

THE CORPORATION OF THE CITY OF ELLIOT LAKE

*B*Y-LAW No. 17-2

**BEING A BY-LAW FOR LICENCING,
REGULATING AND GOVERNING
OWNERS AND DRIVERS OF TAXI
CABS, ACCESSIBLE TAXI CABS,
SHUTTLES AND OTHER VEHICLES
USED FOR HIRE AND TAXICAB
BROKERS.**

WHEREAS paragraph 1 of section 155 of the Municipal Act, 2001, enables the Council of a City to pass by-laws for licencing, regulating and governing owners and drivers of cabs, motor or other vehicles used for hire or any class thereof;

AND WHEREAS section 150(1) of the Municipal Act, 2001 enables the Council of a City to pass by-laws for licencing, regulating and governing any business;

NOW THEREFORE the City of Elliot Lake **ENACTS AS FOLLOWS:**

Short Title

1. This by-law shall be referred to as the Elliot Lake Taxi By-law.

Definitions

2. In this by-law,
 - (1) "Applicant" means a person applying for a licence under this by-law;
 - (2) "Board" means the City Council for the City of Elliot Lake;
 - (3) "City" means the geographic area of The Corporation of the City of Elliot Lake;
 - (4) "Chief Building Official" means the Chief Building Official for the City of Elliot Lake or his designate;
 - (5) "Dispatch" means the communication of an order or information in any manner between a taxicab broker and a taxicab driver;
 - (6) "Driver" means any person who drives a taxicab, accessible taxicab, shuttle or limousine;
 - (7) "Fare" means the amount displayed on the taxicab meter at the conclusion of a trip, together with any additional charges allowed under this by-law;
 - (8) "Licence" means any document issued under this by-law as proof of licensing under this by-law;
 - (9) "Licenced" means licenced under this by-law;
 - (10) "Licencee" means any person licenced under this by-law;

- (11) "Limousine" means a luxury class motor vehicle which does not have a taxicab meter and is operated only on an hourly basis for the transportation of goods and passengers for gain or reward but does not include a bus, ambulance or funeral hearse;
- (12) Accessible Taxi Cab means a taxicab that is designed or has been modified and is intended to be used for the purpose of transporting persons who are physically disabled in wheelchairs and their companion and that is licensed as a taxicab by the Municipality and must comply with Ontario Regulation 629/90, as amended and the Canadian Standards Association D409/M84;
- (a) When the Accessible Taxicab is not transporting a physically disabled passenger in a wheelchair then the vehicle reverts to a taxi cab;
- (13) "Motor Vehicle" includes an automobile or any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act of Ontario;
- (14) "Order" means a request for taxicab service received by a taxicab broker;
- (15) "Owner" means a person who is the registered owner of a taxicab, accessible taxicab, shuttle or limousine;
- (16) "Passenger" means any person other than the driver seated in a limousine, shuttle or taxicab;
- (17) "Peace Officer" means a Municipal Police Officer, Special Constable, Ontario Provincial Police Officer or a Royal Canadian Mounted Police Officer, or a Municipal Law Enforcement Officer;
- (18) "Shuttle" means a motor vehicle as defined in the *Highway Traffic Act* having a seating capacity of not more than 11 persons inclusive of the driver, providing transportation on demand to individuals or groups on a shared multiple destination basis, and separate charges being collected or made to each individual or group of individuals. Vehicles operated by public transportation agencies or municipal, provincial or federal governments are excluded;
- (19) "Taxicab" means a motor vehicle having a taxicab meter and seating capacity for not less than three passengers which is used for the transportation of passengers and/or goods for hire or reward;
- (20) "Taxicab broker" means any person who carries on the business of accepting orders for, or dispatching taxicabs that are not owned by that person or that person's immediate family or employer;
- (21) "Taxicab meter" means a measuring device used in a taxicab to calculate the fare payable for a trip;
- (22) "Treasurer" means the Treasurer for the City of Elliot Lake.

