

THE CORPORATION OF THE MUNICIPALITY OF WEST GREY

BY-LAW NUMBER 92 - 2013

**Being a By-law for Licensing, Regulating and Governing the Owners
and Drivers of Motor Vehicles Used as Taxicabs.**

WHEREAS Sections 9, 10 & 11 of the *Municipal Act, S.O., 2001, c.25*, as amended, provides a municipality with the authority to pass by-laws for the licensing, regulating and governing of any business wholly or partly carried on within the municipality;

AND WHEREAS the Council of the Corporation of the Municipality of West Grey considers it desirable and necessary to license, regulate and govern owners and drivers of taxicabs for the purposes of health and safety, consumer protection and nuisance control;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
MUNICIPALITY OF WEST GREY ENACTS AS FOLLOWS:**

SHORT TITLE: TAXICAB LICENSING BY-LAW

SECTION ONE DEFINITIONS

1.0 Definitions in this By-law:

- (a) **"CAO"** means the Chief Administrative Officer of the Municipality of West Grey, or designate;
- (b) **"Chief of Police"** means the Chief of the West Grey Police Service or designate;
- (c) **"Council"** means the Council of the Municipality of West Grey;
- (d) **"Driver's License"** means a license issued pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, permitting the holder thereof to operate a motor vehicle;
- (e) **"Fleet"** means one or more taxicabs owned or leased by the owner;
- (f) **"Municipality"** means the Corporation of the Municipality of West Grey;
- (g) **"Owner"** means the person to whom a Taxicab Business License is issued, or to whom a Taxicab Business License has been transferred in accordance with the provisions of this by-law;
- (h) **"Person"** includes an individual, corporation, firm or agent thereof;
- (i) **"Safety Standards Certificate"** means a certificate issued pursuant to Section 90 of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, and applicable Ontario Regulation thereto;
- (j) **"Taxicab"** means a motor vehicle which is kept or used for hire for the conveyance of passengers, with a seating capacity of not more than seven persons, including the taxi driver, or more than a number equal to the maximum insured capacity of the taxi cab;
- (k) **"Taxicab Business"** means a taxicab service carrying on business within the limits of the Municipality of West Grey;
- (l) **"Taxicab Business License"** means a license issued to an Owner permitting such Owner to carry on business within the Municipality of West Grey;
- (m) **"Taxicab Driver"** means the individual who has care and control of a taxicab and is licensed pursuant to this by-law;
- (n) **"Taxicab Driver License"** means a license issued pursuant to this by-law to an individual permitting the individual to drive a taxicab within the Municipality of West Grey;

SECTION TWO: RESPONSIBILITIES OF THE MUNICIPALITY

2.1 RESPONSIBILITIES OF THE CAO

The CAO or designate shall:

- (a) be responsible for the issuance, suspension and revocation of all licenses pertaining to this by-law;

- (b) accept applications for licenses required by this by-law;
- (c) provide a copy of this by-law to each applicant for a license under the provisions of this by-law;
- (d) provide to applicants for licenses under this by-law the appropriate application to be completed; maintain a record of all licenses issued including the name and address of each licensee and the number of taxicabs owned by each licensee;
- (e) maintain a record of each vehicle licensed hereunder including the make, model, year, serial number, the Provincial license plate number, and the validation date on each license plate.

2.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

The Chief of Police shall:

- (a) examine all applications for taxicab licenses; and
- (b) make a written recommendation to the CAO regarding the issuance of the taxicab business license, taxicab license, and taxi driver license(s).

SECTION THREE: GENERAL PROVISIONS

The provisions of this by-law apply to taxicab businesses carrying on business within the Municipality.

3.1 PROHIBITIONS WITHIN THE MUNICIPALITY

Within the Municipality no person shall:

- (a) drive a taxicab without having a current valid full Class G Provincial motor vehicle driver's license issued under the provisions of the *Highway Traffic Act of Ontario*;
- (b) drive a taxicab without being named as a valid taxicab driver under the provisions of this by-law;
- (c) keep a taxicab for hire without having a current valid license, issued under the provisions of this by-law, and referred to herein as a taxicab license;
- (d) advertise the use of a taxicab unless the said vehicle is licensed as a taxicab in accordance with the provisions of this by-law;

3.2 EXPIRY OF LICENSE

- (a) A license issued under the provisions of this by-law shall expire on December 31st as indicated on the license, unless previously renewed, suspended or revoked;
- (b) The CAO may renew any license which has expired pursuant to subsection 3.2 (a), within sixty days of the date of expiry, upon payment of the prescribed fee and provision of required documentation.

