

The Corporation of the Municipality of West Perth

By-law No. 89-08

Being a By-law regulating and governing owners and drivers of taxi cabs and to establish rates or fares charged for the conveyance of goods or passengers wholly within the Municipality of West Perth or beyond its limits and providing for the collection of such rates or fares and for revoking any license.

Whereas the Section 150 of the Municipal Act, R.S.O. 2001 provides that a Municipality may provide for a system of licenses with respect to a business;

And whereas the Municipality of West Perth is desirous to license motor vehicles operated by, for or on behalf of any person who receives compensation, either directly or indirectly, for the transportation of passengers within the Municipality of West Perth and who has or keeps their stand or principal place of business within the Corporation of the Municipality of West Perth;

Now therefore be it resolved that the Council of the Municipality of West Perth enacts as follows:

1. For the purpose of this By-law:

- a. "Clerk" shall mean the Clerk of the Municipality of West Perth.
- b. "Council" shall mean the Council of the Municipality of West Perth.
- c. "License" shall mean a permit granted under this By-law by the Municipality of West Perth under the provisions of this By-Law to own or operate any motor vehicle used for hire.
- d. "Mechanical Fitness Certificate" means a certificate issued by a qualified automotive mechanic pursuant to the provisions of the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended.
- e. "Motor vehicle" in this By-law shall include a taxi, limousine, or any vehicle for hire.
- f. "Municipality of West Perth" shall mean the Council of the Municipality of West Perth.
- g. "Not for profit institution" shall include any corporation or organization, all of the income and resources of which are devoted to charitable activities and no part of the income or assets of which are payable to, or is otherwise available for, the personal benefit of any proprietor, member or shareholder.
- h. "Taxi" shall mean any motor vehicle having a seating capacity as recommended by the manufacturer and is regularly used for hire for the conveyance of persons within the Municipality of West Perth.

2. **Duties of the Clerk**

All motor vehicles to which this By-law applies shall be subject to the approval of the Clerk and who shall have supervision over all persons and vehicles licensed under this By-Law, together with the equipment used by them, the duties of the Clerk in connection with the provisions of the By-Law shall be as follows, namely:

- a. To report to Council on the performance of duties under this By-law whenever he or she shall be required to do so.
- b. To examine every applicant for a Taxi Driver's License, ensuring that the applicant meets certain criteria established from time to time by Council and to make all necessary enquiries concerning applications for a license as may be requested to secure a due observance of law and this By-law and all amendments thereto.
- c. The Clerk shall cause a file to be kept concerning those persons licensed under this

By-law, which shall contain the name or names of the applicant and the date of the license, a photograph of the driver (as described in Schedule D) and such further particulars and keep such other books Council may order. Files to be destroyed in compliance with the Records Retention By-law.

- d. The Clerk shall cause to be made out all licenses issued under this By-law, the fees payable thereto to be paid to the Municipality of West Perth.
- e. The Clerk shall furnish every successful applicant for a license for a taxi, with a copy of By-law 89-08 and each owner with a tariff card (Schedule B).
- f. The Clerk shall ascertain by inspection and inquiry from time to time and as often as may be required by Council, whether the persons receiving licenses continue to comply with the provisions of this By-law.
- g. The Clerk may at his/her discretion ensure that any person that offends against any provision of this By-law is prosecuted.

3. **Licenses and Insurance**

- a. The owner of a motor vehicle for hire shall not use or operate the same or allow the same to be used without a license from the Municipality of West Perth.
- b. Prior to a license being issued by the Municipality of West Perth the applicant for a license shall furnish the Clerk with proof of insurance for a taxi having a seating capacity of not more than five passengers, a policy of insurance on each of his or her motor vehicles or other vehicles to be licensed, covering public liability and property damage and passenger hazard risk to at least the amount of \$2,000,000.00 inclusive, for any one accident, such policy of insurance is so kept in force and such policy of insurance shall cover and include any motor vehicle or other vehicle used by the insured as a taxi in substitution for the motor vehicle or other vehicle mentioned or described in the said policy, so long as the license to be granted is in force and effect.
- c. No person licensed under this By-law shall carry in any taxi used for hire a greater number of occupants or persons than the manufacturer's rating of seating capacity of such exclusive of driver.
- d. Prior to a license being issued or renewed annually, the owner of a vehicle to which this By-law applies shall provide to the Clerk, a letter signed by the insurer of the vehicle that the insurer irrevocably undertakes to immediately notify of the insurers intention to cancel or actual cancellation of the policy of insurance. The Clerk on receipt of a notice of cancellation should immediately contact the holder of the license and if liability insurance in the amount required is not produced immediately, he shall automatically suspend the license.

4.

