



**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 100 OF 2009**

**BEING A BY-LAW TO LICENSE, REGULATE AND GOVERN TAXICABS,
LIMOUSINES AND RICKSHAWS, IN THE TOWN OF GODERICH AND TO REPEAL
BY-LAW NO. 105 OF 2004**

WHEREAS, pursuant to the provisions of Part IV of the *Municipal Act*, S.O. 2001, c. 25, as amended, the Council of the Corporation of the Town of Goderich may pass by-laws for licensing, regulating and governing business;

AND WHEREAS Section 150 of the *Municipal Act* allows a municipality to license, regulate and govern any business wholly or partially carried on within the municipality, even if the business is being carried on from a location outside the municipality;

AND WHEREAS in accordance with Section 150(4) (a) and (b) of the *Municipal Act* proper notice of a public meeting was given, and a public meeting was held at which any persons who attended had an opportunity to make representation with respect to this By-law;

AND WHEREAS pursuant to Section 150(2) of the *Municipal Act* the Council of the Corporation of the Town of Goderich is exercising its licensing power under this section, including imposing conditions, for one or more of the following purposes:

- 1) Health and safety
- 2) Nuisance control
- 3) Consumer protection

AND WHEREAS pursuant to Section 150(3) of the *Municipal Act* the following businesses are licensed for the following reasons:

“TAXICAB,” “LIMOUSINE,” and “RICKSHAW” for the purpose of protecting the consumer who is hiring the services being offered.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:

PART I - DEFINITIONS AND INTERPRETATION

1. Definitions

"Board of Police Services" (or the Police Services Board) means the board appointed under the authority of the *Police Services Act* to administer policing for the Town of Goderich.

"Corporation" shall mean the Council of the Corporation for the Town of Goderich.

"Police or Police Officers" shall mean a member of the Ontario Provincial Police

"Limousine" shall mean a motor vehicle which is kept or used for hire for the conveyance of passengers on an hourly basis or for a fixed fee between any two given locations, and which is not equipped with a taxi meter.

"Limousine License" See "taxicab license".

"Rickshaw" shall mean a two wheeled vehicle, pulled by one or two persons kept or used for hire for the conveyance of goods or passengers.

"Rickshaw License" See "taxicab license".

"Taxicab" means a motor vehicle as defined in the *Highway Traffic Act*, other than a car pool vehicle, having a seating capacity of not more than six persons, exclusive of the driver, 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.

"Taxicab License" means a license obtained from the Corporation under the authority of this by-law for a taxicab, a limousine or a rickshaw.

"Taxi Driver's License" means a license issued under the authority of this by-law to a person for the operation of a taxicab, a limousine, or a rickshaw.

"Taxi Stand" as defined from time to time by the Traffic By-law of the Town of Goderich.

"Taxi meter" means any device installed in a taxicab accurately registering the kilometres traveled by a taxicab and is approved by a recognized manufacturer.

2. Interpretation

For the purposes of this by-law:

- a) The term "vehicle" shall mean a taxicab, a limousine or a rickshaw.
- b) The term "taxi" shall have the same meaning as "taxicab."

PART II - DUTIES OF THE POLICE

1. Vehicles to be used as a taxi, a limousine or a rickshaw shall be subject to review by the police and the approval of the corporation.
 - a) To report to Police Services Board the performance of his/her duties under this by-law whenever he/she shall be required to do so.
 - b) To examine every applicant for a taxi driver's license and to make all necessary inquiries concerning applications for license as may be requisite to secure a due observance of the law and of this by-law.
 - c) To review applicants for taxi driver's license as per Schedule "B" (three pages)
 - d) To ascertain by inspection and enquiry from time to time and as often as may be required by the Police Services Board, whether the persons receiving licenses continue to comply with the provisions of this by-law.

PART III - TAXI DRIVER LICENSES

1. No person shall operate a taxicab, a rickshaw or a limousine within the Town of Goderich unless such person holds a taxi driver's license for the current year and shall produce it upon demand to the police, corporation or passenger of the taxicab.
2. An application for a taxi driver's license shall be made to the taxi company on a form supplied for such purposes (Schedule "B").
3. The application must then be presented to the police for review.
 - a) A fee as per the corporation's Consolidated Fee By-Law must be paid for a criminal

record check form which will be completed and attached to the application.