3.3 APPLICATION FOR TAXICAB LICENSE

Each applicant for a taxicab license shall:

- (a) attend the municipal office and make a written application as shown on Schedule "B" attached hereto and forming part of this by-law for such license;
- (b) file with the CAO all necessary documents as prescribed in the application for such license;
- (c) have the motor vehicle(s) which is/are to be licensed as a taxicab licensed for the current year under the provisions of the *Highway Traffic Act of Ontario* and file with the CAO proof that said motor vehicle(s) is/are either registered in the person's own name or leased by the person;
- (d) file with the CAO proof of insurance in respect to each vehicle to be licensed indemnifying and protecting the owner and the public, including passengers carried in such vehicles in the minimum amount of \$2,000,000.00 inclusive of public liability and property damage;
- (e) submit a certificate of mechanical fitness as prescribed by the *Highway Traffic Act of Ontario* with respect to the vehicle(s) to be licensed should said vehicle be in used condition;
- (f) upon being granted a license, pay the prescribed fee;

- (g) in the case of a corporation, firm or agent thereof, provides details of the corporate ownership in a form acceptable to the CAO.

3.4 DUTIES OF A TAXICAB OWNER

3.4.1 Each licensed taxicab owner shall:

- (a) hold a taxicab license for each vehicle used or kept for hire as a taxicab;
- (b) require all taxicab drivers to provide an annual police background check;
- (c) require all taxicab drivers to have photo ID visible to passengers while operating the vehicle;
- (d) maintain current personnel records and notify the CAO of any changes;
- (e) maintain insurance on each taxicab as required pursuant to section 3.3 (d) of this by-law;
- (f) submit each licensed vehicle for an annual safety inspection at an authorized Ontario Government Motor Vehicle Inspection Station effecting repairs as required. It is understood that a safety standards certificate must accompany each vehicle as licensed annually, and any additional vehicle as added or transferred to the fleet;
- (g) submit each licensed vehicle for general inspection by the Chief of Police, at such other time or times when requested to do so;
- (h) in the case of a corporation, firm or agent thereof, notify the CAO immediately upon a change in ownership of the individual holding shares of the company;

3.4.2 Each licensed taxicab owner shall not:

- (a) employ any person to operate his/her taxicab who does not hold a current valid full Class G Provincial motor vehicle driver's license issued under the provisions of the *Highway Traffic Act of Ontario*;
- (b) use or permit to be used any taxi cab license issued pursuant to this by-law for any vehicle other than the vehicle for which the license was issued;
- (c) operate, or permit to be operated, a taxi cab which was constructed or subsequently modified to permit the loading, transportation and offloading of those individuals confined to a wheelchair, or similar device used to assist the physically disabled, without transfer, which does not comply with Ministry of Transportation Ontario or other applicable legislation requirements.

3.5 DUTIES OF A TAXICAB DRIVER

3.5.1 Each taxicab driver shall:

- (a) upon request of any passenger, provide a receipt for the fare, or charge made and paid;
- (b) take care of all property delivered or entrusted to the taxicab driver and accepted by the taxicab driver for conveyance or safe keeping, and immediately upon termination of any hiring or engagement, search the taxicab driver's vehicle for any property left therein and deliver to the person owning the same all money or property left in the taxicab; or if the owner cannot be at once found, deliver the said property to the Chief of Police and report all information pertaining thereto in the possession of the taxicab driver;
- (c) provide all available information as to passengers carried to any Police Officer when requested to do so;
- (d) take the shortest and quickest possible route to the destination of the passenger, unless the passenger directs the taxicab driver to take another.

3.5.2 Each taxicab driver shall not:

- (a) carry more than seven passengers, including the taxicab driver, in any taxicab used for hire, or more than a number equal to the maximum insured capacity of the taxi cab;

3.6 LICENSE FEES

License Fees to be paid to the Municipality for those licenses referred to in this by-law shall be as outlined in Schedule "A" (License Fees), attached hereto and forming part of this by-law.

3.7 INTEGRATED ACCESSIBILITY STANDARD REGULATION (IASR)

The Municipality will ensure taxicabs do not charge a higher fee or an additional fee to persons with disabilities; ensure taxicabs do not charge a higher fee for storage of assistive devices; and ensure taxicabs have appropriate information displayed both on the rear bumper and available in accessible format to passengers. The taxi cab license applicant will complete Schedule "H" to attest that the applicant meets the Integrated Accessibility Standard Regulation (IASR) for taxi cabs.

SECTION FOUR: RENEWAL, SUSPENSION AND REVOCATION OF LICENSE

4.1 RENEWAL OF LICENSE

Each license unless previously suspended or revoked, shall be renewed by the CAO upon payment of the appropriate fee.

