

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 2019

Being a by-law to repeal By-Law No. 1660, and to provide for the licensing, regulating, and governing of taxis and limousines and their drivers, within the Municipality of Marathon.

WHEREAS pursuant to paragraphs 6, 8, and 11 of Subsection 10(2) of the Municipal Act, 2001, S.O. 2001, Chap. 25, as amended, a municipality may pass by-laws for the health, safety and well-being of persons, and for the protection of persons and property, including consumer protection, in addition to business licensing;

AND WHEREAS pursuant to Subsection 8(3) of the Municipal Act, 2001, the by-laws of a municipality may regulate or prohibit regarding a certain matter, and may require a person to do certain things or provide for a system of licenses respecting that matter;

AND WHEREAS Section 151 of the Municipal Act, 2001 authorizes a municipality to license, regulate and govern any business carried out wholly or partly within the municipality, and Section 10(2) of the Act also authorizes the municipality to pass bylaws for the health, safety and well-being of persons and protection of persons and property including consumer protection;

AND WHEREAS Section 156 of the Municipal Act, 2001 provides further authority for the licensing, regulating and governing of the owners and drivers of taxicabs;

AND WHEREAS the Council of the Town of Marathon has determined that it is appropriate and desirable to license taxicabs, taxicab drivers and limousine services for the purposes of ensuring the health and safety of both passengers and drivers, for the protection of persons and property and to ensure consumer protection, and to ensure that efficient vehicle-for-hire services are available to all persons within the Town of Marathon;

NOW THEREFORE the Council of the Town of Marathon enacts as follows:

1. SHORT TITLE

This by-law may be cited as the "Taxi/Limousine By-Law".

2. INTERPRETATION

- a) In this by-law:
 - i. words importing the singular number only, include more persons, parties or things of the same kind than one and the converse, and
 - ii. a word interpreted in the singular number has a corresponding meaning when used in the plural;
- b) It is declared that if any section, subsection or part or parts thereof be declared by any court of law to be bad, illegal or ultra vires, such section or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

3. DEFINITIONS

- a) In this by-law, the following terms have the following meanings:

"Broker" means any person who owns a hired vehicle business, operates their own hired vehicle(s) and/or dispatches hired vehicles owned by others.

“By-Law Enforcement Officer” means a person employed by the Municipality of Marathon as a By-Law Enforcement Officer or a Municipal Law Enforcement Officer under section 15(a) of the Police Services Act RSO 1990 Chapter P15 x15(1) for the purpose of enforcing Municipal By-laws.

“Clerk” means the Clerk for the Municipality of Marathon.

“Holiday Season License” means a permit for a taxi issued annually by the clerk and approved by Council for a specific period of time, namely, November 15th to January 15th of the following year.

“Hours of Operation” means the time in which the company is offering services, namely Sunday through Wednesday from 06:00 hours to 22:30 hours, and Thursday through Saturday from 06:00 hours to 02:00 hours.

“Licence” means a licence issued under this By-law.

“Licensee” means a person to whom a License has been granted under this By-law.

“Limousine” means a motor vehicle which is used for hire for the conveyance of not more than eight (8) passengers exclusive of the driver on an hourly basis or for a fixed fee between any two given locations and is not equipped with a meter and means a luxury motor vehicle of special quality. The term expressly excludes: taxi cabs, ambulances, buses and funeral hearses.

“Municipality” means the Corporation of the Town of Marathon.

“Operate” means to engage in the business of providing service within the jurisdiction of the Municipality.

“Police” means the Ontario Provincial Police.

“Restricted Parking Area” shall mean any area within the Municipality, in which parking is controlled by no parking areas, for parking by Municipality of Marathon Parking By-Law, as amended.

“Taxi” shall mean a motor vehicle, which is used or being used for the conveyance of passengers having a seating capacity of not more than seven (7) persons exclusive of the driver, and shall exclude private vehicle for hire companies.

