

“OFFICE CONSOLIDATION”

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THE CORPORATION OF THE TOWN OF COCHRANE

BY-LAW NUMBER 2965-98

**BEING A BY-LAW FOR THE PURPOSE OF LICENSING,
REGULATING AND GOVERNING OWNERS AND DRIVERS
OF CABS USED FOR HIRE, AND FOR ESTABLISHING
RATES OF FARES AND FOR REVOKING ANY SUCH
LICENSES.**

WHEREAS the Municipal Council of the Corporation of the Town of Cochrane wishes to consolidate all existing by-laws and amendments relating to taxi-cabs in the Town of Cochrane by repealing all prior by-laws and enacting a new revised By-law to license and regulate cabs used for hire;

AND WHEREAS authority is granted under Section 232, Paragraph 1 of the Municipal Act, R.S.O. 1990, Chapter M.45 for the passing of By-laws licensing, regulating and governing owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof, and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the Municipality or to any point not more than five kilometers beyond its limits, and for providing for the collection of such rates or fares and for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof and for revoking any such license;

AND WHEREAS authority is also granted pursuant to Section 232, paragraph 4 of the Municipal Act R.S.O. 1990, Chapter M.45 as amended, for the passing of By-laws requiring any or all persons referred to in Section 232, Paragraph 1 of the said Act, to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the By-law and, where such insurance is not so provided, the Council may refuse to renew or revoke any license so issued;

AND WHEREAS authority is also granted pursuant to Section 232, Paragraph 6 of the Municipal Act R.S.O. 1990, Chapter M.25, as amended, for the passing of By-laws licensing, regulating and governing taxi-cab brokers and for revoking any such license and for requiring taxi-cab brokers to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the By-law in respect of each taxi-cab operated in association with such broker and, where such insurance is not so provided, the Chief Administrative Officer and/or his designate may refuse, refuse to renew, or revoke any such license;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cochrane enacts as follows:

DEFINITIONS

1. In this By-law:

(a) Cab

"*cab*" shall mean any cab, bus or motor or other vehicle used, or regularly used, for hire for the conveyance of both persons and goods and articles but shall not include vehicles used for hire solely for the purposes of conveyance of goods or articles;

(b) Owner

"*owner*" shall mean any person who is the registered owner of a cab regularly used for hire and shall also include a person who has leased, rented or loaned a vehicle to another person under some agreement such that the other person shall be a driver of the vehicle or a broker of the vehicle and the original person remains the registered owner of the vehicle;

(c) Driver

"*driver*" shall mean a person engaged, as or acting as, a driver of a cab or other vehicle regularly used for hire;

(d) Cab Driver's License

"*cab driver's license*" shall mean a permit issued to a driver by the Corporation of the Town of Cochrane;

(e) Safety Inspection Certificate

"*safety inspection certificate*" shall mean a vehicle safety inspection certificate obtained from a licensed garage and/or mechanic licensed to issue vehicle safety inspection certificates by the Province of Ontario and shall be in the form prescribed from time to time by the Ministry of Transportation in the Province of Ontario;

(f) Taxi-Cab Owner's License

"*taxi-cab owner's license*" shall mean a permit issued to a cab owner by the Corporation of the Town of Cochrane;

(g) Taxi-Cab Broker

"*taxi-cab broker*" shall mean any person who accepts calls in any manner for taxi-cabs that are used for hire and that are owned by persons other than himself, his immediate family or his employer;

(h) Taxi-Cab Broker License

"*taxi-cab broker license*" shall mean a permit issued to a taxi-cab broker by the Corporation of the Town of Cochrane;

(l) Valid Driver's License

"valid Driver's License" shall mean the necessary class of a valid Ontario Driver's License as required in accordance with Ontario regulations in force from time to time to operate a taxi-cab or vehicle for conveying the public.

LICENSE REQUIREMENT:

2. No person shall own or drive a cab within the limits of the Town of Cochrane, or drive a cab to or from a point within the limits of the Town of Cochrane to or from a point within five kilometers beyond its limits unless that person has obtained either a Taxi-Cab Owner's License or a Cab Driver's License.
3. No person shall carry on business or accept calls in any manner for taxi-cabs as a taxi-cab broker within the limits of the Town of Cochrane, or for calls from a point within the limits of the Town of Cochrane to or from a point within five kilometers beyond its limits unless he or she has obtained a Taxi-Cab Broker's License.

