



BY-LAW NUMBER 2017-

A By-law of The Corporation of the City of Barrie to further amend By-law 2006-265 as amended being a by-law to license, regulate and govern transportation related businesses carried on within the municipality.

WHEREAS Section 8 of the *Municipal Act, 2001* provides that the powers of the municipalities under the *Municipal Act, 2001* or any other Act shall be interpreted broadly as to confer broad authority on the municipalities to enable municipalities to govern their affairs as they consider appropriate and to enhance the municipalities' ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other act;

AND WHEREAS Section 10 of the *Municipal Act, 2001* provides that single-tier municipality may pass by-laws with respect to business licensing;

AND WHEREAS Section 151 of the *Municipal Act, 2001* provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS Section 151 of the *Municipal Act, 2001* provides that a municipality may exercise its licensing powers under this section including imposing conditions for the purpose(s) of health and safety, nuisance control and/or consumer protection;

AND WHEREAS, the Council of The Corporation of the City of Barrie passed By-law 2006-265 on October 30, 2006 being a by-law to licence, regulate and govern transportation related businesses carried on within the municipality;

AND WHEREAS pursuant to Motion 17-G-057 as amended, the Council of The Corporation of the City of Barrie deems it expedient to further amend By-law 2006-265.

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts as follows:

1. THAT section 1.0.0.0.0 (Definitions) of By-law 2006-265 be amended by deleting sections 1.1.10.0.0, 1.1.19.0.0, 1.1.23.0.0, 1.1.24.0.0, 1.1.28.0.0 – 1.1.28.2.0, 1.1.29.0.0, 1.1.30.0.0, 1.1.36.0.0 (text only) and replace with the following:

“1.1.10.0.0 **ISSUER OF LICENCES** - means the Manager of Enforcement Services for the City, Supervisor of Enforcement Services for the City, or any other person so designated by the City Clerk.

1.1.19.0.0 **SUPERVISOR ENFORCEMENT SERVICES** - means a person appointed to the position of Supervisor of Enforcement Services.

1.1.23.0.0 **OWNER** – means the registered owner of the lands and premises or the person or his authorized agent in lawful control of the premises, building or occupancy and who permits the operation or maintenance of any business, this shall include the person who holds the licence plate, as issued by the Ministry of Transportation for a motor vehicle operating under the provisions of this by-law.

1.1.24.0.0 **PEDICAB** - means a vehicle propelled by muscular power for hire for the conveyance of passengers. Does not include a Taxicab, Limousine, Driver for Hire or Private Transportation Company.

1.1.28.0.0 **TAXICAB** – means a motor vehicle as defined in the *Highway Traffic Act, R.S.O. 1990, c. H.8*, other than a carpool vehicle having a seating capacity of not more than six persons, exclusive of the driver and having installed one or more safety features as defined by this by-law, 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. Shall include but is not limited to Taxicabs designed for the transportation of persons with disabilities. Shall not include Limousine, Driver for Hire Company vehicles or Private Transportation Company vehicles.

1.1.29.0.0 **TAXICAB COMPANY** - means a person who owns a Taxicab or has possession or control thereof under an installment purchase agreement or by way of a rental or other agreement or who offers such vehicles for hire but shall not include a Driver for Hire Company or Private Transportation Company.

1.1.30.0.0 **TAXICAB DRIVER** - means the person responsible for the care and control of the Taxicab and services related thereto. Does not include a Driver for Hire - Driver or Private Transportation Company Driver.

1.1.36.0.0 **DELETE**"

2. **THAT** section 1.0.0.0.0 (Definitions) of By-law 2006-265 be amended by adding the following sections:

"1.1.41.0.0 **BOOKED OR PRE-ARRANGED** – means an electronic, written or oral reservation, request or booking made in advance to request vehicle pick up and drop off or passenger pick-up and drop off services.

1.42.0.0.0 **PRIVATE TRANSPORTATION COMPANY** – means a person who in any manner accepts, facilitates, or brokers requests for or advertises or offers transportation in a private vehicle-for-hire to passengers. Shall not include a person who facilitates "carpooling" as defined by the Public Vehicles Act., Taxicab Company, Limousine Company or Driver for Hire Company.

1.43.0.0.0 **PRIVATE TRANSPORTATION COMPANY VEHICLE** – means a for hire motor vehicle with a seating capacity of less than nine (9) passengers excluding the driver used to provide transportation services to passengers but does not include Taxicabs, Limousines or Driver for Hire services.

1.44.0.0.0 **PRIVATE TRANSPORTATION COMPANY DRIVER** – means a person who is in care and control of a vehicle that provides transportation services to passengers through a Private Transportation Company but shall not include Taxicab Drivers, Limousine Drivers or Driver for Hire services.

1.45.0.0.0 **PRIVATE TRANSPORTATION COMPANY IDENTIFIER** – means a sign, decal, emblem, symbol or number displaying a logo or name of the Private Transportation Company through which the driver is providing transportation services to passengers and such other information required by this By-law, in a form, size and location approved by the Issuer of Licenses.

1.46.0.0.0 **RATE OR FARE** - means the basis or formula used to calculate the rate or fare paid or charged to a customer for transportation provided by a Taxicab, Limousine, Private Transportation Company or Driver for Hire Company.

1.47.0.0.0 **SOLICIT** – means an appeal for customers or passengers by way of sound, words, signs or gestures directed at a person.

1.48.0.0.0 **DRIVER FOR HIRE COMPANY** – means a person defined by this by-law who facilitates, arranges or books a driver when requested, hired or contracted to provide driving services on behalf of a customer. Such service includes the transport of the customer in his/her own private vehicle from point A to point B as agreed upon.

1.49.0.0.0 **DRIVER FOR HIRE - DRIVER** – means a person who has been requested, hired or contracted to physically drive the customer in there private vehicle from point A to point B as agreed upon.

1.50.0.0.0 **DRIVER FOR HIRE COMPANY – VEHICLE** – means a vehicle owned or operated on behalf of the Driver for Hire Company and used solely for the transport of the Driver for Hire – Driver to and from each call for service."

3. **THAT** section 2.0.0.0.0 (General Provisions) of By-law 2006-265 be amended by deleting sections 2.1.2.0.0, 2.4.0.0.0-2.4.1.0.0, 2.7.2.0.0, 2.24.0.0.0-2.24.5.0.0, 2.25.1.0.0 and replacing with the following:

"2.1.2.0.0 Every person carrying on, conducting, operating, maintaining, keeping or engaging in any business not specifically identified in the Licence Classifications set out in and identified in Table 1 to this by-law, as amended shall not be required to obtain a City of Barrie Business Licence to do so from the Issuer of Licences.

2.4.0.0.0 **FORM OF LICENCE**

2.4.1.0.0 Every licence shall show therein:

- a) the operating name of the business or person to whom the licence is issued;
- b) the operating address of the premise or location for which the licence is issued with the exception of Tow Truck Drivers and Limousine Drivers which shall reflect the address of the owner. Private Transportation Company Drivers, Driver for Hire - Drivers and Taxicab Drivers shall not be reflected on the licence form but shall be contained in a registry;
- c) the category or type of licence granted;
- d) the date of issue;
- e) the effective date of the licence;
- f) the date of expiration; and
- g) the signature of the Issuer of Licences or his designate.

2.7.2.0.0 Notwithstanding section 2.7.1.0.0, a Limousine Driver, or Tow Truck Driver may amend a current license to include additional companies for whom they are operating. A Taxicab Company, Private Transportation Company or Driver for Hire Company may amend a current licence to include additional drivers or vehicles whom are operating on behalf of the company. Payment of any administration fee associated with such change shall be required.