“Vehicle Registration Bumper Sticker” shall mean the identification sticker issued by the Municipality of Marathon licencing department, displaying licencing year of issue, taxi broker’s business name, and assigned vehicle registration number.

“Vehicle Registration Number” shall mean a sequential number assigned to vehicles registered with the Municipality of Marathon licencing department for identification purposes.

4. LICENCING

- a) No person shall operate a taxi or limousine within the Municipality unless that person is the holder of a current broker’s licence for such service.
- b) No person shall drive a taxi or limousine within the Municipality unless that person is the current holder of a valid driver’s licence for such service.
- c) No person shall use any vehicle as a taxi or limousine within the Municipality unless there is a current Ontario vehicle licence plate.
- d) Every licence expires on January 31 each year.
- e) No one owner shall control more than sixty percent (60%) of issued Taxi Vehicle Licences in any given year, unless approved by Council.

5. APPLICATION FOR LICENCES

- a) A person who wishes to obtain a licence or renewal licence under this By-law shall apply to the Clerk.
- b) An application for a Taxi Driver Licence or the renewal of a Taxi Driver Licence shall be in a form prescribed by the Clerk, and shall be accompanied with the following:
 - i. The applicable fee;
 - ii. A current Vulnerable Sector Check for the applicant obtained by them and at their own expense from the Ontario Provincial Police. If the Vulnerable Sector Check with fingerprint request is negative and no criminal record exists, the Vulnerable Sector Check will only be required once every five (5) years and the Criminal Record Check will be required annually. If the Vulnerable Sector Check is positive, this check will be required annually until a pardon has been granted; and
 - iii. A copy of the applicant's valid Ontario Class G, Driver's Licence, or equivalent driver's licence issued by a Canadian Province;
 - iv. The written confirmation from a licenced taxi or limousine broker that the driver will be employed.
 - v. A current copy of Ontario Driver Record Search or equivalent document issued by another jurisdiction obtained by the applicant at their own expense from the Ministry of Transportation or similar agency or Ministry of another province.
- c) An incomplete application will be returned to the applicant by the Clerk and no licence will be issued until the application is complete.
- d) No person shall be issued a licence or is entitled to maintain a licence under this By-law if the applicant or licensee:
 - i. Has been found guilty of an offence under the Criminal Code of Canada within the proceeding three (3) years, or
 - ii. Has been found guilty of an offence under the Liquor Licence Act of Ontario relating to the illegal purchase or sale of liquor within the proceeding three (3) years, or
 - iii. Has ever been convicted of an offence as defined in Sections 150 through 160 of the Criminal Code of Canada
- e) Provided however, that a person convicted of an offence referred to in this by-law is eligible for a licence if the person received a discharge, a suspended sentence, or the matter was prosecuted by way of summary conviction.
- f) An application for a Vehicle Licence or to Renew a Vehicle Licence shall also include:
 - i. A copy of the vehicle registration;
 - ii. Proof of insurance to at least \$2,000,000.00 for third party claims;
 - iii. A valid Ontario certificate of mechanical fitness for the vehicle;
 - iv. The consent of a licensed broker under this By-law, and
- g) An application for the renewal of a licence shall be delivered to the Clerk at least thirty (30) days prior to the expiry of a licence.
- h) The Clerk shall process an application for a licence, or the renewal of a licence within thirty (30) days of receipt and shall advise the applicant accordingly.
- i) In the event of a person applying for a Holiday Season Licence, they must apply by October 31st of that year. The licence must be provided to them from the Municipality no later than November 5th.

6. APPEALS

- a) An applicant whose application for a licence is refused may apply to the Council for a hearing with respect to the said application, and Council may affirm the Clerk's decision or may grant the licence.