APPLICATIONS:

4. Every application for a **Cab Driver's License** shall be made by completing an Application Form in the form as set out in *Schedule "A"* to this By-law and submitting same together with a Certificate of Health duly issued by a qualified medical practitioner every (2) years, two photographs of the applicant, and proof of possession of a valid Driver's License, to the Town Hall of the Corporation of the Town of Cochrane. In the event a Cab Driver's License is issued one such photograph shall be attached to the driver's license and the other shall be retained by Municipality.
5. Every application for a **Taxi-Cab Broker's License** shall be made by completing and submitting an Application Form in the form as set out in *Schedule "B"* to this By-law to the Town Hall of the Corporation of the Town of Cochrane.

6. Every application for a **Taxi-Cab Owner's License** shall be made by completing and submitting an Application Form in the form as set out in *Schedule "C"* to this By-law to the Town Hall of the Corporation of the Town of Cochrane. A Taxi-Cab Owner's License shall not be sufficient for the purposes of driving a taxi and every owner shall, before acting as a driver of any of his/her vehicles used for hire, also obtain a Cab Driver's License under the provisions of this by-law.
7. No owner shall be granted a Taxi-cab Owner's License unless a safety inspection certificate has been obtained and provided to the Municipality at the time that the license is obtained.
8. Upon receiving any such application submitted pursuant to paragraphs 4, 5, and 6 above, the completed Application shall be submitted to the Municipality whereby the Chief Administrative Officer and/or his designate shall have the power to grant or refuse such license in its discretion.

LICENSE FEES:

9. The sum to be paid for either a Cab-Driver's License, and Taxi-Cab Owner's License or a Taxi-Cab Broker's License shall be the amount as set out in *Schedule "D"* to this By-law. Each license issued shall be effective at 12:01 a.m. on the 1st day of June in each calendar year, and each of such licenses shall expire at midnight on the 31st day of May in each calendar year. Every such license must be renewed on or before the 15th day of April for the following license year. Upon the passing of this By-law any license previously issued to any taxi-cab broker, owner or driver which was to expire as of the 31st of December 1998 shall be extended and remain in full force and effect until the 31st day of May, 1999 but shall be deemed to have been granted, and shall be in force, in accordance with the provisions of this By-law.

REQUIREMENTS FOR OWNERS:

10. No owner licensed under the provisions of this By-law shall employ as a driver, nor rent his cab to, any person who is not the holder of a valid Driver's License issued by the Ministry of Transportation and who is not the holder of a Cab Driver's License issued pursuant to this By-law.
11. No owner licensed under the provisions of this By-law shall employ as a driver, nor rent or permit the use of his cab to, any person who has not complied with paragraphs 17, 18 and 19 of this By-law.

12. No person shall be granted a Taxi-Cab Owner's License until he deposits with the Municipality a policy of insurance in the minimum amount of TWO MILLION DOLLARS (\$2,000,000.00) DOLLARS per occurrence inclusive of limits for personal injury and/or property damages endorsed to the effect that the Corporation of the Town of Cochrane will be given at least fifteen (15) days notice in writing of any cancellation, expiry or variation in the amount of the policy together with a premium receipt for the said policy of insurance for the current year.
13. Every licensed owner under the provisions of this By-law shall provide a list of insured drivers for his vehicles and shall advise of any changes thereto.
14. No owner licensed under the provisions of this By-law shall permit the use or operation of a cab by a driver which does not have a valid safety inspection certificate which is valid and in good standing as defined herein or permit the use or operation of a cab for which a written notice has been issued to the owner by the Municipal Law Enforcement Officer listing deficiencies or requiring proof of mechanical fitness if the work has not been completed or the proof of fitness has not been provided within seven days.
15. No taxi-cab owner's license shall be renewed in accordance with paragraph 9 of this By-law unless the taxi-cab owner has provided to the Municipality with a new safety inspection certificate that has been obtained no earlier than fifteen (15) days prior to the application for renewal of the license.
16. Every owner licensed under this By-law shall provide a suitable holder in each cab for displaying the license of the driver of such vehicle in the interior of the cab for which he is licensed in a prominent place conveniently visible to passengers.

