

**THE CORPORATION, OF
THE VILLAGE OF SOUTH RIVER**

By-law #11-2017

A By-law to provide for the licensing, regulation and governance of Brokers,
Owners and Drivers of Taxis and Limousines in the Village of South River

WHEREAS subsection 150 and 151 of the Municipal Act, S.O. 2001, c.25, as amended, (the "Act") provides that, a local municipality may License, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS in accordance with subsection 156 (1) of the Act this municipality considers it desirable and necessary to License, regulate and govern drivers and owners of taxis and limousines and the businesses of brokers of such hired vehicles;

NOW THEREFORE THE VILLAGE OF SOUTH RIVER HEREBY ENACTS AS FOLLOWS:

1.0 **DEFINITIONS**

In this By-Law:

- 1.1 "Act" refers to the Municipal Act, 2001, S.O. 2001, c.25, as amended, except where specific reference is made to another Act of the Legislature of the Province of Ontario or the Parliament of Canada;
- 1.2 "Badge" means a numbered badge provided by the Village which displays the name and License Number of a Driver;
- 1.3 "Broker" means any Person who owns a Hired Vehicle business, operates his own Hired vehicle(s) and/or dispatches hired vehicles owned by others;
- 1.4 "Call" includes any direct or indirect request for the use of a hired vehicle communicated in any manner which results in the transportation of a passenger or property from one location to another for a fee or other monetary consideration;
- 1.5 "Clerk Administrator" means the Clerk Administrator, or designate, for the Village of South River
- 1.6 "Council" means the Council of The Corporation of the Village of South River;
- 1.7 "By-Law Enforcement Officer" means a By-law Enforcement Officer employed by the Village, and includes any other employee of the Village designated by Council to carry out duties specified in this by-law;
- 1.8 "Dispatch" means the communication of an order or request or other information in any manner between a Driver and a Broker or his employees, contractors or agents;
- 1.9 "Driver" means an individual who operates a Hired Vehicle;
- 1.10 "Hired Vehicle" means a Taxi or Limousine;
- 1.11 "License" means a License issued under the provisions of this by-law;
- 1.12 "License Number" means the number assigned by the By-law Enforcement Officer to an issued License or to a Licensed Vehicle, as the case may be;
- 1.13 "Licensed Vehicle" means a Hired Vehicle specified as authorized under an Owner's License;
- 1.14 "Licensee" means the holder of any License issued under the provisions of this by-law;
- 1.15 "Licensing Officer" means any employee of the Village designated as such by Council;
- 1.16 "Limousine" means either a full-size luxury motor vehicle that does not have a taximeter, a roof sign or a two-way radio or a vintage vehicle that is licensed as such and is kept, used or made available for use or service in exchange for a fee from any place within the Village of South River to any point inside or outside that area;

- 1.17 **"Operation"** when used in reference to a Hired Vehicle includes driving the said vehicle and/or making it available to the public and "Operate" and "Operating" shall have corresponding meanings;
- 1.18 **"Owner"** means either the Person shown as the owner of a Hired Vehicle in the records maintained by the Ontario Ministry of Transportation, or the lessee if the Hired Vehicle is leased;
- 1.19 **"Person"** means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and includes the heirs, executors, assigns, successors or legal representatives of the Person;
- 1.20 **"Taxi"** includes any motor vehicle that is kept, used or made available for use or service in exchange for a fee or other monetary consideration for the conveyance of persons or property from any place within the Village of South River to any point inside or outside that area, but does not include a Limousine, a bus, a vehicle used solely for courier services, an ambulance or a hearse; including and Uber Cab that is designated as accessible
- 1.21 **"Trip Record"** means a written record showing the owner's (License plate) number, the License Number of the Vehicle, name and License Number of the Driver the fare collected for each trip and the date and time, origin and destination of each trip.
- 1.22 **"Village"** or **"Village of South River"** means the Corporation of the Village of South River;