- b) A driver's license history will be completed and attached to the application.
- c) Any discrepancies in the applicant's criminal record or driving record will require additional fees (as per the Ontario Provincial Police schedule) to obtain a certified copy of the applicant's criminal record from the Royal Canadian Mounted Police or to obtain a certified copy of the applicant's driving record from the Ministry of Transportation.
- d) The requirements for police approval are attached as Schedule "B".
- e) The taxi company may refuse to hire the applicant based upon the criminal record, driving record, or any other reason they deem appropriate.

PART IV - LICENSES FOR TAXICABS, LIMOUSINES AND RICKSHAWS

1. The owner of any taxi, limousine or rickshaw shall not use or operate the same or allow the same to be used or operated without a license from the Corporation. Such license may be in the form of Schedule "C" to this by-law annexed, or in a like form, and such owner shall, prior to obtaining such license and on the first day of May in each and every year thereafter that he uses or operates taxi, limousine, or rickshaw, or allows the same to be used or operated, pay to the Town of Goderich for the first taxi, limousine or rickshaw, a fee as per the corporation's Consolidated Fee By-Law, and a fee as per the corporation's Consolidated Fee By-Law, for each additional taxi, limousine or rickshaw to be paid prior to obtaining such license and on the first day of May in each and every year thereafter that he uses or operates a taxi, limousine or rickshaw, or allows the same to be used or operated.
2. Before a license is granted under this by-law, the applicant for such license shall procure a policy of insurance on each of his/her taxis, limousines, or rickshaws, or other hazard risk to at least the amount of One Million Dollars (\$1,000,000.00) inclusive for any one accident, and such policy of insurance shall cover and include any taxi or other vehicle used by the insured as a taxi in substitution for the taxi or other vehicle mentioned or described in the said policy, so long as the license to be granted described in the said policy is in force and in effect. The insurance policy shall require that in the event of the cancellation of liability insurance, the corporation must be immediately advised by the insurer and the license will be automatically cancelled.
3. The owner of a rickshaw, when the vehicle is being used on a highway, shall ensure that the requirements of the *Highway Traffic Act* for such vehicle are met.
4. No person shall drive or act as a driver of any taxi, limousine or rickshaw without having a license for such vehicle, said license may be in the form of Schedule "C" to the by-law annexed, or in any like form, and such person shall:
 - a) Prior to obtaining his/her license pay an initial fee as per the corporation's Consolidated Fee By-Law and annually thereafter on the 1st day of May, pay to the Town Clerk an annual fee as per the corporation's consolidated Fee By-Law.
5. A copy of Schedule "C" shall be retained in each individual vehicle and shall be presented to the police or corporation upon demand.
6. Every owner of more than one taxi, limousine or rickshaw required to be licensed under this by-law shall take out a license for each taxi, limousine or rickshaw.
7. A taxi company shall obtain a license for the delivery of liquor in accordance with Section 12, Regulation 718/90 of the *Liquor License Act*. The taxi company shall abide by the terms and conditions and shall provide the police a copy of every current license.
8. The person in whose name a license is taken out for a vehicle shall be considered as the owner of the same for the purpose of this by-law and shall be liable for the penalties therein described.

