

## The Corporation of the City of Pembroke

### By-law Number 2016-25

#### Being a by-law to establish rules and regulations for the licensing and operation of taxicabs within the City of Pembroke

**Whereas** Section 156 (1) of the *Municipal Act*, R.S.O. 2001, S.O. 2001, C.25 as amended states that By-laws may be passed for licensing, regulating and governing owners and drivers of taxicabs, establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of passengers and for providing for the collection of such rates or fares and for revoking any such license and limiting the number of taxicabs or any class of them.

**Now therefore the Municipal Council of the Corporation of the City of Pembroke enacts as follows:**

#### 1. Definitions

- a) **"Application"** shall mean either the Owner or Driver who is applying for a license or license taxi plate.
- b) **"Accessible Cab"** means a cab that is wheelchair accessible permitting the loading of a person with a disability confined to a wheelchair, or other similar devise and is available for providing conveyance service.
- c) **"City Council"** shall mean the City of Pembroke Municipal Council or any of its standing committees.
- d) **"By-law Enforcement Officer"** shall mean the By-law Enforcement Officer of the City of Pembroke and subordinates or assistants.
- e) **"Cab Owners Permit/Licensee Plate"** shall mean a permit granted under the provisions for this By-law to own a taxicab.
- f) **"Certificate"** shall mean a certificate completed by an approved licensed mechanic and can be referred as a vehicle safety inspection certificate as to the mechanical condition of a vehicle in this By-law.
- g) **"Chief Administrative Officer"** shall mean the Chief Administrative Officer for the City of Pembroke or his designate.
- h) **"City"** shall mean the City of Pembroke.
- i) **"Deficiency Notice"** shall mean a notice served on a taxicab owner with respect to major mechanical defect of a taxicab.
- j) **"Licensee"** shall mean a person licensed under this By-law.
- k) **"Licensed Premises"** shall mean the premises where the owner carries on the licensed operation.
- l) **"Licensed Taxicab Driver"** shall mean the driver of a taxicab who is licensed under this By-law as such or who is required to be licensed under this By-law and who possesses a valid Ontario 'Class G' Driver's License under the Highway Traffic Act.
- m) **"Major Mechanical Defect"** shall mean a mechanical defect or defects directly or indirectly related to any part of the motor vehicle involving or affecting the:
  - Brakes or braking system; and/or
  - Steering system; and/or

- Suspension system; and/or
  - Exhaust system; and/or
  - Tires
- n) “**Owner**” shall mean any person owning a taxicab or having possession or control thereof under an installment purchase agreement or by way of rental.
- o) “**Owner’s Permit or Permit**” shall mean cab owner’s permit/taxi plate granted under the provisions of this By-law to operate a taxi vehicle by an Owner of a taxi company in the City of Pembroke.
- p) “**Passenger**” shall mean any person in a licensed vehicle under this By-law.
- q) “**Person**” shall mean and include not only an individual, but also a partnership and body corporate any association and their hires, executors, administrators, successors and assigns or other legal representatives thereof to whom the context may apply and words reporting to be singular shall include the plural and words importing to be masculine gender shall include the feminine.
- r) “**Sale**” shall mean the sale of one or more vehicles in respect to which licenses are issued by City Council, and accompanied by an application to City Council for issue of a new license.
- s) “**Seating Capacity**” shall mean the number of passengers limited to the seating capacity of the vehicle as rated by the manufacturer.
- t) “**Taxicab**” shall mean a cab, motor, or other vehicle kept or used for hire for a conveyance of passengers but does not include a bus or a transit system, or a bus licensed under the Public Vehicles Act, or an ambulance or a funeral hearse.
- u) “**Taxicab Stand**” shall mean a building on any part of a street designated by City Council to be a stand for three or more licensed taxicabs.

