

# THE MUNICIPALITY OF NORTH PERTH

## BY-LAW NO. 166-2014

### 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 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 licence, regulate and govern the owners and drivers of taxicabs;

**AND WHEREAS** s. 156(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 licenced 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 class of Taxicab which is designed or modified to be used for the purpose of transporting persons with disabilities and is used for that purpose, whether or not the vehicle is also used to transport persons without disabilities and that is licenced as an Accessible Taxicab by the Municipality of North Perth.
- (b) "**Accessible Taxicab Driver's Licence**" shall mean an Accessible Taxicab Driver's licence as issued to any individual to drive or act as a driver of any accessible taxicab licenced pursuant to this by-law
- (c) "**Accessible Taxicab Service**" shall mean the use of an Accessible Taxicab, for the conveyance of one or more Passengers for a fee or compensation that is commenced within the boundaries of the Municipality of North Perth, and does not include Accessible Taxicabs that are under written contract with a health care facility;
- (d) "**Accessible Taxicab Vehicle Plate**" shall mean a Licence to provide an Accessible Taxicab Service;
- (e) "**Cab**" shall include taxicabs.
- (f) "**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.

- (g) “**Clerk**” shall mean the Clerk of the Municipality of North Perth or designate.
- (h) “**Council**” shall mean the Council of the Municipality of North Perth.
- (i) “**Driver**” shall mean the individual who has care and control of an Accessible Taxicab or Taxicab.
- (j) “**Licence**” 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.
- (k) “**Licensing Officer**” shall mean the Licensing Officer or his assistant for the Municipality of North Perth.
- (l) “**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) “**Passenger**” shall mean an individual in an Accessible Taxicab or Taxicab.
- (p) “**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.
- (q) “**Seating Capacity**” means the number of passengers limited to the seating capacity of the vehicle as rated by the manufacturer.
- (r) “**service animal**” means an animal that is a service animal for a person with a disability,
  - (a) if it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or
  - (b) if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability; which includes but not limited to a guide dog as defined in section 1 of the *Blind Persons Rights' Act*.
- (s) “**Tariff Card**” shall mean the card prescribed in Schedule "B" attached to this by-law and shall contain the schedule of fares to be charged for providing an Accessible Taxicab or Taxicab Services.
- (t) “**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 licenced under the Public Commercial Vehicles Act, or an ambulance or a funeral hearse.
- (u) “Taxicab Driver’s Licence” shall mean a Taxicab’s licence as issued to any individual to drive or act as a driver of any Taxicab licenced pursuant to this by-law.
- (v) “Trip Record” shall mean a book containing the particulars of each Accessible Taxicab Service, Taxicab Service, and Limousine Service and shall include:
  - (i) the Ontario licence plate number of the Accessible Taxicab, Taxicab and Limousine issued by the Ministry of Transportation and the

number of the Accessible Taxicab Vehicle Plate and Taxicab Vehicle Plate as issued under the provisions of this by-law;

- (ii) the name, address and Licence number of the Driver;
- (iii) the amount of fare collected for each trip; and
- (iv) date, time, origin and destination of each trip.

### **SHORT TITLE**

1. This By-law may be cited as the "Taxi by-law".

### **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' licences.
4. All licences issued pursuant to this By-law expire on the 31<sup>st</sup>, day of December of each year unless properly renewed.
5. Any licence 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 licence issued pursuant to the provisions of this By-law shall be delivered personally to the holder thereof or sent by registered 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 licence to do so issued by the Municipality.
9. Prior to being licenced 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) 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 licenced 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 three million dollars (\$3,000,000.00), 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 licence to do so under this By-law.
11. No person shall be licenced as a taxicab driver unless he or she:
- (a) has at least two (2) years driving experience;
  - (b) be at least twenty-five (25) years of age;
  - (c) 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 by providing a certified true copy of either a Canadian birth certificate or valid Canadian passport, or proof of permanent resident status or a work permit approved by the Government of Canada
  - (d) has a working knowledge of the English language;
  - (e) holds a current, valid Ontario Driver's Licence issued under the Highway Traffic Act, R.S.O. 1990, Chap. H.8;
  - (f) completes and personally delivers to the Clerk the prescribed application form accompanied by the appropriate fee as set out in Schedule "A" attached hereto;
  - (g) provides the Clerk with his or her Driving Abstract from the Ministry of Transportation dated within sixty (60) days of the date of the application for a licence under this by-law;
  - (h) provides the clerk with the original of a criminal records check and a vulnerable sector check issued by the Perth County Detachment of the Ontario Provincial Police, such check being dated within sixty (60) days of the application for a licence under this by-law;
  - (i) provides two passport-size personal photographs. One of such photographs shall be attached to the licence 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 licence; 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 licenced 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 licence 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 licence.
16. Every person licenced under this By-law shall notify the Clerk within six (6) days of any change of personal address.
17. No licenced 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 licenced under this By-law.
18. Every Licence, unless sooner revoked or cancelled, shall expire one year after the date of issue. If the expiry date falls on a Saturday or Sunday, then every licence issued on this By-law shall expire at 4:30 p.m. on the following Monday.

