

CHIPPEWAS OF MNJIKANING FIRST NATION
Being a band within the meaning of the *Indian Act*

BY-LAW NO. 03-01

Respecting the licensing of taxis and limousines in the
Chippewas of Mnjikaning First Nation

Enacted on the 2nd day of June, 2003

See
By-law No. 02-04

WHEREAS the Chief and Council of the Chippewas of Mnjikaning First Nation desires to make a by-law for the licensing of taxis and limousines on the reserve;

AND WHEREAS the Chippewas of Mnjikaning First Nation has and recognizes its inherent right of self-government and jurisdiction, to make by-laws for the licensing of businesses, calling, trades and occupations and with respect to any matter arising out of or ancillary to the exercise of powers under this section, including the enforcement of payment of amounts that are payable thereof, and for the imposition and recovery of interest on amounts that are payable thereof;

AND WHEREAS the Chief and Council of the Chippewas of Mnjikaning First Nation deems that for the orderly conduct and administration of businesses, and for the safety of the inhabitants in the Chippewas of Mnjikaning First Nation to license taxis and limousines

NOW THEREFORE the Chief and Council of the Chippewas of Mnjikaning First Nation hereby enacts the following by-law:

DEFINITIONS

1. For the purposes of this by-law:

“Chief and Council” shall mean Chief and Council of Chippewas of Mnjikaning First Nation.

“Reserve” shall mean the Mnjikaning First Nation Indian Reserve No. 32

“Call” shall include a request or direction or the use of a taxicab transmitted by radio, radiophone, or by personal request of the prospective passenger, or in any other manner.

“Driver” shall mean a driver of a taxicab or limousine who is licensed as such under this By-law.



“License” shall mean a license granted by Chief and Council or their designate under this By-law.

“Limousine” shall mean a motor vehicle which does not bear any usual identification of a taxicab other than the Provincial motor vehicle license which does not have a taxi meter and which is kept or used for the conveyance of passengers solely, on an hourly, daily, or weekly basis, within the Mnjikaning First Nation Territory, but shall not include a taxicab in respect of which a license has been issued under the provisions of this by-law.

“Person” shall mean and include one or more persons, corporation, partnership, association or any other legal entity.

“Taxicab” shall mean a motor vehicle equipped with a taxi meter and having a manufacturer’s rated seating capacity of not less than five (5) and not more than nine (9) adult persons, used for hire for the conveyance of passengers within the Mnjikaning First Nation Territory.

“Taxicab Broker” means a person who owns a taxicab business and operates his own vehicles or dispatches for owners operating under that broker’s license.

2. DUTIES OF CHIEF AND COUNCIL

Chief and Council or their designate shall have supervision over all persons licensed under this By-law and over all taxicabs and limousines together with the equipment used by them, and the following shall be the duties of Chief and Council or their designate in connecting with the provisions of this By-law:

- (1) To make necessary inquiries concerning applications for licenses, renewals or transfers thereof that may be requisite to secure due observance of the law and of this By-law.
- (2) To make all necessary inquiries concerning the fitness of applicants for licenses and without limiting the generality of the foregoing, to test every applicant’s driving ability, psychophysical reactions and knowledge of the Mnjikaning First Nation Territory and surrounding area, and to investigate his/her police record, employment record, schooling and as much of his/her personal history as is available.
- (3) To examine and approve every taxicab and limousine and the necessary equipment thereof of every applicant for a license under this By-law.
- (4) To keep a register of all licenses and transfer of licenses granted under this By-law. Such register shall contain the names of the applicants, the number of taxicabs and limousines kept by each applicant for a license, the amount paid for the same and the date of the license.



- (5) To furnish each person taking out a license with a copy of this By-law and each holder of Taxicab Vehicle License with a card setting out the tariff of charges pursuant to Schedule B of this By-law, and each holder of a Taxi Drivers License with an identification card with the number of the license shown thereon.
- (6) To issue all licenses, or transfers and renewals of licenses as may be required.
- (7) To ascertain by inspection and inquiry from time to time and as often as may be required whether or not the persons receiving licenses continue to comply with the provisions of this By-law.
- (8) To issue temporary suspensions of licenses as required.
- (9) To revoke license issued under this By-law, as required.

