



**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 34 OF 2017**

**BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN PEDICABS AND
RICKSHAWS IN THE TOWN OF GODERICH**

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 subsection 151 (1) of the *Municipal Act, 2001* provides that, without limiting sections 9, 10, and 11 of the Act, a municipality may: provide 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 pursuant to Section 11 (2) and (3) of the *Municipal Act* allows a municipality to pass by-laws for one or more of the following purposes:

- Health and safety and well-being of persons; and
- Protection of persons and property, including consumer protection; and
- Business licensing.

AND WHEREAS the Council of the Corporation of the Town of Goderich considers it necessary and desirable to licence, regulate and govern pedicabs and rickshaws in the Town of Goderich;

AND WHEREAS Council deems it necessary and advisable to create set fines for violations at \$125.00;

AND WHEREAS for the purpose of proceedings under Part I of the *Provincial Offences Act*, the amount of fine set by the court for an offence is such amount as may be set by the Chief Judge of the Ontario Court (Provincial Division);

AND WHEREAS a copy of the Judge's approved set fine schedule will be attached to this By-Law;

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

PART I - DEFINITIONS AND INTERPRETATION

1. Definitions

"Clerk" shall mean the Clerk of the Town of Goderich or designate.

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

"Municipal Law Enforcement Officer" shall mean the Municipal Law Enforcement Officer of the Town of Goderich

"Operator" shall mean the individual who has care and control of a pedicab or rickshaw.

"Pedicab" shall mean a three-wheeled passenger vehicle that a person propels by pedaling like a bicycle which is kept or used for hire of the conveyance of goods or passengers.

"Pedicab Licence" means a licence obtained from the Corporation under the authority of this by-law for a pedicab.

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

"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 Licence" means a licence obtained from the Corporation under the authority of this by-law for a rickshaw.

2. Interpretation

For the purposes of this by-law:

- a) The term "vehicle" shall mean a pedicab or a rickshaw, as defined by the by-law.

PART II - ADMINISTRATION

1. The Clerk shall oversee the administration of this by-law on behalf of Council.
2. The Clerk is hereby authorized to issue pedicab and rickshaw licences and operator's licences.
3. Any licence issued pursuant to the provisions of this by-law may be revoked or cancelled with cause at any time by the Clerk.
4. Written notice of and reasons for the revocation of any licence issued pursuant to the provisions of this by-law shall be hand delivered to the holder thereof or sent by registered mail.
5. The Clerk shall refuse to grant a licence or renew a licence if the applicant has not satisfied all of the requirements of this by-law and the Clerk shall provide notice of refusal in writing.
6. Any act done by, or by authority of the Clerk under any provisions of this by-law is subject to an appeal to the Council in writing by any person aggrieved thereby.

PART III – LICENCES FOR OPERATORS OF PEDICABS AND RICKSHAWS

1. No person shall operate or permit the use or operation of any pedicab or rickshaw within the Town of Goderich unless such person holds a valid operator's licence issued by the Corporation for the current year and shall produce it upon demand to the police,

Municipal Law Enforcement Officer or passenger of the pedicab or rickshaw.

2. Prior to being licensed as pedicab or rickshaw, every applicant shall:
 - a) Complete and submit to the Clerk an application in the form as provided by the Town;
 - b) Provide the licence fee as per the Town's Fee By-law;
 - c) Provide his or her original criminal records check by the Ontario Provincial Police dated within thirty (30) days of the application for a licence;
 - d) Have reached the age of nineteen (19) years;
 - e) Provide a copy of valid government issued photo identification;
 - f) Satisfy the following eligibility criteria at the time of application:
 - i. The applicant shall not have been convicted or found guilty within the preceding five (5) years of an offence under the *Criminal Code* (Canada) or of the *Narcotics Control Act* (Canada) or *Controlled Drugs and Substances Act*.
 - ii. The applicant shall not have been convicted or found guilty within the preceding ten (10) years of no more than two (2) offences under the *Criminal Code* (Canada), *Narcotics Control Act* (Canada), *Controlled Drugs and Substances Act*.
 - iii. An applicant for a pedicab or rickshaw operator's licence must not have been convicted or found guilty of an offence for conduct against minors or that in the opinion of the Clerk affords reasonable grounds for believing that the person will not properly perform his or her duties with passengers under the legal age (minors) while having control of a vehicle.
 - iv. The applicant shall not have been convicted or found guilty of an offence under the *Liquor Licence Act* of Ontario pertaining to the illegal sale or purchase of liquor within the preceding three years.
3. Any violation by the licensee of any of the requirements outlined Part III (2) during the period after a licence is issued may result in a revocation or cancellation of licence.
4. No person licensed under this by-law shall transfer from one company to another without first having successfully completed a new licence application to the Clerk.
5. Every person licensed under this by-law shall notify the Clerk within ten (10) business days of any change of personal contact information;
6. Every pedicab or rickshaw operator's licence, unless sooner revoked or cancelled, shall expire on April 30th in each year. It is the operator's responsibility to ensure that he or she has a valid rickshaw or pedicab operator's licence.