REQUIREMENTS FOR DRIVERS:

17. No person under the age of eighteen (18) years shall make application for a Cab Driver's License nor be permitted to act as a driver of a cab.
18. No driver shall drive a cab who is not the holder of a valid Driver's License issued by the Ministry of Transportation.
19. No driver shall drive a cab which does not have a valid safety inspection certificate which is valid and in good standing as defined herein or shall drive a cab for which a written notice has been issued to the owner by the Municipal Law Enforcement Officer listing deficiencies, or requiring proof of mechanical fitness if the work has not been completed, or proof of fitness has not been provided within seven days.

20. Every driver shall keep his Cab Driver's License with his or her photograph attached thereto, prominently displayed in the interior of any cab driven by him or her.

REQUIREMENTS FOR DRIVERS AND OWNERS:

21. No owner or driver licensed under this By-law or other persons employed by him shall solicit any person to use his or her cab by calling out or shouting, and every driver and owner shall allow all members of the public to choose any cabs without interruption or solicitation.
22. No owner shall permit the operation of a cab and no driver shall operate a cab unless the cab is equipped with a Taxi Meter which has been properly tested and sealed by the Municipal Law Enforcement Officer.
23. Where any Taxi Meter previously tested and sealed by the Municipal Law Enforcement Officer is replaced, repaired, altered, tampered with or adjusted, no owner or driver of the cab shall operate the cab and Taxi Meter unless such Taxi Meter has been again tested and sealed by the Municipal Law Enforcement Officer.
24. Every owner or driver of every cab shall keep the interior of the cab clean and dry, and shall ensure that the exterior of the cab is clean and in good repair.
25. In the event any driver or owner who has a license granted under this By-law is convicted of any driving offence or vehicle infraction under the provisions of the Ontario Highway Traffic Act or under the provisions of the Criminal Code, the driver or owner shall, within 48 hours of that conviction, provide written notice to the attention of the Municipal Law Enforcement Officer for the Corporation of the Town of Cochrane so that the Municipal Law Enforcement Officer may report to the Chief Administrative Officer and/or his designate in accordance with the provisions of this By-law.
26. No owner who has knowledge of a conviction by a driver shall permit the operation of a cab by that driver, and no driver may drive a cab, who has not complied with the reporting requirement of any convictions in paragraph 25 above.

REQUIREMENTS FOR TAXI-BROKERS:

27. No Taxi-Cab Broker shall permit any driver to use the Taxi-Cab Broker for the purposes of receiving calls, nor permit any driver or owner to operate in association with the Taxi-Cab Broker's business name, or employ any driver or owner without first determining that the driver or owner has obtained the appropriate Cab Driver's License or Taxi-Cab Owner's License pursuant to this By-law.

28. No Taxi-Cab Broker shall permit any owner to operate a taxi-cab in association with the Taxi-Cab Broker's business name or employ any driver or owner without first determining that the driver or owner has obtained a safety inspection certificate in accordance with the provisions of this By-law.
29. Every Taxi-Cab Broker shall be responsible for ensuring that each owner using or allowing his vehicle to be used in association with the Broker's business name, and receiving calls through the Taxi-Cab Broker's dispatcher has obtained and provided proper public liability insurance in the form and to the amounts of coverage as prescribed in this By-law.

INSPECTION OF CABS:

30. Every owner or driver shall, when required, submit his/her vehicle for examination by the Municipal Law Enforcement Officer and no owner or driver shall, at any time, when his/her vehicle is not employed, prevent or hinder the Municipal Law Enforcement Officer from examining it, or prevent or hinder the Municipal Law Enforcement Officer from entering his/her property or garage, or other building or property for the purposes of inspecting the said cab.
31. If the Municipal Law Enforcement Officer, upon examining any cab or vehicle determines that the cab or vehicle is not in a fit or proper condition for use, the Municipal Law Enforcement Officer may provide the owner with written notice listing the specific items requiring attention, and the owner shall within seven (7) days ensure that all requests are met, and that the cab or vehicle is in a fit and proper condition.
32. If the Municipal Law Enforcement Officer, upon examining the vehicle, determines that it is necessary, in the best interests of public safety, to have any cab inspected by a qualified mechanic, the Municipal Law Enforcement Officer may provide the owner with written notice that the vehicle be inspected by a qualified mechanic within seven (7) days, and that written proof of mechanical fitness be provided to the Municipal Law Enforcement Officer, and any owner receiving such notice shall be required to comply accordingly.