3. Licenses

- (1) No person shall:
 - (a) Keep a taxicab or limousine which he/she owns for hire within the Mnjikaning First Nation Territory without having a current valid license to do so for each taxicab or limousine, issued under the provisions of this By-law and herein referred to as "Taxicab Vehicle License" or a "Limousine Vehicle License".
 - (b) Drive a taxicab or limousine without a valid current license to do so, issued under the provisions of this By-law referred to herein as a "Taxi Drivers License" or "a "Limousine Drivers License".
 - (c) Act as a taxicab broker within the Mnjikaning First Nation Territory without having a valid current license to do, issued under the provisions of this By-law and herein referred to as "Taxicab Broker's License".
- (2) All applicants for licenses under this By-law, or renewal of licenses, shall pay the fee or fees as provided in this By-law. Every license, unless sooner revoked or cancelled shall expire on the 31st day of January after the date of issue.
- (3) Chief and Council or their designate may waive fees from time to time.
- (4) The maximum number of licenses for each owner/broker is twenty (20).

4. APPLICATIONS FOR LICENSES AND TRANSFERS OF LICENSES

Applications for license, renewal of license, or transfers of licenses shall be addressed to Chief and Council or their designate together with the following:



- (1) Payment of the appropriate fee in Schedule A of this By-law as amended from time to time.
- (2) A Certificate of Insurance certifying that the owner and driver of each taxicab or limousine for which a taxicab vehicle license or a limousine vehicle license is being applied for, are insured for public liability property damage and passenger hazard, with a minimum of \$1, 000, 000 coverage per incident or occurrence and written confirmation from the insurer that Chief and Council or their designate will receive at least fifteen (15) days written notice prior to any cancellation, expiration or variation thereof.
- (3) Two (2) recent suitable photographs of the applicant for a Taxi Drivers License or for any renewal or transfer thereof, the photographs shall be two (2) inches by two (2) inches.
- (4) A valid and current Safety Standards Certificate as prescribed by the *Highway Traffic Act*, R.S.O. 1990, c-8, with respect to each taxicab or limousine for which a taxicab vehicle license or limousine vehicle license is being applied for or any renewal or transfer thereof.

5. QUALIFICATIONS FOR APPLICANTS

- (1) An applicant shall be 18 years of age or over to be licensed under this By-law.
- (2) An applicant's record of past conduct shall be such that it would not be contrary to the public interest for a license to be granted, renewed, or transferred.
- (3) An applicant shall be familiar with the provisions of this By-law, the laws and regulations relating to traffic, and the geography of the Mnjikaning First Nation Territory and surrounding area.
- (4) An applicant for a Taxi Drivers License or a Limousine Vehicle License shall be the holder of any valid driver's license, for the appropriate class of vehicles, as issued by the Ministry of Transportation and Communications for the Province of Ontario.
- (5) An applicant shall intend to and only carry on a regular business under authority of the license applied for.
- (6) An applicant for a Taxicab Vehicle License or a Limousine Vehicle License shall be registered with the Ministry of Transportation and Communications for the Province of Ontario as owner of the taxicab or limousine for which the license is applied for.
- (7) An applicant for a Taxicab Vehicle License shall satisfy Chief and Council or their designate that:



- (a) the taxicab, if so licensed, will be operated solely in association with, and will accept calls only from, a licensed Taxicab Broker, or
- (b) the applicant is able to provide 24 hour taxicab service to the public for each day of the year.
- (8) An applicant for a Taxicab Broker's License shall satisfy Chief and Council or their designate that he is able to provide 24 hour taxicab service to the public for each day of the year.
- (9) Be compliant with all Mnjikaning First Nation laws and all Health and Safety legislation of Mnjikaning First Nation, Canada and Ontario, and whichever is most stringent shall prevail.

