

CORPORATION OF THE TOWN OF GEORGINA  
IN THE  
REGIONAL MUNICIPALITY OF YORK

AMENDED BY:

BY-LAW NO. 2002-0169 (LI-3)

DATE: 2004-10-25 A BY-LAW RESPECTING THE ISSUE  
OF LICENCES IN THE TOWN OF GEORGINA

WHEREAS the Council of the Town of Georgina may, pursuant to the Municipal Act, as amended, enact by-law for the licensing, regulating and governing of businesses and occupations in the Town of Georgina;

AND WHEREAS the Council of the Town of Georgina deems it desirable to enact a by-law to licence business;

BE IT THEREFORE ENACTED BY THE COUNCIL OF THE TOWN OF GEORGINA:

DEFINITIONS

For the purposes of this by-law:

**Applicant** means a person applying for a licence under this by-law;

**Application** means an application in the form provided by the Licensing Section and accompanied by the appropriate fee;

**Chief-of-Police** means the Chief of Police of The Regional Municipality of York;

**Committee** means the Committee appointed by Council for such purpose of conducting a hearing upon request of an applicant or licensee;

**Council** means the Council of The Corporation of the Town of Georgina;

**File** means to submit a document to the Licence Issuer;

**Fire Chief** means the Fire Chief of the Town of Georgina or his designate;

**Health Department** means York Regional Health Services Department or any other agency carrying out the responsibilities of the York Regional Health Department;

**Licence** means the certificate or other similar document issued pursuant to this by-law as proof of licensing under this by-law;

**Licensed** means to have in one's possession a valid and current licence issued under this by-law and unlicensed has the contrary meaning;

**Licensee** means a person licensed under this by-law;

**Licence Issuer** means the head of the Licensing Section of The Corporation of the Town of Georgina and includes his/her designate;

**Licensing Inspector** means any person appointed by the Corporation of the Town of Georgina as a Municipal Law Enforcement Officer for the purposes of enforcing this by-law.

AMENDED BY:

BY-LAW NO. 2010-0075 (LI-3)

DATE: June 28, 2010

AMENDED BY:

BY-LAW NO. 2007-0019 (LI-3)

DATE: April 26, 2007

BY-LAW NO. 2007-0059 (LI-3)

DATE: May 28, 2007

AMENDED BY: AMENDED BY:

BY-LAW NO. 2014-0005 (LI-3)

DATE: Jan. 15/14

BY-LAW NO. 2006-0039 (LI-3)

DATE: Apr. 10/06

**Medical Officer of Health** means a person appointed pursuant to s. 39 of the *Public Health Act*, R.S.O. 1990, as amended;

**Person** includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

**Town** means the Corporation of the Town of Georgina in The Regional Municipality of York;

## **2. LICENCES REQUIRED**

(1) There shall be taken out by:

- (a) every owner or operator of an adult entertainment facility (see Schedule "1");
- (b) every owner or operator of an adult entertainment parlour (see Schedule "2");
- (c) every person who owns or operates a bed and breakfast (see Schedule "3");
- (d) every person who owns or operates a body rub parlour (see Schedule "4");
- (e) every person who conducts an exhibition/festival (see Schedule "5");
- (f) every person who sells or offers for sale any recreational low hazard fireworks (see Schedule "6");
- (g) every person who acts or carries on business as a salesperson, hawker, pedlar or goes from place to place or to a particular place with goods, wares or merchandise for sale, or, carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards (see Schedule "7");
- (h) every person who owns a horse riding establishment (see Schedule "8");
- (i) every person who owns or operates a place of amusement (see Schedule "9");
- (j) every person who owns or operates a vehicle from which refreshments are sold for consumption by the public (see Schedule "10");
- (k) every owner or keeper of a salvage shop or salvage yard; and every person who goes from house to house or along any street whether public or private for the purpose of collecting, purchasing or obtaining second-hand goods every owner or keeper of a shop, store or other place for the purchase, sale or exchange of second-hand goods; every person other than those before mentioned who engage in the business of purchasing, selling or exchanging or otherwise dealing in second-hand goods in or from a yard, shop, store or other premises(see Schedule "11");

- (l) every person who conducts a special sale (see Schedule "12");
- (m) every person who owns or operates a limousine, taxicab or limousine or taxicab brokerage and every person who drives a limousine or taxicab (see Schedule "13");

a licence from the Town of Georgina authorizing them to carry on their trades, callings, businesses, and occupations in the Town of Georgina for which licence the person shall pay to the Licence Issuer at the time of filing an application, the fee established by this by-law, or any amending by-law.

- (2) An application for a licence, or the renewal thereof, respecting any of the several trades, callings, businesses and occupations mentioned in this by-law or any amending by-law hereto, the applicant shall complete the prescribed forms.
- (3) The licences for the trades, callings, businesses and occupations set out in Appendix 'B' to this by-law shall, unless they are expressed to be for a shorter or longer time, be for one year, and unless they are sooner forfeited or revoked, shall in each case, expire in each year on the date set out opposite the same.
- (4) The respective sums of money set out in this by-law opposite the respective descriptions of licences in Appendix 'B' hereinafter referred to as the "Fee Schedule" is hereby established as the amounts for such licences.

### **3. LATE PENALTY**

In addition to the fee required to be submitted as set out in Appendix 'B' a late penalty equal to 50% of the fee must also be submitted with a renewal application if the renewal application is being submitted after the expiry date as set out in Appendix 'B'.