2.24.0.0.0 **PENALTIES**

2.24.1.0.0. Every person who contravenes any provision of this by-law is guilty of an offence and liable on conviction to a penalty not exceeding \$5,000, exclusive of costs and the provisions of the *Provincial Offences Act*, R.S.O 1990, c P.33, as amended, shall apply to said fine.

2.24.2.0.0 Every person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence under the provisions of the *Municipal Act*, S.O. 2001, c.25, s. 425(1.);

2.24.3.0.0 Every person who contravenes the provisions of any section of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the Corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act* 2001, s. 429 (1) (3) as amended.

2.24.4.0.0 For the purpose of continuous offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act* 2001, s. 429 (1) (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.

2.24.5.0.0 For the purpose of multiple offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act* 2001, s. 429 (1) (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.

2.25.1.0.0 For the purpose of business licenses issued under the provisions of By-law 2006-265 prior to amendments effective August 1, 2017, the date of expiry shall be as specified on the licence and notwithstanding the provisions of this by-law, the provisions of the previous version of By-law 2006-265 shall continue to apply until the expiration of the license previously issued."

4. THAT Table 1 of By-law 2006-265 be deleted and replaced with the following table:

TABLE 1 – BUSINESS LICENCE INSPECTIONS AND APPROVALS

CATEGORY	INSPECTION/APPROVAL
Limousine (each)	<ul style="list-style-type: none">Automobile Liability Insurance-\$2,000,000Vehicle Identification NumberOntario Licence Plate NumberVehicle Safety Standards Certificate
Limousine Driver	<ul style="list-style-type: none">Criminal Record CheckOntario Driver's LicenceMinistry of Transportation Driver's AbstractLetter/offer of employment
Limousine Company	<ul style="list-style-type: none">Zoning (if operating in Barrie – new applications only)H.S.T. registrationCommercial Liability Insurance-\$2,000,000List of all vehicles to be used as limousines, Vehicle Identification # and Ontario Licence Plate #Schedule of Rates and ChargesList of Limousine Drivers
Pedicab	<ul style="list-style-type: none">Liability Insurance-\$2,000,000
Taxi Cab Company	<ul style="list-style-type: none">Zoning (if operated in Barrie – new applications only)H.S.T. registration, if applicableIncorporation documents outlining owners, directors or shareholders as may be applicableList of all vehicles to be used as Taxicab VehiclesVehicle Identification Number for each vehicleOntario Licence Plate Number for each vehicleList of all Taxicab Drivers authorized to operateAutomobile Liability Insurance-\$2,000,000 each vehicleCommercial Liability Insurance - \$2,000.000Vehicle Safety Standards Certificate for each vehicle (valid within 12 months of application) <p><u>Driver Document Submissions Required (per driver):</u></p> <ul style="list-style-type: none">Each Driver must attend Enforcement Services Office for Photo ID Card to be generatedCriminal Records Check (valid within 12 months of application)Ministry of Transportation Driver's Abstract (valid within 12 months of application)2 pieces of government issued identification (1 being a valid Ontario Driver's Licence)Letter of employment or affiliation from Taxicab Company
Tow Truck (each)	<ul style="list-style-type: none">Automobile Liability Insurance-\$2,000,000Vehicle Identification numberOntario Licence Plate numberVehicle Safety Standards Certificate or CVOR Certificate
Towing Company	<ul style="list-style-type: none">Zoning (if operating in Barrie – new applications only)H.S.T. registrationCommercial Liability Insurance - \$2,000,000List of all vehicles to be used as tow trucks,Vehicle Identification #Ontario Licence Plate #Schedule of Rates and ChargesList of Tow Truck Drivers
Tow Truck Driver	<ul style="list-style-type: none">Criminal Record CheckOntario Driver's LicenceMinistry of Transportation Driver's AbstractLetter/offer of employment

Private Transportation Company	<ul style="list-style-type: none">• H.S.T. registration, if applicable• Incorporation documents outlining owners, directors or shareholders as may be applicable• List of all vehicles to be used as Private Transportation Company Vehicles• Vehicle Identification Number for each vehicle• Ontario Licence Plate Number for each vehicle• List of all Private Transportation Company Drivers operating• Automobile Liability Insurance-\$2,000,000 each vehicle• Commercial Liability Insurance - \$2,000.000• Vehicle Safety Standards Certificate for each vehicle (valid within 12 months of application) <p><u>Driver Document Submissions Required (per driver):</u></p> <ul style="list-style-type: none">• Criminal Records Check (valid within 12 months of application)• Ministry of Transportation Driver’s Abstract (valid within 12 months of application)• 2 pieces of government issued identification (1 being a valid Ontario Driver’s Licence)• Letter of employment or affiliation from Private Transportation Company
Driver for Hire Company	<ul style="list-style-type: none">• H.S.T. registration, if applicable• Incorporation documents outlining owners, directors, shareholders as may be applicable• List of all Driver for Hire - Drivers authorized to operate• Commercial Liability Insurance - \$2,000.000 <p><u>Driver Document Submission Required (per driver):</u></p> <ul style="list-style-type: none">• Criminal Records Check (valid within 12 months of application)• Ministry of Transportation Driver’s Abstract (valid within 12 months of application)• 2 pieces of government issued identification (1 being a valid Ontario Driver’s Licence)• Letter of employment or affiliation from Driver for Hire Company• Each Driver must attend Enforcement Services Office for Photo ID Card to be generated
Change of Name (same owner)	Proof of previous City Licence
Replacement / Duplicate Licence	Proof of Ownership
Licence Amendment (to add or remove from registry, Taxicab Company / Private Transportation Company / Driver for Hire Company)	<ul style="list-style-type: none">• Completed application• All required Driver documents as set out in this Table, as applicable• A required Vehicle documents as set out in this Table as applicable• List of drivers or vehicles to be removed as applicable
Photo ID card Replacement	Proof of City Licence
Vehicle Transfer (Limousine or Tow Truck only)	<ul style="list-style-type: none">• Vehicle Identification Number• Ontario Licence Plate (Ownership)• Automobile Liability Insurance-\$2,000,000• Vehicle Safety Standards Certificate for each vehicle (valid within 36 days of application)• Proof of previous City Licence for vehicle to be replaced

5. THAT section 3.0.0.0.0 (Limousine) of By-law 2006-265 be amended by deleting section 3.2.9.0.0 and replacing with the following:

“3.2.9.0.0 Every owner and driver shall ensure that a Limousine licensed under this section is only used as a Limousine and is not used as a Taxicab or Private Transportation Company vehicle unless otherwise licensed under the provisions of this by-law.”

6. **THAT** section 4.0.0.0.0 (Limousine Company) of By-law 2006-265 be amended by deleting section 4.2.18.0.0 and replacing with the following:

“4.2.18.0.0 No person licensed under this section shall act as a Taxicab or Private Transportation Company Vehicle unless registered to do so under the provisions of this By-law.”

7. **THAT** section 5.0.0.0.0 (Limousine Driver) of By-law 2006-265 by adding the following:

“5.2.17.0.0. No person, while licensed as a limousine driver, shall operate as a Private Transportation Company Driver, Taxicab Driver or Driver for Hire - Driver, unless registered to do so.”

8. **THAT** section 7.0.0.0.0 (Taxicab) of By-law 2006-265 be repealed and replaced with the following.

“7.0.0.0.0 **TAXICAB**
(Authority: *Municipal Act, S.O. 2001, c. 25*)

7.1.0.0.0 PURPOSE

7.1.1.0.0 The Council of The Corporation of the City of Barrie has deemed it expedient to pass a by-law to regulate and govern Taxicabs within the City of Barrie to:

- a) ensure that consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
- b) ensure that the Taxicab Company as the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- c) ensure that the Taxicab Company as the Licensee has secured and holds valid automobile insurance for the general protection of the consumer;
- d) ensure that the health and safety of its residents, visitors and the employees of such business operations are protected through regular or required inspections and compliance with the requirements of the *Highway Traffic Act*; and
- e) ensure that the Taxicab Company and all persons within their registry complies with all nuisance control regulations.