MUNICIPAL LAW ENFORCEMENT OFFICER:

33. In addition to the other duties and responsibilities of the Municipal Law Enforcement Officer set out elsewhere in this By-law, it shall be the duty of the Municipal Law Enforcement Officer to supervise all owners, drivers and taxi-cab brokers, and the condition of all cabs and vehicles, and without limiting the generality of the foregoing, he shall also have the following specific duties:

- (a) to report to Council whenever requested to do so;
- (b) to act as the inspector of all cabs and vehicles;
- (c) to make all necessary inquiries concerning applications for licenses under this By-law;
- (d) to make recommendations for revoking any license granted under this By-law;
- (e) to inspect any vehicle which an applicant for a Taxi-Cab owner's license intends to have covered by a license or to serve notice requiring inspection by a qualified mechanic;
- (f) to cause inspections and inquiries to be made from time to time and as often as may be required by Council as to whether persons holding a license continues to comply with the provisions of this By-law.

LICENSE REGISTER AND CHANGES:

- 34. The Clerk shall keep a register of every license issued pursuant to this By-law. The Register shall contain separate listings for each of the three categories of licenses set out in this By-law.
- 35. The Clerk shall record the name of each licensee, his or her residence and mailing address, the amount paid for the license, the date the license was issued, as well as any other particulars that Council may require him or her to keep including the particulars of all safety inspection certificates issued to taxi-cab owners in accordance with the provisions of this By-law.
- 36. The License Register shall also list, for each Taxi-Cab Broker, all drivers and owners driving or operating in association with such Broker, and the Clerk shall amend the Register upon receiving the appropriate notice from any Taxi-Cab Broker or any changes in the names of drivers or owners associated with him or her.
- 37. Every Taxi-Cab Broker shall be responsible for notifying the Clerk of any change in the names of those owners or drivers operating in association with him/her and his/her business name. Such notice shall be in the form of a written letter with the heading "**Notice of Change of Drivers or Owners**", setting out all details of such changes in the names of owners or drivers, and such Notice shall be provided no later than ten (10) days following the addition or departure of any driver or owner.

TAXI METERS:

38. Each Owner shall have affixed to each cab in respect of which he has obtained a Taxi-Cab Owner's License, a taxi meter for registering distances travelled and computing fares to be paid, and the following provisions apply to all cabs so equipped in that each taxi meter shall be:
- (a) submitted, when required, for testing, inspection and sealing by the Municipal Law Enforcement Officer;
 - (b) illuminated between dusk and dawn;
 - (c) attached to the cab in a location and manner such that the meter is visible to any member of the public hiring the cab;
 - (d) used only when the seal thereon is intact;
 - (e) used for not longer than six (6) months without re-testing and re-sealing subject to any additional testing as required by the Municipal Law Enforcement Officer or by other provisions of this By-law;
 - (f) kept in good working condition at all times and shall not be used if at any time the meter is defective in any way;
 - (g) numbered and not used until approved by the Municipal Law Enforcement Officer.
39. Each taxi meter shall be tested by the Municipal Law Enforcement Officer by running the cab to which the taxi meter is attached over a measured track or distance and determining the accuracy of the meter according to the distance and rate.
40. Each Taxi Meter is to be adjusted to show rates of fares as those described in *Schedule "E"* to this By-law.

CHARGES AND RATES:

41. No driver of a cab shall ask or demand more or less than the rates of fares contained in *Schedule "E"* to this By-law. A Card showing the rates of fares authorized by the Schedule shall be prominently displayed inside the cab as so directed by the Clerk or the Municipal Law Enforcement Officer.