4.2 SUSPENSION OF LICENSE

In addition to any other penalty which may be imposed pursuant to this by-law, the CAO:

- (a) may suspend a license for failure to comply with any of the provisions of this by-law; and
- (b) shall suspend each taxicab owner license upon failure to maintain, on file, proof of insurance in accordance with section 3.3 (d) of this by-law.

4.3 NOTIFICATION OF SUSPENSION

Upon notification of suspension the licensee shall surrender such license to the CAO.

4.4 DURATION OF SUSPENSION

A suspension shall be and remain in force until such time as the licensee has satisfied the CAO as to compliance with the by-law.

4.5 REVOCATION OF LICENSE

Any license which has been under suspension for a period in excess of 120 days shall be revoked by the CAO.

4.6 APPEAL OF SUSPENSION

The decision of the CAO may be appealed to Council.

SECTION FIVE: PENALTIES

5.1 CONTRAVENTION BY INDIVIDUAL

Every person who contravenes any provision of this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.

5.2 CONTRAVENTION BY CORPORATION

Where a corporation is convicted of an offence under section 5.1 of this by-law, the maximum penalty that may be imposed on the corporation is \$50,000.

5.3 CONTINUATION OR REPETITION OF OFFENCES

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

5.4 INTEGRITY OF BY-LAW

Notwithstanding that any section or sections of this by-law, or any part or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of the Council to enact, such section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this by-law, or parts thereof, are separate and independent therefrom and enacted as such.

SECTION SIX: EXECUTION OF BY-LAW

6.1 REPEALS

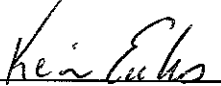
That Municipality of West Grey By-law No. 84-2009 being a by-law for licensing, regulating and governing the owners and drivers of cabs, for establishing the fees to be charged for such licenses, and for the revoking of any licenses which may have been issued shall be repealed effective midnight, December 31st, 2013.

6.2 EFFECTIVE DATE

This by-law shall come into force and effect on January 1, 2014.

Read a first and second time this 16th day of December, 2013.

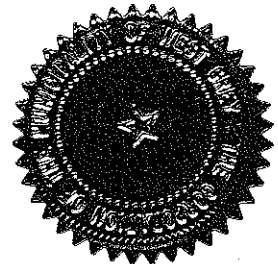
Read a third time and finally passed this 16th day of December, 2013.



Kevin Eccles, Mayor



Mark Turner, Clerk/Acting CAO





SCHEDULE "A"
By-law Number 92 - 2013

License Fees

Code	Service	Fee
1.	Taxicab Business License	\$60.00
2.	Taxicab License	\$20.00
	Taxicab License (Hybrid/Electric Vehicle)	No Fee
3.	Taxicab Driver License	\$10.00
4.	Transfer of Taxicab Business License	\$10.00



SCHEDULE "B"
By-law Number 92 - 2013

**Taxicab Business License
Application**

Full Name of Applicant: _____
Residential Address: _____
Business Address: _____
Telephone Number: _____
Birth Date of Applicant: _____
Driver's License Number: _____

1. Has your Driver's License ever been suspended? YES () NO ()

If yes, provide dates and details: _____

2. Have you ever been convicted of operating a vehicle while impaired by alcohol or a drug?

YES () NO ()

If yes, provide dates and details: _____

3. Have you ever been convicted of dangerous operation of a motor vehicle?

YES () NO ()

If yes, provide dates and details: _____

4. Have you ever been convicted of an offence under the Highway Traffic Act?

YES () NO ()

If yes, provide dates and details: _____

5. Has any license issued under this by-law or any by-law which preceded it, been suspended or revoked?

YES () NO ()

If yes, provide dates and details: _____

6. Number of vehicles proposed to be operated as taxicabs? _____

7. Please attach following documents:

Cab License Application(s)	()
Photocopy of Birth Certificate	()
Insurance Policy	()
License Fee	()

I certify that the information provided in this application is true and I acknowledge that the provision of false information in this application may result in revocation of any license issued and in a fine.