7.2.0.0.0 OPERATING CRITERIA

7.2.1.0.0 No person shall operate or maintain any vehicle as a Taxicab within the City without first being registered to do so with a licensed Taxicab Company.

7.2.2.0.0 The applicant shall provide to the Issuer of Licenses, through the Taxicab Company, at the time of application, the vehicle make, model, year and vehicle identification number for each vehicle to be registered as a Taxicab.

7.2.3.0.0 The applicant shall provide to the Issuer of Licences, through the Taxicab Company, at the time of application, proof of liability insurance in the minimum amount of \$2,000,000 for each vehicle.

7.2.4.0.0 The applicant shall provide to the Issuer of Licences, through the Taxicab Company, at the time of application, a valid Safety Standards Certificate issued pursuant to the *Highway Traffic Act, R.S.O. 1990, c. H. 8* for the vehicle to be registered as a Taxicab.

7.2.5.0.0 Deleted.

7.2.6.0.0 Each owner of a Taxicab Company shall require the submission of such Taxicab for safety inspection as required by the Issuer of Licences, Municipal Law Enforcement Officer, Police Officer or other duly appointed individual under the provisions of the *Highway Traffic Act, R.S.O. 1990, c. H.8* and such valid and current Safety Standards Certificate issued pursuant to the *Highway Traffic Act, R.S.O. 1990, c. H.8* shall be filed with the Issuer of Licences.

- 7.2.7.0.0 No person shall operate or allow the operation of a Taxicab at any time where such vehicle being operated as a Taxicab does not or, if put to an inspection, could not pass the Safety standards established pursuant to the *Highway Traffic Act, R.S.O. 1990, c. H.8.*
- 7.2.8.0.0 Deleted.
- 7.2.9.0.0 Deleted.
- 7.2.10.0.0 Every Taxicab Company shall ensure that such vehicle is only used as a Taxicab and is not used as a limousine or Private Transportation Company vehicle unless otherwise licensed or registered under the provisions of this by-law.
- 7.2.11.0.0 No person shall operate any vehicle as a Taxicab unless such vehicle is equipped with more than two passenger accesses.
- 7.2.12.0.0 Nothing contained within this section shall prevent a Taxicab from being used to convey or deliver documents, packages, or parcels.
- 7.2.13.0.0 Where a Taxicab Company holds a valid City of Barrie Business Licence under the provisions of this by-law for the current year and where such company certifies that the Taxicab registered under this section has been removed from service and is being replaced by another vehicle to be operated as a Taxicab and upon submission of:
- a) a duly completed application form;
 - b) an appropriate safety inspection certificate for the vehicle to be licensed as a Taxicab;
 - c) any other required inspections, approvals or documents as required by the Issuer of Licences; and,
 - d) payment of an administrative fee as set out in the City of Barrie Fee's By-law,
- a Taxicab decal may be reissued by the Issuer of Licences for the replacement vehicle.
- 7.2.14.0.0 Deleted.
- 7.2.15.0.0 Deleted.
- 7.2.16.0.0 All Taxicabs be required to have installed and operational at all times a minimum safety feature. No person or Taxicab Company shall be precluded from installing any additional safety features as may be deemed necessary for the safety of the driver and/or patrons.
- 7.2.17.0.0 In order to maintain a clear and unimpeded view of passengers and activities inside a Taxicab to better ensure the safety and welfare of the driver or passenger, after market tinting of any window of the Taxicab or the installation of any decals or other treatment which would impede or interfere with the transparency of any window of the vehicle be prohibited.
- 7.2.18.0.0 A Taxicab Company, on behalf of the vehicle owner, shall submit, at the time of application and maintain with the Issuer of Licences:
- a) proof of liability insurance for such vehicle being operated as a Taxicab in the minimum amount of \$2,000,000;
 - b) proof of H.S.T. registration, if applicable;
 - c) Deleted.
 - d) Deleted.
- 7.2.19.0.0 The owner of a Taxicab, not being an owner of a company shall also be required, as requested by the company, to:
- a) submit the vehicle being operated as a Taxicab for inspection as required by the Issuer of Licences or other duly appointed individual;

- b) maintain the Taxicab in the same manner as set out under the provisions for a Taxicab Company; and
- c) engage the services only of a registered Taxicab Driver.

7.2.20.0.0 Deleted.”

9. THAT section 8.0.0.0.0 (Taxicab Driver) of By-law 2006-265 be repealed and replaced with the following:

“8.0.0.0.0 **TAXICAB DRIVER**
Authority: *Municipal Act*, .S.O. 2001, c. 25

8.1.0.0.0 **PURPOSE**

8.1.1.0.0 The Council of The Corporation of the City of Barrie has deemed it expedient to pass a by-law to regulate and govern Taxicab Drivers within the City of Barrie to:

- a) ensure that consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
- b) Deleted; and,
- c) ensure that the registered Taxicab Driver complies with all nuisance control regulations.

8.2.0.0.0 **OPERATING CRITERIA**

8.2.1.0.0 No person shall operate or carry on business as a Taxicab Driver within the City without first having been registered to operate by a licensed Taxicab Company.

8.2.2.0.0 The applicant through the Taxicab Company, shall provide to the Issuer of Licences at the time of application:

- a) two (2) pieces of identification, one of which shall be photographic identification detailing the applicant's birth date, legal name and current residential address;
- b) a Criminal Records Check obtained from a Police Service or other enforcement agency and dated within 12 months of the date of receipt of the application;
- c) an Ontario Driver's Licence Abstract obtained from the Ministry of Transportation and dated within 12 months of the date of receipt of the application; and,
- d) a copy of the applicant's Ontario Driver's Licence with a minimum Class G designation with no driving restrictions.

8.2.3.0.0 Deleted.

8.2.4.0.0 Deleted.

8.2.5.0.0 No person shall provide any services or operate as a Taxicab Driver for any Taxicab Company which is not licensed under the provisions of this by-law.

8.2.6.0.0 No person shall drive any vehicle operated as a Taxicab unless such vehicle is registered as a Taxicab under the provisions of this by-law.

8.2.7.0.0 No person providing services or operating as a registered Taxicab Driver shall receive dispatched calls from a Taxicab Company unless such Taxicab Company is licensed under the provisions of this by-law.

