

THE CORPORATION OF THE CITY OF PEMBROKE

BY-LAW NUMBER 2010 – 42

BEING A BY-LAW FOR REGULATING AND LICENSING THE
USE OF RICKSHAWS WITHIN THE CITY OF PEMBROKE

WHEREAS Section 10(1) of the *Municipal Act*, S.O. 2001, c.25, as amended, states that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 10(2) 11. of the *Municipal Act*, S.O. 2001, c.25, as amended, states that a single-tier municipality may pass by-laws respecting business licensing;

AND WHEREAS the Council of the Corporation of the City of Pembroke deems it expedient to regulate and license the use of rickshaws in the City of Pembroke;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF PEMBROKE ENACTS AS FOLLOWS:

1. THAT the Council of the Corporation of the City of Pembroke deems it advisable to adopt the Rickshaw Regulations, attached hereto as Appendix “A” and forming part of this By-law.
2. THIS by-law shall come into force and take effect upon the date of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 15th DAY OF JUNE, 2010.

Treasurer/Deputy Clerk

Mayor

READ A THIRD TIME AND PASSED THIS 15th DAY OF JUNE, 2010.

Treasurer/Deputy Clerk

Mayor

Appendix “A” to By-law 2010 – 42

Corporation of the City of Pembroke Rickshaw Regulations

SECTION 1 – DEFINITIONS

The following words and phrases, when used in this by-law shall, for the purpose of this by-law have the meaning respectively ascribed to them:

- (1) “highway” includes the entire right of way of a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle, designed and intended for, or used by, the general public for the passage of vehicles.
- (2) “private property” means all property in the City of Pembroke and includes property of the municipal, federal and provincial government.
- (3) “sidewalk” includes all such parts of a highway as are set aside by the City of Pembroke for the use of pedestrians or used by the general public for the passage of pedestrians, and includes the boulevard.
- (4) “street” means that part of the highway that is improved, designed or ordinarily used for vehicular traffic.

SECTION 2 – LICENSES REQUIRED

- (1) The following types of licenses may be issued:
 - (a) rickshaw operator;
 - (b) rickshaw owner.

SECTION 3 – CONDITIONS FOR ISSUANCE OF A RICKSHAW OWNER LICENSE

- (1) No applicant for a rickshaw owner’s license shall be issued a license unless:
 - (a) the applicant is at least eighteen (18) years of age; and
 - (b) the rickshaw to be used by the applicant has complied with the standards prescribed by Section 5 hereof; and
 - (c) the applicant provides proof of insurance in accordance with Section 6 hereof; and
 - (d) the applicant provides proof of a Criminal Reference check and a Vulnerable Sector Reference check.
- (2) Every person who owns a rickshaw shall obtain a separate license for each rickshaw to be operated pursuant to this by-law.

SECTION 4 – CONDITIONS FOR ISSUANCE OF A RICKSHAW OPERATOR LICENSE

- (1) No applicant for a rickshaw operator’s license shall be issued a license unless:

- (a) the applicant is the holder of a current driver's license; and
- (b) the applicant has provided the name and address of the rickshaw owner who will be the business affiliate or employer of the applicant; and
- (c) the applicant provides proof of a Criminal Reference check and a Vulnerable Sector Reference check.

SECTION 5 – VEHICLE STANDARDS

- (1) Every rickshaw shall:
 - (a) be structured so as to be safe and stable with or without passengers;
 - (b) have affixed on the rear of the vehicle a slow moving vehicle sign that is the same as the signs set out in the *Highway Traffic Act*;
 - (c) carry at the rear two red reflectors, one of which shall be affixed as nearly as possible to the extreme left side and one as nearly as possible to the extreme right side of the vehicle;
 - (d) be in a clean and sanitary condition;
 - (e) be in a state of good repair and appearance; and
 - (f) be limited to two passengers.

SECTION 6 – INSURANCE

- (1) Every rickshaw owner shall provide proof of Comprehensive General Liability insurance subject to limits of not less than Two Million Dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, personal injury, death, and damage to property including loss of use thereof.
- (2) The insurance required by Subsection (1) shall be in the name of the rickshaw owner and the owner's operators, employees, and volunteers.