- a. No person shall drive or act as a driver of any motor vehicle without having a license from the Municipality of West Perth, said license shall be in the form of Schedule A to By-law 89-08 and such person shall:
 - i) Prior to obtaining his or her license, pay an initial fee of \$100.00 and annually thereafter on the 2nd day of January, pay to the Municipality of West Perth, an annual fee of \$100.00.
 - ii) Persons applying for a taxi driver's license shall submit a request for a criminal record check. The cost shall be borne by the applicant.
 - iii) If a driver should fail to renew prior to the 1st week of January, he or she must begin the licensing process from the start.

- iv) The license year of the Municipality of West Perth Taxi License under By-law 89-08 shall be effective from January 1st to December 31st of the current year.
- b. Every driver or operator shall produce at least at 2 year intervals following the date the first license issued, a medical certificate signed by a physician, licensed to practice in the Province of Ontario, certifying that the licensee does not suffer from any condition which would adversely affect the licensee's ability to safely operate the vehicle.
5. Every owner of more than one motor vehicle required to be licensed under this By-law shall take out a license for each motor vehicle as follows:
- a. The fee for an Owner's License shall be \$100.00 for the first motor vehicle and \$100.00 for each additional taxi. The annual renewal fee shall be \$100.00 for each taxi, for which a license has been issued in a previous year.
- b. If an owner fails to renew the taxi license for a motor vehicle and at a later date requests to license this vehicle or any other motor vehicle, he or she shall be required to pay the full initial licensing fee of \$100.00.
6. Without in any way limiting the powers conferred by the Municipal Act pursuant to the provisions of the Municipal Act, 2001, or any successor legislation, upon the driver or operator having been found guilty of an offence under:
- The Criminal Code of Canada
 - The Controlled Drugs and Substance Act
 - The Liquor License Act
 - The Highway Traffic Act
 - The Municipality of West Perth By-law No. 89-08,
- or any other statute, the violation of which, at the sole discretion of Council, interferes with the license holder's ability to discharge his or her duties as the operator of a motor vehicle for hire, Council shall suspend the license issued under By-law 89-08 for not less than:
- 30 days for first offence
 - 90 days for second offence, and
 - upon a third offence declare the license forfeited and void.
7. Any driver or operator of a motor vehicle for hire, whose driver's license is suspended by reason of the provisions of the Highway Traffic Act or the Criminal Code of Canada, shall immediately surrender to the Clerk, his or her Taxi Driver's License, issued under this By-law, to operate a motor vehicle.
- a. In the event of a finding of guilt of a driving related offence under the Criminal Code of Canada, the driver or operator shall automatically be prohibited from driving or operating a motor vehicle for hire or obtaining a license under this By-law for a two (2) year period following the reinstatement of the driver's license.
- b. In the event that the driver's license is suspended by reason of the provisions of the Highway Traffic Act and which driver's license is thereafter reinstated, the Clerk shall have the discretion to determine whether the Taxi License or other license to operate a motor vehicle for hire is to be reinstated, subject to a right of appeal to Council.
8. The person in whose name a license is taken out for a motor vehicle shall be considered as the owner of the same for the purposes of this By-law and shall be liable for the penalties therein described.

Equipment and its uses

9. No person licensed under this By-law shall carry in any motor vehicle used for hire, a greater number of occupants or persons than the manufacturer's rating.
10. No owner or driver licensed under this By-law shall exhibit on or about his or her motor vehicle any number, sign or card, other than those approved by or obtained from Council except his or her motor vehicle license plates. In compliance with the Smoke Free Ontario Act, S.O. 1994 C.10, there will be no smoking in any Municipality of West Perth licensed vehicles.
11. The owner or driver of any motor vehicle licensed under this By-law shall keep the interior and exterior of such motor vehicle clean and in good repair and when such owner of such motor vehicle has received notice (either given to him or her to his or her driver) and signed by the Clerk, that such motor vehicle is not in the fit and proper condition for use, stating briefly the items complained of, such owner shall within the time mentioned in such notice, put the same in a fit and property condition.
12. The owner of every motor vehicle in respect of which such a license has been issued under this By-law shall when required, submit his or her motor vehicle for examination to the Clerk and no owner or driver shall, at any time hinder or prevent him from entering the same.
13. Every owner of a motor vehicle when making application for a license under this By-law must produce a mechanical fitness certificate relating to the motor vehicle or any replacement motor vehicle for a previously licensed vehicle, prior to the motor vehicle being licensed for the current or the taxi year beginning January 1st, whichever applies. The mechanical fitness certificate must be signed and dated within one month of making application for a license.