- 8.2.8.0.0 Every registered Taxicab Driver shall keep a daily record, hereinafter referred to as a trip record, of all calls received by him which result in the transporting of a passenger from one location to another and such trip record shall contain the following information:
- a) the Taxicab Company licence number and decal number issued under the provisions of this by-law for the Taxicab used for such trip;
 - i) the name and address of the Driver;
 - ii) the amount of fare collected for each trip; and,
 - iii) date, time, origin and destination of each trip.
 - iv) ensure all trip records include the amount of the meter upon arrival at the destination, any discount (in \$) applied and the total fare charged for each call answered by the Taxicab Driver.
- 8.2.9.0.0 Every registered Taxicab Driver who drives a Taxicab of which he is not the owner shall, once in each calendar day that he has driven, provide to the Taxicab Company, the trip record for that day.
- 8.2.10.0.0 Every Taxicab Company shall ensure that each registered Taxicab Driver, while in charge of a Taxicab for hire shall:
- a) produce trip records upon the request of any Municipal Law Enforcement Officer, Police Officer or other duly authorized individual;
 - b) place his Taxicab Driver's photographic identification card as issued by the City pursuant to the provisions of this by-law in a transparent folder in such a manner in the Taxicab he is driving as to be conveniently seen and read by passengers;
 - c) punctually keep all his appointments and engagements resulting from calls and shall, unless the Taxicab he is driving has been previously engaged, serve at any place within the City and at any specified time, whether by day or night, any person who may lawfully require his Taxicab and he shall not neglect to fulfil his appointments or engagements except for reasons beyond his control;
 - d) serve the first person offering to hire him, unless such person owes him a fare for services or unless the person is likely to soil or damage the interior of his Taxicab;
 - e) notwithstanding Section 8.2.10.0.0(d) when called upon to do so, assist any Police Officer by conveying in his Taxicab any prisoner to the common jail or police station and to 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 rate or fare which shall be paid by Barrie Police Services;
 - f) upon request of any passenger, provide in writing his name and Taxicab Company information;
 - g) take due care of all property delivered or entrusted to him and accepted by him for conveyance or safekeeping and immediately upon termination of any hiring or engagement, shall search his Taxicab for any property lost or left therein and all property or money left in his Taxicab shall be forthwith delivered over to the person owning the same, or if the person cannot be found at once, then to Barrie Police Services with all information in his possession regarding same;
 - h) travel by the most direct route to the point of destination unless otherwise directed by the person engaging the Taxicab;
 - i) Deleted;
 - j) be familiar with the provisions of this by-law, the laws and regulations relating to traffic and the geography of the City of Barrie;
 - k) Deleted;
 - l) ensure that at all times, passengers are treated with respect and in a professional manner.

- 8.2.11.0.0 No person shall, while in charge of a Taxicab for hire:
- a) solicit any person to take or use the Taxicab he is driving by calling out or shouting. The person wishing to use or engage the Taxicab shall be left to choose without interception or solicitation;
 - b) take, consume or have in his possession any intoxicant;
 - c) obstruct the use of any sidewalk, make any loud noise or disturbance, use any abusive language, molest, annoy or insult any person whatsoever;
 - d) employ or allow any runner or other person to assist or act in concert with him in obtaining any passenger;
 - e) carry a greater number of persons than the Taxicab is intended to seat according to manufacturer's rating or than specified in the license issued under this by-law;
 - f) discriminate in any way against any member of the public in the carrying on of the business on any basis;
 - g) refuse to serve a person with a disability or fail to permit a service animal to enter any vehicle within his control;
 - h) Deleted;
 - i) smoke or allow or permit the smoking of any equipment or product including but not limited to cigar, cigarette, pipe, hookah or any other lit smoking product or vaping product whether lit by flame or battery powered in contravention of the City by-law regarding smoking or other applicable legislation, whichever is the most restrictive;
 - j) park, stop or otherwise stand the Taxicab in any prohibited area;
 - k) Deleted.
 - l) Deleted.
- 8.2.12.0.0 Nothing contained within this section shall prevent a Taxicab Driver from conveying, or delivering documents, packages, or parcels.
- 8.2.13.0.0 Deleted.
- 8.2.14.0.0 Deleted."

10. THAT section 9.0.0.0.0 (Taxicab Company) of By-law 2006-265 be repealed and replaced with the following:

"9.0.0.0.0 **TAXICAB COMPANY**
Authority: *Municipal Act*, .S.O. 2001, c. 25

9.1.0.0.0 **PURPOSE**

- 9.1.1.0.0 The Council of The Corporation of the City of Barrie has deemed it expedient to pass a by-law to license, regulate and govern Taxicab Companies within the City of Barrie to:
- a) ensure that consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
 - b) ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
 - c) ensure that the Licensee complies with all nuisance regulations; and,
 - d) ensure that the health and safety of its residents and visitors are protected through the establishment of operating standards.

9.2.0.0.0 **OPERATING CRITERIA**

- 9.2.1.0.0 No person shall own, operate, carry on or maintain a business as a Taxicab Company within the City of Barrie without first having obtained a licence to do so.
- 9.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of commercial liability insurance in the minimum amount of \$2,000,000.
- 9.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of H.S.T. (Harmonized Sales Tax) registration. Such registrations shall be provided for the Taxicab Company and on behalf of all registered Taxicab Drivers and all registered Taxicabs operating on behalf of the Taxicab Company as may be applicable.
- 9.2.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application, and within fourteen (14) days of any change, a list of all persons operating as a Taxicab Driver for the Taxicab Company. Such listing shall include the Name, address and contact number for each individual currently authorized to operate as a Taxicab Driver for the Taxicab Company.
- 9.2.5.0.0 The applicant shall provide to the Issuer of Licences at the time of application, a list of all vehicles operating on behalf of the Taxicab Company. Such list shall include:
- a) the vehicle identification number and the Ontario licence plate number as issued by the Ministry of Transportation for each vehicle owned or to be operated on behalf of the Taxicab company;
 - b) a valid and current Safety Standards Certificate for each vehicle owned by the company or to be operated on behalf of the Taxicab Company, issued pursuant to the provisions of the *Highway Traffic Act, R.S.O. 1990, c. H8*, as amended; and,
 - c) Deleted.
- 9.2.6.0.0 No person shall use or permit any Taxicab to be used for hire unless such Taxicab is registered under the provisions of this by-law.
- 9.2.6.1.0 No person shall use or permit any Taxicab be used as a Private Transportation Company Vehicle for Hire unless such vehicle is licensed or registered separately under the provisions of this by-law
- 9.2.7.0.0 No person shall permit any Driver to drive a Taxicab unless such Driver is registered under the provisions of this by-law to do so.
- 9.2.7.1.0 No person shall permit any Private Transportation Company Driver or Driver for Hire to drive a Taxicab unless such Driver is registered separately under the provisions of this by-law.
- 9.2.8.0.0 The licensee shall advise the Issuer of Licenses within 14 (fourteen) days of any change in any licence plate issued by the Ministry of Transportation.
- 9.2.9.0.0 The licensee shall ensure that every Driver of a Taxicab shall be familiar with the provisions of this by-law, the laws and regulations relating to traffic and the geography of the City of Barrie.
- 9.2.10.0.0 The licensee shall ensure that every Driver of a Taxicab is the holder of any of a class A, B, C, D, E, F or G driver's licence issued to him by the Ministry of Transportation for the Province of Ontario and that such licence is valid at all times which such driver is engaged in driving any Taxicab used by the licensee.
- 9.2.10.1.0 The licensee shall immediately notify the Issuer of Licences if a registered Taxicab Driver no longer holds a valid Province of Ontario driver's licence for any reason and such Driver shall immediately be removed from the Taxicab Driver registry.
- 9.2.11.0.0 The applicant shall be at least 18 years of age to be licensed under this section.
- 9.2.12.0.0 The licensee shall satisfy the Issuer of Licenses that:
- a) any Taxicab operated in association with the Taxicab Company will accept calls only from the Taxicab Company;
 - b) Deleted;
 - c) Deleted.

- d) Every Taxicab Company be required to provide to the Issuer of Licences at the time of application and within 14 (fourteen) days of any change to such information:
- i. a registry of all Taxicabs owned by the company identifying the Licence Plate Number, make of vehicle and Vehicle Identification Number;
 - ii. a registry of all vehicles not owned by the Taxicab Company but which are intended to be used as a Taxicab for the Taxicab Company and operated on behalf of the Taxicab Company identifying the Licence Plate Number, make of vehicle and Vehicle Identification Number;
 - iii. a copy of a valid vehicle safety inspection certificate issued by the Ministry of Transportation for each vehicle operating on behalf of the Taxicab Company
 - iv. a registry containing the name(s), addresses and contact information of any person operating as a Taxicab Driver for the Taxicab Company regardless of whether such Driver operates a Taxicab owned by the Taxicab Company or another person;
 - v. a copy of a valid driver's abstract issued by the Ministry of Transportation for each Taxicab Driver operating on behalf of the Taxicab Company; and,
 - vi. a criminal records check issued by a police service or other agency authorized to provide such criminal records checks for each Taxicab Driver operating on behalf of the Taxicab Company, such criminal records check must have been issued within 12 months of the date of application.