7. SUSPENSIONS AND REVOCATION

- a) A taxi or limousine broker or driver who fails to operate in accordance with the provisions of the By-law or any law of the Province of Ontario is subject to having their taxi licence and any attached vehicle licences suspended or revoked by the Clerk.
- b) Where the Clerk has reason to believe that a licensee has failed to comply with the provisions of this By-law or any law of the Province of Ontario, or is no longer eligible for a license, the Clerk may notify the licensee in writing of the Clerk's intention to suspend or revoke the licence. The Clerk shall give reasons for such intention to suspend or revoke a licence.
- c) A licensee who received a notice from the Clerk advising of their intent to suspend or revoke a licence may appeal such decision to the Council within fifteen (15) days of the date the notice was mailed or otherwise delivered to the licensee, and failing such appeal to Council, the Clerk's decision is final.

8. TRANSFERS AND NON-USE

- a) No taxi driver's licence can be transferred from one person to another; and no taxi vehicle license can be transferred from one vehicle to another.
- b) A taxi broker who fails to operate a taxi business for sixty (60) consecutive days will be deemed to have withdrawn from business and the broker's license is revoked.
- c) A taxi broker who ceases operation of their business for more than seven (7) days shall immediately notify the Clerk and turn in all permits and licences to the Clerk.

9. TARIFFS AND FEES

- a) The fees payable to the Municipality for licences and renewals are set out in the current Fees and Charges" By-Law.
- b) The fees applicable to a licence issued after June 30th in any year shall be one half (1/2) of the fee set out in "Fees and Charges" By-Law.
- c) The rates chargeable by a taxi or limousine are those set out in the current "Fees and Charges" By-Law, and no rate other than those rates shall be charged.

10. GENERAL

- a) This By-Law applies to all taxis and limousines operating within the Municipality of Marathon except:
 - i. A taxi which meets the criteria of subsection 156(2) of the Municipal Act 2001, namely:
 - The purpose of the conveyance is to transport persons with physical, emotional or mental disabilities from any point in the municipality to any point outside the municipality, and
 - The conveyance is made pursuant to a written contract for the use of a taxi which can legally operate in the municipality in which the conveyance begins or end. 2006, c. 32, SCHED. A, s 82.

- b) This By-law does not apply to an ambulance, or to a police transport vehicle, or to a bus while operating within the authority of a bus licence, or to a vehicle for hire that is privately ran through an outside company.
- c) Taxis shall offer service under the hours of operation as set out in the definitions. Taxis may offer service above and beyond the hours of operation, but no less.
- d) Taxis and limousines shall be kept clean and in a good state of repair, both exterior and interior, including the trunk.
- e) Where the Clerk has reason to believe that a vehicle is not in good mechanical condition, the Clerk may require the broker to provide a new mechanical fitness certificate within seven (7) days of notice in writing.
- f) No broker shall employ a person as a driver unless that person holds a valid Class G Ontario Driver's licence or equivalent valid driver's licence from another Canadian Province.
- g) The holder of any licence under this By-law shall advise the Clerk of any changes to the information provided in the application or any amendments thereto within three (3) days of any change.
- h) No more than one taxi vehicle licence shall be issued for each 1,000 people who reside in the Municipality of Marathon and the surrounding First Nation communities.
- i) A taxi or limousine shall not take more passengers than there are permanently equipped safety belts for passengers.
- j) A taxi or limousine must not take passengers that require infant car seats or booster seats unless required seat is installed in the taxi.
- k) No taxi or limousine shall be washed on any public street.
- l) A taxi broker shall provide service in accordance with the priority of the request for service determined by the sequence of calls.
- m) Every licensee and driver shall take due care of all property that is entrusted to them and accepted for conveyance. Any property found in a vehicle shall be placed in a property box at the broker's business premises and stored for at least thirty (30) days. The broker shall make reasonable efforts to locate the owner of that property.
- o) Every licenced vehicle shall have the broker's business name prominently displayed on the exterior and on both left and right sides of the vehicle.
- p) Every taxi or limousine driver shall carry on their person the Taxi Driver's Licence and on demand from a Police Officer, By-Law Officer or passenger, produce their Taxi Driver's Licence, and provide the name and licence number of the broker under which the vehicle is operated.
- q) No broker or driver of a taxi or limousine shall cause or allow intoxicating substances to be in the vehicle. Provided however, that a passenger may transport unopened legal substances in they are not available to them in the vehicle.
- r) No owner or driver of a taxi or limousine shall permit the vehicle, while on duty, to remain standing or parked at a restricted parking area except for taking on a passenger who has already engaged the vehicle, or discharging passengers.
- t) No vehicle which is more than ten (10) model years old be licenced; provided however that a vehicle which is licenced may have its licence renewed regardless of age as long as it passes the annual required inspection.