6. GRANTING OF LICENCES AND TRANSFERS

- (1) Chief and Council or their designate shall grant the license or renewal thereof applied for where the applicant has satisfied all the requirements of sections 5 and 6 of this By-law.
- (2) No licensed owner shall permit the transfer of shares which would have the effect of changing control of the corporation without the approval of Chief and Council or their designate.
- (3) Any transfer of a license issued under this By-law shall constitute the issuance of a new license.

7. REFUSAL AND REVOCATION OF LICENSES

- (1) Chief and Council or their designate may refuse to grant a license to any applicant if he/she has not, in the opinion of Chief and Council or their designate, satisfied all of the requirements of this By-law, or is not a desirable operator for the benefit of Mnjikaning First Nation.
- (2) Chief and Council or their designate may revoke or suspend any license previously granted or refuse to renew any such license for any reason that would disentitle the licensee to such license under this By-law if he/she were an applicant provided that, before revoking or suspending any license, Chief and Council or their designate, shall afford the license holder, upon at least 48 hours notice, the opportunity to attend before it and to be heard in person or by his/her counsel and to be advised of any facts alleged against him/her which could result in his/her license being revoked or suspended and shall afford him/her the opportunity of answering such allegations.
- (3) Chief and Council or their designate may suspend any license granted under this By-law for any reason that would disentitle the licensee to such license under sections 5, 6, and 9(a) of this By-law. A suspension of license under section 5 and of the By-law



is effective for fourteen (14) days from the date of suspension or for thirty (30) days if suspended under section 9(a), or after the time of the next meeting of Chief and Council or their designate after the suspension, whichever occurs first, provided that no suspension imposed under this section for the reason that a valid and current safety standards certificate as set out in section 5(4) is not in existence, unless Chief and Council or their designate has given the taxicab license holder or the limousine license holder seventy-two (72) hours notice that such a certificate is required.

- (4) Immediately upon suspension or revocation of a license, according to the preceding subsection, the taxicab vehicle license holder or the limousine license holder shall be sufficiently notified to ensure a clear understanding of the suspension.
- (5) Notice of any suspension or revocation of a license granted under this By-law may be given by Chief and Council by personal service delivered to the licensee or by registered letter mailed to the licensee at his/her last known address or place of business and if given by registered letter, shall be deemed to have been received by the licensee on the second day after mailing.

8. GENERAL PROVISIONS

- (1) Every holder of a license under this By-law shall upon changing his address notify Chief and Council or their designate in writing 48 hours thereafter, giving his new address.
- (2) Every holder of a taxicab or limousine vehicle license or a taxicab or limousine driver's license under this By-law shall keep the interior and exterior of the taxicab or limousine, which he/she owns or drives clean.
- (3) The holder of a taxicab or limousine driver's license under this By-law operate that he/she is driving for the transportation exclusively of one person or group of persons in the same party one fare or charge only being collected for each specific trip.

9. EQUIPMENT AND ITS USE

- (1) Every holder of a taxicab vehicle license under this By-law shall have affixed to each taxicab for which a license has been issued, a taxi meter for registering distances traveled and computing fares to be paid, the type of which shall first be submitted to and approved by Chief and Council or their designate, and for all taxicabs so equipped the following provisions shall apply:
 - (a) Each taxi meter shall be:
 - (i) submitted when required for testing, inspecting and sealing by Chief and Council or their designate.



- (ii) illuminated when vehicle lights are required for safe operation of the vehicle.
 - (iii) placed as to be conveniently seen at all times by the passenger(s) of the taxicab.
 - (iv) used only when the seal is intact.
 - (v) kept in good working order at all times and not used when defective in any way.
 - (vi) adjusted in accordance with the tariff prescribed by Schedule B of this By-law.
 - (vii) activated when a passenger first enters the taxicab and shall remain operating throughout the trip.
- (b) The holder of a taxicab vehicle or a taxicab driver's license shall not operate or cause to be operated a taxicab equipped with a taxi meter unless and until the taxi meter has been tested and sealed by Chief and Council or their designate, nor shall such persons operate or cause to operate a taxicab when the taxi meter has been repaired, altered, tampered with or adjusted, unless and until such taxi meter has been subsequently so tested and sealed.
- (2) Every holder of a taxicab or limousine vehicle license shall ensure that each taxicab or limousine for which he/she has a license contains a spare useable tire and wheel and a suitable jack for lifting the taxicab or limousine.