General Provisions

14. No licensed owner shall employ a person other than a properly licensed driver to drive his or her motor vehicles licensed under this By-law.
15. Every holder of a driver's license issued under this By-law from Council shall:
 - a. Be neatly attired and clean.
 - b. Be civil and well behaved.
16. Every licensed motor vehicle owner shall keep a record of the time, date, origin and destination of each trip and the name of the driver, license number of the motor vehicle and such records shall be retained for at least six months and shall give full information to any Police Officer or Constable upon being requested to do so, with reference to the house or the place to or from which he or she has driven any passenger, with the description, name and address, if known to him or her, or with reference to all matters within his or her knowledge relating to such passenger.
17. The refusal of a licensed driver of any motor vehicle carrying passengers for hire to give information to any Police Officer or Constable with reference to the address of the house or place to which he or she has driven any passenger, or any other information connected with his or her occupation required by this By-law or by any resolution of Council of which he or she shall have full information or notice, shall be sufficient grounds when establishing to the satisfaction of Council, for suspending or canceling the license of the driver who refused to give the aforesaid information.
18. The owner or driver having charge of any licensed motor vehicle for carrying passengers for hire, shall, upon being requested to do so, give the number of his or her motor vehicle, name of owner and his or her place of abode, and show tariff of charges.

19. Every owner licensed under this By-law, or driver employed by him or her, shall take care of all property delivered or entrusted to him or her for conveyance or safe keeping. Every driver of motor vehicle locating any property or money left therein, shall forthwith deliver it over to the person owning the same and if the owner cannot at once be found, deliver it to the Police Station with all the information in his or her possession regarding the same. He or she shall cause a search to be made of his or her motor vehicle if a report is received that property or money was suspected to have been left in the motor vehicle.
20. No driver licensed under this By-law shall be permitted by the owner to work more than eight hours within any fifteen consecutive hours. In no case shall the driver be permitted to work more than fifteen hours in any twenty-four consecutive hours.
21. No owner licensed under this By-law shall drive his or her motor vehicle more than fifteen hours within the twenty-four consecutive hours.
22. No licensed owner or driver shall consume or illegally have in his or her possession, any alcoholic beverage or an illegal drug as defined as such under the Controlled Substance Act for an illegal purpose while he or she is in charge of his or her motor vehicle nor shall the use of alcoholic beverages or illegal drugs as defined as such under the Controlled Substance Act for an illegal purpose by him or her be apparent while he or she is in charge of such motor vehicle.
23. Every driver, while in charge of a motor vehicle that commits any breach of this By-law shall be liable to the penalties of this By-law and to have his or her license canceled.
24. No person licensed under this By-law shall solicit any person to take or use his or her motor vehicle but the person wishing to use or engage any licensed motor vehicle for carrying passengers shall be left to choose without interference or solicitation.
25. No owner or driver licensed under this By-law and in charge of a motor vehicle licensed for the carrying of passengers for hire, shall induce any person to employ him or her by either knowingly or wantonly or ignorantly misinforming, misleading, or deceiving such a person as to the time of arrival or departure of any train, car or other conveyance, or as to the location or distance from any part of the Municipality of any railroad depot, hotel, public place, or private residence, or shall induce any person to employ his or her motor vehicle by any false representation, or shall in any manner or form impose upon persons employing him or her and any owner or driver who does so shall be subject to the penalties of this By-law and have his or her license canceled.
26. Every person licensed under this By-law shall, upon changing his or her address, notify the Clerk within two (2) days of his or her new address.

Tariff and Tariff Cards

27. No owner or driver of a cab, licensed under this By-law shall publish or use any tariff, except for the tariff attached hereto as Schedule B as amended by the Board from time to time to demand or receive rates and charges other than those authorized by this By-law, whether such rates and charges are determined by distance or time.
 - a. Each driver of a vehicle licensed under this By-law shall prior to setting out for a destination, advise each passenger of the basis for calculation of the tariff and each owner or operator of a vehicle in the prominent and conspicuous place, a printed tariff card setting out the basis of calculation for the tariff rate.
 - b. In the event a driver of a motor vehicle states or expresses to passenger or passengers a fixed tariff to a particular destination, no driver shall be entitled to receive or recover any fare greater than the fixed rate stated to the passenger or passengers and no driver shall be entitled to recover any fare from any passenger to

whom the driver has refused to show his or her tariff card that is required to be displayed in the vehicle pursuant to the provisions of Section 27 (a) of this By-law.