PART IV - LICENCES FOR PEDICABS AND RICKSHAWS

1. The owner of any pedicab or rickshaw shall not use or operate the same or allow the same to be used or operated without a valid vehicle licence issued by the Corporation.
2. Prior to being granted a licence for a pedicab or rickshaw, every applicant shall:
 - a) Complete and submit to the Clerk an application in the form provided from the Town.
 - b) Provide the licence fee as per the Town's Fee By-law;

- c) Produce and file a copy of current commercial general liability policy in the minimum amount of two million dollars (\$2,000,000.00) and endorsed to name the Town of Goderich as co-insured.
 - d) The Town of Goderich shall be given at least ten (10) days prior written notice of any cancellation, expiration or change in the amount of the insurance policy.
3. Every pedicab or rickshaw licence, unless sooner revoked or cancelled, shall expire on April 30th in each year. It is the owner's responsibility to ensure he or she has a valid vehicle licence.
 4. The owner of a rickshaw or pedicab shall ensure that the requirements of the *Highway Traffic Act* for such vehicle are met.
 5. A copy of licence shall be retained in each individual vehicle and shall be presented to the police, Municipal Law Enforcement Officer, Clerk or passenger upon demand.
 6. Every pedicab and rickshaw shall be available at all times for inspection by a police officer or a Municipal Law Enforcement Officer.
 7. Every owner of more than one, pedicab or rickshaw required to be licensed under this by-law shall take out a licence for each individual pedicab or rickshaw.
 8. No vehicle licensed under this by-law shall transfer from one company to another without first having completed a new licence application to the Clerk and satisfy the requirements of such licence;
 9. The person in whose name a vehicle licence 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 - GENERAL PROVISIONS

1. No licensed owner shall employ any person other than a licensed operator to operate his/her pedicab or rickshaw.
2. Every licensed owner or operator shall, to the best of their knowledge and ability, give full information to any police officer or Municipal Law Enforcement Officer on being requested to do so with respect to the address of the house or place to or from which any passenger was picked up or dropped off, with the description, name and address of any such passenger.
3. Every person licensed under this by-law shall, while on duty, unless the pedicab or rickshaw has been previously engaged, serve at any specified time any person who may require a pedicab and rickshaw and shall not purposely neglect or refuse to fulfill any lawful appointment or engagement.
4. No person licensed under this by-law shall take, consume, have in his or her possession or be under the influence of any illegal drug while operating a pedicab or rickshaw.
5. No person licensed under this by-law shall take, consume or be under the influence of any alcohol while operating a pedicab or rickshaw.
6. No owner or operator licensed under this by-law shall knowingly permit a licensed vehicle to be used by any person in the commission of or in aid of the commission of any offence under the Criminal Code of Canada, any Provincial statute or Municipal by-law.
7. The owner or operator of any licensed vehicle for carrying passengers for hire outside the Town of Goderich may require pre-payment of his/her lawful fare.
8. No person licensed under this by-law shall carry in any pedicab or rickshaw used for hire

a greater number of occupants or persons than the manufacturer's capacity of such vehicle.

9. The owner or operator of any vehicle licensed under this by-law shall keep the interior and exterior of such vehicle clean and in good repair and when such owner of such vehicle has received notice (either given to him/her or to his/her operator) and signed by the police or Clerk, 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.
10. Every person licensed under this by-law shall take due care of all property delivered, or entrusted to and accepted by them for the conveyance or safekeeping, and every such vehicle for any property lost therein. All property left in the vehicle shall be delivered over to the person owning same, or, if the person cannot be found at once, shall be taken and placed in the company office. Notwithstanding the above, should money, a purse or wallet containing personal identification or important papers be found, the same shall be forthwith taken to the nearest police station.
11. The fees for conveyance of goods and passengers from any point within the municipality are as determined by the owner of the pedicab or rickshaw company.

PART VI – SCOPE

1. This By-Law shall apply to all land within the geographic limits of the Town of Goderich.

PART VII - ENFORCEMENT

1. The provisions of this by-law may be enforced by any police officer and/or the Town's Municipal Law Enforcement Officer.

PART VIII - OFFENCE AND PENALTIES

1. Every person who contravenes any of the provisions of this By-Law is guilty of an offence.
2. Every person who is convicted of an offence under this By-Law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.33, as amended, or as otherwise imposed by the presiding Justice.

PART IX - SEVERABILITY:

1. Should any section of this By-Law be declared by a court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining part shall be nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

PART X - ENACTMENT

1. Any licence that was issued under the provisions of By-Law 100 of 2009 as amended and that is valid on April 30th, 2017 shall be deemed to have been issued under this By-Law and will be valid until such licence is revoked or until it expires on April 30th, 2017, whichever occurs first.
2. The set fines for violations not otherwise provided by provincial statute shall be \$125.00.
3. This By-Law shall not come into force and effect until it is filed and approved by the Regional Senior Justice, Ontario Court of Justice.

4. The Mayor and Clerk are hereby authorized to execute and affix the Corporate Seal.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 20th DAY OF MARCH, 2017.

MAYOR, Kevin Morrison

CLERK, Dwayne Evans