10. TARIFF AND TARIFF CARDS

- (1) No person shall charge any rate or fare for the conveyance of passengers by a taxicab within the reserve except in accordance with Schedule B of this By-law.
- (2) Every holder of a taxicab vehicle license shall prominently display in each taxicab owned by him/her a copy of the tariff of fares set in Schedule B of this By-law.
- (3) The holder of a taxicab or limousine driver's license shall furnish to every passenger where required a receipt for charges made or paid by him/her, indicating the mileage traveled, and such holder shall promptly furnish such receipt upon request with his/her name and the taxicab or limousine number.



1. REGULATIONS

(1) Taxicab Driver-Limousine Driver

- (a) Every holder of a Taxi Driver's License under this By-law shall keep a daily record (herein after referred to as a trip record) of all calls received by him which result in the transporting of a passenger from one location to another and such trip record shall contain the following information:
- (i) the permit number of the taxicab issued by the Ministry of Transportation and Communications for the Province of Ontario and the number of the Taxicab Vehicle License issued under this By-law.
 - (ii) the name, address and identification number of the driver.
 - (iii) the amount of the fare collected for each trip.
 - (iv) date, time, origin and destination of each trip.
- (b) Every holder of a Taxi Driver's License who drives a taxicab of which he is not the owner shall once in each calendar day that he has driven, deliver to the owner, the trip record for that day.
- (c) Every holder of a Taxi Driver's License under this By-law while in charge of a taxicab for hire shall:
- (i) produce trip records upon the request of any Police Officer of the Mnjikaning First Nation Police Service
 - (ii) place the taxi driver photo identification card in a transparent folder in such a manner in the taxicab so as to be conveniently seen and read by passengers
 - (iii) serve the first person offering to hire him, unless such a person owes him a fare for services or unless the driver is concerned for his or her personal safety by serving the first person.
- (d) Every holder of a Taxi Driver's License or Limousine Driver's License under this By-law while in charge of a taxicab or limousine for hire shall:
- (i) upon the request of any passenger, give in writing his name, number of license issued to him under this By-law and the permit number issued by the ministry of Transportation and Communications for the Province of Ontario of the taxicab or limousine he is driving.
 - (ii) travel by the most direct route to the point of destination, unless otherwise directed by the passenger.



- (iii) be neat and clean in his person and appearance
 - (iv) be properly dressed, which shall not include the wearing of torn jeans, cutoffs, muscle shirts or t-shirts with offensive sayings, lewd wording or racial and ethnic references. He/she must also have good personal hygiene habits, Chief and Council or their designate may upon breach of this provision suspend or revoke the license of the owner/driver.
 - (v) Driver shall not use foul or profane language.
- (e) Every holder of a Taxi Driver's License or a Limousine Driver's License under this By-law, while in charge of a taxicab for hire shall not:
- (i) solicit any person to take or use the taxicab or limousine that he is driving by calling out or shouting. The person wishing to use or engage a taxicab or limousine shall be left to choose without interception or solicitation.
 - (ii) take, consume or have in his possession any intoxicant.
 - (iii) obstruct the use of any sidewalk, make loud noise or disturbance, use any abusive language, molest, annoy or insult any person whatsoever.
 - (iv) employ or allow any runner or other person to assist or act in concert with him in obtaining any passenger.
 - (v) carry a greater number of persons than the taxicab or limousine is intended to seat according to the manufacturers rating of specified in the license issued under this By-law.
 - (vi) induce any passenger to employ him by either knowingly, recklessly or willfully misinforming, misleading or deceiving such passenger as to the arrival or departure of any railroad, train or other public conveyance or the location or distance from any part of the reserve to any railway station, terminal, public place or private residence or other places.
 - (vii) carry any other passenger other than those employing his services, unless authorized by the registered owner of the taxicab or limousine.
 - (viii) allow any immoral, indecent or disorderly conduct in his taxicab or limousine.
 - (ix) knowingly drive a person whom he suspects has committed a crime against the *Criminal Code of Canada* and/or any Federal or Provincial statute and is attempting to avoid capture or detection.



