

**THE CORPORATION  
OF THE  
MUNICIPALITY OF HURON EAST  
BY-LAW NO. 75 FOR 2017**

Being a by-law to provide for the licensing,  
regulating and governing of owners and drivers  
of taxis in the Corporation of the  
Municipality of Huron East.

**WHEREAS** Section 8 (1) of the Municipal Act, S.O. 2001, c.25, as amended, the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the Municipal Act, S.O. 2001, c.25, as amended, provides the municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 10 of the Municipal Act, S.O. 2001, c.25, as amended, gives the Municipality of Huron East the power to pass by-laws respecting protection of persons and property, including consumer protection;

**AND WHEREAS** Section 151 of the Municipal Act, S.O. 2001, c.25, as amended, provides that a municipality may provide for a system of licences with respect to a business;

**AND WHEREAS** Section 425 (1) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a Municipality may pass by-laws providing that a person who contravenes a bylaw of the municipality passed under this Act is guilty of an offence;

**AND WHEREAS** the municipality is desirous to licence motor vehicles operated by, for or on behalf of any person who receives compensation, either directly or indirectly, for the transportation of passengers within the Municipality of Huron East or from any point in the municipality to any point outside the municipality;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Huron East  
**ENACTS AS FOLLOWS:**

1. **SHORT TITLE;** This By-law may be cited as the "Taxi By-law".
2. **DEFINITIONS;** For the purpose of this By-law,
  - a) "Applicant" shall mean a person who makes application for a Licence issued under this By-law.
  - b) "By-Law Enforcement Officer" shall mean an employee of the Corporation charged with the duty of administering and enforcing the provisions of this By-law.
  - c) "Clerk" shall mean the Clerk of the Municipality of Huron East or his/her designate.
  - d) "Council" shall mean the Council for the Corporation of the Municipality of Huron East.
  - e) "Driver" shall mean any person who has care and control of a vehicle licensed under this By-law.
  - f) "Municipality" shall mean the Corporation of the Municipality of Huron East.
  - g) "Owner" shall mean a person who owns or operates a Taxi Cab or has the same operated by other drivers on the behalf of the owner and receives compensation therefore, either directly or indirectly, for the transportation of passengers.

- h) "Person" shall include not only an individual but also a partnership, corporation or association and the heirs, successors and assigns thereof.
- i) "Police Officer" means a member of the Ontario Provincial Police Detachment who is appointed as a peace officer pursuant to the *Police Services Act*, R.S.O. 1990,c.P.15.
- j) "Safety Standard Certificate of Mechanical Fitness" shall mean a Safety Standards Certificate issued by a registered motor vehicle inspection station pursuant to the provisions of the *Highway Traffic Act*.
- k) "Taxi Driver's Licence" shall mean a licence granted under the authority of this By-law by the Municipality of Huron East to a driver of a taxi.
- l) "Taxi Owner's Licence" shall mean a licence granted under the authority of this By-law by the Municipality of Huron East to own and operate a taxi.
- m) "Taxi" shall mean any passenger motor vehicle regularly used for hire for the conveyance of persons, but shall not include a public vehicle as defined in the *Public Vehicles Act*, R.S.O. 1990 P. 54 and amendments thereto.

### 3. DUTIES OF THE CLERK

The Clerk or his/her designate shall have the following duties in connection with the provisions of this By-law.

- a) Provide each person one copy of this By-law to anyone wishing to apply for a licence under this By-law.
- b) Shall consider all applications for licences, and shall either grant or refuse to grant a licence to the Applicant.
- c) To keep a record of all licences, such record shall contain the name or names of the Licensee, the number of Taxi licences kept by each licensee, the amount paid for the same and the date of the licence, and further particulars shall be kept as needed.
- d) To prepare all licences including a photo driver's identification card for each licensed driver and collect all fees where applicable.
- e) To refuse to grant a licence, renew a licence, under this By-law and temporarily suspend or revoke a licence where an Applicant or licensee fails to satisfy all of the requirements of this By-law or is in contravention of this By-law.

### 4. APPLICATION FOR TAXI DRIVER'S LICENCE

Each Applicant applying for a licence under this By-law shall;

- a) Attend the Municipality of Huron East and make a written application for such a licence.
- b) Be at least 18 years of age.
- c) Be a citizen of Canada or a permanent resident or hold a valid work visa issued by the government of Canada.