2.0 **LICENSES**

- 2.1 The Village shall issue and administer Licenses for:
- (a) Brokers;
 - (b) Owners;
 - (c) Drivers;
- 2.2 Every License, shall expire on the 30th day of April after the date of issue, unless sooner by being revoked or cancelled.
- 2.3 An application (including fees) for a License that is requested for a full term (of May 1st to April 30th of the following year) shall be submitted by March 31st.
- 2.4 A Broker must submit applications (including fees) together with application(s) from an Owner that the Broker's will provide dispatch services for.
- 2.5 All fees shall be nonrefundable. If the Clerk Administrator refuses to issue the License, fifty percent (50%) of any application fee paid shall be refunded.
- 2.6 If a current Licensee fails to complete or file his application(s) on or before March 31st, or if this by-law is amended to otherwise provide for a greater total number of Licenses to be issued, applications from other Licensees and the general public will then be considered, subject to Schedule "B" to this by-law.
- 2.7 An owner shall be able to use one (1) temporary Taxi in the event of a mechanical failure of a Licensed Vehicle for no longer than ten (10) business days, provided that the temporary taxi meets all the requirements for a Licensed Vehicle under this by-law.
- 2.8 The value of any and all brokers, owners, and driver licences shall remain with the Village of South River.

3.0 **ISSUANCE, REFUSAL AND REVOCATION OF LICENSES**

- 3.1 All applicants for any License under this by-law shall be 18 years of age or over;
- 3.2 No License for an Owner or Broker shall be issued to a person in respect of a business carried on upon lands in the Village that are not zoned for such a business in accordance with the Planning Act, R.S.O. 1990, c. P.13 and all Village by-laws passed under that Act, but an existing business may be continued in accordance with subsection 150(12.2) of the Act.
- 3.3 An applicant for a Taxi Driver's License shall provide to the By-law Enforcement Officer:
- (a) A completed application form;
 - (b) A copy of a valid Ontario Driver's License;
 - (c) A current Driver's Abstract;

- (d) A current criminal record search and a signed "Release and Discharge Relating to Consent to Disclosure and Criminal Record Information" form;
- (e) The fee as prescribed by this by-law;

3.4 An applicant for an Owner's License shall provide to the By-law Enforcement Officer:

- (a) Proof of ownership of the specified vehicle;
- (b) Proof of Insurance
- (c) Provide a Safety Standards Certificate;
- (d) Specify the Broker whose Dispatch services he will use;
- (e) A completed application form;
- (f) The fee(s) as prescribed by this by-law; and

Note: A Certificate of Insurance certifying that the Hired Vehicle is insured for public liability property damage and passenger hazard, with a minimum of \$2,000,000 coverage per incident or occurrence. The owner shall give the Village 48 (forty-eight) hours' notice of a vehicle switch, addition or deletion. The insurer shall give fifteen (15) days written notice prior to the cancellation, change or expiration of the insurance policy;

Note: A Safety Standards Certificate as prescribed by the Highway Traffic Act, R.S.O. 1990, c. H. 8 issued within 90 days of the issuance of the License and such other information relevant to the application as the By-law Enforcement Officer may request.

3.5 An applicant for a Broker's License shall provide to the By-law Enforcement Officer:

- (a) A completed Brokers application;
- (b) The applications of all owners to whom he will provide Dispatch services;
- (c) The fee(s) as prescribed by this by-law under Schedule "A" ;

3.6 Subject to sections of this by-law, the Clerk Administrator shall issue a License or approve a transfer to applicants that meet the qualifications set out in this by-law.

3.7 The Clerk Administrator shall refuse to issue a License to any Person:

- (a) Who has been convicted of any offence included in sections 150 - 174 of the Criminal Code of Canada R.S.C. 1985 c. C46, as amended, (Sexual Offences), for which a pardon has not been granted;
- (b) Who has more than nine (9) demerit points in the previous thirty-six (36) months showing against his Ontario Driver's License at the time of application;
- (c) Who has submitted false information or documents with an application.
- (d) Who has not satisfied all of the requirements of this by-law; and immediately upon such refusal shall notify the applicant of the refusal.

3.8 The Clerk Administrator may refer deny any application of any person who has been convicted of an offence under the Controlled Drugs and Substances Act S.C 1996, c. 19, as amended, or its predecessor or successor legislation, for which a pardon has not been granted.

4.0 **Duties of Clerk Administrator**

4.1 The Clerk Administrator may:

- (a) Issue a License, with or without conditions; or
- (b) Deny an application for a License or revoke any License granted under this by-law if it is not satisfied that issuing the License would not result in a breach of the law, if it is satisfied that issuing the License or permitting it to continue would be averse to public interest, or for failure to comply with any of the provisions of this by-law.

