

THE MUNICIPALITY OF NORTH PERTH

BY-LAW NO. 45-2006

A BY-LAW TO PROVIDE FOR LICENSING, REGULATING AND GOVERNING OWNERS AND DRIVERS OF TAXICABS, MOTOR OR OTHER VEHICLES USED FOR HIRE FOR THE TRANSPORTATION OF PASSENGERS

WHEREAS the Municipality of North Perth has the authority under the *Municipal Act*, S.O. 2001, c. M.25, Section 150(1) and 150(2) as amended to pass by-laws for licensing, regulating and governing any business wholly or partly carried on within the municipality;

AND WHEREAS the Council of the Municipality of North Perth is desirous to license, regulate and govern the owners and drivers of taxicabs;

AND WHEREAS notice of the public meeting for consideration of this by-law was given in accordance with s. 150(4) of the *Municipal Act*;

AND WHEREAS s. 155(1) of the *Municipal Act*, gives authority for municipalities to pass by-laws to establish rates to be charged for the conveyance of passengers; provide for the collection of the rates charged for the conveyance; and limit the number of taxicabs licensed within the municipality.

NOW THEREFORE the Council of the Municipality of North Perth enacts as follows:

DEFINITIONS

1. In this By-law:

- (a) “**Accessible taxicab**” shall mean a vehicle which has been built or altered in such a manner so as to afford easy access for a passenger while occupying a wheelchair. Such taxicabs must have approved wheelchair tie downs and comply with Ontario Regulation 167/81, as amended, and the Canadian Standards Associations Standard D409/M84.
- (b) “**Cab**” shall include taxicabs.
- (c) “**Call**” within the meaning of this By-law shall include a request or direction for the uses of a taxicab transmitted by radio, or by personal request of a prospective passenger, or in any other manner.
- (d) “**Clerk**” shall mean the Clerk of the Municipality of North Perth or designate.
- (e) “**Council**” shall mean the Council of the Municipality of North Perth.
- (f) “**Driver**” shall mean a driver of a taxicab who is licensed as such under this By-law.
- (g) “**License**” shall mean a permit granted by Council under the provisions of this By-law to own or drive any motor vehicle used for hire to transport passengers.
- (h) “**Licensing Officer**” shall mean the Licensing Officer or his assistant for the Municipality of North Perth.
- (i) “**Motor Vehicle**” shall mean any vehicle as defined under this by-law.
- (m) “**Municipality**” shall mean the Municipality of North Perth.
- (n) “**Owner**” shall mean any person owning a taxicab
- (o) “**Permit**” shall mean a permit granted by the Licensing Officer under the provisions of this By-law to drive or operate a taxicab, limousine or luxury stretch limousine.
- (p) “**Seating Capacity**” means the number of passengers limited to the seating capacity of the vehicle as rated by the manufacturer.

- (q) “**Taxicab**” shall mean a motor vehicle having a seat capacity of not less than five (5) adult persons and not more than seven (7) adult persons, including the driver, equipped with an approved seat belt assembly for each adult occupant, and kept or used for hire for the conveyance of passengers; but does not include a bus of a municipal transit system, or a bus licensed under the Public Commercial Vehicles Act, or an ambulance or a funeral hearse.

ADMINISTRATION

2. The Clerk or designate shall oversee the administration of this by-law on behalf of Council.
3. The Clerk is hereby authorized to issue taxicab owners’ licenses.
4. All licenses issued pursuant to this By-law expire on the 31st, day of January of each year unless properly renewed.
5. Any license issued pursuant to the provisions of this By-law may be revoked or cancelled with cause at any time by Council.
6. Notice of the revocation of any license issued pursuant to the provisions of this By-law shall be delivered personally to the holder thereof or sent by ordinary mail.
7. Any act done by, or by authority of the Clerk under any of the provisions of this By-law is subject to an appeal to the Council by any person feeling aggrieved thereby.

