

The Corporation of the Town of South Bruce Peninsula

By-Law Number 56-2024

Being a By-Law to License and Regulate Taxi Service Businesses in the Town of South Bruce Peninsula

Whereas Section 151 of the *Municipal Act, 2001*, as may be amended from time to time, authorizes a municipality provide for a system of licences with respect to a business and to make provision for obtaining a licence and imposing conditions;

And whereas the Town of South Bruce Peninsula deems it expedient to license and regulate taxi service businesses being operated in the Town.

Now therefore the Council of the Town of South Bruce Peninsula enacts as follows:

1. Definitions

For the purpose of this by-law, the following definitions shall apply:

- 1.1 **“Highway”** shall mean any avenue, lane, road, road allowance or street under the jurisdiction of the Town of South Bruce Peninsula and used for travel and shall include any parking areas.
- 1.2 **“License Plate, Town Issued”** shall mean a plaque which assigns a unique number to a particular vehicle and which identifies said vehicle as an approved vehicle to be operated under a taxi service business license.
- 1.3 **“Rates/Fares”** shall mean the amount charged to carry a passenger.
- 1.4 **“Taxi”** shall mean a vehicle which is meant to carry passengers where a fare is charged and does not include a bus service, a rickshaw, a pedicab, a food delivery service or a vehicle owned by a business whose main business is not the conveyance of passengers.
- 1.5 **“Taxi Service Business”** shall mean the owning and/or operating of a taxi in the Town where the taxi is used primarily for the transportation of people in Town and occasionally outside of Town.
- 1.6 **“Town”** shall mean the Town of South Bruce Peninsula and all areas within its geographic area.
- 1.7 **“Vehicle”** shall mean something meant to transport people.

2. General Provisions - Owners

- 2.1 No person who owns a taxi shall allow or permit said vehicle to carry passengers in the Town without first obtaining a license from the Town.
- 2.2 Each owner of a taxi service business shall ensure that all drivers for the taxi service business are included in the taxi service business license to operate a taxi in the Town.
- 2.3 No person who owns a taxi service business shall permit any person other than an approved and licensed driver employed or otherwise retained by such owner to operate a taxi for the taxi service business in the Town.
- 2.4.1 Each owner of a taxi service business shall provide to the Town an address which will be considered to be the location from which the business will be operated.
- 2.4.2 No person shall operate a taxi service business from a location which is not zoned for the business/commercial use.
- 2.5 Every owner of a taxi service business holds the sole responsibility to ensure that all operators are adequately trained and are suitable to operate a taxi.
- 2.6 Every owner of a taxi service business shall ensure that there are no charges nor suspicions of criminal activity by any owner or operator, nor associated with the taxi service business itself.
- 2.7.1 Every owner of a taxi service business shall ensure that all complaints from passengers are documented and appropriate corrective action is taken.
- 2.7.2 When requested by the Town, the owner shall furnish to the Town a list of all documented complaints along with explanations of any corrective actions taken.
- 2.7.3 Complaint documentation must be retained by the owner for a period of one year from the date of complaint.
- 2.8 Every owner shall ensure that any other type of business being operated through the use of the same vehicles as used for the taxi service business is properly licensed through the Town and through any other authority having jurisdiction, as the case may be.

3. General Provisions – Operators

- 3.1 No person shall operate a vehicle to be used under a taxi license unless that person has a valid Ontario driver's license.

- 3.2 No person shall operate a taxi in a manner which is considered to be unsafe, reckless or in a manner which would endanger the safety of the public, driver or any passenger.
- 3.3 No person shall operate a vehicle to be used by a taxi service business unless that person is permitted under the authority of this by-law.
- 3.4 Every person who operates a taxi must have on display, at minimum, their Town issued identification, as issued under the license for the taxi service business.
- 3.5 There are no restrictions placed with regard to the number of taxi operators permitted under each taxi service business license.
- 3.6 No operator shall solicit any person to take or use the vehicle; the person wishing to be transported shall be left to choose without interruption, harassment, nor solicitation, whether or not to engage the services of any particular taxi.

