, and when said driver leaves his/her employ, notify the Chief of Police within forty-eight hours to such effect, giving the reasons thereof.
- (f) Require that drivers employed have been approved by the company providing the insurance coverage under Section 5 of this Bylaw.
- (g) Require that persons engaged as taxicab drivers are properly licensed under this Bylaw.
- (h) Prominently display on the rear exterior of the taxicab the numbered metal licence

plate provided by the Board. Effective January 1, 2012, owners and drivers of taxicabs are to make available vehicle registration and identification information in an accessible format to persons with disabilities.

- (i) Add to both front fenders of the vehicle near the doors, lettering of a contrasting colour to the body paint depicting the number of the issued metal licence plate of a size no smaller than 4 inches high or 10.2 cm.
- (j) Add to both front doors of the vehicle, lettering of a contrasting colour to the body paint, depicting the name of the taxicab company, of a size no smaller than 2 inches high or 5 cm.
- (k) Effective March 31, 2008, equip the taxicab with an emergency lighting warning system, mounted on the exterior of the vehicle, as approved by the Licensing Officer, to provide safety for the taxicab driver.

## 9. TAXICAB DRIVER

- (a) Every person licensed as a taxicab driver under this Bylaw shall keep a daily record (hereinafter referred to as a “trip” record) of all trips made and such record shall contain the following information:
  - (i) The taxicab driver’s identification licence number and the taxicab plate number issued under the provisions of this Bylaw.
  - (ii) The amount of the fare collected for each trip.
  - (iii) The date, time, origin, and destination of each trip and the number of passengers carried.
- (b) Every person licensed as a taxicab driver under this Bylaw will:
  - (i) upon request of any police officer, provide full information as to passengers carried.
  - (ii) place their taxi driver’s identification card, bearing first name only, photo and badge number, in the holder provided so that it may be conveniently seen and read by passengers.
  - (iii) while on duty display on their person the licence identification card, bearing first name, photo and badge number, furnished by the Board and shall permit any person to note the number on being requested to do so. The licence identification card shall be worn externally and attached to the clothing in a visible location.



- (iv) travel by the most direct route to the point of destination, unless otherwise directed by the person engaging the taxicab.
- (v) when called upon to do so, assist any police officer by conveying in their taxicab any prisoner to the common jail or Police Station and convey to a hospital or elsewhere as may be required any person who has been wounded or who has met with an accident or been taken suddenly ill (provided such illness is not of an infectious nature) and shall be entitled to the fare on charge specified in the tariff provided by this Bylaw.
- (vi) search their vehicle at the beginning and termination of their tour of duty for any alcoholic beverages, drugs or any other illegal goods.
- (vii) notify the Chief of Police when charged with any infraction of the *Ontario Liquor Licence Act*, the *Criminal Code of Canada* or other criminal offence.

10. EQUIPMENT AND ITS USE

Every owner licensed under this Bylaw shall have affixed to each taxicab in respect to which such owner is licensed, a taximeter for registering distances travelled and computing fares to be paid, the type of which shall first be submitted to and approved by the Chief of Police and for all taxicabs so equipped, the following provisions shall apply:

Each taximeter shall be:

- (a) submitted when required for testing, inspection and sealing by the Chief of Police.
- (b) illuminated between dusk and dawn.
- (c) so placed as to be conveniently seen at all times by the passenger or passengers thereof.
- (d) used only when the seal therein is intact.
- (e) kept in good working order at all times and not used when defective in any way.
- (f) numbered and not used until approved by the Chief of Police.
- (g) adjusted in accordance with the tariff prescribed by Schedule "A" of this Bylaw.

The owner or driver of a taxicab equipped with a taximeter shall not operate such taxicab unless and until the taximeter has been tested and sealed by the Chief of Police, nor shall such owner or driver operate such cab when the taximeter has been changed, repaired, altered, tampered with or adjusted, unless and until such taximeter has been subsequently so tested and sealed.