LICENSING REQUIREMENTS

8. No person shall use or operate, or permit the use or operation, or offer any taxicab for hire to the public within the Municipality without a License to do so issued by the Municipality.
9. Prior to being licensed as a taxicab owner, every applicant shall:
 - (a) Complete and submit to the Clerk an application in the form provided, along with the appropriate fee as set out in Schedule “A” attached hereto.
 - (b)
 - i) hold a current passenger motor vehicle permit, which is in good standing, issued in the name of the applicant by the Ministry of Transportation for the vehicle of which they are the owner and proposed to use as a taxicab.
 - (c) When a vehicle is being licensed as a taxicab for the first time, provide the Clerk with a valid Province of Ontario Safety Standards Certificate. Applications for annual renewal thereafter must be accompanied by a similar certificate.
 - (d) Where the taxicab is more than ten (10) years old, provide the Clerk with a valid Province of Ontario Safety Standards Certificate every six (6) months.
 - (e) Produce and file a copy of the current Ontario Standards Automobile Insurance Policy, endorsed to provide that the Municipality be given at least ten (10) days written notice of any cancellation, expiration or change in the amount of the policy. Such policy shall insure in respect of any one accident to a minimum of two million dollars (\$2,000,000.00), exclusive of interest and costs, against loss or damage resulting from bodily injury to, or death, of one or more persons and loss of or damage to property; and the said policy shall make provision for passenger hazard in an amount not less than the foregoing.
 - (f) In the case of a leased motor vehicle, provide the Clerk with a true copy of the lease agreement and advise the clerk of any change, extension or cancellation of the lease agreement prior to such change, extension or cancellation.
10. No person shall drive a taxicab within the Municipality without first having obtained a license to do so under this By-law.
11. No person shall be licensed as a taxicab driver unless he or she:
 - (a) has at least two (2) years driving experience;

- (b) is either a Canadian citizen, a permanent resident or has a valid employment authorization issued by the Government of Canada to work as a driver;
 - (c) has a working knowledge of the English language;
 - (d) holds a current, valid Ontario driver's license issued under the Highway Traffic Act, R.S.O. 1990, Chap. H.8;
 - (e) completes and personally delivers to the Clerk the prescribed application form accompanied by the appropriate fee as set out in Schedule "A" attached hereto;
 - (f) provides the Clerk with his or her Driving Abstract from the Ministry of Transportation and a Clearance letter from North Perth detachment of the Ontario Provincial Police;
 - (g) has the application signed by a taxi owner or the appropriate official of the company for whom the licensee will drive;
 - (h) provides two passport-size personal photographs. One of such photographs shall be attached to the license and the other shall be filed with the Clerk.
12. Upon receipt of an application, either original or renewal, the Clerk shall cause appropriate inquiries to be made.
13. Upon completion of these inquiries, the Clerk shall:
- (a) where no adverse information has been received in response to the Clerk's inquiries, issue the license; or
 - (b) where adverse or potentially adverse information has been received refer the matter to Council to either approve or reject the application.
14. No owner or driver licensed under this By-law shall transfer from one company to another without first having made application to the Clerk on the appropriate form and approval having been granted.
15. Where the holder of an owner's license disposes of a motor vehicle without acquiring another in its stead, the holder shall, within two (2) working days of such disposal, notify the Clerk and surrender the said owner's license.
16. Every person licensed under this By-law shall notify the Clerk within six (6) days of any change of personal address.
17. No licensed owner of any motor vehicle used for hire under this By-law shall employ as a driver of such motor vehicle any person who is not licensed under this By-law.

VEHICLE REQUIREMENTS

18. (a) Advertising for any lawful purpose inside licensed motor vehicles is permitted.
- (b) Advertising on the outside of the vehicle shall strictly pertain to the taxi company; advertising for any other purpose shall not be permitted.
19. Every owner replacing a vehicle used as a taxicab shall provide the Clerk with a valid Province of Ontario Safety Standards Certificate.
20. Every person licensed under this By-law shall ensure that at all times his or her taxicab:
- (a) is clean, in good repair as to its interior and exterior; and
 - (b) meets the standards required for the issuance of a Province of Ontario Safety Standards Certificate.