Date

Signature



SCHEDULE "C"
By-law Number 92 - 2013

Cab License Application

Full Name of Applicant: _____
Residential Address: _____
Business Address: _____
Telephone Number: _____
Birth Date of Applicant: _____
Driver's License Number: _____

Vehicle 1

Make _____ Model _____ Year _____
License Plate Number: _____ Serial Number: _____
Registered Owner of Vehicle: _____
Address of Registered Owner: _____
Birth Date of Registered Owner: _____
Date of Issuance of Safety Standards: _____

Vehicle 2

Make _____ Model _____ Year _____
License Plate Number: _____ Serial Number: _____
Registered Owner of Vehicle: _____
Address of Registered Owner: _____
Birth Date of Registered Owner: _____
Date of Issuance of Safety Standards: _____

Vehicle 3

Make _____ Model _____ Year _____

License Plate Number: _____ Serial Number: _____

Registered Owner of Vehicle: _____

Address of Registered Owner: _____

Birth Date of Registered Owner:: _____

Date of Issuance of Safety Standards: _____

Attached Documents:

	<u>Vehicle 1</u>	<u>Vehicle 2</u>	<u>Vehicle 3</u>
Safety Standards Certificate	()	()	()
Insurance Policy	()	()	()
License Fee	()	()	()

I certify that the information provided in this application is true and I acknowledge that the provisions of false information in this application may result in revocation of any license issued and in a fine.

Date

Signature



SCHEDULE "D"
By-law Number 92 - 2013

Taxi Driver License Application

Full Name of Applicant: _____
Residential Address: _____
Business Address: _____
Telephone Number: _____
Birth Date of Applicant: _____
Driver's License Number: _____

1. Has your Driver's License ever been suspended?

YES () NO ()

If yes, provide dates and details: _____

2. Have you ever been convicted of operating a vehicle while impaired by alcohol or a drug?

YES () NO ()

If yes, provide dates and details: _____

3. Have you ever been convicted of dangerous operation of a motor vehicle?

YES () NO ()

If yes, provide dates and details: _____

4. Have you ever been convicted of an offence under the Highway Traffic Act?

YES () NO ()

If yes, provide dates and details: _____

5. Has any license issued under this by-law or any by-law which preceded it, been suspended or revoked?

YES () NO ()

If yes, provide dates and details: _____

6. Number of vehicles proposed to be operated as taxicabs? _____

7. Please attach following documents:

Cab License Application(s)	()
Photocopy of Birth Certificate	()
Driver's License	()
License Fee	()

I certify that the information provided in this application is true and I acknowledge that the provision of false information in this application may result in revocation of any license issued and in a fine.

Date

Signature



SCHEDULE "E"
By-law Number 92 - 2013
Taxicab Business License

This License is granted to: _____

Of _____

To operate a TAXICAB BUSINESS within the limits of the Municipality of West Grey,

Provided the said _____ shall duly observe all such

By-laws, rules, regulations, matters and things as are, or may be enacted by the

Municipal Council of the Corporation of the Municipality of West Grey.

This License shall continue in force and effect until _____ and
no longer.

ISSUED at the Municipality of West Grey

This _____ day of _____

(SEAL)

CAO or designate

RECEIVED FROM _____

The sum of _____

Being the full amount payable for this License.

Treasurer



SCHEDULE "F"
By-law Number 92 - 2013
Taxicab License

This License is granted to: _____

Of _____

To operate the hereunder vehicles as a TAXICAB within the limits of the Municipality of West Grey:

Make _____ Model _____ Year _____

License Plate Number: _____ Serial Number: _____

Provided the said _____ shall duly observe all such By-laws, rules, regulations, matters and things as are, or may be enacted by the Municipal Council of the Corporation of the Municipality of West Grey.

This License shall continue in force and effect until _____ and no longer.

ISSUED at the Municipality of West Grey

This _____ day of _____.

(SEAL)

CAO or designate

RECEIVED FROM _____

The sum of _____

Being the full amount payable for this License.

Treasurer



SCHEDULE "G"
By-law Number 92 - 2013

Taxi Driver License

This License is granted to: _____

Of _____

To carry on the occupation of TAXI DRIVER within the limits of the Municipality of West Grey:

Provided the said _____ shall duly observe all such By-laws, rules, regulations, matters and things as are, or may be enacted by the Municipal Council of the Corporation of the Municipality of West Grey.

This License shall continue in force and effect until _____ and no longer.

ISSUED at the Municipality of West Grey

This _____ day of _____.

(SEAL)

CAO or designate

RECEIVED FROM _____

The sum of _____

Being the full amount payable for this License.

Treasurer



SCHEDULE "H"
By-law Number 92 - 2013

**Integrated Accessibility
Standard Regulation (IASR)**

I, _____, do hereby attest to the following:

- The taxicabs used by my company do not charge a higher fee or an additional fee to persons with disabilities;
- The taxicabs used by my company do not charge a higher fee for storage of assistive devices;
- The taxicabs used by my company have appropriate information displayed on the rear bumper and appropriate information is available in accessible format to passengers.

Signature