PART V - EQUIPMENT AND ITS USES

1. No person licensed under this by-law shall carry in any taxi, limousine or rickshaw used for hire a greater number of occupants or persons than the manufacturer's rating of seating capacity of such vehicle.
2. The owner or driver of any vehicle licensed under this by-law shall keep the interior and exterior of such vehicle clean and dry and in good repair and when such owner of such vehicle has received notice (either given to him/her or to his/her driver) and signed by the police or corporation, that such vehicle is not in fit and proper condition for use, stating briefly the items complained of, such owner shall within the time mentioned in such notice, put the same in a fit and proper condition.
 - a) Every vehicle to be operated as a taxicab, limousine or rickshaw shall be licensed under the provisions of this by-law.
 - b) A Certificate of Mechanical Fitness as prescribed by the *Highway Traffic Act* of Ontario shall be submitted to the Corporation for each vehicle to be so licensed.
 - c) For each vehicle licensed under this By-Law, a current Certificate of Mechanical Fitness is to be filed with the corporation on or before April 30th and October 31st of each year.
 - i) A taxicab or limousine shall not be operated and the license shall be deemed to be revoked in the absence of a current Certificate of Mechanical Fitness.
 - ii) A Certificate of Mechanical Fitness shall be deemed to have been revoked should the owner of a taxi or of a limousine fail to file in accordance with the schedule of Part V 2. c).
 - iii) Certificates required under Clause c) may be dated within the thirty (30) day period preceding the aforementioned due dates.
3. The owner of every vehicle for which a taxi, limousine or rickshaw license has been issued under this by-law, shall when required, submit his/her vehicle for examination to the police, or Corporation.

PART VI - GENERAL PROVISIONS

1. No licensed owner shall employ any person other than a licensed driver to drive his taxi, limousine or rickshaw.
2. The driver of any taxicab shall, upon request of any passenger, give in writing his name, taxi driver's license number, and the license number of his taxicab together with the name and address of the owner of the said taxicab.
3. Every holder of a taxi license and employee thereof, (unless he/she has had some previous order) shall serve the person that first requests the service of his/her taxi at any place within the town, and if he/she plead some previous engagement, he/she shall upon demand, give to the caller the address of the person to whom he/she is so engaged. He/she shall punctually keep all his/her appointments and engagements and shall not accept any engagement that a previous appointment would prevent him from fulfilling, and he/she shall not be compelled to accept any order from a person who owes him/her money for a previous fare or service, unless and until the same be paid.
4. Every holder of a taxi license and employee thereof, whether the persons receiving licenses continue to comply with the provisions of this by-law drove any person or carried any goods, baggage or any other thing, it shall be the duty of such licensee to inform such police officer of the name of such person or persons if known, and if not known, the description of such person or persons and the destination or destinations, and failure to furnish such information within seven days of such inquiries shall constitute a breach of this by-law.

5. Every owner licensed under this by-law, or driver employed by him/her, shall take due care of all property delivered or entrusted to him for conveyance or safe keeping. Every driver of a taxi, limousine or rickshaw, locating any property or money left therein, shall forthwith deliver it over to the person owning same, and if the owner cannot at once be found, deliver it to the police with all the information in his/her possession regarding same. He/she shall cause a search to be made of his/her vehicle if a report is received that property or money was suspected to have been left in the taxi, limousine, or rickshaw.
6. The licensed owner or driver may only drive a taxi in the Town of Goderich if his/her blood alcohol concentration is zero at all times.
7. No owner or driver of any taxi licensed under this by-law shall publish or use any tariff, to demand or receive rates and charges other than those authorized by this by-law, whether such rates and charges are determined by distance or time.
8. No owner or driver of any taxi licensed under this by-law shall be entitled to receive or recover any fare or charge from any person or persons from whom he/she shall have demanded any fare or charge greater or less than those authorized, by this by-law, or to whom he/she has refused to show his/her card or tariff as provided by this by-law.
9. It shall be lawful for the owner or driver of any licensed vehicle for carrying passengers for hire to demand prompt payment of his/her lawful fare or hire of the person or persons using the same, and no person hiring such taxi, or other vehicle, shall refuse, as soon as he/she reaches his/her destination to pay the fare established by this by-law, and every person refusing to pay such fare or hire forthwith, shall be guilty of a breach of this by-law, and every owner or driver, as aforesaid, who shall demand or accept any greater sum than lawful fare or hire, according to the provisions of this by-law shall be guilty of a breach of this by-law.
10. The owner or driver of any licensed vehicle for carrying passengers for hire outside the Town of Goderich may demand pre-payment of his/her lawful fare.
11. Every licensed person operating a taxi shall be permitted to operate on an hourly basis at the request of the passengers and then only at the rate therefore fixed by Schedule "A" of this by-law.
12. The tariff card (Schedule "A") furnished by the Corporation shall be placed and kept by the person licensed in or upon his/her taxi, in such a place as may be approved of or designated by the police, and no person so licensed shall use any other tariff card.
13. Any act done by or by the authority of the police under any provisions of this by-law, shall be subject to an appeal to the Police Services Board by any person feeling aggrieved thereby.
14. The license of any person (including licenses issued prior to the passing of this by-law) found by the Police Services Board not to be observing the provisions of this by-law, may be suspended for such length of time that the Board may see fit or may be revoked. All licenses may be refused, revoked or cancelled by the Police Services Board at any time in its discretion and the reasons shall be available to the licensee in writing.
15. Nothing in this by-law shall prevent the owner of a taxi, limousine or rickshaw business from entering into any contract for transportation of persons and/or property with any person(s) or group.
16. Where 24 hour service is available, any post 11:00 p.m. taxi service should be booked prior to the hour of 11:00 p.m. and in the event that an operator receives calls after this time, the operator may use his/her discretion as to providing such taxi services.
17. The provisions of this by-law shall come into force and effect on the 13th day of October, 2009.
18. By-law 105 of 2004 is repealed effective October 13, 2009.