4. Vehicle Standards

- 4.1 No person shall own or operate a vehicle to be used by a taxi service business unless the vehicle outwardly displays a sign, light or visual mark identifying it as a taxi while it is actively transporting people.
- 4.2 No person shall operate a vehicle to be used by a taxi service business without having on display in a visible location, the operator's license (identification), issued by the Town.
- 4.3 No person shall carry or permit to be carried in any vehicle, a load in excess of that for which the commercial motor vehicle permit was issued by the Government of Ontario.
- 4.4 No person shall carry a number of occupants, including the driver, in excess of the manufacturer's rating of seating for the particular vehicle.
- 4.5.1 Each owner must ensure that each vehicle to be used under the taxi service business license issued by the Town displays the Town issued license plate on the rear bumper of the vehicle.
- 4.5.2 For the purposes of compliance with accessibility legislation, vehicle identification, if different from the license plate issued by the Town, must be displayed in a visible location on the rear bumper of the vehicle.
- 4.5.3 Where a Town issued license plate is lost, the Town is to be notified immediately; failure to notify the Town and to operate without the plate shall result in the possibility of the revocation of the taxi services business license.

- 4.6 Each owner must ensure that all vehicles to be used under the taxi service business license are equipped to be able to carry accessibility devices, such as wheelchairs and rollators, which may be required by any passenger of the taxi.
- 4.7 No owner or operator shall operate the taxi in a manner which slows or in any manner impedes the flow of traffic on any highway.
- 4.8 No owner or operator shall allow any taxi to be on any boulevard or sidewalk.
- 4.9 No owner or operator shall allow any taxi to impede pedestrian traffic in any area.
- 4.10 Every person who owns or operates a taxi must operate said vehicle in conformity with the provisions of the *Highway Traffic Act*, where applicable.
- 4.11 No owner or operator shall allow a taxi to be in direct violation with any by-law enacted by the Town while transporting people.
- 4.12 The Town reserves the right to inspect any vehicle for any reason whatsoever and to request the furnishing of a vehicle safety certificate, undertaken by a qualified professional in that regard.

5. Insurance

- 5.1.1 The owner of a taxi services business shall obtain and maintain insurance coverage as outlined herein and provided by an insurance company or companies licensed to transact business in the Province of Ontario.
- 5.1.2 Evidence of such insurance shall be provided to the Town in the form of a Certificate of Insurance signed by an authorized signatory prior to the issuance of any license.
- 5.2 The owner of the taxi service business shall have a Commercial General Liability insurance policy of not less than \$5,000,000 (five million dollars) per occurrence. The policy must insure against third party claims for bodily injury (including death), personal injury and/or property damage as a result of actual or alleged negligence of the owner or any operator. The policy shall include:
 - 5.2.1 The Town of South Bruce Peninsula as additional insured;
 - 5.2.2 Cross Liability / Severability of Interests clause;
 - 5.2.3 Contractual Liability; and
 - 5.2.4 Non-Owned Automobile Liability (SPF 6).
- 5.3 The owner must give the Town a minimum thirty (30) day's written notice of

cancellation or non-renewal.

5.4 The Liability Insurance Policy and/or endorsements shall be satisfactory to the Town and it is hereby agreed that no license will be considered to be issued or in full force and effect until and unless insurance requirements are met by the owner.

5.5.1 The insurance coverage noted above shall be maintained in force throughout the term of the license.

5.5.2 Failure to maintain the required insurance and provide proof of same to the Town will render the Town issued license null and void and will be deemed to be a default and the Town issued license will be revoked.

6. Issuance of License

6.1.1 Every person who intends to operate a taxi service business must first make application to the Town to obtain a license, subject to the provisions contained herein.

6.1.2 Said application will be in the prescribed format and on the prescribed forms, as established by the Town.

6.2.1 Upon receipt of a completed application form, all information as required herein and any fee as established by the Town, the Town shall at their sole discretion issue a license to own a taxi service business in the Town.

6.2.2 Operators will be issued identification in the form as determined by the Town to be appropriate under the license.

6.3 Every owner and operator shall provide the Town issued license and identification to any person when so asked and shall provide same in an accessible format, when required.

6.4 No taxi service business license shall be transferred.

6.5.1 Any license issued will only remain in effect for a period of twenty-four (24) consecutive months.

6.5.2 Renewal of any license will be subject to the provisions contained herein.

6.6.1 The Town reserves the right in their sole discretion not to issue, not to renew or to revoke any license.

6.6.2 Reasons for the refusal to issue, refusal to renew or to revoke any license shall include but not be limited to:

- criminal activity, whether proven or not in a court of law;
- complaints of misappropriation, theft, disregard or recklessness;
- unresolved complaints;
- violation or continued violation of the provisions of this or any by-law;
- the existence of an existing adequate number of taxi service businesses, as determined by Council; and
- refusal to cooperate with the Town and its Officers.