Each applicant applying for a Taxi Driver's Licence shall provide the following documentation to the Clerk or his/her designate:

- a) Provide a completed application form as set out in Schedule "C" of this By-law.
- b) Provide a copy of their driver's licence and a copy of a Ministry of Transportation driver's abstract dated no later than 30 days prior to the application for a licence.
- c) Provide two (2) passport-size photographs of the face of the Applicant taken no more than thirty (30) days prior to the application for the licence.

- d) Provide a vulnerable sector check in the Applicant's name issued by the Ontario Provincial Police and be dated no later than (30) days prior to the application for the licence.
- e) Provide the Clerk or designate with such other information relevant to the application as may be requested.
- f) Pay the prescribed licence fee according to Schedule 'A' of this By-law.

## 5. APPLICATIONS FOR TAXI OWNER'S LICENCE

Each Applicant applying for a Taxi Owner's Licence shall:

- a) Attend the Municipality of Huron East and make written application for such licence.
- b) Provide a completed application form as set out in Schedule "B" of this By-law.
- c) In the case of an individual, hold a current, valid Taxicab Driver's Licence issued pursuant to this By-law.
- d) In the case of a corporation, an officer of the said corporation shall hold a current, valid Taxicab Driver's Licence issued pursuant to this By-law.
- e) Provide proof that the motor vehicle is in the Applicant's name which is to be operated pursuant to this By-law is licensed for the current year under the provisions of the *Highway Traffic Act*, R.S.O 1990, c. H.8, as amended.
- f) Provide proof of ownership in the form of the Ontario motor vehicle permit issued in respect of each motor vehicle to be operated pursuant to this By-law, or proof satisfactory to the Clerk that the applicant has the exclusive right to the use of the vehicle for which the application is being made.
- g) Provide proof of insurance in the applicant's name in respect of each motor vehicle to be operated pursuant to this By-law, indemnifying and protecting the owner, taxicab driver or limousine driver and the public, including passengers carried in such vehicles, in the minimum amount of two million dollars (\$2,000,000) inclusive of public liability and property damage per incident or occurrence, and such policy shall make provision for third party liability for not less than two million dollars (\$2,000,000).
- h) Provide proof with a written undertaking that after receiving a licence, provide notice in writing of any cancellation, expiration or variation of any documents or information filed pursuant to Sections 5(e) 5(f) and 5(g) of this By-law, provided that said notice shall be given to the Clerk within 48 hours of such cancellation, expiration or variation or any material change in circumstances.
- i) Provide proof with a certificate of mechanical fitness in the Applicant's name as prescribed by the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, with respect to the vehicle to be registered for use as a taxi.
- j) Pay the prescribed licence fee according to Schedule 'A' of this By-Law.

## 6. GENERAL LICENCE PROVISIONS

- a) The owner of a taxi shall not operate it prior to obtaining a current valid licence from the Municipality.
- b) No person shall drive or act as a driver of any taxi prior to obtaining a valid licence from the Municipality.
- c) Every owner of more than one taxi to be licensed under this By-law shall take out an additional licence for each vehicle to be operated as a taxi in the Municipality of Huron East.
- d) The person in whose name a Taxi Owner's Licence is applied for and taken out for a vehicle shall be considered the owner of the same for the purpose of this By-law and they shall be liable for penalties herein described.

## **7. RENEWAL OF TAXI OWNER'S, AND DRIVER'S LICENCE**

- a) Every application for the renewal of any licence, issued pursuant to this By-law shall be delivered in writing to the Clerk, in person, at least fifteen (15) days before the expiry date set out in Section 10 of this By-law. If the licence is not renewed on or before the date set out in Section 10 and so on from year to year thereafter, the licence shall expire on December 31<sup>st</sup> of the year issued.
- b) Every Applicant for a renewal of Taxi Owner's Licence shall comply with the requirements set out in Section 5 of this By-law.
- c) Every Applicant for the renewal of a Taxi Driver's Licence shall comply with the requirements set out in Section 4 of this By-law.