(2) Taxicab Owner-Limousine Owner

Every holder of a Taxicab Vehicle License or a Limousine Vehicle License shall:

- (i) keep an orderly record of all calls answered by taxicabs or limousines owned by him showing date, time, origin, destination, taxicab or limousine vehicle number, and the driver. The records are to be retained for a period of 12 months and are open for inspection by Chief and Council or their designate upon reasonable notice. All such records may be removed and retained for a reasonable time.
 - (ii) submit each taxicab or limousine owned by him for examination any other time as required by Chief and Council or their designate.
 - (iii) file with Chief and Council or their designate a valid and current safety standards certificate for each taxicab or limousine owned by him as prescribed by the *Highway Traffic Act* prior to issuance of a license.
 - (iv) submit a valid safety standards certificate by an independent licensed mechanic approved by Chief and Council or their designate for every vehicle used as a taxicab or limousine every three months.
- (c) Surrender forthwith upon disposing of a taxicab or limousine vehicle licenses under this By-law any license plate that was issued under the provisions of this By-law to Chief and Council or their designate.
- (d) Notify Chief and Council or their designate within forty-eight (48) hours after employing a taxicab driver or limousine driver that he has employed such driver and similarly notify Chief and Council or their designate within forty-eight (48) hours after the said driver leaves his employ giving the reason thereof.
- (e) Require that all persons employed by him as taxicab drivers or limousine drivers are properly licensed under this By-law.
- (f) Keep all taxicabs and limousines owned by him which are licensed under this By-law in good repair.
- (3) No owner shall permit any driver to be on duty more than twelve (12) hours in any twenty-four (24) hour period and no owner shall be on duty as an operator or drive more than twelve (12) hours in twenty-four (24) hour period. A log must be maintained by the broker of the hours worked by the driver.
- (4) Every owner or driver, licensed under this By-law, shall on each work shift, before commencing driving, examine for mechanical defects any vehicle which he/she is to drive during the shift, and shall similarly examine any taxicab or limousine at the end



- of the shift, and if he/she is not the owner of the taxicab or limousine, shall report forthwith to the owner any mechanical defects of which he/she becomes aware of.
- (5) Every owner shall check immediately any mechanical defect in his/her vehicle reported by a driver and shall not in any case operate or permit to be operated any vehicle not in good mechanical condition.

(6) Taxicab Owner

Every holder of a Taxicab Vehicle License shall:

- (a) Equip each taxicab owned by him with two (2) frames, one suitable to hold the taxi driver's identification card and suitable to hold the taxi driver's tariff and such frames shall be so placed in the taxicab as to be conveniently seen and read by passengers
- (b) Prominently display on the rear of every taxicab owned by him, in such a location as approved by Chief and Council or their designate, a taxi license plate for each taxicab as provided by Chief and Council or their designate.
- (c) Display on the interior of each taxicab owned by him the number of the plate referred to in the preceding sub-section so that a passenger can read same.
- (d) Have on top of each taxicab by him an electric sign approved by Chief and Council or their designate and securely attached clearly indicating the vehicle is a taxicab in the trade name under which it operates or the name of the owner of the taxicab broker. Such sign shall be illuminated when lights are required.
- (e) Provide on his/her own or in conjunction with a licensed taxicab broker a suitable office for the carrying on of his business and keep the same orderly, clean and neat.
- (f) Provide on his/her own or in conjunction with a licensed taxicab broker telephone and radio dispatching facilities maintained in proper working order.

(7) Taxicab Broker

Every holder of a Taxicab Broker's License

- (a) Make out and deliver to Chief and Council or their designate a quarterly list of the names of the holders of Taxicab Vehicle Licenses operating taxicabs in association with such broker and the number of taxicabs operated by such persons. The first quarter will commence on the 1st day of January in each year.
- (b) Keep orderly record of all calls received and dispatched by him showing date, time, origin, destination, driver of taxicab and taxicab vehicle number. The records are to be retained for a period of twelve (12) months and are open for inspection with reasonable notice by Chief and Council or their designate.