#### **VEHICLE REQUIREMENTS**

19.
  - (a) Advertising for any lawful purpose inside licenced 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.
20. Every owner replacing a vehicle used as a taxicab shall provide the Clerk with a valid Province of Ontario Safety Standards Certificate.
21. Every person licenced 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.
22. 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 HST 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; and

- (d) prominently display on the driver's side rear bumper area of each Accessible Taxi Cab and Taxicab owned by him/her, the Vehicle Plate for each as provided by the Licensing Officer;

23. Every taxicab shall at all times be subject to an inspection by a Police Officer or a By-law Enforcement Officer of the municipality.

24. No person shall refuse to submit a vehicle for inspection or examination as required pursuant to this By-law.

25. 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.

26. **ACCESSIBLE TAXI-CAB REQUIREMENTS**

Driver Responsibilities:

(a) Upon request of any Passenger, give in writing his/her name and Accessible Taxicab Driver's Licence number or Taxicab Driver's Licence number as issued to him/her under the provisions of this By-law, such information to be provided in an accessible format for persons with disabilities;

(b) If a person with a disability is accompanied by a service animal, permit the person to use the Accessible Taxicab and to keep the service animal with him or her;

(c) Not charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip;

(d) Not charge a fee for the storage of mobility aids or mobility assistive devices:

(e) submit to the Clerk a certificate indicating successful completion of a Wheelchair and Occupant Restraint System Training Program with respect to the handling, safety restraint, transportation, care and safety of disabled passengers.

Taxi Owner Responsibilities:

(a) Place vehicle registration and identification information on the rear bumper of the taxicab;

(b) Make available vehicle registration and identification information in an accessible format to passengers;

(c) Display the Tariff Card in an accessible format;

(d) Display all the above in a consistent type of information, shape, colour and position in text that is high in colour-contrasted and has solid characters.

Duties of the Municipality:

(a) Consult with the Accessibility Advisory Committee, the public and persons with disabilities to determine the proportion of on-demand accessible taxicabs required in the community;

(b) Identify progress made toward meeting the need for on-demand accessible taxicabs including any steps that will be taken to meet the need, in its accessibility plan.

## GENERAL

27. No person licenced 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.
28. No person licenced 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 licence 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.
29. No person licenced 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.
30. No person licenced 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.
31. (a) All owners and drivers licenced under this By-law shall be provided with a driver's identification card bearing a photograph of the licence holder, his or her taxi-driver's licence number and the name of the company for whom the licence 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 licenced 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.
32. No owner or driver licenced 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 licenced under this By-law may remain in parking spaces for the purpose of providing service to patrons of establishments serving alcohol.
33. 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.
34. 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.

35. No person licenced under this By-law shall permit or allow any person to be on any exterior portion of a taxicab while it is in motion.
36. Every person licenced 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.
37. 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.
38. Every person licenced 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.
39. No person licenced 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 engaged 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.

40. Every licenced 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.
41. 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.
42. 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.



43. 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.
44. While on duty no taxicab owner or driver shall use any type of radio scanning device or cell phone unless parked or stopped off the travelled portion of the roadway.
45. All taxi companies in the Municipality of North Perth are required to provide a smoke-free taxicab.
46. Council may impose such further and additional conditions on the issuance of any Licence or group of licences 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 licence or licences. 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 licence or licences.
47. There shall be displayed in every taxicab a tariff card showing the tariffs set out in Schedule 'B'
48. The fees and rates established in Schedules "A" and "B" may be amended by resolution of Council.