11. TARIFF AND TARIFF CARDS

- (a) The rates or fares to be charged by the owners or drivers of cabs or motor vehicles to which this Bylaw applies for the conveyance of passengers, either wholly within the City of Brantford Limits or to any point not more than five kilometres beyond its limits shall be exactly as shown in Schedule “A” of this Bylaw and no higher or lower amount than that contained in said Schedule shall be charged or payable.
- (b) No owner or driver licensed under this Bylaw shall be entitled to recover or receive any fare or charge from any person or persons from whom any fare or charge greater or less than those authorized by this Bylaw or to whom they refused to show their card or tariff as provided in this Bylaw.
- (c) Owners and drivers of taxicabs are prohibited from charging a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip; and from charging a fee for the storage of mobility aids or mobility assistive devices.
- (d) Any person employing any taxicab may require the driver thereof to furnish a receipt for any charges made and paid and the driver shall promptly furnish such receipt upon request together with their name and taxicab plate number.
- (e) No owner or driver licensed under this Bylaw shall publish or use a tariff or demand or receive rates and charges other than those authorized by this Bylaw.
- (f) The tariff card furnished by the Chief of Police showing the tariffs as set out in Schedule “A” shall be placed and kept by the person licensed in or upon his cab, and no person licensed under this Bylaw shall use any tariff card or exhibit any tariff other than that shown on the said card, and no person shall lend, exchange otherwise dispose of their tariff cards.
- (g) Tariff cards, badges and taxicab plates defaced, lost or destroyed may be replaced by the Chief of Police upon the original being satisfactorily accounted for and replacement costs being paid.

12. SCHEDULE “A”

- (a) *METER RATE WITHIN THE CITY OF BRANTFORD:*
  - (i) To be defined as a combination of mileage and waiting time as computed by the taxi meter.
  - (ii) All fares to be charged on a meter rate basis.

(b) *MILEAGE RATE WITHIN THE CITY OF BRANTFORD OR A POINT WITHIN FIVE KILOMETRES OF THE CITY BOUNDARIES:*

- (i) First 1/18 km or part thereof \$3.00
- (ii) Each additional 1/18 km or fraction thereof .10

(c) *WAITING TIME:*

- (i) \$30.00 per hour as computed by taxi meter;
- (ii) Five minutes time on regular calls, and
- (iii) No free time on time calls.

(d) *OTHER CHARGES*

- (i) Requested van calls (all vans) \$15.00 minimum
- (ii) Excess baggage \$1.00 + meter rate
- (iii) 13% HST, effective July 1, 2010

13. SCHEDULE "B" - Licence Fees Payable

*Effective January 1, 2008, the annual fees to be hereafter paid by the owners and drivers for licences issued under this Bylaw shall be as follows:*

- (a) For each taxicab broker \$94.76
- (b) Each taxicab owner for each automobile used as a cab in carrying passengers for hire within the City of Brantford. \$46.35
- (c) For each new driver of a licensed cab \$25.75 + cost of identification card
- (d) For each renewal of a taxicab driver's licence having met with the requirements of this Bylaw \$17.51
- (e) ***For each replacement of a taxicab licence, an administration fee will be charged for re-issue/duplicate of photo ID card(s), having met with the requirements of the Bylaw.***
- (f) All licences applied for and granted by the Brantford Police Services Board after the first day of November of each year, (with the exception of a licence for drivers), half of the above rate shall be charged.

14. The licence of any person found to be guilty of any breach of the provisions of this Bylaw may be revoked by the Board.

15. Every person who contravenes any provision of this Bylaw is guilty of an offence, and upon conviction, is liable to a fine not to exceed \$1,000.00, exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*.
16. Bylaw Number 1-94 and all amendments thereto are hereby repealed, but all licences issued thereunder shall, during the period for which the same have been issued, remain in force unless or until the same are forfeited or revoked and all such licences heretofore issued shall be deemed to have been issued under and subject to the provisions of this Bylaw.
17. This Bylaw shall be effective on the 31<sup>st</sup> day of March, 2000.