## 2. **Driver Administration and Licensing**

1. The taxi license applicant must possess a valid Ontario Driver’s License void of any restriction that would prohibit the operation of a taxi, is not a probationary driver, nor a class G1 or G2 driver.
2. No person under the age of nineteen (19) years shall be granted a license under this By-law.
3. No person shall be granted a license unless and until City Council is satisfied that:
  - a) the Applicant has not been found guilty of an indictable offence under the *Criminal Code of Canada* or an offence under the *Narcotic Control Act (Canada)* or the *Food and Drug Act (Canada)* within the preceding three (3) years;
  - b) the Applicant has not been found guilty of an offence;
  - c) the Applicant has not been found guilty of a criminal offence pertaining to the operation of a motor vehicle within the preceding three (3) years;
  - d) the Applicant has not been found guilty of a sexual offence under the *Criminal Code of Canada*;
  - e) the Applicant is of good character; and,

- f) the Applicant does not have an accumulation of more than seven (7) demerit points under the *Highway Traffic Act* (Ontario).
4. Notwithstanding Section 2 (3), the following may apply:
- a) an Applicant who has been found guilty of a criminal offence within the preceding three (3) years and received an absolute discharge may be granted a license;
  - b) an Applicant who has been found guilty of a criminal offence within the preceding three (3) years and received a conditional discharge and/or a suspended sentence may be granted a license on condition that it be reviewed after a period of six (6) months; and,
  - c) an Applicant who has been found guilty of a summary conviction offence under the *Criminal Code of Canada* may be granted a license on the condition that it be reviewed after a period of six (6) months.
5. Notwithstanding the foregoing, City Council may grant a license to any Applicant providing City Council is satisfied that the Applicant, due to special circumstances, should be granted a said license.
6. In addition to the foregoing, an Applicant for a taxi driver's license shall:
- a) be in possession of a current driver's license issued under the authority of the *Highway Traffic Act* (Ontario);
  - b) provide a letter from his employer or business with whom he has contracted, stating the employer's name or business name, address and Owner's license number and that the applicant will be employed or contracted by him on a full-time or part-time basis, as the case may be.
7. All Applicants for a taxi driver's license shall submit the following to the Chief Administrative Officer:
- a) a completed application form with consent for a criminal record and driving records check; and
  - b) three letters of reference, excluding employees from the hiring taxi company; and
  - c) a letter from a taxi company stating the intent to hire; and,
  - d) two passport style photos; and,
  - e) any other documents as deemed necessary at the time of application, by the Chief Administrative Officer.
8. Tariff cards and/or photo identification license cards which are lost, stolen or destroyed may be replaced by the Chief Administrative Officer, upon verification of its validity and in the case of the photo identification/license replacement, payment of set fee in Schedule "A", of this By-law.
9. All applicants who submit a license for renewal shall:
- a) Submit a completed consent for a Criminal Record and Driving Records check as set out in Appendix "A" hereto; and
  - b) Submit one (1) passport photo taken within three (3) months of a date of the renewal application; and,

- c) Not drive any cab in the City of Pembroke for longer than 48 hours or two (2) days, after the license is submitted for renewal to the Chief Administrative Officer; and,
- d) Renew his or her license no later than January 30<sup>th</sup> of each year; and,
- e) Pay the fee for such renewal as set out in Schedule “A” of this By-law; and,
- f) If driving a “wheelchair accessible taxi vehicle”, submit proof of successful completion of a C.P.R. (cardio pulmonary resuscitation) and a first aid course.

### **3. Driver and Owner Code of Conduct**

1. Every City of Pembroke taxicab driver while so employed and engaged, shall at all times display their City of Pembroke photo identification/license card inside the taxi vehicle and in such a way that it faces the rear seat of the taxi and in clear view at all times.
2. No taxi driver shall park or stop a taxicab on any portion of a roadway and/or sidewalk that obstructs traffic flow, pedestrian flow, and/or breaches Parking Control By-laws for the City of Pembroke.
3. Every taxi driver shall upon request, furnish their photo identification license card and their Ontario Driver’s License to any Police Officer, or Provincial Offences Officers authorized under this By-law by the Chief Administrative Officer.
4. No taxi driver shall pass or ignore a potential fare while the roof light is on unless:
  - a) the fare fails to provide their destination; and/or
  - b) the driver believes the person poses a danger; and/or
  - c) the person is unruly, obnoxious or abusive.