19. Every person who breaches a section of this by-law is guilty of an offence and subject to a penalty as provided under the *Provincial Offences Act*.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS THIRTEENTH DAY OF OCTOBER, 2009.

MAYOR, Deb Shewfelt

CLERK, Larry J. McCabe

SCHEDULE "A"

TAXI, LIMOUSINE AND RICKSHAW FEES

TAXI

Part A

Conveyance of goods and passengers within the municipality or to any point not more than five kilometres beyond the municipal limits:

1. Meter Drop \$3.20
For each .10 kilometre and any part thereof \$0.20
2. Taxi Cabs engaged on an hourly basis (where vehicle is standing), per hour within the coverage area (3.2 kilometres or 2 mile radius) \$30.00
3. Delivery of groceries, parcels, etc \$8.00
and for every subsequent stop with same customer \$2.50
4. Every taxicab except a limousine, operated in the Town of Goderich shall be equipped with taxi meter of a standard type approved by a recognized manufacturer and so placed in the taxicab as to be conveniently seen at all times by any passenger or passengers therein.
5. Every such taxi meter shall be set to register the rates in conformity with the tariff set out in Schedule "A" to this bylaw and shall be the only rates charged for transportation from one point to another in the Town of Goderich or from a point in the Town of Goderich to any point within a distance of five (5) kilometres of the limits of the Town of Goderich.
6. No person shall operate or cause to be operated a taxicab unless there is installed therein a properly operating taxi meter that is registering the correct kilometres traveled.
7. Every taxi meter shall be inspected once every five years by AVC Systems Incorporated to ensure that it is registering correctly, and an appropriate seal to be attached thereto. The taxi company shall retain all records of repairs and certifications and provide them to the police or corporation upon demand.
8. While every taxi meter should be accurate, the tolerances thereon shall not exceed the following:
 - a) On kilometre tests (road test) with respect to computed distance actually traveled, a tolerance of twenty-eight (28) metres short of one point six (1.6) kilometres and nine (9) metres for each additional five hundred and thirty-three (533) metres or fifty-five (55) metres over one point six (1.6) kilometres.
 - b) Certification of compliance with the above tolerances is retained by AVC Systems Incorporated and the taxi company.

Part B

Conveyance of goods and passengers from any point within the municipality to any point greater than five kilometres outside the municipality.

As determined by the owner.

LIMOUSINE

As determined by the owner.

RICKSHAW

As determined by the owner.

