

The Corporation of the Municipality of West Perth

By-law 38-2018

Being a By-law to provide for the Licencing, Regulating and Governing of owners and drivers of Taxicabs, Motor or other Vehicles for hire for the transportation of passengers.

Whereas subsection 5(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law; and

Whereas section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas subsection 10(1) of the Municipal Act, 2001 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas subsection 11(2) of the Municipal Act, 2001 authorizes a municipality to pass by-laws respecting the following matters: Health, safety and well-being of persons; and

- a) Protection of persons and property, including consumer protection; and
- b) Business Licencing; and

Whereas subsection 151(1) of the Municipal Act, 2001 provides that, without limiting sections 9, 10 and 11 of the Act, a municipality may provide for a system of licences with respect to a business and may:

- a) prohibit the carrying on or engaging in the business without a licence;
- b) refuse to grant a licence or to revoke or suspend a licence;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- d) impose special conditions on a business in a class that have not been imposed on all of the business in that class in order to obtain, continue to hold or renew a licence;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- f) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and
- g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality; and

Whereas Section 156(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws to provide for the collection of the rates or fares charged for the conveyance, and limit the number of taxicabs or any class of them licenced within the municipality; and

Whereas the Council of the Municipality of West Perth is desirous to licence, regulate and govern owners and drivers of taxicabs; and

Whereas the Council of the Municipality of West Perth considers it necessary and advisable to create set fines for violations; and

Whereas for the purpose of proceedings under Part I of the Provincial Offences Act, the amount of fines set by the court for an offence is such amount as may be set by the Chief Judge of Ontario Court (Provisional Division); and

Whereas Section 23.1 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a local municipality may delegate its power to licence, regulate and govern businesses in the municipality;

Now therefore the Corporation of the Municipality of West Perth enacts as follows:

1. Short Title

The short title of this by-law shall be "Taxi Licencing By-law."

2. Definitions

For the purpose of this By-law:

"Accessible Formats" means an alternate format that allows people with disabilities to access information in a manner other than how the format was originally delivered, a may include, but is not limited to large print and Braille;

"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 Corporation of the Municipality of West Perth;

"Accessible Taxicab Driver or Taxicab Driver" means a person who is licenced as such or required to be licences pursuant to this By-law and includes a taxicab owner who drives a taxicab;

"Accessible Taxicab Owner" means a person who is licenced as such or required to be licenced as such under this By-law and includes a lessee, included under this By-law of a taxicab owner's vehicle;

"Accessible Taxicab Driver's Licence" means 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;

"Accessible Taxicab Service" means 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 West Perth, and does not include Accessible Taxicabs that are under written contract with a health care facility;

"Accessible Taxicab Plate" means an identification plate issued by the Municipality of West Perth containing the words " Accessible Taxicab", "Municipality of West Perth", a number and current year sticker, to be attached to the rear of the taxicab, and showing the international symbol of accessibility;

“Annual Licence” means a licence issued by the Municipality of West Perth to the applicant which expires on December 31st of a given year;

“Appeal Committee” means the Appeal Committee for the Municipality of West Perth which consists of (3) members of the Executive Committee of Council for the purpose of hearing licencing appeals;

“Applicant” means a person who makes an application for a Licence issued under this by-law;

“Carry on” when used in reference to a taxicab means to continuously operate, engage, drive or make a taxicab available for the conveyance of passengers or property for hire or reward and includes waiting for, accepting or dispatching orders;

“Clerk” shall mean the Clerk of the Municipality of West Perth or designate; “Conveyance” means to carry, transport, transfer or move;

“Council” means the Council for the Municipality of West Perth;

“Driver” means the individual who has care and control of a Taxicab;

“Fare” means the amount of money required for payment for the conveyance of a passenger(s) and/or property;

“Fee for Fare” shall mean the card that contains the established fares to be charged for a Taxicab Service, and shall include: the In-Town Rate, Delivery in Town (Package); Extra Stops (Per Stop), Out-of-Town Rate (Per km); Long Distance Fares (Per km); Waiting Time (Per Hour); and a Senior Rate;

“Licence” means a licence granted by the Clerk of the Municipality of West Perth under the provisions of this by-law and/or a licence issued under another municipality’s jurisdiction within which a taxicab business is licenced to operate;

“Licencee” means the person holding a licence as issued under the provisions of this by-law and/or as issued under another municipality’s jurisdiction within which a taxicab business is licenced to operate;

“Licencing Officer” means for the purposes of this by-law, the Clerk of the Municipality of West Perth;

“Motor Vehicle” means a motor vehicle as defined by the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended;

“Municipality” means the Municipality of West Perth;

“Owner” means the person who holds the Ontario licence plate, as issued by the Ministry of Transportation, for the Taxicab. For the purpose of this by-law, where the motor vehicle is leased, the owner shall be the lessee;

“Passenger” means any individual in a Taxicab other than the driver;

“Police Security Clearance Record Check” means the particulars of a criminal record check as issued by the Ontario Provincial Police or other police agency and includes:

- a) Vulnerable Sector Check;
- b) Search of the pardoned sexual offender's database, dated within the last thirty (30) days.