21. Every owner or driver, while operating a taxicab, shall:
 - (a) display a tariff card showing the in-town rates, charges for stops made by the taxi, waiting time per hour, charge per kilometer on out-of-town fares and also indicate if GST is included in the charge; and
 - (b) display the tariff card in such a position that it is clearly visible to any passenger within the taxicab.
22. Every taxicab shall at all times be subject to an inspection by a Police Officer or a By-law Enforcement Officer of the municipality.
23. No person shall refuse to submit a vehicle for inspection or examination as required pursuant to this By-law.
24. No person shall operate, or permit to be operated as a taxicab, any vehicle in respect to which the Clerk has required an examination or inspection be carried out, prior to such examination or inspection being conducted to the satisfaction of the Clerk.

ACCESSIBLE TAXI-CAB REQUIREMENTS

25. Every driver of an accessible taxicab shall securely fasten all wheelchairs so that they are prevented from moving when the taxicab is in motion.
26. Every applicant for an accessible taxi driver's license shall:
 - (a) where the applicant is an individual, be licensed under this By-law as a taxicab owner or driver;
 - (b) submit to the Clerk a certificate indicating successful completion of a training program by the applicant or by designated employees of the applicant, dealing with the transportation of physically challenged individuals.
 - (c) where the applicant is a driver, produce the Clerk his or her taxicab driver's license issued hereunder for endorsement as a licensed accessible taxicab driver.
27. Where an owner offers wheelchair accessible service and such service is requested by a physically challenged person, the owner shall provide priority service for such request.

GENERAL

28. No person licensed pursuant to this By-law shall discriminate against any member of the public on account of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, sex, age, marital status family status or handicap.
29. No person licensed pursuant to this By-law shall:
 - (a) refuse to serve a person with a visual impairment being guided by a dog trained for that purpose;
 - (b) refuse to permit such person together with such dog to enter into or upon any place, premises, vehicle or thing to which the license relates; or
 - (c) refuse to permit such person and such dog to remain in or upon such place, premises, vehicle or thing by reason only of the presence of the said dog.
30. No person licensed under this By-law shall carry or permit to be carried in any vehicle used for hire a greater number of persons than the manufacturer's rating or seating capacity for such vehicle, exclusive of the operator.
31. No person licensed under this By-law shall take, consume, have in his or her possession or be under the influence of any liquor or any other drug while operating a taxicab.

32. (a) All owners and drivers licensed under this By-law shall be provided with a driver's identification card bearing a photograph of the license holder, his or her taxi-driver's license number and the name of the company for whom the license holder drives.
- (b) No person shall remove such photograph from the identification card or alter, deface, destroy or conceal the photograph or identification card or permit same to occur.
- (c) Every owner or driver shall immediately replace any identification card or photograph which has become obliterated, defaced or altered.
- (d) Every person licensed under this By-law shall, at all times while driving a taxi, conspicuously display the said identification card and advise any person of the number of such card upon request.
33. No owner or driver licensed under this By-law, or any person employed by them, shall, in any manner whatsoever, directly solicit any person to take or use any taxicab. Owners or drivers licensed under this By-law may remain in parking spaces for the purpose of providing service to patrons of establishments serving alcohol. (MoDeans)
34. No owner or driver under this By-law shall knowingly permit a taxicab to be used by any person in the commission of or in aid of the commission of any offence under the Criminal Code of Canada, any Provincial statute or Municipal by-law.
35. Every owner or driver of a taxicab shall use the most direct traveled route to the specified point of destination, unless otherwise directed by the passenger or unless permission had been granted by the passenger to deviate from such route, or as otherwise directed by the passenger.
36. No person licensed under this By-law shall permit or allow any person to be on any exterior portion of a taxicab while it is in motion.
37. Every person licensed under this By-law shall, while on duty, unless the taxicab has been previously engaged, serve at any specified time whether by day or night any person who may require a taxicab, and shall not purposely neglect or refuse to fulfill any lawful appointment or engagement.
38. No driver, when answering a call, shall blow the horn of the taxicab more than once when arriving at any building or place in order to announce arrival. If the customer does not appear, the driver will personally go to the building and knock on the door. Notwithstanding the above, horns shall not be blown between 9:00 p.m. and 7:00 a.m. inclusive.
39. Every person licensed under this By-law shall take due care of all property delivered, or entrusted to and accepted by them for conveyance or safekeeping, and every such taxicab for any property lost or left therein. All property left in the taxicab shall be delivered over to the person owning same, or, if the person cannot be found at once, shall be taken and placed in the company office for a period not exceeding five (5) days. The property shall then be delivered over to the police. Notwithstanding the above, should money, a purse or wallet containing personal identification or important papers be found, the same shall be forthwith taken to the nearest police station.
40. No person licensed under this By-law shall permit the taxicab to remain standing on any highway other than in designated parking areas, unless for the immediate purpose of:
- (a) taking on a person who has already engaged the vehicle.
- (b) discharging a passenger from the vehicle.
- (c) remaining under the direction of a passenger by whom the vehicle is already unengaged and in the continuance of such engagement.