9.2.13.0.0

Every licensee shall:

- a) keep an orderly record of all calls answered by Taxicabs owned or operated on behalf of the Taxicab Company, showing date, time, origin, destination and the name of the driver. The records shall be retained for a period of 12 months from date of entry and shall be open for inspection by any Municipal Law Enforcement Officer, Police Officer or other duly appointed individual at any reasonable time and may be removed by such Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and retained for any reasonable period of time;
- b) submit each Taxicab owned or operated on behalf of the Taxicab Company for vehicle safety inspection as required by the Issuer of Licences, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and shall file with the Issuer of Licences a valid and current Safety Standards Certificate for each Taxicab owned or operated on behalf of the Taxicab Company and intended to be used as a Taxicab in accordance with the provisions of the *Highway Traffic Act, R.S.O. 1990, c. H8*;
- c) ensure that all persons employed or operating on behalf of the Taxicab Company as a Taxicab Driver are properly registered under the provisions of this by-law;
- d) Deleted;
- e) prominently display in each Taxicab owned or operated on behalf of the Taxicab Company a list of rates or fares set out by the company, including but not limited to any scheduled price variances inclusive and prior to the commencement of any conveyance;
- f) ensure that every Taxicab used by the Taxicab Company is submitted as requested for inspection by a Municipal Law Enforcement Officer, Police Officer or other duly authorized individual;
- g) ensure the necessary dispatching equipment, mobile software application or two way communications is available to each Driver and maintained in proper working condition; and,
- h) Deleted.

- i) ensure all trip records submitted by the Taxicab Driver, include the amount of the meter fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each call answered by the Taxicab Driver.
- 9.2.14.0.0 The licensee shall ensure that any Taxicab operated on behalf of the company is driven for the transportation exclusively of one person or group of persons in the same party and that only one fare or charge is collected for each specified trip.
- 9.3.0.0.0 **TAXI TARIFF - RATES AND FARES**
- 9.3.1.0.0 All rates and fares including any scheduled price variance, shall be posted within the Taxicab or available through an electronic format to every customer prior to the commencement of any conveyance and shall be agreed upon.
- 9.3.2.0.0 All rates and fares are inclusive of Harmonized Sales Tax (H.S.T.).
- 9.3.3.0.0 Notwithstanding Section 9.3.1.0.0 through Section 9.3.2.0.0 the licensee and a customer may enter into a contract in writing for services to extend for a period of one year or more on runs between fixed points at an agreed tariff, but a duplicate original of such contract must first be filed with the Issuer of Licences.
- 9.3.4.0.0 Deleted.
- 9.3.5.0.0 Deleted.
- 9.3.6.0.0 Deleted.
- 9.3.7.0.0 Deleted.
- 9.4.0.0.0 **EQUIPMENT AND ITS USE**
- 9.4.1.0.0 Every licensee shall have affixed to each Taxicab used on behalf of the Taxicab Company, a Taxi meter for registering distances travelled and computing fares to be paid.
- 9.4.2.0.0 Every person shall ensure that:
 - a) each Taxi meter is:
 - i) Deleted;
 - ii) so placed as to be conveniently seen at all times by the passenger or passengers of the Taxicab;
 - iii) Deleted;
 - iv) kept in good working order at all times and not used when defective in any way; and,
 - v) Deleted.
- 9.4.3.0.0 Deleted.
- 9.4.4.0.0 Deleted.
- 9.4.5.0.0 Deleted.
- 9.4.6.0.0 Every licensee shall ensure that every Taxicab used by the Taxicab Company has security affixed on the top of the Taxicab, an illuminated sign indicating that the vehicle is a Taxicab and the trade name under which the Taxicab is being operated.
- 9.4.7.0.0 The licensee shall be held liable for any violations found or misconduct done so by any registered Taxicab Driver or Taxicab vehicle, to any provision of this by-law and may result in the suspension, revocation or denial of the Taxicab Company licence, by the Issuer of Licences.”

11. THAT By-law 2006-265 be amended by adding the following sections:

“13.0.0.0.0 **PRIVATE TRANSPORTATION COMPANY DRIVER**

Authority: *Municipal Act, .S.O. 2001, c. 25*

13.1.0.0.0 **PURPOSE**

13.1.1.0.0 The Council of The Corporation of the City of Barrie has deemed it expedient to pass a by-law to regulate and govern Private Transportation Company Drivers within the City of Barrie to:

- a) ensure that consumers are protected by requiring as a condition of operating that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
- b) ensure that the Licensee has secured and holds a valid Driver's Licence issued by the Ministry of Transportation for the Province of Ontario;
- c) ensure that the health and safety of its residents and visitors are protected through the establishment of operating standards; and,
- d) ensure that the Licensee complies with all nuisance control regulations;

13.2.0.0.0 **OPERATING CRITERIA**

13.2.1.0.0 No person shall operate or carry on business as a Private Transportation Company Driver within the City without first having been registered to do so.

13.2.2.0.0 The applicant or his designate shall provide to the Issuer of Licences, through the Private Transportation Company, at the time of application:

- a) two (2) pieces of identification, one of which shall be photographic identification detailing the applicant's birth date, legal name and current residential address;
- b) a Criminal Record Check obtained from a Police enforcement agency or other duly appointed agency and dated within 12 months of the date of receipt of the application;
- c) an Ontario Driver's Licence Abstract obtained from the Ministry of Transportation and dated within 12 months of the date of receipt of the application; and,
- d) the applicant's Ontario Driver's Licence with a minimum Class G designation with no driving restrictions.

13.2.3.0.0 The applicant or his designate shall provide to the Issuer of Licences, through the Private Transportation Company, at the time of application, documentation to the satisfaction of the Issuer of Licences from the owner or designate of the Private Transportation Company for whom the applicant is to provide services as a Private Transportation Company Driver confirming that the applicant is employed by or otherwise authorized to provide services as a Private Transportation Company Driver for the said Private Transportation Company. This may be in the form of a registry.

13.2.4.0.0 No person shall provide any service or operate as a Driver for any Private Transportation Company which is not licensed under the provisions of this by-law.

13.2.5.0.0 No person shall drive any vehicle operated as a Private Transportation Company vehicle unless such vehicle is registered under the provisions of this by-law.

13.2.6.0.0 No person providing services or operating as a Private Transportation Company Driver shall receive requests for service, in any format, from a Private Transportation Company unless such company is licensed under the provisions of this by-law.