"Public Vehicle" means a motor vehicle operated on a highway by, for or on behalf of any person for the transportation for compensation of passengers, or passengers and express freight that might be carried in a passenger vehicle, but does not include the cars of electric or steam railways running only upon rails, taxicabs, nor motor vehicles operated solely within the limits of one local municipality, as defined in the Public Vehicles Act, R.S.O. 1990, c.P.54;

"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;
- c) And shall include a guide dog as defined in section 1 of the Blind Persons Rights' Act.

"Taxicab" means a motor vehicle which is used for the conveyance of Passengers with a seating capacity of no more than (7) seven, including the driver, but does not include a public vehicle as defined under the Public Vehicles Act, or successor legislation;

"Taxicab Driver's Licence" means a Taxicab Driver's Licence as issued to any individual to drive or act as a driver of any Taxicab licenced pursuant to this by-law and/or as licenced pursuant to a by-law under another municipality's jurisdiction;

"Taxicab Owner" means the owner or lessee of a taxicab and includes any person, proprietorship, limited partnership, corporation or other entity which carries on the passenger conveyance business in the Municipality of West Perth and is licenced as such by the Municipality of West Perth and/or is licenced as a Taxicab Owner pursuant to a by-law under another municipality's jurisdiction, and holds the Ontario licence plate for the taxicab as issued by the Ministry of Transportation;

"Taxicab Service" means the use of a Taxicab for the conveyance of Passengers for a fee or compensation that is commenced within the boundaries of the Municipality of West Perth;

"Trip" means the conveyance of a passenger(s) and/or product(s) from one location to another as agreed upon between the vehicle driver and passenger(s);

"Trip Record" shall mean a book containing the particulars of each Accessible Taxicab Service and Taxicab Service, which shall be retained by every Taxicab Driver licenced under this by-law for a period of not less than twelve (12) months from the making thereof, be made available to the Licencing Officer upon request;

"Vulnerable Person" shall mean a person, who because of their age, a disability or other circumstances, whether temporary or permanent, are

- a) In a position of dependence on others; or

- b) Are otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them, pursuant to the Criminal Records Act.

3. Application of By-law – Exemptions

This by-law shall not apply to the following:

3.1. Pursuant to Section 156 (2) of the Municipal Act, a taxicab that meets both of the following criteria:

3.1.1. The purpose of conveyance is to transport persons with physical, emotional or mental disabilities from any point in the municipality to any point outside the municipality; and

3.1.2. The conveyance is made pursuant to a written contract for the use of a taxicab which can legally operate in the municipality in which the conveyance begins or ends.

3.2. An ambulance or funeral hearse;

3.3. A motor vehicle used for the purposes of transporting patrons to and from the location of the business as part of a courtesy service;

3.4. A commercial bus contracted from a local travel agency or local travel excursion company and used for the purposes of a travel excursion relating to leisure or education;

3.5. A school bus as defined under the Highway Traffic Act that is licenced under the Public Vehicles Act;

3.6. A motor vehicle used by not for profit organizations registered in the province of Ontario for the purposes of transporting senior citizens or persons with disabilities;

3.7. A motor vehicle used by local churches, schools, non-profit agencies and service clubs for the purposes of transporting passengers free of charge;

4. Classes of Licences

The Municipality of West Perth issues the following licences for the operation of a Taxicab service within the municipal boundaries of West Perth. Such licencing shall apply to any Taxicab Owner and/or Driver of a Taxicab who operates or is employed by a taxicab business which is licenced to operate within the municipality.

4.1. It is the duty of the Licence holder to obtain and maintain a licence in good standing:

4.1.1. Accessible Taxicab Driver's Licence;

4.1.2. Taxicab Driver's Licence;

4.1.3. Accessible Taxicab Owner's Licence;

4.1.4. Taxicab Owner's Licence.

5. Administration

- 5.1. The Clerk as Licencing Officer shall oversee the administration of this by-law on behalf of Council.
- 5.2. The Clerk is hereby authorized to issue Accessible Taxicab Driver's Licences, Taxicab Driver's Licences, Accessible Taxicab Owner's Licences and Taxicab Owner's Licences.
- 5.3. The Clerk as Licencing Officer may impose terms and conditions on licences in accordance with the provisions of this by-law.
- 5.4. Any licence which has been issued pursuant to the provisions of this by-law may at any time be revoked or cancelled by the Licencing Officer or the Municipality of West Perth Appeal Committee in the event that a licensee has contravened any provision of this by-law.
- 5.5. The Clerk as Licencing Officer reserves authority to refuse to grant a licence or renew a licence, in the event that the applicant has not satisfied all of the requirements of this by-law.
- 5.6. Any person aggrieved by any act done by or under the authority of the Licencing Officer in relation to this by-law may appeal in writing to the Municipality of West Perth Appeal Committee.