Notwithstanding the foregoing, nothing in this By-law shall be construed as permitting any parking, standing or standing in contravention of any applicable area municipal By-law or *Highway Traffic Act* provision.

41. Every licensed owner shall cause to be kept a record of the date, time, origin and destination of each trip and the name of the driver. Such records shall be retained for at least six (6) months from the making thereof and shall be made available to the Clerk upon request.
42. Every owner or driver shall, to the best of their knowledge and ability, give full information to any Police Officer or By-law Enforcement Officer on being requested to do so with respect to the address of the house or place to or from which any passenger was driven, with the description, name and address of any such passenger.
43. The owner of any taxicab shall incur the penalties provided for under this By-law, unless at the time of the infraction, the taxicab was in the possession of a person without the owner's consent. The driver of any taxicab, not being the owner, may similarly incur the penalties provided for under this By-law.
44. Any person employing a taxicab may require the driver to furnish a receipt for charges made and paid, indicating thereon the distance traveled. The driver shall promptly furnish such receipt upon request.
45. While on duty no taxicab owner or driver shall use any type of radio scanning device.
46. All taxi companies in the Municipality of North Perth are required to provide a smoke-free taxicab.
47. Council may impose such further and additional conditions on the issuance of any license or group of licenses hereunder as it sees fit by way of resolution from time to time, and the Clerk is hereby instructed to communicate such conditions to any and all applicants thereof prior to issuing the said license or licenses. The Clerk is hereby further instructed to take all steps necessary to ensure compliance with the said conditions, including, without limiting the generality of the foregoing, collecting all necessary information from applicants prior to the issuance or renewal of the said license or licenses.
48. There shall be displayed in every taxicab a tariff card showing the tariffs set out in Schedule 'B'
49. The fees and rates established in Schedules "A" and "B" may be amended by resolution of Council.

OFFENCES


50. Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, chap. P.33., as amended.

REPEAL

51. By-law No. 38-AD-1999 and By-law No. 97-AD-2002 of the Corporation of the Town of North Perth are hereby repealed.
52. This By-law shall come into force and takes effect on the date of its final passing.

READ a first and second time this 24th day of July, 2006.

READ a third and final time and passed this 24th day of July, 2006.


Ed Hollinger, MAYOR

SEAL


Patricia Berfelz CLERK

Schedule "A"

FEES

Type of License	New Application
Taxi – First Vehicle	\$100.00 per year
Taxi – Each Additional Vehicle	\$ 50.00 per year
Wheelchair Accessible – First Vehicle	\$100.00 per year
Wheelchair Accessible – Each Additional Vehicle	\$ 50.00 per year
Taxi – Driver	\$25.00 per 2-year period
Taxi – Driver Wheelchair Accessible Vehicle	\$25.00 per 2 year period

SCHEDULE "B"

SCHEDULE OF TAXI RATES

For the conveyance of one to two passengers and children under twelve within the limits of Listowel Ward in the Municipality of North Perth			\$6.50 + GST
Each additional stop			\$2.00 + GST
Return trips	calculated at	2 trips	
Waiting time	per hour		\$30.00 + GST

Flat Rates:

To the Country Inn		\$7.50 + GST
Within the Listowel Ward		\$6.50 + GST

Other Rates:

Outside of Listowel Ward	per kilometre	\$1.50 + GST
Waiting Time	per hour	\$30.00 + GST
Group and contract rates		pre-arranged
Senior Citizens – any place within Listowel Ward		\$5.00 + GST