READ A FIRST TIME  
READ A SECOND TIME  
READ A THIRD TIME

February 17, 1999  
March 16, 1999  
March 16, 1999

---

Chairman

---

Secretary

AMENDMENT TO SCHEDULE 'A' (b)(i)

READ A FIRST TIME	May 17, 2000
READ A SECOND TIME	May 17, 2000
READ A THIRD TIME	May 17, 2000
PASSED	May 17, 2000

---

Chairman

---

Secretary

REMOVAL OF SCHEDULE 'A', (d)(iv)

READ A FIRST TIME	September 20, 2000
READ A SECOND TIME	September 20, 2000
READ A THIRD TIME	September 20, 2000
PASSED	September 20, 2000

---

Chairman

---

Secretary

AMENDMENT TO SCHEDULE 'B' - Paragraph 13(c) (Removal of phrase)

READ A FIRST TIME	March 14, 2001
READ A SECOND TIME	March 14, 2001
READ A THIRD TIME	March 14, 2001
PASSED	March 14, 2001

---

Chair

---

Secretary



AMENDMENT paragraph 4(b), insertion of 4(b)(i) and 8(j) -

READ A FIRST TIME	February 20, 2002
READ A SECOND TIME	February 20, 2002
READ A THIRD TIME	February 20, 2002
PASSED	February 20, 2002

---

Chair

---

Executive Assistant

AMENDMENT TO SCHEDULE 'A' - Paragraph 12(b)(i) and (ii)

READ A FIRST TIME	March 19, 2003
READ A SECOND TIME	March 19, 2003
READ A THIRD TIME	March 19, 2003
PASSED	March 19, 2003

---

Chair

---

Executive Assistant

AMENDMENT TO Paragraphs 9(b)(ii) and 9(b)(iii)

READ A FIRST TIME	February 23, 2005
READ A SECOND TIME	February 23, 2005
READ A THIRD TIME	February 23, 2005
PASSED	February 23, 2005

---

Chair

---

Executive Assistant

AMENDMENT TO Schedule A, paragraphs (b), (c) and (d)

READ A FIRST TIME	May 11, 2006
READ A SECOND TIME	May 11, 2006
READ A THIRD TIME	May 11, 2006
PASSED	May 11, 2006

---

Chair

---

Executive Assistant

AMENDMENT TO Paragraph 13 - Schedule "B"

READ A FIRST TIME	September 20, 2007
READ A SECOND TIME	September 20, 2007
READ A THIRD TIME	September 20, 2007
PASSED	September 20, 2007

---

Chair

---

Executive Assistant

AMENDMENT TO SCHEDULE 'A', Paragraphs (b)(i) and (ii) and (d)(i), as well as deletion of (d)(iii):

READ A FIRST TIME  
READ A SECOND TIME  
READ A THIRD TIME  
PASSED

---

Chair

---

Executive Assistant

AMENDMENT TO Paragraph 3(c)(iii), raising number of plates from 85 to 94:

READ A FIRST TIME	October 16, 2008
READ A SECOND TIME	October 16, 2008
READ A THIRD TIME	October 16, 2008
PASSED	October 16, 2008

---

Chair

---

Executive Assistant

AMENDMENT TO Paragraph 12 – Schedule “A”, subparagraph(d) – “Other Charges”, new subsection (iii) “13% HST, effective July 1, 2010”.

READ A FIRST TIME	April 15, 2010
READ A SECOND TIME	April 15, 2010
READ A THIRD TIME	April 15, 2010
PASSED	April 15, 2010

---

Chair

---

Executive Assistant



AMENDMENT TO paragraphs 8(h) and 11(c) in accordance with *Accessibility for Ontarians with Disabilities Act, 2005*:

READ A FIRST TIME	September 15, 2011
READ A SECOND TIME	September 15, 2011
READ A THIRD TIME	September 15, 2011
PASSED	September 15, 2011

---

Mayor Chris Friel, Chair

---

Margaret Eves, Executive Assistant

AMENDMENT TO paragraphs 2(a)(iii) – inclusion of vulnerable sector screening, and 5 – increase of legal liability to \$2 million

READ A FIRST TIME	March 22, 2012
READ A SECOND TIME	March 22, 2012
READ A THIRD TIME	March 22, 2012
PASSED	March 22, 2012

---

Jean Anderson, Chair

---

Margaret Eves, Executive Assistant

AMENDMENT TO Schedule "B" – administration fee for replacement licences

READ A FIRST TIME	September 20, 2012
READ A SECOND TIME	September 20, 2012
READ A THIRD TIME	September 20, 2012
PASSED	September 20, 2012

---

Jean Anderson, Chair

---

Margaret Eves, Executive Assistant