6. Duties of the Licencing Officer/Municipality

- 6.1. The Licencing Officer shall have the responsibility of supervising all persons licenced under this by-law and over all taxicabs together with the equipment used by them in connection with the provisions of this by-law and such responsibilities include compliance with the following requirements:
 - 6.1.1. To make necessary inquiries concerning applications for licences or transfers thereof, and/or to respond to complaints submitted to the municipality as may be required to secure due observance of the law;
 - 6.1.2. To receive, review and if approved, process any application for Licencing or Renewal of Licencing under this By-law;
 - 6.1.3. To prepare and grant all licences or transfer of licences where the applicant or transferee has satisfied all of the requirements of this By-law;
 - 6.1.4. To impose terms and conditions on Licences as determined by the Municipality of West Perth Appeal Committee in accordance with the provisions of this By-law;
 - 6.1.5. To refuse to grant a licence or the transfer of a licence under this By-law as set out within the provisions of this by-law and/or where the issuance or renewal of such licence would be contrary to public interest, to temporarily suspend a licence and to revoke or suspend a licence where an applicant or licensee fails to satisfy all of the requirements of the By-law, or is in contravention of this By-law;

- 6.1.6. To suspend or revoke a Licence issued under this By-law in the event that the Licencing Officer becomes aware of any fact or facts which if known at the time of the application for Licence, may have resulted in the Licencing Officer refusing or revoking the Licence;
 - 6.1.7. To submit a request for a licence review to the Municipality of West Perth Appeal Committee in the event that notification has been received that a Taxicab Driver licenced under this by-law has accumulated six (6) demerit points on his/her Ontario Driving record in order to make such determination as to the continuance and imposed conditions on the licence or the suspension of such licence as required;
 - 6.1.8. To keep a record of all licences and transfers of licences. Such records shall contain the original Taxi Driver's Licence Application Form and accompanying documentation; Taxi Owner's Licence Application Form and accompanying documentation, including vehicle particulars; identify the amount paid for the same and the date the licence was issued; a copy of Taxi Driver Identification cards issued by the Licencing Officer; and documentation proving completion of the Wheelchair & Occupant Restraint System Training Program (required only for an Accessible Taxicab Driver's Licence applications and/or renewal); and any such further particulars as required;
 - 6.1.9. To furnish each person taking out a licence with one copy of this By-law and each holder of a Taxicab Driver's Licence as provided for under this By-law, with an identification card with the number of the licence shown thereon;
 - 6.1.10. To ascertain by inspection and inquiry from time to time whether or not licencees continue to comply with the provisions of this By-law;
 - 6.1.11. To ascertain by inspection and inquiry from time to time whether or not licencees continue to comply with the provisions of this By-law
 - 6.1.12. To permit the By-law Enforcement Officer to examine and approve every taxicab and the necessary equipment thereof of every Applicant for a licence or renewal of same, under this by-law;
 - 6.1.13. To review fares for Taxicab Services on an annual basis as Taxicab Owner Licences are issued and/or renewed unless otherwise requested by the Licencing Officer;
 - 6.1.14. To investigate any complaint that is submitted in writing to the municipality in regards to the operation of a taxicab service, the fares charged for the conveyance of passengers and/or products, the conduct of a taxicab owner/driver, and/or compliance of a person licenced under this by-law.
- 6.2. The Municipality shall:
- 6.2.1. Upon request, review fares for Taxicab Services as submitted annually by Taxicab Owners.
 - 6.2.2. Review all requests by owners of a Taxicab Service. Approval of a request must be made by resolution of Council.
 - 6.2.3. Consult with all licenced Taxicab companies, the Municipality of West Perth Accessibility Advisory Committee, the public and persons with disabilities

to determine the proportion of on-demand accessible taxicabs required in the community.

6.2.4. 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.

7. Licences

For the purposes of this By-law, a business shall be deemed to be carried on within the municipality of West Perth if any part of the business is carried on in the municipality, even if the business is being conducted from a location outside the municipality.

7.1. No person shall:

7.1.1 Being the owner of a Taxicab or Accessible Taxicab, use or operate or permit to be used or operated, any such taxicab without a valid and current Taxicab Vehicle licence as issued by the Licencing Officer for the Municipality of West Perth and/or a valid and current licence as issued under another municipality's jurisdiction;

7.1.2 Drive, or act as a driver of any Accessible Taxicab without first having completed a Wheelchair and Occupant Restraint System Training Program with respect to the handling, safety restraint, transportation, care and safety of disabled passengers and have provided proof of such training to the Licencing Officer;

7.1.3 Operate a Taxicab Service without possessing a valid Ontario Driver's Licence or equivalent and the appropriate current and valid Licence issued under this by-law and herein referred to as a "Taxicab Driver's Licence", as may be applicable, and/or a valid Licence as issued under another municipality's jurisdiction";

7.1.3.1 Notwithstanding subsection 1 (1.1) of this section, no Taxicab Driver's Licence, as may be applicable, is required when the Taxicab Driver is operating a Taxicab Service under written contract between the Taxicab Owner and the Federal or Provincial government, government agency or school board.

7.1.4 Transfer any licence issued under this by-law, except as permitted by Section 17 of this by-law.

7.2. All applicants for Licences under this by-law and applying for a transfer of a Licence shall:

7.2.1 Pay the fee or fees as provided in the municipality's Fees & Charges By-law, as amended;

7.2.2 Every Licence, unless sooner revoked or cancelled, shall expire on December 31st of each year.

8. Licencing Requirements and General Applications Requirements

All Applicants for any Licence under this by-law shall:

- 8.1. Be at least nineteen (19) years of age;
- 8.2. Be either a citizen of Canada or a permanent resident or hold a work permit to work as a driver issued by the Government of Canada;
- 8.3. Hold, in their name, a current, valid Class G Driver's Licence issued by the Province of Ontario, which is in good standing according to the records of the Ministry of Transportation;
- 8.4. Intend to carry on a regular business under authority of the Licence applied for;
- 8.5. Satisfy the Licencing Officer that, if licenced, he/she will operate a Taxicab Service solely in compliance with the terms of this by-law;
- 8.6. Notify the Licencing Officer within five (5) business days of any change of personal address;
- 8.7. Immediately advise the Licencing Officer of any change to the status of his/her Driver's Licence;
- 8.8. Notify the Licencing Officer within twenty-four (24) hours if they have breached any provision of this by-law.

