

**TOWNSHIP OF ST. CLAIR**

**BY-LAW NUMBER 52 of 2011**

Being a by-law to provide for the licensing, regulating and governing taxicab brokers and owners and drivers of motor vehicles used for hire, and to amend By-law Number 29 of 2004.

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**WHEREAS** Sec. 232 of The Municipal Act R.S.O. 1990 Chapter M.45 municipal councils to pass by-laws to license, regulate and govern taxi cab brokers and to refuse, refuse to renew or revoke any such license;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF ST. CLAIR ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

In this by-law:

- (a) "Township" shall mean the Corporation of the Township of St. Clair;
- (b) "Taxicab" shall mean a motor vehicle as defined in The Highway Traffic Act, other than a car pool vehicle, having a seating capacity of not more than nine persons hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip;
- (c) "Taxi Broker" shall mean any person who accepts calls in any manner for taxicabs used for hire and which are owned by persons other than himself, his immediate family or his employer;
- (d) "Taxi Owner" shall mean any person who owns a taxicab;
- (e) "Person" shall include an individual, corporation, firm or agent thereof.

**2. RESPONSIBILITIES**

The Township Clerk shall:

- (a) be responsible for the issuance, suspension and revocation of all licenses pertaining to this by-law;
- (b) maintain a record of all licenses issued;
- (c) make all necessary enquires and examine all applications in connection with the issuance, suspension or revocation of licenses issued pursuant to this by-law;
- (d) make periodic reports to Council as necessary.

**3. PROHIBITION**

Within the Township of St. Clair

- (a) drive a taxicab without having a current valid license so to do issued under the provisions of this by-law and herein referred to as a taxicab driver license;

- (b) keep a taxicab for hire without having a current valid license so to do issued under the provisions of this by-law and referred to as a taxicab owner license;
- (c) operate as a taxi broker without having a current valid license so to do issued under the provisions of this by-law and referred to herein as a taxi broker license.

#### 4. TRANSFERABILITY

Taxicab driver, taxicab owner and/or taxicab broker licenses shall not be transferable

#### 5. APPLICATION

##### 5.1 Each applicant for a taxicab driver license shall:

- (a) be at least 25 years of age;
- (b) be able to speak, read and write the English language;
- (c) have a valid drivers license for the current year issued under the provisions of The Highway Traffic Act of Ontario;
- (d) provide a current photograph of themselves;
- (e) upon being granted a license pay the prescribed fee.
- (f) at the time of applicant or renewal of a municipal taxicab drivers license or at any other time as requested by the Clerk, file a satisfactory drivers abstract.
- (g) shall file with the Clerk at the time of application or renewal of the municipal taxicab drivers license or at any other time as may be requested by the Clerk a satisfactory police background report.
- (h) shall display, in sight of the passenger the current, valid taxicab drivers license issued by the municipality.

##### 5.2 Each applicant for a taxicab owner or taxicab broker license shall:

- (a) in the case of an individual, hold a valid taxicab driver license for the Township of St. Clair;
- (b) in the case of a corporation, firm or agent thereof, an officer shall hold a valid taxicab driver license for the Township of St. Clair;
- (c) have the motor vehicle which is to be licensed as a taxicab licensed for the then current year under the that the said vehicle is registered in the applicant's name or leased in the applicant's name;
- (d) file with the Township Clerk proof of insurance in respect of each vehicle to be licensed, indemnifying and protecting the owner and the public, including passengers carried in such vehicles in the amount of \$1,000,000. inclusive of public liability and property damage;
- (e) submit a certificate of mechanical fitness as prescribed by The Highway Traffic Act with respect to the vehicle to be licensed.
- (f) upon being granted a license, pay the prescribed fee therefore to the Township of St. Clair.
- (g) shall include in the application the address of the taxicab owner or taxicab broker, from which the business activity will be conducted, and advise the

Clerk of any change of address that may occur during the term of the annual license. A change in address will be subject to review relative to Clause 5.2 (i) of this by-law. The re-issue of a taxi cab owners or taxi cab brokers license necessitated only because of a change of address will not be subject to an additional fee for the unexpired term of the original license.

- (h) shall ensure that the municipal taxicab owners/brokers license is displayed within the sight of the passenger.
- (i) shall assure that the taxi cab business is located in an area that is properly zoned for such activity in accordance with the Township of St. Clair Zoning By-law, confirmed by the Township Co-ordinator of Planning or designate. The taxi cab business may also be located in the rural area in an agricultural zone subject to the approval of the property owner, if the applicant is an tenant and neighbors within 120 meters (400 feet) of the proposed business location.