- 13.2.7.0.0 Every registered Private Transportation Driver shall keep a daily trip records, such daily trip record may be in paper or electronic format, hereinafter referred to as a trip record, of all calls received by him which result in the transporting of a passenger from one location to another and such trip record shall contain the following information:
- a) the Private Transportation Company vehicle licence number issued under the provisions of this by-law;
 - i) the name, address of the Driver;
 - ii) the amount of remuneration collected for the service; and,
 - iii) date, time, origin and destination of each trip.
- 13.2.8.0.0 Every person, while in charge of a Private Transportation Company Vehicle for hire shall:
- a) produce daily trip records upon the request of any Municipal Law Enforcement Officer, Police Officer or other duly authorized individual;
 - b) upon request of any passenger, give in writing his name, and company contact information along with the license number issued to the company under the provision of this by-law; and,
 - c) ensure all daily trip records include the amount of the fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each call answered by the Private Transportation Company Driver
- 13.2.9.0.0 No person shall, while in charge of a Private Transportation Company Vehicle for hire:
- a) solicit any person to take or use the Private Transportation Company Vehicle he is driving by calling out or shouting. The person wishing to use or engage the Private Transportation Company Vehicle shall be left to choose without interception or solicitation;
 - b) take, consume or have in his possession any intoxicant;
 - c) obstruct the use of any sidewalk, make any loud noise or disturbance, use any abusive language, molest, annoy or insult any person whatsoever;
 - d) employ or allow any runner or other person to assist or act in concert with him in obtaining any passenger;
 - e) carry a greater number of persons than the Private Transportation Company Vehicle is intended to seat according to manufacturer's rating or than specified in the license issued under this by-law;
 - f) smoke or allow or permit the smoking of any equipment or product including but not limited to cigar, cigarette, pipe, hookah or any other lit smoking product or vaping product whether lit by flame or battery powered, in contravention of the City by-law regarding smoking or other applicable legislation, whichever is the most restrictive;
 - g) park, stop or otherwise stand the Private Transportation Company Vehicle in any prohibited area;
 - h) park, stop or otherwise stand in a designated Taxicab stand for which a sign is posted;
 - i) discriminate in any way against any member of the public in the carrying on of the business on any basis; and,
 - j) refuse to serve a person with a disability or fail to permit a service animal to enter any vehicle to which the licence relates.

- 14.0.0.0.0 **PRIVATE TRANSPORTATION COMPANY**
 Authority: *Municipal Act, S.O. 2001, c. 25*
- 14.1.0.0.0 **PURPOSE**
- 14.1.1.0.0 The Council of The Corporation of the City of Barrie has deemed it expedient to pass a by-law to license, regulate and govern Private Transportation Companies within the City of Barrie to:
- a) ensure that consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
 - b) ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer; and,
 - c) ensure that the Licensee complies with all nuisance regulations.
- 14.2.0.0.0 **OPERATING CRITERIA**
- 14.2.1.0.0 No person shall own, operate, carry on or maintain a business as a Private Transportation Company within the City of Barrie without first having obtained a licence to do so.
- 14.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of commercial liability insurance in the minimum amount of \$2,000,000.
- 14.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of H.S.T. (Harmonized Sales Tax) registration. Such registrations shall be provided for the Private Transportation Company and on behalf of all registered Private Transportation Company Drivers and all registered Private Transportation Company Vehicles operating on behalf of the Private Transportation Company as may be applicable.
- 14.2.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application, and within fourteen (14) days of any change, a registry of all persons operating as a Private Transportation Company Driver on behalf of the Company. Such listing shall include:
- a) the Name, address and contact number for each individual;
 - b) Criminal Records Check issued by a Police enforcement agency or other duly appointed agency valid within 12 months of receipt by the Issuer of Licences;
 - c) a driver's abstract issued by the Ministry of Transportation valid within 30 days of receipt by the Issuer of Licences;
 - d) copy of valid Ontario Driver's Licence issued by the Ministry of Transportation with no driving restrictions.
- 14.2.5.0.0 The applicant shall provide to the Issuer of Licences at the time of application, and within fourteen (14) days of any change, a list of all vehicles operating as a Private Transportation Company Vehicles on behalf of the Company. Such listing shall include:
- a) the vehicle identification number and the Ontario licence plate number as issued by the Ministry of Transportation for each vehicle operating on behalf of the Private Transportation Company;
 - b) a valid Safety Standards Certificate issued pursuant to the provisions of the *Highway Traffic Act, R.S.O. 1990, c. H8*, as amended; at the time of application,
 - c) the unique identifier issued to each vehicle operated as a Private Transportation Company Vehicle by such Private Transportation Company.
- 14.2.6.0.0 No person shall use or permit any Private Transportation Company Vehicle to be used for hire unless such Private Transportation Company Vehicle is registered under the provisions of this by-law.
- 14.2.7.0.0 No person shall permit any driver to drive a Private Transportation Company Vehicle unless such Driver is registered under the provisions of this by-law to do so.

- 14.2.8.0.0 Every person shall advise the Issuer of Licenses within fourteen (14) days of any change in any licence plate issued by the Ministry of Transportation.
- 14.2.9.0.0 The licensee shall ensure that every driver of a Private Transportation Company Vehicle shall be familiar with the provisions of this by-law, the laws and regulations relating to traffic and the geography of the City of Barrie.
- 14.2.10.0.0 The licensee shall ensure that every Driver of a Private Transportation Company Vehicle is the holder of any of a class A, B, C, D, E, F or G driver's licence issued to him by the Ministry of Transportation for the Province of Ontario and that such licence is valid at all times which such driver is engaged in driving any Private Transportation Company Vehicle used by the licensee.
- 14.2.10.1.0 The licensee shall immediately notify the Issuer of Licences should any Private Transportation Company Driver's driver's licence no longer be valid. Such Driver shall immediately be removed from the registry.
- 14.2.11.0.0 The applicant shall be at least 18 years of age to be licensed under this section.
- 14.2.12.0.0 The applicant shall satisfy the Issuer of Licences that:
- a) any Private Transportation Company Vehicle operated in association with the Company will accept calls only from that Private Transportation Company;
- 14.2.13.0.0 Every licensee shall:
- a) keep an orderly record of all calls answered by vehicles operating on behalf of the Private Transportation Company showing date, time, origin, destination, vehicle licence number and the name of the driver. The records shall be retained for a period of 12 months from date of entry and shall be open for inspection by any Municipal Law Enforcement Officer, Police Officer or other duly appointed individual at any reasonable time and may be removed by such Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and retained for any reasonable period of time;
 - b) submit each Private Transportation Company Vehicle for vehicle safety inspection as required by the Issuer of Licences, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and shall file with the Issuer of Licences a valid and current Safety Standards Certificate for each vehicle operated on behalf of the company as required by the Issuer of Licences in accordance with the provisions of the *Highway Traffic Act, R.S.O. 1990, c. H8*;
 - c) ensure that all persons employed or operating on behalf of the Private Transportation Company as a Private Transportation Company Driver are properly registered under the provisions of this by-law;
 - d) All rates and fares shall be made available through an electronic format to every customer prior to the commencement of any conveyance and shall include any discounts, price variances or surges in effect at the time and the conveyance must be agreed upon prior to commencement;
 - e) provide the necessary or make available the necessary dispatching equipment, mobile software applications or two way communication devices to each Driver and maintained in proper working condition;
 - f) ensure all trip records include the amount of the fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each call answered by the Private Transportation Company Driver; and,
 - g) not permit, encourage or condone the acceptance of hails or the solicitation of passengers by Private Transportation Company Drivers, whether on the street or in any manner or any other location.
- 14.2.14.0.0 The licensee shall ensure that any Private Transportation Company Vehicle operating on behalf of the company is driven for the transportation exclusively of one person or group of persons in the same party and that only one fare or charge is collected for each specified trip.