6.7 Any vehicle or operator changes subsequent to the issuance of any taxi service business license are to be communicated to the Town forthwith in order to permit the Town to evaluate the changes and make a determination as to whether or not they will affect the license.

6.8 A license to operate a taxi service business in the Town of South Bruce Peninsula is required if people are transported to or from South Bruce Peninsula where said transportation constitutes 20 percent or greater of the business conducted, taking into consideration all vehicles operated by the taxi service business.

7. Rates/Fares

7.1.1 In accordance with accessibility legislation, every owner and operator of a taxi must charge the same rate to persons with and without disabilities.

7.1.2 Higher fares or additional fees are not permitted to be charged to store or carry mobility aids or assistive devices.

7.2.1 All owners must keep a record of the date, time, origin and destination of each trip, name of driver and the amount of the fare collected.

7.2.2 All records must be retained for a period of not less than one (1) year.

7.2.3 Other record retention requirements may exist under other legislation and should be observed as required for the operation of a business.

7.3 Any person being transported by a taxi may require the operator thereof to furnish a receipt for rates/fares associated with the transportation and for any payment made and the operator shall furnish such receipt forthwith upon request.

7.4 No owner or operator shall charge any rate/fare for time consumed by defects or inefficiency of the vehicle or for time consumed by the arrival of the taxi in response to a call, in advance of the time such vehicle has been requested by the person requesting same.

7.5 Every operator must ensure that the most direct route is taken when transporting people and rates/fares are not permitted to be charged for the time consumed if the operator takes an incorrect route, is lost or takes an indirect route.

8. Enforcement and Penalty Provisions

8.1 This by-law shall be enforced by such Officers as are appointed by the Town from time to time and may be enforced by any Ontario Provincial Police Officer or other Peace Officer, as defined by legislation.

8.2 No person(s) shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

8.3 Every person who violates a provision of this by-law is guilty of an offence and upon conviction is liable to the penalty provided in Section 61 of the *Provincial Offences Act R.S.O. 1990 Chapter 33* as may be amended from time to time.

9. Title

9.1 This by-law shall be known by its short title "The Taxi License By-Law".

10. Severability and Inclusion

10.1 Should any provision contained herein be deemed to be invalid by a court of competent jurisdiction, said clause will be considered to be severed from the remainder of the by-law and the clause which is severed will not serve to invalidate any other provision or clause contained herein.

10.2 The singular in this by-law shall include the plural.

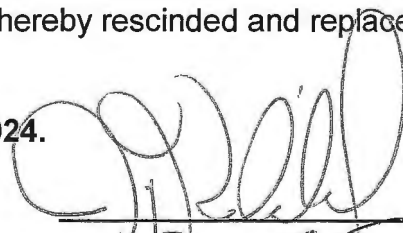
10.3 The masculine in this by-law shall include the feminine.

11. Force and Effect

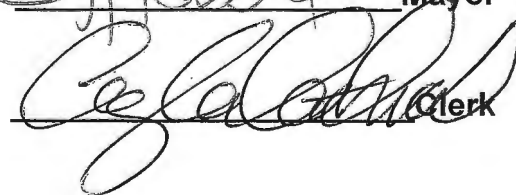
11.1 This by-law shall come into full force and effect upon the final passing thereof.

11.2 Any by-law inconsistent with this by-law is hereby rescinded and replaced with this by-law.

Read a first time this 3rd day of September, 2024.

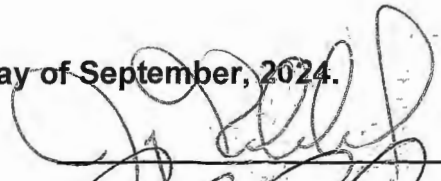


Mayor

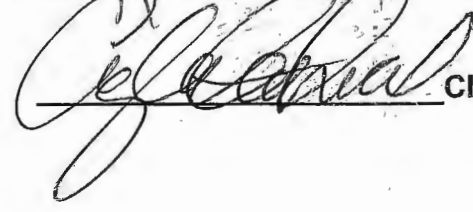


Clerk

Read a third time and finally passed this 3rd day of September, 2024.



Mayor



Clerk