42. No charge shall be made for time lost through defects or inefficiency or incompetency of the cab or driver, or for time consumed by the arrival of the cab in advance of the time that the person calling for it requested that cab.
43. In accordance with this by-law, the Chief Administrative Officer and/or his designate may exempt a taxi-cab broker, driver or owner from the rate fares provided for in this by-law upon compliance with the requirements in paragraph 45 herein.

LIMITATION OF NUMBER OF CABS:

44. Pursuant to Section 232, Paragraph 1 of the *Municipal Act*, R.S.O. 1990, as amended, the Municipal Council of the Corporation of the Town of Cochrane may determine, at any time, by enactment of a further By-law, the number of cabs or other vehicles for hire permitted to operate for hire to the general public within the limits of the Corporation of the Town of Cochrane, and in making that determination, Council shall take into consideration the best interests of the community, including, without limiting the generality of the foregoing, the following factors:
- (a) the availability of off-street parking at established taxi-stands;
 - (b) the number of taxi-brokers within the Town limits and the pattern of ownership of the taxi-stands;
 - (c) the need to preserve the financial viability of the taxi-business;
 - (d) the population of the Town of Cochrane and surrounding areas and the demand for taxi-cab service.

Any such determination made by any further By-law pursuant to this paragraph shall be made only after all parties directly affected by such a limitation in the number of cabs have been given an opportunity to be heard by Council.

POWER TO EXEMPT CABS WHICH CONTRACT SPECIAL SERVICES

45. The Municipality of the Town of Cochrane may, by further By-law, exempt any owner, driver or taxi-cab broker from any portions of this bylaw provided that:
- (a) the driver, owner or taxi-cab broker has a valid and subsisting license issued under this By-law; and

- (b) the driver, owner or taxi-cab broker is providing transportation services for children taking a cab both to and from nursery school, school, or other full-time education institution or transportation services for physically, and developmentally challenged persons (as defined in such further by-law) from any point within the municipality to any point outside the municipality; and
- (c) such transportation and conveyances are made pursuant to a written contract for the use of the cab.

ADVERTISING AND CABS ON PRIVATE BUSINESS

- 46. No cab, which is operated by a driver, owned by an owner, or operated through a broker shall be operated at any time for the purposes of conveying persons unless that cab has affixed to it a sign, or light or other form of advertising showing that the vehicle is a cab as defined in this By-law and which included either the words "taxi" or "cab".
- 47. Any cab which has affixed to it, any signs, lights, or advertising indicating that the cab is a taxi-cab shall be deemed to be available for call and, at all times, subject to compliance with all provisions of this By-law, and no cab shall be considered to be for private use unless all such advertising as required under this By-law have been removed.

PENALTY, PROSECUTION, AND REVOCATION OF LICENCES

- 48. Every person who contravenes any of the provisions of this By-law shall, upon conviction thereof, forfeit and pay a penalty not exceeding ONE THOUSAND (\$1,000.00) DOLLARS, and not less than ONE HUNDRED (\$100.00) DOLLARS, exclusive of costs, recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33 and amendments thereto, and as provided for by Section 109 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended.
- 49. For the purposes of any prosecution or proceeding under this By-law, a statement as to the licensing or non-licensing of any person pursuant to the provisions of this By-law, signed by the Clerk of the Corporation of the Town of Cochrane, is, without proof of the office or signature of the Clerk, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in such prosecution or proceeding.

50. The Chief Administrative Officer and/or his designate shall have full and complete power to revoke, at their discretion, and for whatever reason the Chief Administrative Officer and/or his designate deems necessary, any license granted pursuant to this By-law. More specifically, but without limiting the generality of the foregoing, the Chief Administrative Officer and/or his designate may revoke any license granted pursuant to this By-law by reason of failure to comply with the provisions of this By-law, or any other By-law enacted by the Municipal Council of the Corporation of the Town of Cochrane. The Chief Administrative Officer and/or his designate shall not be bound to give any reason for refusing or revoking such license and any such action shall not be open to question or review by any Court, pursuant to Section 109(6) of the Municipal Act R.S.O. 1990, Chapter M.25 as amended.