SECTION 7 – ISSUANCE OF LICENSE

- (1) The Pembroke Police Department shall issue the license to rickshaw owners and operators. The license applications are set out in Schedule "A" of this by-law.
- (2) An annual non-refundable license fee of \$100.00 shall be required for each owner. An annual non-refundable license fee of \$50.00 shall be required for each operator. Where the owner is also an operator, the annual non-refundable license fee of \$100.00 shall apply.
- (3) Licenses may be revoked if the conditions of this by-law are not adhered to.

SECTION 8 – DISPLAY OF PLATE

- (1) Every owner or operator shall ensure that the fares are posted on the side of the rickshaw and are clearly visible to the public during the currency of the license.
- (2) Every owner or operator of a rickshaw shall produce his/her license for inspection when requested by the Pembroke Police Service or any By-law Enforcement Officer.

SECTION 9 – TRANSFERS OF LICENSE

- (1) No rickshaw operator's license shall be transferred.

SECTION 10 – LOCATION REGULATIONS

- (1) No owner or operator shall allow his or her rickshaw to be placed or left on or at the Waterfront or in the Downtown Core.
- (2) No owner or operator shall operate his or her rickshaw on private property without the consent of the owner.
- (3) Rickshaws shall not be allowed on the Waterfront Boardwalk or along the Kiwanis Walkway.

SECTION 11 – TIME REGULATIONS

- (1) Rickshaws can be operational from dawn until dusk from May 1st to September 30th of each calendar year.
- (2) No owner or operator shall allow his or her rickshaw to be operated on Pembroke Street East or on Pembroke Street West between the hours of 12:00 noon and 1:00 p.m. and between the hours of 4:00 p.m. and 6:00 p.m.

SECTION 12 – GENERAL REGULATIONS

- (1) Every owner or operator shall keep his/her rickshaw at all times in a clean and sanitary condition and in a state of good repair and appearance.
- (2) Every owner or operator shall ensure that:
 - (a) he/she conforms, where applicable, with the *Highway Traffic Act*; and
 - (b) he/she conforms with By-law 2005-25 (the Traffic By-law, as amended) and with By-law 2005-55 (the Parking By-law, as amended); and
 - (c) he/she does not interfere with the normal movement of pedestrian traffic in the City; and
 - (d) he/she does not interfere with the normal movement of vehicular traffic in the City.
- (3) No owner or operator shall allow his/her rickshaw to be left unattended.
- (4) No alcohol is permitted on the rickshaw.
- (5)
 - (a) No smoking is permitted by the operator or any passengers on the rickshaw.
 - (b) No smoking is permitted by the operator while the rickshaw is in use.
- (6) No owner or operator shall operate his/her rickshaw in a reckless or erratic manner.

- (7) Every operator shall wear highly reflective clothing.
- (8) There shall be no advertising on or within the rickshaw.
- (9) Anyone contravening any of these regulations will be subject to a fine. Any fines imposed or offence created by this by-law is subject to the provisions of the *Provincial Offences Act*, as amended.
- (10) Any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to the fine and penalties set opposite such provision in the tables of Fines and Penalties as set out in Schedule “B” of this by-law.

Schedule "A" to By-law 2010 – 42

FORM 1

Corporation of the City of Pembroke
Rickshaw Regulations

APPLICATION BY AN OWNER
RICKSHAW LICENSE

1. I, _____ Telephone No. _____
(full legal name)
- also known as _____
- of _____
(complete address of place where I ordinarily reside)
- hereby make application for a Rickshaw License as Owner on my:
- (a) own behalf, operating under the name and style of:

- (b) or on behalf of the following corporation as Owner:

- (c) or as partner in the partnership to carry on or intending to carry on under the
firm name of:

(name of Partnership)
2. I was born in _____
on the _____ day of _____, _____.
3. Height: _____ Weight: _____
Driver's License No. _____
(if Driver's License not issued by Ontario, state where)
4. If application is made on behalf of a corporation, state address of head office:

5. If application is made by a partner, state address of partner(s):

6. If an application is made on behalf of a corporation, partnership or a sole proprietorship:

(a) If a corporation, the principal officers are as follows:

(i) _____

(ii) _____

(iii) _____

(iv) _____

(v) _____

(b) If a partnership, the names of all the partners who are active and inactive in carrying out the business:

	NAME	RESIDENCE	PLACE & DATE OF BIRTH
(i)	_____	_____	_____
(ii)	_____	_____	_____
(iii)	_____	_____	_____
(iv)	_____	_____	_____
(v)	_____	_____	_____