Once the fare has been picked up, the light must be turned off.
5. No taxi driver or Owner shall, while conducting business in any taxicab, purchase and/or transport any liquor product within the boundaries of the City of Pembroke without the possession of a valid license issued by the Liquor Control Board of Ontario for the transportation of a liquor product and conform to the *Liquor License Act*.
6. No Taxi driver and/or Owner shall:
  - a) smoke any product containing tobacco in a taxi cab and/or taxi stand;
  - b) smoke any product containing tobacco in any device designed for smoking a tobacco product;
  - c) hold lighted tobacco and/or lighted tobacco in a device, in a taxicab and or taxi stand.
7. It shall be unlawful for any taxi driver or Owner to permit, allow or assist any person in a taxicab or taxi stand in contravention of the *Smoke Free Ontario Act* or any provisions of this By-law. Any person who is in contravention of this section shall be dealt with as set out in the following:
  - a) 1<sup>st</sup> Offence – fine from the Health Unit

- b) 2<sup>nd</sup> Offence – fine plus a five (5) day suspension
- c) 3<sup>rd</sup> Offence – fine plus a ten (10) day suspension
- d) 4<sup>th</sup> Offence – fine plus permanent suspension of the taxicab driver's license

8. Every licensed driver shall:

- a) keep the interior and exterior of this vehicle in clean and sanitary condition and in good repair. Whenever the Owner or driver of any such vehicle is notified by a Police Officer or Municipal By-law Enforcement Officer that such vehicle is not so kept, the owner or driver shall make or cause to be made such repairs as indicated. All such notification in this section shall be reported to the Chief Administrative Officer; and,
- b) upon the request of any passenger, give in writing, his name, taxicab number issued to him and the provincial motor vehicle license number of the vehicle; and,
- c) retain his Provincial Driver's License in his possession at all times and shall, upon request, surrender the license to any Police Office and/or Municipal Law Enforcement Officer; and,
- d) upon request of any Police Officer and/or Municipal By-law Enforcement Officer, provide full information as to the passengers carried; and,
- e) give his name and the name of the Owner of the vehicle, if other than the Driver, upon request by a passenger or by any person to whom or to whose property damages has been occasioned by himself or his vehicle; and,
- f) punctually keep all his appointments and engagements shall, while on duty, unless his vehicle has been previously engaged, serve at any place within the City of Pembroke any person who may lawfully require his vehicle and shall not neglect to fulfill this appointments of engagements, except for reasons beyond his control; and,
- g) travel by the most direct route to the point of destination, unless otherwise directed by the passenger; and,
- h) while on duty, be neat and clean in appearance and display, constantly a Taxicab Driver's License issued under this By-law with the driver's license number shown, along with a photo of the licensee and permit any person to note the driver's license number shown thereon upon being requested to do so; and,
- i) at the expiration of his work period, return the vehicle and shall not, at any time, abandon the vehicle; and
- j) serve the first person offering to hire him, unless such person owes him a fare for services or unless there is a justifiable reason to do otherwise as stated in Section 3(4); and,
- k) report forthwith to the Dispatcher or the Owner, any accident in which case he was involved or any damage caused while operating the vehicle.

#### **Driver Prohibitions**

9. No Licensed Taxicab Driver shall:

- a) operate a taxicab while any condition referred to in this By-law is not fulfilled or while any license required by this By-law has not been obtained; and,
- b) operate a taxicab while passenger(s) fail to occupy a position for which a seat belt assembly has not been provided
- c) carry any passenger who is under the influence of any intoxicant while his taxicab is occupied by a person who is not accompanying the person so under the influence; and,
- d) drive his vehicle with luggage or other material piled in the front seat in a manner that obstructs their view; and,
- e) permit any person other than the Owner, an employee or a person contracted by the Owner to drive his vehicle; and,
- f) permit any immoral, indecent or disorderly conduct in his vehicle; and,
- g) other than a cab that is actually being used to transport children to or from school, take on any additional passenger after the cab has departed with one (1) or more passengers from any starting point, except at the request or permission of the passenger already in the vehicle or in the case of an emergency; and,
- h) possess a radio frequency scanner in a taxicab, or act upon information obtained from a radio frequency scanner; and,
- i) make any changes from the time lost through defects or inefficiency of his taxicab or incompetence of the Driver thereof for time consumed by early arrival of the taxicab in response to a call placed in advance for a taxicab at a specified time.