9. Eligibility for an Accessible Taxicab or Taxicab Driver's Licence

- 9.1. To be eligible to apply an Accessible Taxicab or Taxicab Driver's Licence or for the renewal of an Accessible Taxicab or Taxicab Driver's Licence, the applicant must satisfy the following criteria at the time of application:
 - 9.1.1. The Applicant agrees to comply with the requirements as set out in the By-law to obtain and maintain or renew a Licence issued under this By-law;
 - 9.1.2. Shall not have accumulated more than ten (10) demerit points on his/her driving record;
 - 9.1.3. Shall not have been convicted or found guilty of an offence under the Highway Traffic Act within the last twelve (12) months;
 - 9.1.4. Shall not have been convicted of an indictable offence in the preceding five (5) years under any Statute of Canada, including but not limited to the Criminal Code of Canada, the Food & Drug Act, or the Controlled Drugs and Substances Act (Canada);
 - 9.1.5. Shall not have been convicted or found guilty of any offence for which a pardon has not been granted pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against Persons) or IX (Offences Against Property) of the Criminal Code of Canada, R.S.C. 1985 c. C-46 as amended or any other criminal convictions in the preceding five (5) years;
 - 9.1.6. Shall not have been convicted or found guilty of any offence within the last three (3) years under the Liquor Licence Act (Ontario) in regards to the unlawful possession, consumption or delivery of liquor;

9.1.7. The Applicant has paid in full any and all fine(s) imposed by a court as a sentencing arising from convictions for breach of a By-law enacted by the Municipality of West Perth and any fines due for convictions under the Provincial Offences Act or where a prohibition or other Court Order made upon conviction has not been complied with;

9.1.8. The Applicant has not contravened any provision(s) as contained within this By-law within any twelve (12) month period.

9.2. Following the issuance of a Licence under this by-law, a Licencee is required to report any violation of the eligibility criteria as outlined in Section 9 (1) (1.1-1.8) within (24) hours to the Licencing Officer.

9.3. Any violation by the Licencee of any requirement outlined in this by-law following the issuance of a licence by the Licencing Officer may result in the suspension, revocation or cancellation of such licence.

9.4. In the event that the Licencee is found guilty of a driving related offence under the Criminal Code of Canada, the driver or operator shall automatically be prohibited from driving or operating a Taxicab Vehicle for hire or obtain a licence under this by-law for a two-year period following the reinstatement of the driver's Ontario Driver's Licence.

9.5. In the event that a Licencee's Driver's Licence has been suspended by reason of the provisions of the Highway Traffic Act, and the licence is thereafter reinstated, the Licencing Officer shall have the discretion to determine whether a licence issued under this by-law is to be reinstated, subject to a right of appeal to the Municipality of West Perth Appeal Committee.

10. Ontario Driver's Licence Suspended & Demerit Points

10.1. When a licenced Taxicab Driver's driving record shows six (6) demerit points, the driver is required to immediately notify the Licencing Officer and attend before the Municipality of West Perth Appeal Committee for a licence review.

10.2. When a licenced Taxicab Driver's driving record shows ten (10) demerit points, the Taxicab Driver's Licence will be suspended as determined by the Municipality of West Perth Appeal Committee. The Taxicab Driver is required to immediately return the licence issued under this By-law.

10.3. In the event that a licenced Taxicab Driver's licence has been suspended, the driver may not apply for re-issuance of a Taxicab Driver's licence under this By-law until his/her driving record shows less than six (6) demerit points.

11. Applying for an Accessible Taxicab or Taxicab Driver's Licence

An applicant shall provide the following documentation to the Licencing Officer when applying for an Accessible Taxicab or Taxicab Driver's Licence:

11.1. A completed Application Form as prescribed under this By-law together with applicable fees as set out in the municipality's Fees & Charges By-law, as amended; and signed by the Taxicab Owner or the appropriate official of the company for whom the licencee will drive;

- 11.2. His/her current and valid provincial Driver's Licence together with an original 3-Year Driver Record Search from the Ministry of Transportation, dated within thirty (30) days of the date of the application for a licence
- 11.3. His/her original Criminal Records Check and Vulnerable Sector Check issued by the Ontario Provincial Police dated within thirty (30) days of the date of application for licence;
- 11.4. 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;
- 11.5. Two (2) identical passport photos taken no more than thirty (30) days prior to the application;
- 11.6. In respect of an application for an Accessible Taxicab Driver's licence only, proof of completion of a Wheelchair and Occupant Restraint System Training Program.