- 14.2.15.0.0 The licensee shall notify the Issuer of Licences immediately should a p Private Transportation Company Driver be suspended or terminated from operating on behalf of the Private Transportation Company and shall not reinstate such Driver unless prior approval has been granted by the Issuer of Licences.
- 14.2.16.0.0 The licensee shall ensure that a copy of the Private Transportation Company identifier is filed with the Issuer of Licences at the time of application and approval is granted relating to the form, size and location by the Issuer of Licences.
- 14.2.17.0.0 The licensee shall ensure that such identifier is placed on each Private Transportation Company Vehicle so as to be visible to the public at all times when operating.
- 14.2.18.0.0 The licensee shall remit payment and supporting reports to the Issuer of Licences on a Quarterly basis related to a per trip fee as set out in the City Fees By-law as amended from time to time.
- 14.2.19.0.0 The licensee shall be held liable for any violations found or misconduct done so by any registered Private Transportation Company Driver or Private Transportation Company Vehicle, to any provision of this by-law and may result in the suspension, revocation or denial of the Private Transportation Company licence by the Issuer of Licences.
- 14.3.0.0.0 **RATES AND FARES**
- 14.3.1.0.0 Every licensee shall:
- a) ensure all rates and fares are posted within the vehicle or available through an electronic format to every customer prior to the commencement of any conveyance and shall be agreed upon,
 - b) ensure each customer is advised immediately and prior to the commencement of any conveyance of any price variance or surging in effect at the time of the request for service,
 - c) ensure all rates and fares are inclusive of Harmonized Sales Tax (H.S.T.) if applicable;
 - d) ensure that no driver accepts any payment in cash or any other form of payment for services provided. All payments shall be made through the appropriate mobile software application; and,
 - e) ensure that the customer is provided with a receipt detailing all rates and fares, date of transaction, total time of trip, start / end locations and Private Transportation Company licence number associated with each trip. Such receipt shall be in an electronic format.
- 14.4.0.0.0 **EQUIPMENT AND ITS USE**
- 14.4.1.0.0 Every licensee shall ensure each Private Transportation Company Driver operating on his behalf, has correctly logged or signed into the applicable mobile software application that will register distances travelled and computing fares to be paid.
- 14.4.2.0.0 Every Licensee shall be required upon request, to create anonymous passenger and driver accounts to be used for enforcement purposes by a Municipal Law Enforcement Officer or other duly appointed officer authorized to enforce the provisions of this by-law. Such accounts can be used from time to time to complete random inspections to ensure compliance with the provisions of the by-law.

- 15.0.0.0.0 **PRIVATE TRANSPORTATION COMPANY VEHICLE**
 Authority: *Municipal Act, .S.O. 2001, c. 25*
- 15.1.0.0.0 **PURPOSE**
- 15.1.1.0.0 The Council of The Corporation of the City of Barrie has deemed it expedient to pass a by-law to regulate and govern Private Transportation Company Vehicles within the City of Barrie to:
- a) ensure that consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
 - b) ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer; and,
 - c) ensure that the Licensee complies with all nuisance regulations.
- 15.2.0.0.0 **OPERATING CRITERIA**
- 15.2.1.0.0 No person shall own, operate, carry on or maintain a business as a Private Transportation Company Vehicle within the City of Barrie without first having been registered to do so.
- 15.2.2.0.0 The applicant or his designate shall provide to the Private Transportation Company, at the time of application, proof of automobile liability insurance in the minimum amount of \$2,000,000.
- 15.2.3.0.0 The applicant or his designate shall provide to the Private Transportation Company, at the time of application, proof of H.S.T. (Harmonized Sales Tax) registration, if applicable.
- 15.2.4.0.0 The applicant or his designate shall provide to the Private Transportation Company, at the time of application, and within fourteen (14) days of any change, a list of all vehicles operating as a Private Transportation Company Vehicle for the Company. Such listing shall include:
- a) the vehicle identification number and the Ontario licence plate number as issued by the Ministry of Transportation for each vehicle operating on behalf of the Private Transportation Company;
 - b) a valid Safety Standards Certificate, for each vehicle, issued pursuant to the provisions of the *Highway Traffic Act, R.S.O. 1990, c. H8*, as amended; at the time of application; and,
 - c) the unique identifier issued to each vehicle operated as a Private Transportation Company Vehicle by such Private Transportation Company.
- 15.2.5.0.0 No person shall use or permit any Private Transportation Company Vehicle to be used for hire unless such Private Transportation Company Vehicle is registered under the provisions of this by-law.
- 15.2.6.0.0 No person shall permit any driver to drive a Private Transportation Company Vehicle unless such driver is registered under the provisions of this by-law to do so.
- 15.2.7.0.0 Every person shall advise the Issuer of Licenses within fourteen (14) days of any change in any licence plate issued by the Ministry of Transportation.
- 15.2.8.0.0 The registered owner of a Private Transportation Company Vehicle shall be familiar with the provisions of this by-law, the laws and regulations relating to traffic and the geography of the City of Barrie.
- 15.2.9.0.0 The applicant or his designate shall be at least 18 years of age to be licensed under this section.
- 15.2.10.0.0 The applicant or his designate shall satisfy the Issuer of Licenses that:
- a) any Private Transportation Company Vehicle operated in association with the Company will accept calls only from the Private Transportation Company;

- 15.2.11.0.0 Every registered vehicle owner or licensee shall:
- a) submit each registered Private Transportation Company Vehicle for vehicle safety inspection, as required, by the Issuer of Licences, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and shall file with the Issuer of Licences a valid and current Safety Standards Certificate for each vehicle operated on behalf of the company as required by the Issuer of Licences in accordance with the provisions of the *Highway Traffic Act, R.S.O. 1990*, c. H8;
 - b) ensure all trip records include the amount of the fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each call answered by the Private Transportation Company Driver; and
 - c) not permit, encourage or condone the acceptance of hails or the solicitation of passengers by Private Transportation Company Drivers, whether on the street or in any manner or any other location.
- 15.2.12.0.0 The registered vehicle owner or licensee shall ensure that any Private Transportation Company Vehicle operating on behalf of the Company is driven for the transportation exclusively of one person or group of persons in the same party and that only one fare or charge is collected for each specified trip.
- 15.2.13.0.0 The registered vehicle owner or licensee shall ensure that such identifier is placed on each Private Transportation Company Vehicle so as to be visible to the public at all times, when operating.
- 16.0.0.0.0 **DRIVER FOR HIRE - DRIVER**
Authority: *Municipal Act, .S.O. 2001*, c. 25
- 16.1.0.0.0 **PURPOSE**
- 16.1.1.0.0 The Council of The Corporation of the City of Barrie has deemed it expedient to pass a by-law to regulate and govern Driver for Hire - Drivers within the City of Barrie to:
- a) ensure that consumers are protected by requiring as a condition of operating that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
 - b) ensure that the Licensee has secured and holds a valid Driver's Licence issued by the Ministry of Transportation for the Province of Ontario;
 - c) ensure that the health and safety of its residents and visitors are protected through the establishment of operating standards; and,
 - d) ensure that the Licensee complies with all nuisance control regulations;
- 16.2.0.0.0 **DEFINITION – For the purpose of sections 16 and 17 only:**
- 16.2.1.0.0 **CUSTOMER** – means the registered owner or his/her designate, of a private vehicle who requests, hires or contracts a driver.
- 16.3.0.0.0 **OPERATING CRITERIA**
- 16.3.1.0.0 No person shall operate or carry on business as a Driver for Hire - Driver within the City without first having been registered to do so.
- 16.3.2.0.0 The applicant or his designate shall provide to the Issuer of Licences, through the Driver for Hire Company, at the time of application:
- a) two (2) pieces of identification, one of which shall be photographic identification detailing the applicant's birth date, legal name and current residential address;
 - b) a Criminal Record Check obtained from a Police enforcement agency or other duly appointed agency and dated within 12 months of the date of receipt of the application;
 - c) an Ontario Driver's Licence abstract obtained from the Ministry of Transportation and dated within 12 months of the date of receipt of the application; and