SCHEDULE "B"

**THE CORPORATION OF THE TOWN OF GODERICH
TAXI DRIVER'S LICENSE APPLICATION**

1. NAME OF TAXI COMPANY TO EMPLOY APPLICANT _____
2. SIGNATURE OF TAXI COMPANY _____
3. NAME OF APPLICANT _____
4. ADDRESS _____
5. DATE OF BIRTH _____ PLACE OF BIRTH _____
6. DRIVER'S LICENSE NO. _____ CLASS _____ EXPIRES _____
7. LIST ALL CONVICTIONS UNDER THE FOLLOWING STATUTES (*CRIMINAL CODE, CONTROLLED DRUGS AND SUBSTANCES ACT, HIGHWAY TRAFFIC ACT AND LIQUOR LICENCE ACT*) INCLUDING THE OFFENCE WORDING SECTION NUMBER AND STATUTE. ALSO INCLUDE THE DATE OF OFFENCE

The applicant agrees to provide information on request: including personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act*.

In particular, I authorize the Corporation and its agents to inquire into my background in order to determine my suitability as a taxi driver/owner. These inquiries will include a criminal record check and a review of all other police contacts deemed relevant.

I understand that information, including personal information, may be exchanged between the Town of Goderich and the police. The police will make recommendations regarding the application.

I have provided complete and correct information as required by this application. Past criminal convictions or charges that are yet to be resolved that deal with any sexual offences, drug offences or violent (assaults) behavior will automatically result in the rejection of this application. Police contacts will be evaluated based on recency, nature of contact and potential for reoccurrence. Any decisions regarding this application may be appealed to Council.

I have read this consent, understand it and agree to it in its entirety.

SIGNATURE OF APPLICANT

DATE

APPLICANT ELIGIBILITY

To be eligible, an applicant for the taxi driver's license must:

1. (a) Have reached the age of nineteen (19) years
- (b) Be of good character
- (c) Holder of a valid Ontario driver's license issued by the Province of Ontario designated a Class "G" (not a G1 or G2 or be classed as a probationary driver).

An applicant for a taxi driver's license shall meet the following requirements:

2. The applicant shall not have accumulated more than six demerit points in his or her driving record.
3. An applicant for a holder of a taxi driver's license shall meet the following requirements:
 - (a) The person's driver license shall not have been under suspension at any time within the preceding twelve months as a result of the person having been convicted or found guilty of an offence referred to in Section 53, subsection 128(15), Section 130, 172, 200 or 216 of the *Highway Traffic Act*, or an offence under the *Criminal Code* (Canada) committed by: means of a motor vehicle or while driving or having the care or control of a motor vehicle as defined in the *Highway Traffic Act*.
 - (b) The person shall not have been convicted or found guilty within the preceding five years of two or more offences under the *Criminal Code* (Canada) committed on different dates by means of a motor vehicle or while driving or having the care or control of a motor vehicle.
 - (c) The applicant shall not have been convicted or found guilty within the preceding five years of an offence under Section 151, 152, 153, 155, 159, 160, 163, 167, 168, 170, 171, 172, 173, 212, 271, 272 or 273 of the *Criminal Code* (Canada) or under Section 4 or 5 of the *Narcotics Control Act* (Canada) or *Controlled Drugs and Substances Act*.
 - (d) The applicant shall not have been convicted or found guilty within the preceding five years of more than one offence referred to in paragraph (1)
4. Although not convicted or found guilty under Subsection (3), an applicant for or a holder of a taxi driver's license must not have been convicted or found guilty of an offence for conduct that affords reasonable grounds for believing that the person will not properly perform his or her duties or is not a proper person to have custody of children while having control of a taxi.
5. The applicant shall not have been convicted or found guilty of an offence under the *Liquor License Act* of Ontario pertaining to the illegal sale or purchase of liquor within the preceding three years.

APPROVAL FORM

APPLICANT NAME _____

DATE OF BIRTH _____

_____ CRIMINAL RECORD ATTACHED

_____ DRIVING RECORD ATTACHED

SIGNATURE OF POLICE

DATE

_____ APPROVED BY TAXI COMPANY

_____ NOT APPROVED BY TAXI COMPANY

SIGNATURE OF TAXI COMPANY

DATE

SUBMIT COMPLETED APPROVAL FORM TO CORPORATION FOR ISSUANCE OF LICENSE

FOR OFFICE ONLY

License No. _____ Year _____

Date of Expiry _____

Date License Issued _____ Issued By _____