12. Applying for an Accessible Taxicab or Taxicab Owner's Licence

An applicant shall provide the following documentation to the Licencing Officer when applying for or renewing an Accessible Taxicab or Taxicab Owner's Licence:

- 12.1. A completed application form as prescribed under this By-law, together with applicable fees as set out in the municipality's Fees & Charges By-law, as amended;
- 12.2. A copy of a valid motor vehicle permit in the Applicant's name for each Accessible Taxicab and/or Taxicab as issued by the Ministry of Transportation;
 - 12.2.1. Notwithstanding subsection (12)(2) of this section, in the case of a leased vehicle the vehicle portion of the permit shall bare the name of the name of the lesser of the motor vehicle and the Ontario Licence plate portion of the permit shall bare the name of the lessee of the motor vehicle;
- 12.3. Proof of insurance confirming that each Taxicab for which an Accessible Taxicab or Taxicab Vehicle Licence is being applied for, is insured for public liability property damage and passenger hazard, with a minimum of two (\$2,000,000.00) million dollars in coverage per incident or occurrence and written confirmation from the insurer that the Clerk will receive at least fifteen (15) days written notice prior to any cancellation, expiration or variation thereof;
- 12.4. The original of a valid Province of Ontario Safety Standards Certificate by an independent Ontario licenced mechanic, for each Accessible Taxicab and/or Taxicab greater than one (1) year of age, based on the year appearing on the motor vehicle permit, showing that the taxicab has passed the applicable safety inspection.
- 12.5. Every Applicant for an Accessible Taxicab and/or Taxicab Owner Licence shall also submit each taxicab owned by him/her for examination prior to

providing a Taxicab Service, as may be required by the Licencing Officer, prior to the issuance of a licence.

- 12.6. An Accessible Taxicab or Taxicab Owner's Licence shall not be permitted for a Taxicab Service for vehicles that are ten (10) years of age or older.

13. Renewal of Licences

- 13.1. Every Licence issued under this by-law must be renewed yearly on or before May 31st. It is the responsibility of all Taxicab Owners and Drivers to ensure that he/she has a current and valid licence as issued by the Municipality of West Perth.
- 13.2. Every applicant who applies for a licence under this by-law shall provide the Licencing Officer with such information and documentation as required under the provisions of this by-law.
- 13.3. The fee for each Licence issued under this by-law shall be in accordance with the Municipality of West Perth's Fees & Charges By-law, as amended.

14. Duties of Taxicab Drivers

Every Accessible Taxicab Driver and Taxicab Driver licenced under this by-law shall:

- 14.1. At all times conduct themselves in a professional and courteous manner while performing their duties to uphold and maintain consistent quality service without discrimination to all patrons in accordance with the Ontario Human Rights Code;
- 14.2. Place an Accessible Taxicab or Taxicab Driver's Licence as issued under this By-law in such a manner in the taxicab so as to be conveniently seen and read by passengers;
- 14.3. Place the Fee for Fare card which identifies the established fares, which is subject to approval by the Municipality of West Perth, in a location within the taxicab so as to be conveniently seen and read by passengers and provide a copy of the tariff card in an alternative format upon request;
- 14.4. Upon request of any passenger, give in writing his/her name and the Accessible Taxicab or Taxicab Driver's Licence number as issued to him/her under the provisions of this by-law, and provide such information in an accessible format for persons with disabilities upon request;
- 14.5. Retain a copy of the Accessible Taxicab or Taxicab Vehicle Licence within the taxicab vehicle and present the licence to police, Municipal By-law Enforcement Officer or the public upon request;
- 14.6. Ensure that the maximum number of occupants or persons transported in the Accessible Taxicab or Taxicab Vehicle do not exceed the manufacturer's seatbelt capacity for that vehicle;
- 14.7. Take due care of all property delivered or entrusted to him/her and accepted by him/her for conveyance or safe keeping and immediately upon termination of any hiring or engagement, shall search his/her taxicab for any property lost

- or left therein and all property or money left in the taxicab shall be forthwith delivered over to the person owning the same, or if the person cannot be found at once, then to a Police Officer on duty at the Ontario Provincial Police, Municipality of West Perth Detachment with all information in his/her possession regarding same;
- 14.8. Serve at any specified time any person who may require a taxicab while on duty unless the taxicab has been previously engaged, and travel by the most direct route to the point of destination unless otherwise directed by the person engaging the taxicab;
 - 14.9. Not purposely neglect or refuse to fulfill any lawful appointment or engagement for the conveyance of passengers and/or products while on duty;
 - 14.10. Not solicit any person to take or use the taxicab he/she is driving by calling out or shouting while in charge of a taxicab for hire;
 - 14.11. If a person with a disability is accompanied by a service animal, permit the person to use the taxicab he/she is driving with the service animal and to keep the service animal with him or her;
 - 14.12. Not charge any fare or compensation for providing a Taxicab Service except in accordance with the established Fee for Fare card, which is subject to approval by the Municipality of West Perth and shall furnish to every passenger where requested, a receipt for charges made;
 - 14.13. Not charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip;
 - 14.14. Not charge a fee for the storage of mobility aids or mobility assistive devices;
 - 14.15. Ensure that wheelchairs are securely strapped down prior to providing an Accessible Taxicab Service;
 - 14.16. Not obstruct the use of any sidewalk or permit a taxicab vehicle to remain standing on any highway whether the vehicle is occupied or not except for the immediate purposes of receiving and discharging passengers and/or products. Such standing of a taxicab vehicle shall comply with the provisions of the Highway Traffic Act and any applicable municipal by-law;
 - 14.17. Not use any abusive language, threaten, cause harm to, annoy or insult any person whatsoever;
 - 14.18. Adhere to the provisions of the Smoke Free Ontario Act, 2005 and Ontario Reg. 48/06 and shall not allow any passenger to smoke tobacco or any other substance in the taxicab;
 - 14.19. Not take, consume, have in his/her possession or be under the influence of any illegal drug or alcohol or permit the use or consumption of any illegal drug or alcohol by a passenger while operating a taxicab;
 - 14.20. Not knowingly permit or cause to permit the use of any licenced taxicab vehicle by a person for the purposes of undertaking any criminally-related activity under the Criminal Code of Canada, Provincial statute or Municipal by-law;