(c) If on your own behalf as a sole proprietorship, the name and address of the proprietor is the same as the applicant or:

7. Neither I nor any of my partners has been convicted of any offence anywhere, except as follows (state offence and name of offender):

Where convicted and penalty:

- 8. Neither the corporation on whose behalf this application is made nor its officers has ever held any kind of license issued by a municipality, nor had a license refused nor cancelled, except as follows:

(name of municipality, type of license)

(reason for refusal or cancellation)

- 9. Do you have a written contract of employment with the following (please attach copies of contracts):

(a) Operator Yes [] No []

- 10. I, _____, solemnly swear that the information given in this application and any supporting documents are true, correct and complete in every respect and understand that false statements could result in the revocation of the license if granted.

SWORN BEFORE ME }
 at the City of Pembroke }
 in the County of Renfrew }
 }
 this _____ day of }
 }
 _____, 20__ }
 }
 }
 }
 _____ }
 Commissioner of Oaths }

Signature of Applicant

Note: Two passport size photographs are required with this application.

A Criminal Reference check and a Vulnerable Sector Reference check are required with this application.

License Number: _____

Schedule "A" to By-law 2010 – 42

FORM 2

Corporation of the City of Pembroke
Rickshaw Regulations

APPLICATION BY AN OPERATOR
RICKSHAW LICENSE

1. I, _____ Telephone No. _____
(full legal name)

also known as _____

of _____
(complete address of place where I ordinarily reside)

hereby make application for an Operators Rickshaw License.
2. I was born in _____

on the _____ day of _____, _____.
3. Height: _____ Weight: _____

Driver's License No. _____
(if Driver's License not issued by Ontario, state where)
4. I have never held any kind of license issued by any municipality or had a license refused or cancelled, except as follows:

Name of Municipality, type of license and reasons for refusal or cancellation:

5. I will be operating a Rickshaw in Pembroke.
Name and address of Owner:

Whose License Number under By-law 2010 – 42 is _____.
6. I have never been convicted of any offence anywhere, except as follows (state offence, where convicted and penalty):

7. My address for all mail to be sent to me is:

8. Do you have a written contract of employment with the following (please attach copy of contract):

(a) Owner Yes [] No []

9. I, _____, solemnly swear that the information given in this application and any supporting documents are true, correct and complete in every respect and understand that false statements could result in the revocation of the license if granted.

SWORN BEFORE ME }
at the City of Pembroke }
in the County of Renfrew }
this _____ day of }
_____, 20__ }
_____ }
_____ }

Commissioner of Oaths

Signature of Applicant

Note: Two passport size photographs are required with this application.

A Criminal Reference check and a Vulnerable Sector Reference check are required with this application.

License Number: _____

Schedule “B” to By-law 2010 – 42

Corporation of the City of Pembroke
Rickshaw Regulations

FINES AND PENALTIES

SECTION	DESCRIPTION	FINE
Section 5 (1) (b)	Operating a Rickshaw without a slow moving vehicle sign	\$25.00
Section 5 (1) (c)	Operating a Rickshaw without two rear red reflectors	\$25.00
Section 5 (1) (f)	Operating a Rickshaw with more than two passengers	\$25.00
Section 6 (1)	Operating a Rickshaw without Insurance	\$100.00
Section 8 (1)	Operating a Rickshaw without fares posted on side of Rickshaw	\$25.00
Section 8 (2)	Operation of a Rickshaw without a license	\$50.00
Section 10 (1)	Rickshaw placed or left on or at Waterfront or Downtown Core	\$25.00
Section 10 (2)	Rickshaw on Private Property without Consent of Owner	\$25.00
Section 10 (3)	Rickshaw on Waterfront Boardwalk or Kiwanis Walkway	\$50.00
Section 11 (1)	Use of Rickshaw between dusk and dawn	\$50.00
Section 11 (1)	Use of Rickshaw between October 1 and April 30	\$50.00
Section 11 (2)	Use of Rickshaw on Pembroke Street between the hours of 12:00 noon and 1:00 p.m. and between 4:00 p.m. and 6:00 p.m.	\$25.00
Section 12 (3)	Rickshaw left unattended	\$25.00
Section 12 (6)	Operating Rickshaw in a reckless or erratic manner	\$25.00
Section 12 (7)	Operator not wearing reflective clothing	\$25.00
Section 12 (8)	Advertising on or within Rickshaw	\$25.00