GENERAL

51. This By-law shall repeal all existing By-laws respecting the regulation and licensing of owners and drivers of taxi-cabs, but all licenses heretofore issued shall, during the period for which the same have been issued, remain in full force and unaffected by the repeal of the said By-law and shall continue in force and effect until the 31st day of May, 1999.

ENACTMENT

52. This By-law shall come into full force and effect immediately upon the 1ST day of January, 1999.

READ a first and second time this 9th day of November, 1998.

MAYOR

CLERK

READ a third time and finally passed this 9th day of November, 1998.

MAYOR

CLERK

THE CORPORATION OF THE TOWN OF COCHRANE

SCHEDULE "A" Forming part of By-Law Number 2965-98 of the Corporation of the Town of Cochrane

APPLICATION FOR CAB DRIVERS LICENCE IN THE TOWN OF COCHRANE

Name _____ Classification No. _____

Address _____

Residence record for _____

The past two years _____ Year _____

MARITAL STATUS: _____

Physical Condition:

Answer Yes or No

- 1. Are you subject to or have you ever suffered from a stroke, epilepsy, fits, spells convulsions or seizures?
2. Do you suffer from any disability in respect of your limbs, feet or hands?
3. Do you suffer from deafness?
4. Are you under treatment for any conditions? If so give particulars:

Description:

Date of Birth _____ Sex _____
Height _____ Weight _____
Color of eyes _____ Color of hair _____

DRIVING EXPERIENCE:

Answer Yes or No

- 1. Have you ever been prohibited from driving?
2. Have you been convicted of any offence involving the use of a motor vehicle during the last 5 years?
3. Have you ever been convicted of any non-motor vehicle offence under the Criminal Code of Canada or Local or Provincial laws?
4. If answer to questions 1, 2 or 3 is "yes" state particulars:

Name and address of employer: _____

HEALTH CERTIFICATE:

I have examined _____ whom I have attended for _____ years.

- 1. Hearing
2. Vision
3. Deformity: Describe any amputation, restricted movement, weakness paralysis of neck, arms, hands, legs, feet or any other deformity
4. Lungs Date of last x-ray
5. Heart: Pulse rate Rhythm Blood Pressure
6. Medical history: has applicant ever suffered from fainting, spells, fits, convulsions, epilepsy, a stroke, diabetes, heart attack, tuberculosis or any unexplained periods of unconsciousness? If so, describe
7. Urine: Albumen Sugar
8. Mental alertness
9. Mental disability: describe if any
10. Any other clinical finds of significance
11. Remarks

Signed _____ M.D.
(Examining Physician)

Dated: _____ 20 _____
(Signature of Applicant)

N.B. Photographs to be shoulder height - clear - 2 1/2" x 2" - colored - white background - no Polaroid's - portrait type and two copies are required: to be renewed every year.

THE CORPORATION OF THE TOWN OF COCHRANE

SCHEDULE "B" – FORMING PART OF BY-LAW NUMBER 2965-98 OF THE CORPORATION OF THE TOWN OF COCHRANE

**APPLICATION FOR A TAXI-CAB BROKER'S LICENCE
IN THE TOWN OF COCHRANE**

NAME: _____

ADDRESS/LOCATION: _____

TELEPHONE NUMBER: _____

I hereby apply for a "Taxi-Cab Broker's Licence for the year _____. I understand that the fee for such a licence is \$100.00 per year.

Signature

Date

THE CORPORATION OF THE TOWN OF COCHRANE

SCHEDULE "D" – FORMING PART OF BY-LAW NUMBER 2965-98 OF THE CORPORATION OF THE TOWN OF COCHRANE

LICENCE FEES

Taxi-cab Broker \$100.00

TAXI-CAB OWNER

For the first Cab \$ 35.00

For each additional Cab \$ 10.00

Cab Drivers Licence \$ 20.00

THE CORPORATION OF THE TOWN OF COCHRANE

SCHEDULE "E" FORMING PART OF BY-LAW NUMBER 2965-98 OF THE CORPORATION OF THE TOWN OF COCHRANE

CHARGES AND RATES

Starting rate for each Cab	\$ 2.00
Rate Per Kilometer	\$ 1.20 per kilometer
Waiting Time	\$ 28.00 per hour