- 14.21. Submit a taxicab vehicle for inspection or examination upon the request of a Police Officer or By-law Enforcement Officer for the municipality;
- 14.22. Complete and maintain daily trip records and provide such records to the Taxicab Owner as licenced under this by-law for which they are employed and to the Licencing Officer upon request:
 - 14.22.1 Trips records shall include:
 - 14.22.1.1 The Ontario Licence Plate number of the Accessible Taxicab or Taxicab as issued by the Ministry of Transportation and the number of the Accessible Taxicab Vehicle Plate or Taxicab Vehicle Licence as issued by the Licencing Officer;
 - 14.22.1.2 The name, address, and Licence Number of the Accessible Taxicab or Taxicab Driver;
 - 14.22.1.3 The amount of the Fare collected for each Trip; and
 - 14.22.1.4 The date, time, origin and destination of each Trip.
- 14.23. Ensure he/she meets and continues to meet all requirements of this by-law.

15. Duties of Taxicab Vehicle Owners

Every owner of an Accessible Taxicab and/or Taxicab Vehicle licenced under this by-law and issued a Taxicab Vehicle Licence shall:

- 15.1. Submit each Accessible Taxicab or Taxicab Vehicle owned by him/her for examination at any time as required by the Licencing Officer; or upon request of a Police Officer or By-law Enforcement Officer for the municipality;
- 15.2. Not permit the use of an Accessible Taxicab or Taxicab Vehicle prior to the inspection or examination of the vehicle without such inspection/examination being conducted to the satisfaction of the Licencing Officer;
- 15.3. Not provide a Taxicab Service with a vehicle that is ten (10) years of age or older;
- 15.4. Attend at the Municipality of West Perth Clerk's Office as directed forthwith to surrender any Taxicab Vehicle Licence no longer being used;
- 15.5. Ensure that all persons providing a Taxicab Service with the Owner's Taxicab are properly licenced under this by-law;
- 15.6. Prominently display on the driver's side rear bumper area of each Accessible Taxicab owned by him/her, the Accessible Taxicab Vehicle Plate as provided by the Licencing Officer and such validation or renewal stickers, as applicable;
- 15.7. Comply at all times with the provisions of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended and the Accessibility for Ontarians with Disability Act, 2005;

- 15.8. Keep all Taxicabs owned by him/her, licenced under this by-law:
- 15.8.1. In good repair;
 - 15.8.2. Clean on the interior and exterior;
 - 15.8.3. Painted in a professional manner on the exterior; and
 - 15.8.4. Mechanically safe so as to meet the standard required for the issuance of a Province of Ontario Safety Standards Certificate.
- 15.9. Replace any Accessible Vehicle Licence or Taxicab Vehicle Licence issued pursuant to this by-law which has been defaced, lost or destroyed and pay the required replacement fee as per the municipality's Fees & Charges By-law, as amended;
- 15.10. Not deliver or permit the delivery of liquor by a taxicab vehicle licenced under this by-law without first obtaining the required licence for the delivery of liquor in accordance with the provisions of the Liquor Licences Act. The Taxicab Owner shall retain a copy of every valid and current licence as issued under the Liquor Licences Act and ensure that a Taxicab Driver has in his/her possession a copy of the current and valid licence prior to delivering liquor;
- 15.11. Ensure that accurate daily trip records are completed by Taxicab Drivers operating taxicab vehicles as part of their business and that such records are retained for a twelve (12) month period following their creation. Such records shall be made available to the Licencing Officer upon request.
- 15.11.1. Trips records shall include:
 - 15.11.2. The Ontario Licence Plate number of the Accessible Taxicab or Taxicab as issued by the Ministry of Transportation and the number of the Accessible Taxicab Vehicle Plate or Taxicab Vehicle Licence as issued by the Licencing Officer;
 - 15.11.2. The name, address, and Licence Number of the Accessible Taxicab or Taxicab Driver;
 - 15.11.3. The amount of the Fare collected for each Trip; and
 - 15.11.4. The date, time, origin and destination of each Trip.
- 15.12. Not knowingly permit or cause to permit the use of any licenced Taxicab vehicle by a person for the purposes of undertaking any criminally-related activity under the Criminal Code of Canada, provincial statute or municipal by-law.

16. General Provisions

- 16.1. Every Licencee shall notify the Licencing Officer in writing within forty-eight (48) hours of a change in any information provided during his/her application, or transfer of Licence as issued under the provisions of this by-law.
- 16.2. No Licencee while providing a Taxicab Service shall carry any radio equipment, radio scanners or other equipment capable of monitoring radio

calls other than the radio equipment used or required to transmit to or receive broadcasts or signals from the radio dispatcher for whom the Driver is working.