Licence Required

3. (1) No person shall drive or act as the driver of a taxicab, accessible taxicab, shuttle or limousine unless licenced as a driver under this by-law.
- (2) No person shall act as or be the owner of a taxicab, accessible taxicab, shuttle or limousine unless licenced as an owner under this by-law.
- (3) No person shall act as or be a taxicab broker unless licenced as a taxicab broker under this by-law.

Duties of Chief Building Official

4. The Chief Building Official shall:
 - (a) receive and process all applications for licences;
 - (b) issue licences to persons who meet the requirements of this by-law;
 - (c) administer the provisions of this by-law;
 - (d) generally, perform all administrative functions conferred upon them by this by-law;
 - (e) report to the Chief Administrator's Office as required;
 - (f) appoint licencing officers to assist in the performance of the duties under this by-law.

LICENCING PREREQUISITES

Driver

5. (1) No person shall be licenced as a driver unless:
 - (a) they are a natural person, at least eighteen (18) years of age, a citizen of Canada, or a landed immigrant or produces a valid permit to work as a driver issued by the Government of Canada;
 - (b) they hold a current, valid unrestricted Class 'G' driver's licence issued by the Province of Ontario in their name according to the records of the Ministry of Transportation;
 - (c) a current (not more than 60 days old) Criminal Records check has been provided;
 - (d) they produce two current passport type photographs to the satisfaction of the Chief Building Official;
 - (e) they provide a letter of potential employment from a licenced owner or licenced taxicab broker for whom they will be driving.

- (2) For the purpose of paragraph 5(1)(b), a driver's licence is in good standing if the holder has accumulated nine (9) demerit points or less.

Owner

6. No person shall be licenced as an owner unless:
- (a) A copy of a current Ontario Standard Automobile Insurance policy with a 6A 'Permission to carry paying passenger' provision, and a third party liability limit of at least One Million (\$1,000,000.00) Dollars, exclusive of interest and cost, is filed with the Chief Building Official for each vehicle for which the owner is to be licenced.
- (i) Should there be any change, expiration or cancellation with respect to the insurance policy, the Owner shall provide the Chief Building Official at least ten (10) days written notice prior to such change, expiration or cancellation.
- (b) a Safety Standard Certificate issued under the Highway Traffic Act for the vehicle dated within 30 days of the application, is filed with the Chief Building Official for each vehicle for which the owner is to be licenced.

Application for a Licence

7. An application for any licence under this by-law shall be completed on the forms provided by the Chief Building Official.

Submission of Licence Application to Chief Building Official

8. A completed application for a licence shall be delivered to the Chief Building Official together with:
- (a) the appropriate fee detailed in Schedule "A" hereto, in cash or cheque, payable to the Treasurer;
- (b) proof of compliance with applicable licencing prerequisites under sections 5, 6;
- (c) if the applicant is a corporation, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department.

Issue of Licence

9. (1) When an application for a licence is complete and in compliance with the provisions of this by-law, the Chief Building Official shall issue a licence to the applicant on behalf of the City and, the licence shall bear a number and an expiry date and the applicant shall thereby be licenced.
- (2) When a licence is defaced, destroyed or lost, the licensee shall apply to the Chief Building Official for a replacement, pay the fee detailed in Schedule "A" hereto and the Chief Building Official shall issue a replacement licence.

Term of Licence

10. (1) Every licence issued under this by-law shall be valid for a period of one year effective from the first (1st) day of March up to and including the last day of February of the following year.
- (2) Despite 10.(1) all licences issued under this by-law shall expire on the last day of February of the following year.

Licence Not Transferable or Refundable

11. No licence issued under this by-law is transferable or refundable.

Appeal when Licence Refused

12. Appeals to a decision of the Chief Building Official are to be submitted in writing to the Chief Administrator's Office.