4.2 Where the Clerk Administrator refuses to issue a License under this by-law, or where the Clerk Administrator has revoked a License or has issued a License subject to conditions unacceptable to the Licensee, the applicant or Licensee may appeal this decision to Council by submitting, within fourteen (14) calendar days of receiving notice, a notice of appeal of the said decision in writing.

4.3 Upon receiving an appeal from an applicant, Council shall conduct a public hearing in accordance with the procedures set out in the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22.

4.4 The applicant shall be given at least seven (7) days written notice of such hearing, mailed or delivered to the address shown in his application.

4.5 At the hearing, the onus shall be upon the applicant or Licensee to show cause why:

- (a) The License applied for should be granted;
- (b) Conditions should not be imposed on the License; or
- (c) The License should not be revoked.

- 4.6 Any motion made at the hearing resulting in a tied vote means the motion is defeated.
- 4.7 Following the public hearing, Committee may:
- (a) Issue a License with or without conditions; or
 - (b) Deny an application for a License or revoke a License if it is satisfied that issuing the License or permitting it to continue would be averse to public interest, or for failure to comply with any of the provisions of this by-law.
- 4.8 A decision made under pursuant to the exercise of these powers is final and binding upon every applicant or Licensee.
- 5.0 **ADMINISTRATION**
- 5.1 The clerk administrator, or the By-law Enforcement Officer as appropriate, shall:
- (a) Prepare application forms and provide to each broker all necessary forms;
 - (b) Upon issuance of a License, assign a license number to each License;
 - (c) Keep a record of all issued licenses;
- 6.0 **GENERAL PROHIBITIONS**
- 6.1 Every Driver under this by-law shall:
- (a) Obtain a licence issued by the Village of South River as a taxi driver;
 - (b) Display his Badge in a place that can be conveniently seen and read by passengers;
 - (c) While on duty, serve any person who may lawfully require the hired vehicle at any place within the town and at any specified time, whether by day or night, and he shall not neglect to respond to calls except for reasons beyond his control;
 - (d) Take due care of all property delivered or entrusted to them and accepted by him for conveyance or safe keeping;
 - (e) Travel by the most direct route to the point of destination unless otherwise directed by the Person engaging the Hired Vehicle;
 - (f) Inform each passenger the fare to be charged for their destination, and shall not demand any greater amount unless the destination or route is modified;
 - (g) Be appropriately dressed, neat, clean, and polite, and shall not use foul or profane language;
 - (h) Not smoke, or permit any passenger to smoke, tobacco or any other substance in the hired vehicle.
- 6.2 Every Owner under this by-law shall:
- (a) Obtain a licence issued by the Village of South River for every vehicle;
 - (b) Maintain for each licensed vehicle the insurance;
 - (c) Permit only licensed drivers to operate his licensed vehicles;
 - (d) Operate hired vehicle in association with a licensed broker;
 - (e) Retain Trip Records for all Licensed Vehicles for a period of twelve (12) months and provide them for inspection upon demand;
 - (f) Have securely fixed to the top of each Taxi an electric illuminated sign clearly indicating the vehicle is a Taxi, the name under which it operates;
 - (g) Notify the By-law Enforcement Officer within forty-eight (48) hours that he has employed a Driver or a Driver's termination of employment;
 - (h) Keep all Licensed Vehicles owned by him in good repair and keep the interior and exterior of such vehicles clean;
 - (i) Check immediately any mechanical defect reported by a driver in a licensed vehicle owned by him and shall not in any case operate or permit to be operated any Licensed Vehicle owned by him not in good mechanical condition;
 - (j) Post "No Smoking" signs in each Licensed Vehicle owned by him;
- 6.3 Every Broker licensed under this by-law shall:
- (a) Obtain a license issued by the Village of South River as a broker;
 - (b) Ensure that all hired vehicles dispatched by him are licensed vehicles;
 - (c) Ensure that all drivers have been issued a current, valid licence;
 - (d) Keep a Trip Record of all Calls received and Dispatched by him
 - (e) Retain Trip Records for all Licensed Vehicles owned by him for a period of twelve (12) months and provide them for inspection upon demand by the By-law Enforcement Officer, who may remove and retain them for a reasonable time;
- 6.4 No owner or driver, while operating a licensed vehicle, shall carry in the vehicle any 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 employed by the broker for whom the owner or driver is working.