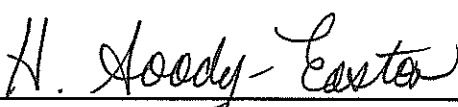
28. No owner or driver licensed under this By-law shall be entitled to receive or recover any fare or charge from any person or persons from whom he or she shall have demanded any fare or charge greater or less than those authorized by this By-law, or to whom he or she has refused to show his or her card of tariff as provided by this By-law.
29. It shall be lawful for the owner or driver of any licensed motor vehicle for carrying passengers for hire to demand prompt payment of his or her lawful fare to hire of the person or persons using the same and no person hiring such motor vehicle or other vehicle, shall refuse, as soon as he or she reaches his or her destination, to pay the fare established by this By-law and every person refusing to pay such fare or hire forthwith, shall be guilty of breach of the By-law and every owner or driver who shall demand or accept any greater sum than the lawful fare or hire, according to the provisions of this By-law shall be guilty of a breach of this By-law.
30. Every licensed person operating a cab shall be permitted to operate on an hourly basis at the request of the passengers and then only at the rate therefore fixed by Schedule B of this By-law as amended from time to time.
31. The tariff card furnished by the Clerk shall be placed in or upon the taxi in plain view of the passenger or passengers and no person so licensed shall use any tariff card other than that obtained from Council or remove, exchange, lend or otherwise dispose of the said tariff card.
32. Notwithstanding Section 30 or 31, or any other provision in this By-law to the contrary, a not for profit institution which hires a taxi to convey a passenger or passengers for an excess of twelve round trips per calendar month shall be entitled to negotiate or tender a price per trip that is less than the tariff set out in this By-law, as amended from time to time.
33. Any act done by, or by the authority of the Clerk, under any provision of this By-law, shall be subject to an appeal to Council by any person feeling aggrieved thereby.
34. Every person who contravenes any of the provisions in this By-law is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000.00 exclusive of costs and the penalties imposed are recoverable under the Provincial Offences Act.
35. The license of any person (including licenses issued prior to the passing of this By-law) found by the Clerk not to be observing the provisions of this By-law, may be suspended for such length of time that the Municipality may deem fit or may be revoked.
36. The provisions of this By-law as amended shall come into force and effect when passed by Council.
37. This By-law repeals By-law 8-2004 and any amendments thereto.

Read a first and second time this ~~25~~²⁵ day of August 2008.

Seal



 Mayor John Van Bakel



 Clerk Hazel Soady-Easton

Read a third and final time and finally passed this 25th day of August 2008.

Seal



Mayor John Van Bakel



Clerk Hazel Soady-Easton

The Corporation of the Municipality of West Perth

Schedule A to By-law No 89-08

Taxi License

Part 1 – Application:

I

First	middle	surname

Address:

Telephone:

Hereby apply for a license under By-law No. 89-08 of the Municipality of West Perth and any amendments that may be made thereto from time to time to operate as a taxi driver within the meaning of the By-law governing taxi licensing.

Signature of applicant

Part II – Authority to issue Taxi License

Driver's license No.: _____ Taxi License no. _____

All licenses expire on December 31st. It is your responsibility to drive with a valid Municipality of West Perth Taxi License.

Signature of Clerk

This is to certify that _____ is licensed as a taxi driver for the current year subject to the Municipality of West Perth By-law No.89-08 in and for the Municipality of West Perth.

Received fee of \$100.00 being the fee for the Municipality of West Perth tax Driver's License.

Fee received by

Schedule B to By-law No. 89-08**Municipality of West Perth Tariffs**

In Town rate (per kilometre) + GST	\$1.25
Delivery in Town (package) + GST	\$5.00
Extra people	Nil
Outside Mitchell area (per kilometre) + GST	\$1.25
Long distance fares (per kilometre) + GST	\$1.00
Waiting time, at the request of the passenger (per hour) + GST	\$30.00

Schedule C

Taxi driver applicants and licensed drivers

1. A Taxi Driver applicant is required to produce a medical certificate stating that he/she is medically fit to drive a taxi and one letter of recommendation.
2. A Taxi Driver applicant shall have possessed a valid Class G Driver's License for at least one year prior to making application for a Taxi Driver's License.
3. Any licensed driver that accumulates over six demerit points over the past year is subject to an interview and failure to attend will result in a recommendation to suspend his or her Taxi Driver's License.
4. Any licensed driver that accumulates over twelve demerit points shall be required to appear before Council to justify why his or her Taxi Driver's License should not be suspended.
5. Any liquor or criminal record that an applicant may possess in addition to any Highway Traffic Act record will be considered by the Clerk when making his/her recommendation to Council.
6. Anyone having his or her driver's license suspended under authority of the Criminal Code will not be considered to become a Taxi Driver for a minimum of two years after reinstatement, subject to a shorter term at the discretion of Council.

Schedule D

The Corporation of the Municipality of West Perth



Taxi Driver Identification

Taxi driver number: _____

Name: _____

Height: _____

Company: _____

Place photograph of driver here.

This card is the property of the Municipality of West Perth