### **4. PROCEDURES AND GENERAL PROVISIONS**

The Licence Issuer shall carry out the administrative duties associated with the licensing function for the Town of Georgina;

- (a) No person shall alter, erase or modify a licence or allow the alteration, erasure or modification of a licence without the approval of the Licence Issuer;
- (b) Every application for a licence shall be delivered to the licensing section thirty (30) days in advance of requiring said licence;
- (c) Every application for renewal of a licence shall be delivered to the licensing section thirty (30) days prior to the expiry date of the licence as set out in Appendix 'B';
- (d) Every corporate applicant shall file a copy of its incorporating documents, along with any amending documents, and the most recent annual filing, if any;
- (e) Where two or more persons carry on or engage in partnership in any of the trades, callings, businesses or occupations set out in this by-law the licence may be issued in the name of one partner only, but when the application for licence is made, the name and address of each member of the partnership shall be set out therein;

- (f) Every applicant shall file a business registration under the ***Business Names Act, R.S.O. 1990*** as amended, where the name is other than in name of sole proprietor;
- (g) Every licensee or applicant on request of the Licence Issuer shall file such documentation as is necessary to determine the applicants' compliance with the provisions of this by-law;
- (h) Every person applying for or holding a licence under this by-law shall, in such application or in carrying on or engaging in the trade, calling, business or occupation in respect of which the licence is issued, observe, comply with and be governed by the regulations set out in this by-law, the respective Schedules to this by-law or any amending by-law which relate to such person;
- (i) Every licensee shall, on request of the Police, Licence Issuer or Licensing Inspector, produce his licence and any other documentation requested;
- (j) Every licensee operating propane or natural gas vehicles shall have annual inspections and shall have affixed to the windshield, a valid windshield sticker issued by a qualified propane or natural gas inspector;
- (k) Every licensee shall post in a conspicuous place his licence and if the Licence Issuer does not deem posting appropriate shall carry his licence with him;
- (l) All plates issued pursuant to this by-law shall remain the property of the Town;
- (m) When the applicant is not the owner of the property from where he will be operating such business, trade or occupation he will be required to produce a letter from the owner authorizing the use of the property for such purpose.

#### **5. ONTARIO DRIVER'S LICENCE SUSPENDED**

Every driver shall have and maintain in good standing at all times a driver's licence issued by the Province of Ontario, and the driving privileges conferred under this by-law shall, for all purposes of the by-law, be deemed suspended during any period in which such Ontario driver's licence is under suspension.

#### **6. BUSINESS NAME AND CHANGE OF INFORMATION**

- (a) A licensee shall carry on business in the Town in the name, which is set out on the licence and shall not carry on business in the Town in any other name unless he has first notified the licensing section;
- (b) A licensee shall notify the licensing section within five (5) days of any change of name, address or any other information related to the licensee;
- (c) Where the licensee is a corporation, the licensee shall notify the licensing section of any change in the names and addresses of officers and directors, the location of the corporate head office, change of ownership of shares within five (5) days of the change, and if necessary, the licence shall be returned immediately to the licensing section for amendment.

## **7. ADMINISTRATION**

The Licence Issuer shall:

- (a) receive and process all applications for licences and for renewal of licences;
- (b) issue all licences, when an application is made in accordance with the provisions of this by-law;
- (c) maintain complete records showing all applications received and licences issued;
- (d) generally perform all the administrative functions conferred upon the Licence Issuer by this by-law.
- (e) upon receipt of an application, make or cause to be made all investigations relative to such application as set out in Appendix 'E'.

## **8. GROUNDS FOR REFUSAL TO ISSUE OR RENEW A LICENCE**

An applicant is entitled to be licensed and a licensee is entitled to have his licence renewed except where:

- (a) having regard to his financial position, the applicant or licensee cannot reasonably be expected to be financially responsible in the conduct of the business being licensed;
- (b) the past conduct of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he is to be licensed in accordance with the law, and with integrity and honesty;
- (c) the issuing of the licence or renewal of the licence would be contrary to the public interest;
- (d) the applicant or licensee is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this by-law, or any other municipal by-law or any other applicable law;
- (e) where the applicant or licensee is a corporation, the past conduct of an officer or director affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he is to be licensed in accordance with the law.

## **9. LICENCE ISSUER'S POWER TO REFUSE A LICENCE**

The Licence Issuer shall refuse to issue or renew a licence where the applicant or licensee would not be entitled to a licence for the reasons set out in this by-law.

## **10. LICENCE ISSUER'S POWER TO REVOKE OR SUSPEND A LICENCE**

The Licence Issuer shall revoke or suspend a licence or deny renewal of a licence where the licensee fails to comply with any of the provisions of this by-law;

## 11. ISSUING A LICENCE ON TERMS AND CONDITIONS

The Licence Issuer may issue or renew a licence subject to such terms and conditions as are necessary to give effect to this by-law.

- (1) When, for any of the grounds set out in the applicable section of this by-law, an applicant or licensee is not entitled to be licensed or to have his licence renewed, or a licence may be subject to revocation, the Licence Issuer shall refuse to issue or refuse to renew the licence, suspend or revoke the licence, or issue a licence subject to terms and conditions.
- (2) The Licence Issuer shall provide written notice to be given to the applicant:
  - (a) setting out the grounds for the revocation, refusal to issue or renew, suspension or the terms and conditions of a licence;
  - (b) give reasonable particulars of the grounds;
  - (c) be signed by the Licence Issuer; and
  - (d) inform the applicant or licensee of his right to a hearing before a Committee appointed by Council if he delivers a written request for such a hearing within seven (7) days following the date of service.
- (3) The written notice given by the Licence Issuer shall be sufficiently served if delivered personally or by registered mail addressed to the person to whom notice is to be given at the last address given by that person to the Licence Issuer. When written notice is given by registered mail, service shall be deemed effective five (5) days from the date of mailing.
- (4) On receipt of a written request for a hearing from an applicant or a licensee, the Licence Issuer shall schedule the hearing and shall give the applicant or licensee reasonable written notice of the date, time and place of the hearing.
- (5) The provisions of Sections 5 to 15 and 21 to 24 of the **Statutory Powers Procedure Act, R.S.O. 1990**, as amended shall apply to all hearings conducted by the Committee under this by-law.
- (6) When an applicant or licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Committee may proceed with the hearing in his absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.
- (7) At the conclusion of a hearing the Committee shall, as soon as practicable, submit a written report of the hearing to Council and the report shall:
  - (a) summarize the relevant evidence and arguments presented by the parties at the hearing;
  - (b) set out the findings of fact and the recommendations made by the Committee;
  - (c) set out the reasons for the recommendations.