### **Taxicab Driver Duties**

10. Every Licensed Taxicab Driver shall:
- a) keep a daily trip sheet; and,
  - b) while waiting at any public place, not obstruct or interfere in any way with the normal use of the public place or interfere with the surrounding traffic patterns; and,
  - c) be sufficiently close to their taxicab to have it under observation at all time; and,
  - d) not wash the taxicab on city owned property; and,
  - e) not make repairs to the taxicab, unless the repairs are immediately necessary; and,
  - f) engage the taximeter at the commencement of the trip when the passenger enters the taxicab and at the conclusion of the trip, place the taximeter in the time off status and after payment, place in the vacant status; and,
  - g) when a licensed taxicab Driver picks up a passenger within the City of Pembroke for a trip destination outside the City of Pembroke, the licensed taxicab Driver and the passenger may agree before the commencement of the trip to a flat rate for the trip; and,

- h) notify the Chief Administrative Officer in writing, of any change of address or telephone number of the license which had previously been issued by the Chief Administrative Officer, within three (3) days of the change thereof; and,
- i) make available his trip record and give full information thereof to any Police Officer or Municipal By-law Enforcement Officer on being required to do so; and,
- j) report forthwith to the Dispatcher or the Owner of any accident in which case he was involved or any damage; and,
- k) when called upon to do so, assist any Police Officer by conveying in his vehicle, any police escorted prisoner to the common jail or to the Police Station and to convey to the hospital or elsewhere, as may be required, any person who has been injured or taken ill and shall be entitled to the fare or charge specified in Schedule "B" attached to this By-law to be paid by the Chief Administrative Officer; and,
- l) while such taxicab is being used for the transportation of children to and from school:
  - i. operate the vehicle in accordance with the *Highway Traffic Act* (Ontario), pertaining to school purpose vehicles; and
  - ii. ensure that the number of children being carried at any time does not exceed the number of seating positions for which a seat belt assembly has been provided in the vehicle; and,
  - iii. ensure that the Driver has in his possession the name and address of the children and notification of any medical condition that may be required if the child needed assistance from the Driver; and,
  - iv. ensure all children, where applicable are, transported in child restraint car seats in accordance with Reg. 613 of the *Highway Traffic Act* (Ontario).

### **Taxicab Driver Prohibitions**

- 11. No Licensed Taxicab Driver shall operate a taxicab when a taximeter has not been adjusted in accordance with the existing current rates as set out in Schedule "B" of this By-law or when the operation of the taximeter has not been approved by the Chief Administrative Officer or the taximeter is not operating properly; and,
- 12. No Licensed Taxicab Driver shall operate a taxicab when the taximeter seal is improperly affixed; and,
- 13. No Licensed Taxicab Driver shall take on any additional passengers after the vehicle has departed with one (1) or more passengers from any one starting point except under the following circumstances:
  - i. when done at the request of the passenger already in the taxicab; or,
  - ii. in an emergency situation; or,
  - iii. when operating a taxicab which is being used exclusively for the transportation of children to and from school; and,
- 14. No Licensed Taxicab Driver shall knowingly mislead a passenger on time or place of arrival or departure or probable fare; and,

15. No Licensed Taxicab Driver shall operate a vehicle for more than twelve (12) hours in a twenty-four (24) hour period, nor shall he operate a vehicle for more than six (6) continuous hours without a minimum of one-half (1/2) hour rest; and,
16. No Licensed Taxicab Driver shall charge a fare in excess of the amount recorded by the taximeter other than that permitted by Schedule "B" attached to this By-law and the Owner or Driver shall keep the taximeter in operation at all times when the taxicab is under hire; and,
17. No Licensed Taxicab Driver shall operate any taxicab not licensed to operate within the boundaries of the City of Pembroke without extinguishing the roof sign while within the boundaries of the City; and
18. No Licensed Taxicab Driver shall operate within the City of Pembroke, while in the boundaries of the City and conveying passengers in the taxicab, shall be licensed by the City or municipality that the taxicab originates from; and,
19. No Licensed Taxicab Driver shall operate any taxicab not licensed to operate within the boundaries of the City of Pembroke and solicit fares, in compliance with preceding 1(h) such taxicab, may enter the boundaries of the City to receive and or discharge a fare; and,
20. No Licensed Taxicab Driver shall any taxicab not licensed to operate within the boundaries of the City of Pembroke is prohibited from all forms of solicitation of fares including the standing or parking of a taxicab anywhere within the boundaries of the City without a fare in the taxicab, with the exception but not limited to a mechanical repair, purchase or fuel or food product.