#### **TAXICAB DRIVER DUTIES**

##### 6.1 Each taxicab driver shall:

- (a) be neat and clean in person while on duty;
- (b) unless his taxicab has been previously engaged, provide prompt service to any place within the Township during day or night or within generally advertised hours of operation;
- (c) upon request of any passenger provide a receipt for the fare or charge made and paid indicating thereon;
  - i) place of picking up and discharging person
  - ii) the mileage traveled
  - iii) his name;
- (d) take due care of all property delivered or entrusted to him and accepted by him for conveyance or safekeeping and any article left in a taxicab and the owner cannot be found, the article is to be delivered to the O.P.P., Corunna, C.P.O. with all information in his possession regarding same;
- (e) keep the interior and the exterior of his taxicab clean;
- (f) daily, keep a trip record of all trips made containing the following information:
  - i) the date, time and location of the beginning and termination of each trip and the number of passengers carried,
  - ii) the amount of fare collected for each trip.

##### 6.2 A taxicab driver shall not:

- (a) be under the influence of any intoxicant or take, consume or have in his possession any intoxicant while in charge of a taxicab;
- (b) carry more passengers in any taxicab than the maximum insured capacity of the taxicab including himself as driver;
- (c) carry any person while on duty or subject to call, other than the person or persons employing his services, unless approved by that person;
- (d) smoke while a passenger is being carried by him.

**7. TAXICAB OWNER DUTIES**

7.1 Each taxicab owner shall:

- (a) hold a separate taxicab owner license for each vehicle used or kept for hire as a taxicab;
- (b) maintain insurance on each vehicle as required pursuant to Section 5.2 (d) of this by-law;
- (c) maintain each vehicle in good state of repair;
- (d) submit each licensed taxicab for safety inspection by a qualified and licensed automobile mechanic annually and submit to the Township Clerk a valid Safety Standards Certificate at the time of the taxicab license renewal or transfer.
- (e) shall maintain illuminated vehicle identification signage that when lit indicates that the taxicab has been hired or is available for hire.

7.2 a taxicab owner shall not:

- (a) employ any person to operate his taxicab who does not hold a valid taxicab driver license issued pursuant to this by-law.

**8. TAXICAB BROKER DUTIES**

Each taxicab broker shall:

- (a) keep a record of all owners operating taxicabs in association with him such record to show the number of taxicabs operated by each owner, including his name and address and the number of the license issued under this by-law in respect of each;
- (b) require owners and drivers to observe the requirements of this by-law;
- (c) maintain an accurate record of all trip lists for the hire of a taxicab and for each taxicab dispatched.

**9. TARIFFS**

Each owner or driver licensed pursuant to this by-law shall:

- (a) shall post a list of fares within sight of the passenger or verbally advise the passenger of the fare to the requested destination.
- (b) have the option to operate a taxicab on an hourly basis at the request of the passenger.

**10. LIMITATIONS**

- (a) Under the provisions of the by-law there shall be no limitation as to the number of municipal licenses issued.

License Fees for all or part of a calendar year:

1.	Taxicab Owner License	- Initial	\$100.00 per taxi
		- Renewal	50.00 per taxi
2.	Taxicab Broker License	- Initial	\$100.00
		- Renewal	50.00

3.	Taxicab Drivers License	- Initial	\$40.00
		- Renewal	20.00

#### 11. RENEWAL, SUSPENSION AND REVOCATION

- (a) Each license unless previously suspended or revoked shall be renewed upon payment of the appropriate fee.
- (b) The Township Clerk may suspend a license for failure to comply with any of the provisions of this by-law.
- (c) A suspension shall be and remain in force until such time as the licensee has satisfied the Township Clerk as to his compliance with the by-law.
- (d) The decision of the Township Clerk may be appealed to the Council of the Township of St. Clair.
- (e) No reduction in license fees shall be granted while a license is under suspension.

#### 12. LICENSE FEES

The license fees referred to in this by-law shall be as outlined in Schedule "A" to this by-law and be paid to the Township Clerk. Licenses issued under this by-law shall be reviewed as of January 1<sup>st</sup> of any calendar year.

#### 13. SCOPE

This by-law shall apply to taxicab brokers, owners and drivers of taxicabs which vehicles are kept or used for hire in the Township of St. Clair or to points outside of but within 5 km of the Township boundaries.

#### 14. AMENDMENT

All outstanding license holders are to be notified of and given an opportunity to comment on any proposed/draft amendment to this by-law.

#### 15. PENALTY

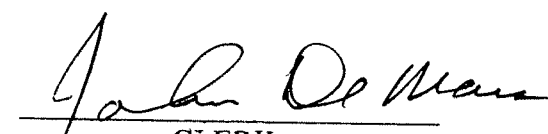
Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting court a penalty not exceeding (exclusive costs) the sum of \$1,000.00 for each offence. Such penalty shall be recoverable under the provisions of the Provincial offences Act as provided by The Municipal Act. The Court, wherein the information is first laid, and any court of competent jurisdiction thereafter may issue 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.

16. AND that By-law #29 of 2004 be amended accordingly

THAT this by-law shall come into full force and effect upon the final passage thereof.

**READ** a first, second and third time and **FINALLY PASSED** this 19th day of  
December 2011.

  
MAYOR

  
CLERK