- (8) After giving consideration to the report of the Committee, Council may make any decision with respect to the licence and the applicant or licensee shall not be entitled to any further hearing before Council on the matter and the decision of Council shall be final and binding.
- (9) Where a licence has been revoked or suspended pursuant to this by-law, the Licence Issuer shall send by registered mail, addressed to the person whose licence has been revoked or suspended at the last address given by that person to the Licence Issuer, a written notice of revocation or suspension of licence, and upon the mailing of such written notice the licence shall forthwith be revoked or suspended;
- (10) A licensee whose licence has been revoked or suspended shall return the licence and all plates issued by the Licence Issuer with reference to such licence to the Licence Issuer within twenty-four (24) hours of service of the notice of revocation, and the Licence Issuer or Licence Inspector, may enter upon the business premises or vehicles of the licensee for the purpose of receiving, taking or removing the said licence and plates;
- (11) No person whose licence has been revoked or suspended shall refuse to deliver the licence or plates to the Licence Issuer or a Licence Inspector or in any way obstruct or prevent the Licence Issuer or Licence Inspector from receiving or taking the same.
- (12) Notwithstanding any decision of or statement by Council respecting the granting of a licence or application therefore, no person shall be deemed to be licensed to carry on or engaged in the trade, calling, business or occupation for which such licence is required until he has paid the required fee and has received the physical licence, plate, or other evidence of the granting of such licence provided for in this by-law.
- (13) The Licence Issuer shall on behalf of Council sign all licences issued by it pursuant to this by-law and the Licence Issuer's signature may be printed or mechanically reproduced upon each licence issued, and such licence shall be in such form as Council may from time to time designate.

## **12. INSPECTION**

The Licence Issuer, Licence Inspector or the Police may at all reasonable times:

- (1) inspect any vehicle, building, place or premise used in the carrying on of any trade, calling, business or occupation required to have a licence under this by-law excluding any portion used as a dwelling unit; and
- (2) inspect any goods, articles, books, records and other documents of or relating to any such trade, calling, business or occupation.

## **13. NOTICE OF NON-COMPLIANCE BY AN INSPECTOR**

Where the Licence Issuer or Licence Inspector find that any provision of this by-law is being contravened, he may give to the person whom he believes to be in contravention of the by-law a notice of non-compliance in writing directing compliance with such provision and may require the notice of non-compliance to be carried out forthwith or within such time as he specifies.

#### 14. GENERAL PROHIBITIONS

- (1) No person shall, within the limits of the Town of Georgina, carry on or engage in any of the said trades, callings, businesses or occupations outlined in this by-law unless he possesses a valid licence.
- (2) No person shall hold himself out to be licensed pursuant to this by-law unless he is so licensed.
- (3) No person who has or is required to have a licence under this by-law shall obstruct or hinder the making of any inspection under this by-law, or cause or permit the same to be obstructed or hindered.
- (4) No person shall obstruct the Licence Issuer or Licence Inspector in the execution of his duties.
- (5) No person licensed pursuant to this by-law shall for reason of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, sex, age, marital status, family status or handicap, discriminate against any member of the public.
- (6) No person licensed under this by-law shall in respect of any disabled person;
  - (a) refuse to provide service in any manner to such person;
  - (b) refuse to permit such person to enter into or upon any place, premise, vehicle or thing to which the licence relates; or
  - (c) refuse to permit such person to remain in or upon such place, premise, vehicle or thing;

by reason only have the presence of such disability.

- (7) No person shall operate or permit to be operated any vehicle, which is not licensed pursuant to this by-law.
- (8) No person shall operate or permit to be operated any vehicle, which does not have affixed to it in a manner approved by the Licence Issuer or Licence Inspector a current valid plate.
- (9) No person shall withhold, destroy, conceal or refuse to furnish any information, books, papers, documents, or things relevant to the subject matter of an application or an inspection.
- (10) No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of a licence shall be the property of the Town.
- (11) No person licensed to carry on business under this by-law shall advertise or promote or carry on such business under any name other than the name endorsed upon his licence.
- (12) No person shall sell on any property without the written permission of the property owner which written permission clearly identifies the location.

**15. PENALTY**

Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided in the *Provincial Offences Act, R.S.O. 1990, C. P. 33, as amended.*

**16. INTERPRETATION**

- (1) In this by-law, unless the context otherwise requires, words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine.
- (2) All schedules and appendices to this by-law shall form part of the by-law.
- (3) In the event of conflict between any of the general provisions of this by-law and any provisions set out in the Schedules hereto, the provisions of the Schedule shall prevail.

**17. SEVERABILITY**

Every provision of this by-law is declared to be severable from the remainder of the by-law and if a court of competent jurisdiction shall declare any provision of this by-law invalid such declaration shall not affect the validity of the remainder thereof.

**18. REPEAL**

That by-law Number 99-032(LI-3) and all amendment thereto are hereby repealed.

Read a first, second and third time this 9 day of December, 2002.

  
Jeffrey Holec, Mayor

  
Roland Chénier, Town Clerk

**SCHEDULE 13 TO BY-LAW #2002-0169 (LI-3)**

**Relating to brokers, owners and drivers of taxicabs and limousines**

**1. DEFINITION**

For the purpose of this Schedule:

**Broker** means any person who carries on the business of accepting calls in any manner and of dispatching taxicabs or limousines in any manner;

**Broker's Licence** means the licence issued to a broker pursuant to this schedule;

**Commercial Passenger Vehicle** means a motor vehicle used in the transportation, for hire or reward, of goods and passengers;

**Dispatch** means the communication of an order or information in any manner between a broker and a driver;

**Driver** means any person licensed to drive a vehicle pursuant to this by-law;

**Driver's Licence** means the licence issued to a driver pursuant to this by-law;

**Dues** means any amount charged by a broker to a plate owner or to the lessee to receive orders from the broker;

**Fare** means the amount displayed on the taxicab meter at the conclusion of a trip, or the flat rate allowed pursuant to this schedule for the trip, together with any additional charges allowed pursuant to this schedule;