#### **REFUSAL, SUSPENSION AND REVOCATION OF LICENCES**

49. (1) The Licensing Officer shall refuse to grant a Licence or renew a Licence if the Applicant has not satisfied all of the requirements of this by-law, or on the grounds of reasonable belief that the person will not carry on or engage in the business in accordance with law or with honesty and integrity.
- (2) The Licensing Officer may, at any time for just cause, including failure to comply with any of the provisions of this bylaw, suspend the licence issued to any person under this by-law. The former licensee shall be informed that they may appeal this decision to the Municipality of North Perth Council. The Council after hearing the appeal may either continue such suspension for such period of time as it shall determine, or may reinstate such licence, or if the circumstances warrant such action, may revoke said licence.
- (3) The Licensing Officer shall refuse to grant a licence or renew a licence under this by-law by reason of the grounds that the conduct of the person applying for or holding the licence, or where the person is a corporation, that the conduct of the corporation's officers, directors, employees or agents, affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.
- (4) Immediately upon suspension or revocation of a licence, the licensee shall be sufficiently notified in writing by the Licensing Officer to ensure a clear understanding of the suspension or revocation.
- (5) Where the Licencing Officer refuses to issue a licence under this by-law, the Applicant or licensee may appeal this decision to the North Perth Council by filing with the Council, an appeal in writing, of the said decision within fifteen (15) calendar

days of being notified.

- (6) When the Province of Ontario driver's licence of an Applicant or Licencee has been cancelled, suspended or revoked, any licence issued under this by-law shall be deemed to be suspended as of the date of the cancellation, suspension or revocation of the Province of Ontario driver's licence.
- (7) It shall be an offence to fail to deliver a suspended or revoked licence and/or vehicle plate to the Licensing officer or to obstruct any enforcement officer from retrieving the same.

## **ENFORCEMENT**

50. (1) The provisions of this by-law may be enforced by any Police Officer of the Ontario Provincial Police and/or a bylaw officer appointed by the Municipality of North Perth.
- (2) Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.

## **OFFENCE AND PENALTIES**

51. (1) Any person who contravenes any provisions of this by-law is guilty of an offence under the *Provincial Offences Act* R.S.O. 1990 c.P.33 as amended.
- (2) Any Officer or Director of a Corporation who knowingly concurs in the contravention of any provision of this by-law is guilty of an offence.
- (3) Any person who is guilty of an offence under this by-law shall be liable to a fine not exceeding \$5,000.00.

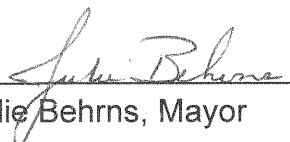
## **REPEAL**

52. By-law No. 45-2006 of the Municipality of North Perth is hereby repealed.

53. This By-law shall come into force and takes effect on the date of its final passing.

**READ** a first and second time this 15th day of December, 2014.

**READ** a third and final time and passed this 15<sup>th</sup> day of December, 2014.

  
Julie Behrns, Mayor

  
Patricia Berfelz, Clerk

## Schedule "A"

### FEES

<b>Type of Licence</b>	<b>New Application</b>
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
Licence Plate	\$25.00 per plate

SCHEDULE "B"

SCHEDULE OF TAXI RATES

(Effective January 2<sup>nd</sup>, 2015)

For the conveyance of one to two passengers and children under twelve within the limits of Listowel Ward in the Municipality of North Perth

Per trip		\$10.00 (HST included)
Each additional stop		\$3.00 (HST included)
Return trips		calculated at 2 trips
Waiting Time per hour		\$50.00 (HST included)
Flat Rates:		
To the Country Inn		\$10.00 (HST included)
Within the Listowel Ward		\$10.00 (HST included)
Other Rates:		
Outside of Listowel Ward	per kilometre	\$2.00 (HST included)
Waiting Time	per hour	\$50.00 (HST included)
Group and contract rates		pre-arranged
Senior Citizens and High School Students		
any place within Listowel Ward		\$8.00 (HST included)