- d) the applicant's Ontario Driver's Licence with a minimum Class G designation with no driving restrictions.
- 16.3.3.0.0 The applicant or his designate shall provide to the Issuer of Licences, through the Driver for Hire Company, at the time of application, documentation to the satisfaction of the Issuer of Licences from the owner or designate of the Driver for Hire Company for whom the applicant is to provide services as a Driver for Hire - Driver confirming that the applicant is employed by or otherwise authorized to provide services as a Driver for Hire – Driver for the said Driver for Hire Company. This may be in the form of a registry.
- 16.3.4.0.0 No person shall provide any service or operate as a Driver for any Driver for Hire Company which is not licensed under the provisions of this by-law.
- 16.3.5.0.0 No person providing services or operating as a Driver for Hire - Driver shall receive requests for service, in any format, from a Driver for Hire Company unless such company is licensed under the provisions of this by-law.
- 16.3.6.0.0 No person shall, while in charge of a Customer Vehicle:
- a) solicit any person to take or use the Customer Vehicle he is driving by calling out or shouting. The person wishing to use or engage the Driver for Hire shall be left to choose without interception or solicitation;
 - b) take, consume or have in his possession any intoxicant;
 - c) obstruct the use of any sidewalk, make any loud noise or disturbance, use any abusive language, molest, annoy or insult any person whatsoever;
 - d) employ or allow any runner or other person to assist or act in concert with him in obtaining any passenger;
 - e) carry a greater number of persons than the Customer Vehicle is intended to seat according to manufacturer's rating or than specified in the license issued under this by-law;
 - f) smoke or allow or permit the smoking of any equipment or product including but not limited to cigar, cigarette, pipe, hookah or any other lit smoking product or vaping product whether lit by flame or battery powered, in contravention of the City by-law regarding smoking or other applicable legislation, whichever is the most restrictive;
 - g) park, stop or otherwise stand the Customer Vehicle in any prohibited area;
 - h) park, stop or otherwise stand the Customer Vehicle in a designated Taxicab stand for which a sign is posted;
 - i) discriminate in any way against any member of the public in the carrying on of the business on any basis; and,
 - j) refuse to serve a person with a disability or fail to permit a service animal to enter any vehicle to which the licence relates.
- 17.0.0.0.0 **DRIVER FOR HIRE COMPANY**
Authority: *Municipal Act*, .S.O. 2001, c. 25
- 17.1.0.0.0 **PURPOSE**
- 17.1.1.0.0 The Council of The Corporation of the City of Barrie has deemed it expedient to pass a by-law to license, regulate and govern Driver for Hire Companies within the City of Barrie to:
- a) ensure that consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
 - b) ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer; and,
 - c) ensure that the Licensee complies with all nuisance regulations.

- 17.2.0.0.0 **OPERATING CRITERIA**
- 17.2.1.0.0 No person shall own, operate, carry on or maintain a business as a Driver for Hire Company within the City of Barrie without first having obtained a licence to do so.
- 17.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of commercial liability insurance in the minimum amount of \$2,000,000.
- 17.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of HST (Harmonized Sales Tax) registration. Such registrations shall be provided for the Driver for Hire Company and on behalf of all registered Driver for Hire - Drivers operating on behalf of the Driver for Hire Company as may be applicable.
- 17.2.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application, and within fourteen (14) days of any change, a registry of all persons operating as a Driver for Hire - Driver for the Company. Such listing shall include:
- a) the Full Legal Name, residential address and contact number for each individual operating on behalf of the Company;
- 17.2.5.0.0 No person shall use or permit the use of a Driver for Hire Company Vehicle to be used to transport customers or clients at any time.
- 17.2.6.0.0 No person shall permit any person to operate as a Driver for Hire - Driver unless such person is registered under the provisions of this by-law to do so.
- 17.2.7.0.0 The licensee shall ensure that every driver operating on behalf of the Driver for Hire Company is familiar with the provisions of this by-law, the laws and regulations relating to traffic and the geography of the City of Barrie.
- 17.2.8.0.0 The licensee shall ensure that every person operating as a Driver for Hire - Driver is the holder of any of a class A, B, C, D, E, F or G driver's licence issued to him by the Ministry of Transportation for the Province of Ontario and that such licence is valid at all times while such driver is engaged in transporting or driving any person or vehicle during the course of conducting business.
- 17.2.8.1.0 The licensee shall immediately notify the Issuer of Licences should the driver's licence of the Driver for Hire- Driver be suspended or revoked and such Driver shall immediately be removed from the registry.
- 17.2.9.0.0 The applicant shall be at least 18 years of age to be licensed under this section.
- 17.2.10.0.0 The Licensee shall satisfy the Issuer of Licenses that:
- a) any Driver for Hire - Driver operating in association with the Company will accept calls only from the licensed Driver for Hire Company; and,
 - b) Every Driver for Hire Company be required to provide to the Issuer of Licences at the time of application and within fourteen (14) days upon any change to such information:
 - i. a registry containing the name(s), address and contact information of any person operating as a Driver for Hire - Driver for the driver for hire company;
 - ii. a copy of a criminal records check issued by a police service or duly authorized agency, issued within 12 months of the date of application for each Driver for Hire – Driver operating; and,
 - iii. a copy of a drivers abstract issued by the Ministry of Transportation for each Driver for Hire – Driver, valid within 30 days of the date of application.
- 17.2.11.0.0 Every licensee shall:
- a) keep an orderly record of all calls answered by the Company showing date, time, origin, destination, and the name of the Driver. The records shall be retained for a period of 12 months from date of entry and shall be open for inspection by any Municipal Law Enforcement Officer, Police Officer or other duly appointed individual at any reasonable time and may be removed by such Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and retained for any reasonable period of time;
 - b) ensure that all persons employed by him as a Driver for Hire - Driver are properly registered under the provisions of this by-law;

- c) All rates and fares shall be made available through an electronic format or paper format to every customer prior to the commencement of any conveyance and shall include any discounts, price variances or surges in effect at the time and the conveyance must be agreed upon prior to commencement;
 - d) provide or make available the necessary dispatching equipment, mobile software applications or two way communication devices to each Driver and maintained in proper working condition;
 - e) ensure all trip records include the amount of the fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each call answered by the Driver for Hire – Driver; and,
 - f) not permit, encourage or condone the acceptance of hails or the solicitation of passengers by a Driver for Hire - Driver, whether on the street or in any manner or any other location.
- 17.2.12.0.0 The licensee shall notify the Issuer of Licences immediately should a Driver for Hire - Driver be suspended or terminated from operating on behalf of the Driver for Hire Company and shall not reinstate such Driver unless prior approval has been granted by the Issuer of Licences.
- 17.2.13.0.0 The licensee shall ensure that at no time does a Driver for Hire – Driver allow a customer or client to enter or be transported in the Driver for Hire Company Vehicle as defined by this by-law.
- 17.2.14.0.0 The licensee shall be held liable for any violations found or misconduct done so by any Driver for Hire Company employee or Driver for Hire - Driver, to any provision of this by-law and may result in the suspension, revocation or denial of the Driver for Hire Company licence by the Issuer of Licences.
- 17.3.0.0.0 **RATES AND FARES**
- 17.3.1.0.0 Every licensee shall:
- a) ensure all rates and fares are posted within the vehicle or available through an electronic format to every customer prior to the commencement of any conveyance and shall be agreed upon;
 - b) ensure each customer is advised immediately and prior to the commencement of any conveyance of any price variance or surging in effect at the time of the request for service; and,
 - c) ensure all rates and fares are inclusive of Harmonized Sales Tax (H.S.T.) if applicable.”

12. THAT this By-law shall come into force and have effect on the 1st day of August, 2017.

READ a first and second time 10th day of April, 2017.

READ a third time and finally passed this 10th day of April, 2017.

THE CORPORATION OF THE CITY OF BARRIE

ACTING MAYOR – S. MORALES

CITY CLERK – DAWN A. MCALPINE