## **8. REQUIREMENTS OF TAXI DRIVER**

- a) Every Driver shall display in a prominent place in the interior of each Taxi, a copy of the Taxi Driver's Licence showing a current photograph of the Taxi Driver.
- b) Every Driver while acting as such shall be suitably dressed, civil, and well behaved.
- d) Every Driver shall ensure that no more passengers are transported in a Taxi at any one time than there are seat belts available for.
- e) No Driver shall pick up any additional passenger or passengers after such Taxi has been engaged by one or more passengers unless the person or persons who originally engaged the Driver specifically agree to picking up such additional passengers.
- f) Every Driver may refuse to serve a person offering to hire him or her if, in the opinion of the Driver, the Driver's personal safety may be at risk or for reasons of sanitation.

## **9. REQUIREMENTS OF TAXICAB OWNER**

- a) Keep an up-to-date record of all persons employed by him or her as Taxi Drivers.
- b) Advise the Clerk in writing within twenty-four hours of any person becoming employed by him or her as a Taxi Driver or of the termination of the employment of any person as a Taxi Driver.
- c) Every Taxi Owner and Taxi Driver, shall at all times keep his/her Taxi in clean and sanitary condition and in good repair.
- d) Every Owner shall notify the Municipality in writing when a Taxi licensed under this By-law ceases operation, identifying the vehicle by the Vehicle Identification Number. Every Taxi Owner shall notify the Municipality in writing when a taxi licensed under this By-law returns to operation and provide an up to date insurance certificate for such vehicle and any other requirement as required by this By-law.

## **10. COMMENCEMENT AND EXPIRY OF LICENCE**

- a) All Taxi Owner's Licences issued under the provisions of this By-law shall expire on the 31st day of December of the year of issue.
- b) All Taxi Driver's Licences under the provisions of this By-law shall expire on the 31st day of December of the year issue.

## **11. NO VESTED RIGHT TO CONTINUANCE OF A LICENCE**

No person shall enjoy a vested right to the continuance of a licence.

## 12. SUSPENSION, REVOCATION OR CANCELLATION OF LICENCES

- a) Any person who is licensed as required by this By-law shall at all times comply with the By-laws of the Municipality and any contravention of any By-law or any other law may be grounds for the suspension, revocation or cancellation of the licence.
- b) A licence may be suspended, revoked or cancelled upon notice in writing or verbally by the Clerk if, in the opinion of the Clerk, any provision of this By-law or any other law has been contravened.
- c) Upon suspension, revocation or cancellation of a licence issued under this By-law, the licensee shall return to the Clerk all licences issued by the Municipality.
- d) Despite any other provision in this section, the Clerk shall immediately suspend the licence(s) issued pursuant to this By-law should notice of cancellation or expiration of the insurance coverage required under this By-law be communicated to, or discovered by, the Clerk. Upon such a suspension, the Clerk shall forthwith advise the licensee, in writing, of the suspension.
- e) Any suspension in accordance with Section 11(d) of this By-law shall remain in effect until the insurance has been re-instated and proof of such reinstatement is provided, in writing, in a form that is satisfactory to the Clerk.

## 13. ENFORCEMENT/INSPECTION/PENALTIES

- a) The By-law Enforcement Officer and/or Police Officer or the Clerk may periodically inspect any Taxi and/or its equipment and every Taxi Driver shall, when requested, produce a valid licence to a By-law Enforcement Officer and/or Police Officer or the Clerk for inspection.
- b) The By-law Enforcement Officer and/or Police Officer shall be responsible for the enforcement of the provisions of this By-law.
- c) Where the holder of a licence issued under this By-law fails to comply with the requirements of this By-law, the Clerk shall suspend the licence until the holder has complied with the terms and conditions of the By-law. Where the holder of a license issued under this By-law is found to be non-compliant on a second and subsequent occurrence, the Clerk shall revoke the licence.
- d) Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
- e) The court in which a 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 remedy and to any penalty imposed on the person convicted.
- f) If any part of a fine for a contravention of this By-law remains unpaid after the fine becomes due and payable under Section 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, including any extension of time for payment ordered under that section, the Treasurer for the Municipality or his/her agent may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty-one (21) days after the date of the notice, by delivering the notice or causing it to be delivered to that person at the person's residence or place of business.
- g) If the fine referred to in Section 13(a) of this By-law remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of Section 351 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**14. SEVERABILITY**

- a) 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.
- b) If there is a conflict between a provision of this By-law and a provision of any other Municipal By-law, then the more restrictive provision shall apply.