**Lease** means an agreement between a plate owner and another under which the plate owner provides his owner's plate to be used by that other person for a defined period of time to operate a vehicle as a taxicab or limousine;

**Lessee** means a person who has entered into an agreement with a plate owner for the lease of the owner's plate to be used to operate a vehicle as a taxicab or limousine;

**Limousine** means a luxury class motor vehicle which may either have been specifically constructed as a luxury class limousine or has been altered from the original manufacturers specifications and is not equipped with a taxicab meter, used for hire for the conveyance of passengers within the Town of Georgina or to any point outside the municipality, but shall not include a taxicab, bus, ambulance, funeral hearse, station wagon, panel truck, van or motor vehicle used for funeral processions or a rental motor vehicle without a Driver;

**Meter** means a measuring device used in a taxicab to calculate the fare payable for the trip;

**Motor Vehicle** includes an automobile or any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or motorized snow vehicles, traction engines, farm tractors, self propelled implements of husbandry or road building machines within the meaning of the *Highway Traffic Act*, R.S.O. 1990, as amended;

**Passenger** means any person in a vehicle other than the driver;

**Plate** means a numbered plate or any other form of identification device issued to a person licensed pursuant to this schedule;

**Plate Owner** means a person who owns a plate pursuant to this schedule, either through issue, renewal, lease or transfer;

**Plate Owner's Licence** means the licence issued to a plate owner pursuant to this schedule;

**Priority List** means a list of applicants for a taxicab plate, which is maintained by the licensing section, recording in chronological order by date of application;

**Tariff Card** is a card, issued by the Town of Georgina showing the rates for taxicab services as approved by Council;

**Taxicab** means a motor vehicle as defined in the *Highway Traffic Act*, other than a car pool vehicle, having a seating capacity of not less than four (4) persons or not more than six (6) persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only, being collected or made for the trip and excludes a limousine as herein defined;

**Taxicab Stand** means any area designated to be used by a taxicab while waiting for or picking up passengers;

**Tire** includes the rubber and rim;

**Transfer** means an arrangement between a plate owner and another, whereby the plate owner permanently assigns all interest in the plate to the other;

**Trip** means the distance and time traveled or the distance and time to be traveled, measured from the time and point at which the passenger first enters the taxicab to the point at which the passenger finally leaves the taxicab;

**Trip Record** means a daily written record of the details of each trip;

**Vehicle** includes a motor vehicle, trailer, traction, engine, farm tractor, road-building machine, bicycle 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 Owner** means a person who is registered with the Registrar of Motor Vehicles for the Province of Ontario as the owner of a motor vehicle.

## 2. DRIVER'S LICENCE REQUIREMENTS

- (1) No person may be licensed as a driver unless he is either a Canadian citizen, a permanent resident, or has a valid employment authorization issued by the Government of Canada to work as a driver, and has a working knowledge of English.
- (2) No person shall be licensed as a driver unless he holds a current, valid driver's licence issued under the *Highway Traffic Act*, R.S.O. 1990, as amended.
- (3) No corporation may be licensed as a driver.

(4) Every applicant in respect of a driver's licence shall file with the Licence Issuer:

- (a) a current Ontario Class G Driver's Licence in good standing;
- (b) two (2) prints of a passport size photograph of applicant;
- (c) a Canadian Police Clearance Certificate furnished by York Regional Police and dated within thirty (30) days preceding the date of application;
- (d) a Driver Record Search issued by the Ministry of Transportation (Ontario);
- (e) a letter of promise of employment from the plate owner, broker or lessee for whom he proposes to drive;
- (f) if requested, a certificate from a doctor stating that the driver is fit and able to operate a motor vehicle.

(5) Every applicant in respect of a driver's licence shall successfully complete a test, scoring a minimum of 70%, allowing a minimum of (two) 2 days between test dates, which test shall be set by the Licence Issuer and shall deal with the requirements of the by-law and the geography of the Town such as the location of medical centers, etc. Anybody found attempting to cheat on his or her test will not be allowed to rewrite the test for a period of two (2) years.

(6) Every applicant in respect of a driver's licence renewal shall file with the Licence Issuer:

- (a) a current Ontario Class G Driver's Licence in good standing;
- (b) two (2) prints of a passport size photograph of applicant;
- (c) a Canadian Police Clearance Certificate furnished by York Regional Police and dated within thirty (30) days preceding the date of application;
- (d) a Driver Record Search issued by the Ministry of Transportation (Ontario);
- (e) if requested, a certificate from a doctor stating that the driver is fit and able to operate a motor vehicle;
- (f) a letter of promise of employment from the plate owner, broker or lessee for whom he proposes to drive.

### **3. PLATE OWNER'S LICENCE REQUIREMENTS**

(1) Every applicant shall file with the Licence Issuer:

- (a) a current valid driver's licence issued pursuant to this schedule, or in the case of a Corporate applicant a current valid driver's licence issued pursuant to this schedule for the shareholder which controls fifty-one percent (51%) of the voting rights;
- (b) a current passenger motor vehicle permit, which is in good standing, issued in the name of the applicant by the Ministry of Transportation (Ontario), for the vehicle of which he is the owner;

- (c) for each vehicle, a policy or certificate of insurance endorsed to the effect that the Licence Issuer will be given at least five (5) days notice in writing of any cancellation, expiry or variation in the amount of the policy, insuring to a limit of at least \$1,000,000.00 (exclusive of interest and costs) against loss or damage resulting in bodily injury to or death of any one person including property damage;
  - (d) a current valid Safety Standards Certificate in accordance with the provisions of the *Highway Traffic Act, R.S.O. 1990, c.H. 8*, as amended.
- (2) Every applicant for a plate owner's licence shall submit for inspection and approval by a Licence Inspector the vehicle for which the plate will be issued or transferred as the case may be.
  - (3) A plate owner's licence will not be issued for a vehicle unless the model year of the vehicle is not older than eight (8) years, calculated from the date of manufacture.
  - (4) A plate owner may on written request to the licensing section, and on payment of the prescribed fee, obtain an extension of up to two (2) years on the model year as set out in this schedule subject to semi-annual inspections and the submission on a semi-annual basis of a current valid Safety Standards Certificate.
  - (5) Every plate owner shall:
    - (a) employ or use only the services of drivers licensed under this schedule;
    - (b) give to each of his drivers at the expiry of the driver's work shift, a receipt for the total of all the fares collected and given to him by the driver;
    - (c) repair immediately any mechanical defect in his vehicle reported to him by a driver.