- 16.3. Any Person found guilty of contravening any of the provisions set out in this by-law shall be liable to a fine, suspension or revocation of their Licence as issued under this by-law.
- 16.4. No Taxicab Driver shall use any space made available by the Municipality for public parking without the express written approval of the municipality.
- 16.5. Every Accessible Taxicab Driver shall give priority service to the public who are using the taxicab for the purpose of providing transportation for the Disabled over those members of the public that are requiring only a Taxicab Service.
- 16.6. No Owner of a taxicab shall cause or permit same to be used for a Taxicab Service without first having lawfully obtained and appropriately displayed a Taxicab Vehicle Licence in his/her taxicab in accordance with this by-law.
- 16.7. Any notice required to be given under this by-law may be given by personal service or by registered letter mailed to the proposed recipient of such notice at his/her last known address or his/her place of business and if given by registered letter, shall be deemed to have been received on the fifth (5th) day after mailing.
- 16.8. Advertising on the outside of a taxicab vehicle shall be restricted for the purposes of advertising the taxi company and shall not be for any other purpose(s).

17. Transfer

In the event an Owner replaces an Accessible Taxicab or Taxicab Vehicle under this By-law with another, the Licence may be transferred to the replacement Accessible Taxicab or Taxicab Vehicle provided:

- 17.1. The Owner applies to the Licencing Officer and meets the criteria as set out in Section 12 of this by-law, with necessary modifications as determined by the Licencing Officer;
- 17.2. The Owner pays the fee set out in municipality's Fees & Charges By-law, as amended.

18. Refusal, Suspension and Revocation of Licences

- 18.1. The Licencing Officer shall refuse to grant or renew a Licence under this by-law if the applicant has not satisfied all of the requirements of this by-law, or on the grounds that the conduct of the person applying for or holding the licence 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.
- 18.2. The Licencing Officer may, at any time for just cause, including failure to comply with any of the provisions of this by-law, 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 West Perth Appeal Committee. The Council, after considering the recommendations provided by the Appeal Committee, 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.

- 18.3. Council may suspend or revoke any Licence granted under this by-law for failure to comply with any of the provisions of this by-law or conditions imposed by the Municipality of West Perth Appeal Committee.
- 18.4. Immediately upon suspension or revocation of a Licence, the Licencee shall be sufficiently notified in writing by the Licencing Officer to ensure a clear understanding of the suspension or revocation.
- 18.5. When a licence has been suspended or revoked by Council or the Licencing Officer, the Licencee shall attend at the Municipality of West Perth Municipal Offices to return the licence and/or the applicable vehicle plate within twenty-four (24) hours of receipt of written notification of the suspension or revocation.
- 18.6. 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.
- 18.7. A Licence Application shall be refused in the event that an applicant has been convicted of an offence under this or any other legislation relating to taxicabs for hire in Canada, including being the subject of an outstanding criminal charge(s) or Careless Driving charge(s) at the time an application has been submitted, and any licence issued prior to the offence shall be deemed to be suspended as of the date of conviction.
- 18.8. A Licence Application shall be refused if the applicant has outstanding fines owing to the Municipality of West Perth.
- 18.9. A Licence Application shall be refused in the event that a Driver has been convicted of a criminal offence during the preceding five (5) years for which a pardon has not been granted and/or has been convicted of an indictable offence at any time under any statute of Canada or found guilty of any violation, which in the opinion of the Licencing Officer shall interfere with the Licence holder's ability to discharge their duties as the operator of a Taxicab Vehicle for hire;
- 18.10. Any Police Officer of the Ontario Provincial Police or By-law Enforcement Officer may enter upon the business premises or residence of a Taxicab Owner or Driver for the purpose of receiving or taking the suspended or revoked licence and/or vehicle plate, as applicable.
- 18.11. It shall be an offence to fail to deliver a suspended or revoked licence and/or vehicle plate to the Licencing Officer or to obstruct any enforcement officer from retrieving the same.

19. Submitting an Appeal to the Appeal Committee

Any Applicant whose application has been refused or has had their licence suspended or revoked as issued under this by-law, is eligible to appeal the decision of the Licencing Officer in writing to the Municipality of West Perth Appeal Committee. An appeal shall be submitted in accordance with the Municipality of West Perth Guidelines for Appeal Hearings.

20. Complaint Process

- 20.1. Any person may submit a complaint in writing to the By-Law Enforcement Officer regarding the conduct or actions of any Accessible Taxicab or Taxicab Owner or Accessible Taxicab or Taxicab Vehicle Driver while operating a taxicab service in the municipality;
- 20.2. The By-Law Enforcement Officer shall review and reach a decision in regards to each complaint to determine if any provisions of this licencing By-law and/or provincial legislation have been breached by that of the Taxicab Owner and/or Taxicab Vehicle Driver;
- 20.3. In the event that the Applicant/Licencee is not satisfied with the decision of the By-Law Enforcement Officer, they may submit a written appeal to the Municipality of West Perth Appeal Committee.

21. Enforcement

- 21.1. The provisions of this by-law may be enforced by any Police Officer of the Ontario Provincial Police or by the By-law Enforcement Officer appointed by the Municipality of West Perth for the administration and enforcement of this by-law.
- 21.2. Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.

22. Offence and Penalties

Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33 and/or the Municipal Act, 2001.