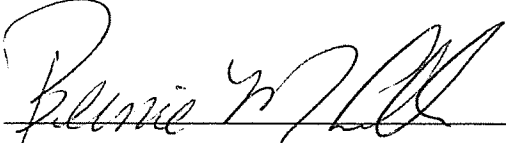
**15. REPEALING OF FORMER BY-LAWS**

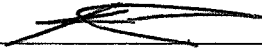
By-law No. 17-2005 and all amendments thereto shall be repealed on the date this By-law comes into force.

**16. EFFECTIVE DATE**

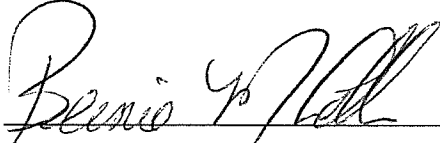
This By-law shall come into force and take effect on the date that the Chief Justice of the Ontario Court (Provincial Division) approves set fines for offences under this By-law.

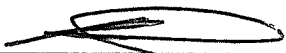
**READ** a first and second time and provisionally adopted this 22<sup>nd</sup> day of August, 2017.

  
Bernie MacLellan, Mayor

  
Brad Knight, CAO/Clerk

**READ** a third time and finally passed this 19th day of December, 2017.

  
Bernie MacLellan, Mayor

  
Brad Knight, CAO/Clerk

**SCHEDULE 'A'**  
**CORPORATION OF THE MUNICIPALITY OF HURON EAST**  
**BY-LAW NO. 75 FOR 2017**

**TAXI BY-LAW FEES**

a) Taxi Owner's Licence (Initial year of licensing)	\$60.00
b) Taxi Owner's Licence (Renewal)	\$30.00
c) Additional automobile taxi license fee (for each additional automobile used as a taxi where one or more taxi is owned)	\$30.00
d) Taxi Driver's Licence (Initial year of licensing)	\$25.00
e) Taxi Driver's Licence (Renewal)	\$15.00

SCHEDULE 'B'  
CORPORATION OF THE MUNICIPALITY OF HURON EAST  
BY-LAW NO. 75 FOR 2017

TAXI OWNER'S LICENCE APPLICATION

NAME:

ADDRESS:

DRIVER LICENCE NUMBER:

DRIVING EXPERIENCE - NUMBER OF YEARS:

VEHICLE LICENCE NUMBER:

MAKE:

YEAR:

COLOUR:

INSURANCE COMPANY:

INSURANCE AGENT:

POLICY NUMBER:

PROVIDED PROOF OF INSURANCE COVERAGE - PL & PD: YES \_\_\_\_\_ NO \_\_\_\_\_

PROVIDED MINISTRY OF TRANSPORTATION

SAFETY STANDARDS CERTIFICATE: YES \_\_\_\_\_ NO \_\_\_\_\_

COMMENTS:



**SCHEDULE 'C'**  
**CORPORATION OF THE MUNICIPALITY OF HURON EAST**  
**BY-LAW NO. 75 FOR 2017**

**TAXI DRIVER'S LICENCE APPLICATION**

NAME:

ADDRESS:

DRIVER LICENCE NUMBER:

DRIVING EXPERIENCE - NUMBER OF YEARS:

PROVIDED MINISTRY OF TRANSPORTATION  
3 YEAR DRIVER RECORD SEARCH:

YES \_\_\_\_\_ NO \_\_\_\_\_

PROVIDED VULNERABLE SECTOR CHECK:

YES \_\_\_\_\_ NO \_\_\_\_\_

COMMENTS:

**SCHEDULE 'D'**

**MUNICIPALITY OF HURON EAST**

**PART I Provincial Offences Act**

**BY-LAW #75 – 2017: Taxi By-law**

<b>ITEM</b>	<b>COLUMN ONE</b> Short Form Wording	<b>COLUMN TWO</b> Provision Creating or Defining Offence	<b>COLUMN THREE</b> Set Fine
1.	Operating a taxi without a valid taxi license	Sec 6(a)	\$200.00
2.	Drive taxi without valid license	Sec 6(b)	\$200.00
3.	Fail to display current taxi license	Sec 8(a)	\$200.00
4.	Pick up additional passengers	Sec 8(e)	\$200.00
5.	Fail to keep up-to-date records	Sec 9(a)	\$200.00
6.	Fail to keep taxi clean or in good repair	Sec 9 (c)	\$200.00

NOTE: The penalty provision for the offences indicated above is section 13 of Bylaw No. 75-2017, a certified copy of which has been filed.