#### 4. CORPORATE APPLICANTS AND LICENSEES

No corporation may hold a broker's licence or plate owner's licence unless a licensed driver controls at least fifty-one percent (51%) of the voting rights attached to the shares of such corporation.

#### 5. NUMBER OF PLATES

The number of taxicab plates issued shall be based on the ratio of 1 plate for every 2,000 (two thousand) residents using the December 31<sup>st</sup> population statistics from the previous year as provided by the York Regional Planning Department.

#### 6. TRANSFER

- (1) No plate shall be transferred except with the written consent of the Licence Issuer.
- (2) Every plate owner who transfers his plate shall:
  - (a) complete and file a declaration, in the form provided by the licensing section;

- (b) provide to the licensing section, a fully executed copy of the complete transfer agreement with respect to the plate being transferred;
  - (c) return to the licensing section, the owner's licence and plate, which are being transferred.
- (3) No plate may be transferred to any person who does not meet all other relevant requirements of this schedule.

**7. BROKER'S LICENCE REQUIREMENTS**

- (1) Every applicant shall file with the Licence Issuer:
- (a) a list of all current shareholders, officers and directors, where the broker is a corporation;
  - (b) a list of all owners to whom the broker dispatches or with whom the broker has entered into any arrangement for services. Such list shall include every motor vehicle to whom the broker dispatches and shall identify each vehicle plate number.
- (2) Every broker shall:
- (a) maintain a permanent business office within the Town;
  - (b) require all plate owner's, lessee's and driver's who have entered into arrangements with the broker for the provisions of brokerage services to use a design of roof sign approved by the Licence Inspector;
  - (c) written notification within five (5) days of any additions to or deletions from the list referred to in section 7(1)(b) of this schedule;
  - (d) carry on the brokerage business twenty-four (24) hours a day during the term of his licence, unless otherwise directed by Council;
  - (e) not accept calls for, or in any way dispatch or direct calls to taxicabs or limousine other than those whose owners are licensed under this schedule, unless otherwise approved by Council;
  - (f) not accept calls for, or in any way dispatch or direct calls to taxicabs or limousines where the activity would be an illegal or an unlawful act;
  - (g) serve customers in a "first come, first served" basis;
  - (h) inform customers of the approximate time of day where delay is anticipated before accepting the order;
  - (i) dispatch only to drivers licensed under this schedule.
- (3) No broker shall be compelled to accept an order from a person who has not made payment for any previous trip.

## **8. CANCELLATION OF A LICENCE**

A licence issued to a plate owner, or a broker under this schedule may be cancelled by Council at any time, if the plate owner, or broker fail to actively operate the motor vehicle or carry on the brokerage business for which the licence has been issued for a continuous period of sixty (60) days, unless just cause for such failure can be shown to the satisfaction of Council.

## **9. TARIFF CARD AND PLATES FOR TAXICABS**

- (1) The licensing section shall provide every taxicab plate owner or taxicab lessee with a tariff card;
- (2) Lost, destroyed or defaced taxicab tariff cards or number plates, may be replaced by the Licence Issuer upon the original tariff card or plate being accounted for and, in the case of a plate, upon payment of the cost of a replacement plate;
- (3) No person shall use a plate for which a replacement plate has been issued.

## **10. DRIVER'S DUTIES - GENERAL**

- (1) Every driver shall:
  - (a) each day before commencing the operation of a motor vehicle, examine the motor vehicle for mechanical defects or interior or exterior damage to the vehicle, and report forthwith any defects found, to the owner of the vehicle or the broker;
  - (b) each day upon completion of the operation of a motor vehicle, return the vehicle to his employer and examine the motor vehicle and report all defects in the motor vehicle and all accidents to the owner of the vehicle or the broker;
  - (c) maintain good grooming, and proper hygiene;
  - (d) behave courteously;
  - (e) provide passengers with a receipt on an authorized form, showing the driver's name, licence number and an identifying number for the motor vehicle, whenever requested or whenever there is a dispute over the fare;
  - (f) in an area approved by the Licence Issuer or Licence Inspector, display, his driver's photograph card and in a case of a taxicab, a current tariff card;
  - (g) when a passenger enters a vehicle and gives the driver the destination, the driver shall take the shortest possible route to the destination desired, unless the passenger designates otherwise;
- (2) At all times when operating a Taxicab:
  - (a) immediately engage the meter when a passenger first enters the taxicab, which meter shall remain engaged throughout the trip;

- (b) when the trip is prearranged and the driver has notified the passenger that the taxicab is available and the driver has waited a reasonable time after notifying the passenger, the meter may be engaged by the driver and shall remain engaged through the trip until cancellation;
  - (c) at the conclusion of a trip, the driver shall place the meter in a "hold" position and bring the passenger's attention to the amount of the fare registered on the meter in a non-recording position;
  - (d) only charge the fare shown on the meter, together with any additional charges authorized by Appendix 'C', and when the meter has not been engaged there shall be no charge for the trip;
  - (e) ensure the rates set out in Appendix 'C' under this by-law shall be computed from the time and place the passenger first enters the taxicab to the time and place the passenger finally discharges the taxicab.
  - (f) when a dispute arises between a passenger and a driver about the fare, the driver shall refer the dispute to the nearest police officer for arbitration.
- (3) No driver licensed under this schedule shall:
- (a) carry in any vehicle licensed under this schedule, a greater number of passengers than is set out in the manufacturer's rating of seating capacity for such vehicle;
  - (b) drive a vehicle with luggage or any object placed in, hung on, or attached to the vehicle in such manner as will obstruct the driver's view of the highway;
  - (c) drive a vehicle that does not have an owner's plate affixed at a location on the vehicle in an area approved by the Licence Inspector;
  - (d) take, consume or have in his possession any alcohol, drugs or intoxicants while he is in charge of a vehicle for which he is licensed as a driver under this schedule;
  - (e) take on any additional passenger(s) except:
    - (i) at the request of the passengers already in the vehicle; or
    - (ii) when operating a motor vehicle which is being used exclusively for the transportation of children to and from school.
  - (f) while carrying passengers, smoke any cigar, cigarette, tobacco or other substance while driving the vehicle.