Return of the Licence After Revocation or Suspension

13. (1) When a licence has been revoked or suspended, the holder of the licence shall return the license to the Chief Building Official within twenty-four (24) hours of service of written notice of the decision of the Chief Administrative Officer; the Chief Building Official may enter upon the business premises or vehicles of the licensee for the purpose of receiving, taking, or removing the licence.
- (2) When a person has had their licence revoked or suspended, under this by-law, they shall not refuse to deliver up or in any way obstruct or prevent the Chief Building Official from obtaining the license in accordance with subsection 13.(1).

DRIVERS**Duties of All Drivers**

14. Every licenced driver shall:
- (1) only operate a taxicab, accessible taxicab, shuttle or limousine which meets the requirements of this by-law.

OWNERS**Duties of All Owners**

15. Every licenced owner shall:
- (1) keep, at all times, in the vehicle for which they are licenced, the original or a photocopy of the original of each of the following documents:
- (i) the current Ontario Ministry of Transportation Passenger Motor Vehicle Permit issued for the vehicle;

- (ii) the current owner's licence issued under this by-law;
 - (iii) the certificate of liability insurance for the vehicle, in accordance with this by-law;
- (2) employ or use only the services of licenced drivers under this by-law and upon the request of the Chief Building Official and within 24 hours upon the request provide the name(s) of any person operating a taxicab or accessible taxicab.

Vehicle Approval

16. (1) A company logo shall be affixed to the vehicle on the rear and both sides of the vehicle along with a light installed on the roof clearly identifying the vehicle as a Taxicab;
- (2) And that a rate schedule be clearly posted in the vehicle along with an operating meter.

LIMOUSINE OWNERS

Duties - Limousine Vehicle Owner

17. A licenced limousine owner shall:
- (1) only provide limousine service on a prearranged basis.

GENERAL PROVISIONS

Licence Production

18. Every person licenced under this by-law, when requested by the Chief Building Official or a Peace Officer, shall produce their licence, photograph and other relevant documents required under this by-law.

Ontario Driver's Licence Suspended

19. If a driver's licence issued under the Highway Traffic Act of Ontario to a licenced driver, is canceled, suspended or revoked or, has expired, the licence issued under this by-law shall be deemed to be suspended effective the date of the cancellation, or suspension or revocation under the Highway Traffic Act of Ontario and, the driver shall immediately return to the Chief Building Official the license issued under this by-law.

Schedules

20. All Schedules referred to in this by-law shall be deemed to be a part of the by-law.

Penalty

21. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction under the Provincial Offences Act is liable to a fine.

Repealing

22. By-law No. 97-4 of the City of Elliot Lake is hereby repealed.

Effective Date

23. This by-law shall take effect on the day of passing.

PASSED this 9th day of January, 2017.

MAYOR

CLERK

**Schedule "A" to By-law No. 17-2
of the City of Elliot Lake**

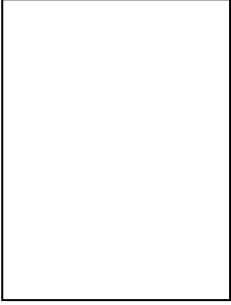

LICENCE FEES

Driver's Licence, Annual renewal (nonrefundable) effective March 1st

Taxicab Owner's Licence	\$ 100.00
Taxicab Owner's, Once Only Annual Transfer	\$ 25.00
Taxicab Broker's Licence	\$ 100.00
Limousine Owner's Licence	\$ 100.00
Shuttle Owner's Licence	\$ 100.00
Replacement of Licence Fee	\$ 25.00
Accessible Taxi Cab	\$100.00

**Schedule "B" to By-law No. 17-2
of the City of Elliot Lake**

TAXICAB LICENCE IDENTIFICATION CARD

	City of Elliot Lake 
	Taxicab Identification Card
	John Smith Taxi Driver Licence No. 123456
	Iss.: <u>Aug. 2016</u> Exp: <u>February 28, 2017</u>
	Licensing Office: (705) 848-2287, x. 2119