6.5 No broker, owner or driver shall transfer any licence to any person at any time. The value of all licenses shall remain at all times the property of the Village, no license in this by-law shall be transferable.

6.6 No person shall hinder or obstruct a person lawfully carrying out the enforcement of this by-law.

6.7 Every Licensee shall, within 48 hours of changing his address, notify the Clerk Administrator of their new address in writing.

7.0 **ENFORCEMENT**

7.1 Every Person who fails to comply with a condition to which his Licence is subject is guilty of an offence.

7.2 Every Person who contravenes any provision of this by-law or is party to such contravention is guilty of an offence.

7.3 Every Person who is guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, pay a set fine, and the Chief Judge of the Ontario Court, Provincial Division, shall be requested to establish set fines as set out in Schedule "C" to this by-law.

7.4 Every Person who contravenes any provision of this by-law and every director or officer of a corporation who concurs in such contravention by that corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$5,000, in accordance with the provisions of section 61 of the Act.

7.5 Every corporation that contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a fine not exceeding \$5,000 in accordance with the provisions of section 61 of the Act.

8.0 **GENERAL PROVISIONS**

8.1 Any notice required to be given under this by-law may be given by personal service or by registered letter mailed to the last known address and shall be deemed to have been received on the fifth day after mailing.

8.2 If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

8.3 In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed, the provisions of this by-law shall prevail.

8.4 This by-law comes into force and effect on April 24, 2017.

8.5 That By-law #5-94 be hereby repealed.

8.6 This by-law may be cited as the "Taxi and Limousine Licensing By-law".

READ a FIRST time this 24th day of APRIL, 2017.

READ a SECOND and THIRD time and FINALLY PASSED this 24th day of APRIL, 2017.

Mayor, Jim Colman

Clerk Administrator, Susan Arnold

SCHEDULE "A"

Resident applicants shall pay a prescribed license fee of \$150.00 per year per vehicle.
Nonresident applicants shall pay a prescribed license fee of \$225.00 per year per vehicle.

SCHEDULE "B"

Maximum Numbers to Be Licensed

<u>Licence Type</u>	<u># of Licences</u>
Driver's Licenses	unlimited
Owner's Licenses	3 taxis; unlimited limousines
Broker's Licenses	unlimited

**PART I PROVINCIAL OFFENCES ACT
SCHEDULE "C"**

TAXI AND LIMOUSINE BY-LAW FOR THE VILLAGE OF SOUTH RIVER
SCHEDULE TO BY-LAW #11-2017

ITEM	SHORT FORM WORDING	OFFENCE CREATING PROVISION OR DEFINING OFFENCE	SET FINE
1	DRIVER FAIL TO OBTAIN LICENCE	6.1 (a)	\$150.00
2	FAIL TO SERVE ANY PERSON	6.1 (c)	\$150.00
3	PERMIT SMOKING IN HIRED VEHICLE	6.1 (h)	\$300.00
4	OWNER FAIL TO LICENCE VEHICLE	6.2 (a)	\$150.00
5	FAIL TO MAINTAIN VALID INSURANCE ON HIRED VEHICLE	6.2 (b)	\$150.00
6	PERMIT UN LICENCED DRIVER TO OPERATE HIRED VEHICLE	6.2 (c)	\$150.00
7	FAIL TO PROPERLY SECURE OR ILLUMINATE TAXI SIGN	6.2 (f)	\$150.00
8	OWNER FAIL TO KEEP LICENCED VEHICLES IN GOOD REPAIR		\$150.00
9	FAIL TO POST "NO SMOKING" SIGNS IN LICENCED VEHICLES	6.2 (j)	\$150.00
10	OPERATE AN HIRED UNLICENCED VEHICLE	6.3 (b)	\$300.00
11	PERMIT UNLICENCED DRIVER TO OPERATE A LICENCED VEHICLE	6.3 (c)	\$300.00
12	HINDER OR OBSTRUCT PERSON CARRYING OUT THE ENFORCEMENT OF THIS BY-LAW.	6.6	\$300.00

NOTE: The general penalty section for the offences indicated above is Section 7.0 of By-law No. 11-2017, a certified copy of which has been filed.