#### 11. RE-PHOTOGRAPHING OF DRIVERS

If at any time the driver's photograph is not a reasonable likeness of the driver because of physical changes, passage of time, or poor quality photography the Licence Issuer may require the driver to have another photograph taken.

## **12. RETURNING OF LOST PROPERTY**

Every driver shall take due care of all property, delivered or entrusted to him for conveyance, and immediately upon his termination of any hiring engagement shall carefully search the 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 property or money and if the owner of the property or money cannot at once be found, the driver shall deliver the property or money to the nearest police station with all the information in his possession regarding the property or money, and immediately notify his dispatcher of such property.

## **13. TAXICAB DRIVER CONDUCT**

Every driver shall:

- (1) if he wants to enter a taxicab stand with his taxicab, do so by taking his position at the end of any line formed by taxicabs already in the stand;
- (2) if he is not the first taxi in line at the stand, he must refuse the fare and direct the passenger to the first taxi in line;
- (3) while waiting in the taxicab at a taxicab stand or at any public place not obstruct or interfere in any way with the normal use of the taxicab stand or the public place or interfere with the surrounding traffic patterns;
- (4) not make any loud noise or disturbance while waiting in a taxicab at a taxicab stand or in a public place;
- (5) while waiting at a taxicab stand or public place be sufficiently close to his taxicab to have it under constant observation;
- (6) while waiting with a taxicab at a taxicab stand or public place, not wash the taxicab;
- (7) while waiting with a taxicab at a taxicab stand or public place, not make repairs to the taxicab unless such repairs are immediately necessary;
- (8) not push or bump any other taxicab at the taxicab stand;
- (9) when a vacancy occurs any driver waiting at the taxicab stand must fill the vacancy by advancing his taxicab;
- (10) not pick up any passenger within two hundred (200) metres of a taxicab stand when there are one or more taxicabs upon the stand, except, where an arrangement has been previously made with the passenger to pick him up at that location;
- (11) serve the first person requiring the service of his taxicab, any place within the Town, at any time provided such person is not disorderly or does not refuse to give his destination;
- (12) punctually keep all of his appointments, and shall not make any appointments if a previous engagement would prevent him from fulfilling it; provided however, that he shall not be compelled to accept any order from a person who owes him for a previous fare or service;

(13) when using a taxicab for transportation of passengers not for gain or reward:

- (a) remove the roof light from the taxicab;
- (b) put the meter in a non-recording mode.

#### **14. TRIP RECORD**

(1) Every driver shall keep a trip record and this trip record shall include the following:

- (a) the Ontario Motor Vehicle Permit number of the motor vehicle used;
- (b) the name, address and identification number of the driver;
- (c) the date, time and location of the beginning and end of each trip;
- (d) the amount of the fare collected for each trip;
- (e) in the case of a taxicab, the meter readings at the start and finish of each work shift.

(2) Every driver shall turn over a copy of all trip records pertaining to his work shift and shall turn over all fares collected, less the amount of commission or other payment as was previously agreed upon between the driver and the owner, to the owner, broker or their designate;

(3) A driver shall not obstruct traffic while writing up the trip record and each trip shall be completely recorded prior to the commencement of the next following trip;

(4) Every plate owner and lessee shall retain for a period of at least 3 years, all trip records for all vehicles owned by him for which he has a licence under this schedule.

#### **15. VEHICLE MARKINGS**

Every plate owner, driver or lessee shall:

- (1) not display on any vehicle licensed under this schedule, any metal vehicle number plate or permit issued by any other municipal licensing authority;
- (2) not operate or permit to be operated as a taxicab or limousine any vehicle without an owner's plate issued pursuant to this schedule affixed thereto;
- (3) not operate or permit to be operated as a taxicab or limousine any vehicle, which is not in good mechanical condition;
- (4) not enter into a lease agreement with respect to the plate unless a copy of such lease agreement is filed with the Licensing Section forthwith;
- (5) securely affix the owner's plate at a location on the vehicle in an area approved by the Licence Issuer or Licence Inspector;

- (6) in the case of a taxicab, affix in a location approved by the Licence Inspector or Licence Issuer, an indicator light and roof sign, which both operate in conjunction with a meter;
- (7) ensure no roof sign is used on a taxicab or limousine unless approved by the Licence Inspector or Licence Issuer;
- (8) ensure there is no display of any emblem, decal, advertisement or other markings on or in the taxicab or limousine, which has not been approved as to form, and location by the Licence Inspector or Licence Issuer;
- (9) in the case of a taxicab, if affiliated with a broker, the broker's name and/or phone number shall be on the roof sign; if not affiliated with a broker the roof sign must indicate in a manner approved by the Licence Inspector that the vehicle is a taxicab;
- (10) ensure the plate is securely affixed to the vehicle with rivets or at least four (4) bolts, inserted through the plate into the body of the vehicle, each bolt being held by a nut, and such plate shall be affixed in a position approved by the Licence Inspector or Licence Issuer;
- (11) ensure the plate number is affixed to the front fender in a location and manner approved by the Licence Inspector. The numbers shall be six (6) inches in height, either black or white in color in contrast to the vehicle colour, and of materials approved by the licensing section.