- c) Ensure that all taxicabs dispatched by him and all drivers thereof are properly licensed under this By-law.
 - (d) Provide a suitable office for the carrying on of his business and keep the same orderly, clean and neat.
 - (e) Provide telephone and radio dispatching facilities maintained in good working order
- (8) Radio Equipment, Scanners Etc.
- (a) No owner or driver, while operating a taxicab or limousine licensed under this By-law shall carry with him/her or in a vehicle licensed as a taxicab or limousine, any radio equipment, radio scanners or other equipment capable of monitoring radio calls other than the radio equipment used or required to transmit to or receive broadcasts or signals from the radio dispatcher employed by the company or stand for whom the driver is working.
 - (b) Any person contravening this section will be liable, for the first infraction, to a license suspension for thirty (30) days in accordance with section 7(3) and for any subsequent infraction, to revocation of their license(s) in accordance with section 7(2).

(9) Vehicle Age Restriction

- (a) At least fifty (50%) percent of the taxi fleet of each licensed broker/owner must not exceed five (5) years of age. The year of manufacture shall determine the age of the vehicle.
- (b) Limousines shall be exempt from vehicle age restrictions but must continue to be mechanically certified every three (3) months.



SCHEDULE A

LICENSE FEES PAYABLE

<u>License</u>	<u>Fee</u>
Brokers Initial Fee	\$500.00
Brokers License: Taxi	\$250.00
Limousine License	\$250.00
Taxi License Plate	\$150.00
Limousine License Plate	\$150.00
Taxi/Limo Driver's License	\$ 50.00
Taxi/Limo Driver's License Renewal	\$ 40.00
Taxi/Limo Driver's License Replacement	\$ 30.00
Transfer Fee for License Plate	\$ 35.00

NOTE: THESE FEES ARE IN PLACE IN ORILLA AND MAY BE CHANGED BY CHIEF AND COUNCIL



SCHEDULE B

1. The fare within the Chippewas of Mnjikaning First Nation shall be:
 - (a) \$2.50 inclusive of G.S.T. at the commencement of any trip **plus**
 - (b) \$0.15 for every 1/10 of 1 kilometer for the duration of the trip.
2. The fare for waiting time shall be charged at the maximum rate of thirty-six (\$36.00) dollars per hour.
3. A minimum discount of twenty (20%) percent of the total fare shall be given to Senior Citizens in accordance with the following. For the purpose of this By-law, senior citizens shall be defined as any person who has attained the age of sixty (60) years of age.
 - (a) the minimum twenty (20%) percent discount shall apply to the total fare for all fares that exceed \$6.00
4. There shall be a roundtrip fare of a maximum of thirty (\$30.00) dollars.





Chippewas of Mnjikaning First Nation

Interoffice Memorandum

To: Jeffrey Hewitt, MFN Legal Counsel
From: Lori Ayotte, Executive Coordinator for Chief and Council
Date: June 17, 2003
Subject: AMENDING MOTION #2003-2004-212
CC:

MOTION #2003-2004-212-AMENDMENT-Moved by quorum of Chief and Council to enact the Taxi and Limousine By -Law No. 03-01, effective June 2, 2003.

“Carried”



Chippewas of Mnjikaning First Nation

Chief and Council Motion Request Form

Date of Motion Presented: June 16, 2003

Department Manager/Organization: Jeffrey Hewitt

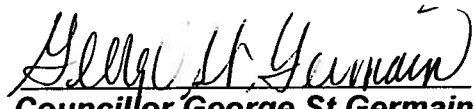
Motion Number: AMENDING MOTION #2003-2004-212
C.C

Moved by quorum of Chief and Council to enact the Taxi and Limousine By-Law No. 03-01, effective June 2, 2003.

Chief and Council Signatures of Approval


Chief Sharon Stinson Henry


Councillor Rodney Noganosh


Councillor George St. Germain


Councillor Robert T. Stinson


Councillor Ellis Snache


Councillor Andrea Simcoe-Williams


Councillor Larry A. Shilling