- u) Every broker shall post in every licenced vehicle a copy of the passengers "Bill of Rights" as set out in Schedule "A" hereto in a conspicuous location.
- v) Every broker shall ensure that the current "Fees and Charges" By-Law is posted in a conspicuous location visible to passengers.
- w) Every broker shall ensure that the licenced driver operated in accordance with the provisions of the Smoke-Free Ontario Act or any applicable Provincial statutes.
- x) Every driver is required to display their taxi driver photo ID issued by the Municipality of Marathon in their vehicle at all times.

11. TAXIS

- a) A broker of a taxi shall equip each taxi with a rooftop mounted illuminated sign.
- b) A broker shall provide proof of insurance, and a current mechanical fitness certificate to the Clerk annually by January 15 each year.
- c) Each taxi broker shall ensure that each taxi meter is checked for accuracy at least once a year, and within 30 days of any change in the rates pursuant to the By-law.
- d) Every taxi broker shall advise the Clerk of any change to the condition of the taxi meter seal immediately in order to have awareness of repair or replacement.

12. TAXI FARES

- a) No taxicab broker or driver shall charge more or less than the amount shown in the most updated "Fees and Charges By-Law"
- b) Every taxi shall be equipped with a copy of the current "Fees and Charges By-Law" and have it available for passengers to view, showing the current rates as approved by municipal By-Law.
- c) Each taxi broker shall record each far including the time of pick-up and location, number of passengers, time and location of drop-off, and the fare charged.
- d) A taxi or limousine driver shall provide a passenger with a receipt if requested.
- e) No taxi driver or broker shall charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip or for the storage of mobility aids or mobility assistive devices.

13. OFFENCES

- a) Every person who contravenes a provision of this By-law is guilty of an offense and upon conviction, subject to a penalty under the Provincial Offenses Act.
- b) Every person who operates a taxi service or a limousine service without a broker's licence shall, upon conviction be subject to a minimum penalty of \$500.00.
- c) Every person who operates a taxi service or limousine service in the Municipality of Marathon without a broker's licence issued by the Municipality of Marathon shall be deemed to commit a separate offense on each day of such service.
- d) Any person who contravenes any provision of this By-Law is subject to having their taxi and/or broker licence being revoked immediately by the Clerk and/or the By-Law Enforcement Officer.

14. ENFORCEMENT AND REPEAL

- a) All terms of this By-Law shall be enforced by the By-Law Enforcement Officer and/or the Clerk.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14TH DAY OF FEBRUARY A.D., 2022.

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Mayor

(SEAL)

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Clerk

“Passenger Bill of Rights”

Every passenger has the right to a driver who:

- i. Is licenced by the Municipality of Marathon
- ii. Is knowledgeable of the routes and destinations within the Municipality of Marathon
- iii. Is courteous and helpful
- iv. Offers a safe, comfortable and smoke-free ride
- v. Maintains a clean vehicle
- vi. Knows and obeys all traffic laws
- vii. Gives a silent ride, if requested
- viii. Refrains from the use of handheld devices while driving
- ix. Assists passengers into the vehicles with their belongings, unless requested otherwise
- x. Takes the most expeditious route
- xi. Provides a receipt for services, if requested