#### **16. VEHICLE MAINTENANCE**

- (1) A plate owner, lessee or driver shall operate, or permit to be operated, a vehicle only if the following requirements are met:
  - (a) the vehicle is equipped with a spare tire and jack, which are ready for use;
  - (b) the vehicle meets the standards required for the issue of a Safety Standards Certificate;
  - (c) the vehicle is clean, in good repair as to its interior and exterior, free from exterior body damage and with well maintained exterior paint finish, trim and wheel covers;
  - (d) if a taxicab, the meter is sealed;
  - (e) the vehicle is equipped with hubcaps and fenders.
- (2) A plate owner, lessee or driver shall:
  - (a) if a Licence Inspector believes a licensed vehicle may be mechanically defective or unsafe, submit the vehicle for inspection or examination by a qualified mechanic. The Licence Inspector may remove the plate and require the owner or driver to submit his vehicle forthwith for examination by a mechanic;
  - (b) where the Licence Inspector requires a vehicle to be examined or inspected, not operate the vehicle as a taxicab until it has passed such examination or inspection to the satisfaction of the Licence Inspector;

- (c) the Licence Inspector may require any vehicle to be re-examined by a mechanic of the Licence Inspector's choice;
  - (d) where the Licence Issuer has suspended the use of a plate in accordance with this schedule, not operate or permit to be operated as a taxicab the vehicle for which the plate has been suspended.
- (3) Every owner and every operator of a vehicle shall, whenever required to do so by the Licence Issuer bring such vehicle to any person designated by the Licence Issuer to inspect the same, at the place and time indicated by such person.
- (4) No person shall operate or permit to be operated as a taxicab or limousine any vehicle in respect of which the Licence Inspector has required an examination or inspection be carried out, prior to such examination or inspection being passed to the satisfaction of the Licence Issuer.
- (5) No person shall fail to submit a vehicle for inspection or examination as required pursuant to this schedule.
- (6) Where the Licence Inspector conducts his first inspection of any vehicle and such vehicle does not pass such inspection and a subsequent re-inspection by the Licence Inspector is required, the applicant shall pay an additional re-inspection fee as indicated in Appendix "B" to this by-law.

#### **17. METERS AND FARES**

- (1) Every plate owner shall have affixed to each taxicab in respect of which such owner is licensed, a meter that shall register distances traveled, record trips and units, and compute fares to be paid;
- (2) Every plate owner, lessee or driver shall ensure each meter in a taxicab is:
- (a) submitted for testing, inspection and sealing by the Licence Inspector at such times as required by the Licensing Section and when the Licence Inspector is not available to seal the taxicab meter, the owner or driver who has had the meter altered, repaired or replaced in the taxicab may operate the taxicab on weekends for a period up to 72 hours and, for a period up to 48 hours during the week, provided that the driver has in his possession a certificate or receipt for the repair or installation of the meter signed by the person who made the repairs or installation, and setting out the date, time and nature of the repair or installation;
  - (b) illuminated between sunset and sunrise;
  - (c) in a raised position in plain view of the passengers and approved by the Licence Inspector;
  - (d) adjusted in accordance with the rates prescribed by Tariff as outlined in Appendix 'C' attached;
  - (e) tested by running the taxicab to which it is attached over a measured track or distance before being sealed, or by such mechanical means as the Licence Inspector may approve;

- (f) used only when the seal thereon is sealed and intact;
  - (g) kept in good working condition at all times and not used when defective in any way;
  - (h) numbered, and, subject to the provisions of the schedule, shall be of a make and model approved by the Licence Inspector;
  - (i) equipped with a luminous yellow or illuminated metal plate or flag attached to the top thereof; or a light on the top thereof clearly visible from any direction outside the taxicab which plate, flag or light shall be approved by the Licence Inspector or Licence Issuer.
- (3) Notwithstanding the provisions of this schedule, every driver of a taxicab may, if the destination of a trip extends beyond the boundaries of the Town, agree before the trip with the passenger to a flat rate, but where the driver so agrees the meter must be engaged while the taxicab is within the Town of Georgina.
- (4) No plate owner, lessee or driver shall:
- (a) induce any person to engage his taxicab or limousine by any misleading or deceiving statement or representation about the location or distance to any destination;
  - (b) publish or use any tariff other than the tariff which has been authorized by this by-law;
  - (c) recover or receive any fare or charge from any passenger or persons who has demanded their services which is greater or lesser than the fare or charge authorized by this by-law;
  - (d) recover or receive any fare or charge from any person to whom he has refused to show the Tariff card;
  - (e) make any charge under this by-law for time lost through defects or inefficiency of the vehicle or the incompetence of the driver;
  - (f) make any charge for the time elapsed due to early arrival of the vehicle in response to a call for a vehicle to arrive at a fixed time.
  - (g) In the case of a taxicab, publish or provide any discounts that would result in a reduced tariff fee from that provided on Appendix "C" to this by-law.

**18. PLATE OWNER'S PLACEMENT ON THE PRIORITY LIST**

- (1) Where a completed application along with the appropriate fee for a plate owner's licence is received by the Licensing Section, which meets all the requirements of this by-law, but where a licence cannot be issued because of the limitation on the number of licences set out in this By-law or any amending by-law, the applicant's name shall be placed on the priority list by the Licence Issuer for the issuing of owner's plate provided the following requirements are met:
- (a) the applicant has been licensed as a driver for at least twelve (12) months immediately preceding the date that the application for the plate owner's licence is filed with the licensing section;

- (f) used only when the seal thereon is sealed and intact;
  - (g) kept in good working condition at all times and not used when defective in any way;
  - (h) numbered, and, subject to the provisions of the schedule, shall be of a make and model approved by the Licence Inspector;
  - (i) equipped with a luminous yellow or illuminated metal plate or flag attached to the top thereof; or a light on the top thereof clearly visible from any direction outside the taxicab which plate, flag or light shall be approved by the Licence Inspector or Licence Issuer.
- (3) Notwithstanding the provisions of this schedule, every driver of a taxicab may, if the destination of a trip extends beyond the boundaries of the Town, agree before the trip with the passenger to a flat rate, but where the driver so agrees the meter must be engaged while the taxicab is within the Town of Georgina.
- (4) No plate owner, lessee or driver shall:
- (a) induce any person to engage his taxicab or limousine by any misleading or deceiving statement or representation about the location or distance to any destination;
  - (b) publish or use any tariff other than the tariff which has been authorized by this by-law;
  - (c) recover or receive any fare or charge from any passenger or persons who has demanded their services which is greater or lesser than the fare or charge authorized by this by-law;
  - (d) recover or receive any fare or charge from any person to whom he has refused to show the Tariff card;
  - (e) make any charge under this by-law for time lost through defects or inefficiency of the vehicle or the incompetence of the driver;
  - (f) make any charge for the time elapsed due to early arrival of the vehicle in response to a call for a vehicle to arrive at a fixed time.
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- (a) the applicant has been licensed as a driver for at least twelve (12) months immediately preceding the date that the application for the plate owner's licence is filed with the licensing section;