23. Ultra Vires

It is hereby declared that notwithstanding that any section of this By-law, or parts thereof, may be found by any court of law to be invalid or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this By-law are separate and independent therefore and enacted as such.

24. Effective Date and Repeal

- 24.1. Any licence that was issued under the provisions of By-law 123-2012 and that is valid at the time of passing of this by-law shall be deemed to have been issued under this By-law and will be valid until such licence is revoked or expires on December 31, 2019.
- 24.2. By-law Number 123-2012 is hereby repealed.

24.3. The set fines for violations not otherwise provided for by provincial statute shall be \$1000.00.

24.4. This by-law shall not come into force and take effect until it is filed and approved by the Regional Senior Justice, Ontario Court of Justice.

Read a first and second time this 22nd day of May, 2018.

Read a third and final time and finally passed this 22nd day of May, 2018.

Mayor Walter McKenzie

Clerk Carla Preston

Schedule “A” to By-law 38-2018
The Corporation of the Municipality of West Perth

Part I Provincial Offences Act By No. 38-2018 to provide for Licencing, Regulating and Governing of owners and drivers of Taxicabs, Motor or other Vehicles for hire for the transportation of passengers

Item	Column 1 Short form wording	Column 2 Provisions creating or defining offence	Column 3 Set Fine
1.	Cause/Permit operation of a Taxicab – No Valid Licence	7.1.1.	\$500.00
2.	Operate an Accessible Taxicab – Have not completed a Wheelchair & Occupant Restraint System Training Program	7.1.2.	\$100.00
3.	Permit/Operate a Taxicab – No valid Ontario Driver’s Licence	7.1.3.	\$500.00
4.	Transfer Licence	7.1.4.	\$500.00
5.	Fail to notify change in demerit points/criminal offences	9.2.	\$300.00
6.	Fail to provide Tariff Card in alternative format upon request	14.3.	\$100.00
7.	Fail to provide name & Taxicab Driver’s Licence upon request	14.4.	\$100.00
8.	Fail to present Taxicab Vehicle Licence to Police or By-law Enforcement Officer upon request	14.5.	\$300.00
9.	Exceed the permitted number of occupants for the Taxicab	14.6.	\$100.00
10.	Fail to properly deliver any property lost or left within a Taxicab	14.7.	\$100.00
11.	Fail to fulfill any lawful appointment or engagement	14.8.	\$100.00
12.	Solicit use of the Taxicab	14.10.	\$100.00
13.	Fail to permit a person with a disability to be accompanied by a service animal	14.11.	\$500.00
14.	Charge a fare not in accordance with established Fee Schedule	14.12.	\$100.00
15.	Charge a higher or additional fee for persons with disabilities	14.13.	\$100.00
16.	Charge a fee for the storage of mobility aids or assistive devices	14.14.	\$100.00
17.	Fail to properly secure a wheelchair	14.15.	\$100.00
18.	Cause a Taxicab to obstruct a sidewalk or remain standing on any highway	14.16.	\$100.00
19.	Disorderly conduct	14.17.	\$300.00
20.	Smoke or permit smoking of any substance by a passenger in a Taxicab	14.18.	\$300.00
21.	Operate a Taxicab while under the influence of alcohol or any illegal drug or permit the consumption of alcohol or any	14.19.	\$300.00

	illegal drug by a passenger		
22.	Cause/Permit the use of a Taxicab for criminally-related activity	14.20.	\$300.00
23.	Fail to maintain daily trip records	14.22.	\$300.00
24.	Fail to submit a Taxicab for examination	15.1.	\$300.00
25.	Cause/Permit the operation of a Taxicab prior to inspection/examination	15.2.	\$300.00
26.	Permit the operation of a Taxicab that is over (10) years of age.	15.3.	\$300.00
27.	Fail to surrender a Taxicab Vehicle Licence no longer in use	15.4.	\$100.00
28.	Fail to ensure that persons providing taxicab service with owner's taxicab is fully licensed	15.5	\$500.00
29.	Fail to display Taxicab Vehicle Licence	15.6.	\$100.00
30.	Fail to keep a Taxicab in good repair and mechanically safe	15.8.	\$300.00
31.	Fail to replace a Vehicle Licence which has been defaced, lost or destroyed	15.9.	\$100.00
32.	Cause/Permit the delivery of liquor – No Licence under Liquor Licences Act	15.10.	\$300.00
33.	Fail to provide Trip Records to the Licencing Officer upon request	15.11.	\$300.00
34.	Fail to retain daily trip records for a (12) month period	15.11.	\$300.00
35.	Cause/Permit the use of radio scanners	16.2.	\$100.00
36.	Cause/Permit the use of a municipal public parking space by a Taxicab without authorization	16.4.	\$100.00
37.	Cause/Permit operation of a Taxicab – No Taxicab Vehicle Licence	16.6.	\$500.00
38.	Cause/Permit non-permitted advertising on a Taxicab	16.8.	\$100.00
39.	Fail to submit an application for a transfer of an Accessible Taxicab or Taxicab Vehicle Licence	17.1.	\$300.00
40.	Fail to surrender suspended, revoked or cancelled license	18.5.	\$100.00

Note: the general penalty provision for the offences listed above is section 22 of bylaw 38-2018, a certified copy of which has been filed.