- (b) the applicant has been driving a taxicab in the Town of Georgina for an average of at least thirty-five (35) hours a week for forty-four (44) weeks of the twelve (12) month period immediately preceding the date the application is filed with the licensing section, and has filed supporting documentation to that effect to the satisfaction of the Licence Issuer.
  - (c) The applicants name shall only appear once on the priority list save and except those names existing on the priority list on the day of passing of this by-law.
- (2) Any person who transfers an owner's plate shall be ineligible for placement on the priority list for a period of three (3) years following the date of such transfer;
  - (3) Any person, whose name is on the priority list, who transfers an owner's plate, shall be removed from the priority list and shall be ineligible for replacement on the priority list for a period of three (3) years following the date of such transfer.

**19. STAYING ON THE PRIORITY LIST**

- (1) Every person whose name has been placed on the priority list shall, on or before December 31<sup>st</sup> in every year after his name has been so placed, file with the Licence Issuer;
  - (a) a statement in writing signed by every person by whom the applicant was employed or to whom the applicant provided service as a taxicab or limousine driver, indicating the period during which he worked for or provided such services to each such person;
  - (b) a copy of the applicant's Income Tax Return for the preceding year in the form in which it was submitted to the Federal Government;
  - (c) pay the appropriate fee.
- (2) When a name is placed on the priority list pursuant to this schedule, it shall remain on the list so long as the applicant continues to meet the applicable requirements and he files the required documentation.
- (3) Where an applicant whose name has been placed on the priority list, is unable to continue to drive a taxicab or limousine on account of illness, injury or other medical reasons, his name may nevertheless remain on the list provided:
  - (a) he files a doctor's certificate establishing that throughout the period during which he did not drive a taxicab or limousine, he was physically unable for medical reasons to drive; and
  - (b) such period of time does not exceed two (2) years.
- (4) The provision of subsections 3 only applies if the applicant gives written notification to the Licence Issuer of his intention to rely on the subsections.

## **20. INSPECTION OF PRIORITY LIST**

The priority list shall be available for inspection during business hours, at the Clerk's Department.

## **21. ISSUING OF A PLATE FROM PRIORITY LIST**

Whenever a plate is to be issued, it shall be issued to the person whose name appears first chronologically on the priority list;

## **22. HEARING**

Where an applicant fails to continue to meet the requirements of this by-law, the Licence Issuer shall remove the applicant's name from the priority list and the applicant shall be notified in writing of such removal at his last known address and the applicant may request a hearing before Council and the provisions of this by-law respecting hearings shall apply.

## **23. DESIGNATED AGENT, MANAGER**

- (1) A plate owner may designate a person who is a driver, plate owner or broker as his agent in respect of his plate;
- (2) A notice of designated agent shall include:
  - (a) the full name of the plate owner;
  - (b) the number of the licence and plate(s) for the taxicab or limousine to which such designation relates;
  - (c) the term for which the person designated therein is granted authority by the owner in respect of the taxicab or limousine;
  - (d) the terms of the agency agreement, including any consideration paid therefore.
- (3) If the authority of an agent designated under this section terminates before the end of the term set out in the notice, the plate owner shall forthwith file a written notice thereof with the Licence Issuer and for the purposes of this by-law, the obligations and requirements applicable to such authorized agent shall cease upon the filing of such notice;
- (4) No person shall act as an agent for a plate owner in respect of a taxicab or limousine except as permitted by this section;
- (5) The designation of an agent by a plate owner pursuant to this section shall not be deemed to be a lease for the purposes of this by-law unless the agent operates the taxicab or limousine, in which case the provisions of Section 24 shall apply;
- (6) The taxicab or limousine shall not be operated or permitted to operate through a taxicab broker who is not licensed under this by-law.

## **24. LEASE OF PLATE**

- (1) Every plate owner who leases his plate shall file forthwith with the Licence Issuer, a copy of the lease agreement by which the plate is leased, and shall pay the fee set out in Appendix 'B';
- (2) Every plate owner who leases his plate is responsible for ensuring that the Licence Issuer is informed of any change in the status of the lease;

- (3) Every plate owner who leases his plate shall ensure that the lease agreement requires the lessee to comply with the provisions of this by-law, and every lease agreement is deemed to contain a provision to this effect;
- (4) Every lessee must meet all requirements of this by-law pertaining to plate owners, and must provide the Licence Issuer with any documents required by this by-law;
- (5) No plate owner or lessee shall enter into a lease agreement with respect to the plate unless a copy of such lease agreement is filed with the Licensing Section forthwith.

#### **25. DISPOSAL OF TAXICAB OR LIMOUSINE**

- (1) Where the plate owner or lessee ceases to operate a vehicle as a taxicab or limousine he shall immediately remove from such vehicle:
  - (a) the roof light;
  - (b) the meter;
  - (c) all identifying decals or markings;
  - (d) any other markings which would identify the vehicle as a taxicab or limousine.
- (2) Where the plate owner or the lessee ceases to operate a vehicle as a taxicab or limousine, he shall immediately notify the Licence Issuer.

#### **26. PLATE OWNER OR LESSEE TERMINATION WITH BROKER**

Where a plate owner or lessee ceases to operate through a broker he shall forthwith:

- (1) remove from his vehicle the broker roof light, telephone number, colour scheme and any decals or other broker markings;
- (2) return all business cards and other equipment belonging to the broker.