#### **4. Cab Owner Administration**

1. Every Owner shall advise the Chief Administrative Officer of any change of information that has been recorded in the register within three (3) days of such change occurring.
2. Upon disposing of a vehicle, which will not be replaced, the Owner shall, within forty-eight (48) hours, attend at the office of the Chief Administrative Officer and surrender the license held by him in respect of such vehicle.
3. Except as provided for in this By-law, no taxicab shall be sold, rented, leased or hired "sold", "rented" or "hired" includes any arrangement or agreement whereby the Owner gives up, to some other person, the right to possession and control of the taxicab, and, also any arrangement relating to the use of the taxicab by any person other than a bona fide fare.
4. Every Owner shall keep a record in the office of the date, time, origin and destination of each trip, name of Driver, number of the taxi cab and such records will be retained for at least twelve (12) months. Full information shall be given by the license holder to any Ontario Provincial Police Officer, or Municipal by-law Enforcement Officer upon being required to do so, with reference to the address of the house, or place, to and from, which he has driven any passengers or with reference to all matters within his knowledge relating to such passengers.
5. Every Owner shall notify the Chief Administrative Officer, in writing of any change of address or telephone number of the licensee, which has previously been given to the Chief Administrative Officer within three (3) days of the change thereof.



6. Every Owner obtaining a taxi license under this By-law shall keep his taxi license or a copy thereof posted in some conspicuous place on the premises from which the business is being operated, and every person so licensed, when requested by any person authorized by City Council produce the taxi license for inspection.
7. Every Owner shall, to the best of his ability, ensure that all requirements of this By-law relating to vehicle equipment, Driver's responsibilities and licensing requirements are adhered to.
8. No Owner shall permit any Driver to be on duty more than twelve (12) hours in any period of twenty-four (24) hours, nor shall an Owner contract with a person to operate his vehicle for more than twelve (12) hours.
9. Every Owner shall submit any vehicle licensed under this By-law for inspection as required by the Chief Administrative Officer and shall not hinder any Police Officer or Municipal By-law Enforcement Officer from entering such vehicle for any inspection thereof.
10. No Owner shall possess a radio frequency scanner on the premises from which the business is being operated or act upon information obtained from a radio frequency scanner.
11. Every Owner with three (3) or more licensed taxicabs in the City of Pembroke must have a taxicab stand as defined in the definitions of this By-law. Such taxicab stands shall be open to the public for the purpose of hiring a taxicab. All taxicab stands with the boundaries of the City of Pembroke must comply with all zoning requirements as set out by the Corporation of the City of Pembroke.
12. Every Owner shall allow the Chief Administrative Officer, at all reasonable times, to inspect as much of any house, place or premises as is used for the carrying on of any trade, calling business or occupation in respect of which any person has, or is required to have a license under this By-law and the Chief Administrative Officer may inspect any goods, articles, books, records and other documents relating to such trade, calling business or occupation.
13. No person or owner shall operate or permit the operation of a taxicab which exceeds an age of ten (10) years. The age of a vehicle is determined by subtracting the production date of the vehicle from the licensing year.
14. An applicant for a taxi license shall submit in writing to the Chief Administrative Officer a request for a new taxi license. As a result, if the application proceeds, the applicant will be notified. Successful applications will have thirty (30) days to comply with all aspects governing licenses and plates. Failure to meet all terms in the allotted thirty (30) days will result in the license being cancelled
15. Every owner who applies for the transfer of taxi plates to another vehicle must complete the transfer sheet as set out by the Chief Administrative Officer.

## **5. Cab Owner Licenses**

1. The limit or cap of licenses taxicabs in the City of Pembroke is twenty-four (24). Any request by a taxicab owner to exceed such limit must be approved by City Council. Such request must be in writing and addressed to the Chief Administrative Officer. The Chief Administrative Officer will proceed with such request to the appropriate Committee of Council for disposition of such request.

2. An Applicant for a taxi permit/license plate shall:
  - a) provide evidence that the vehicle is licensed under the authority of the *Highway Traffic Act* (Ontario); and
  - b) provide evidence that the vehicle is licensed under the authority of the *Highway Traffic Act* (Ontario) and is mechanically fit; and,
  - c) procure in respect to each vehicle licensed under this By-law, a policy of insurance endorsed to the effect that the Chief Administrative Officer will be given at least two (2) days notice and shall deposit a copy or certificate thereof with the Chief Administrative Officer and such policy will be kept in force as long as the vehicle remains licensed under this By-law; and,
  - d) insure Owner and Driver of any such vehicle against loss or damage resulting from bodily injury or death to the passengers as well as others and against damage to property to an aggregate maximum limit of not less than two million dollars (\$2,000,000) for all claims in any one accident, exclusive of interest and costs.
3. If the license for a taxicab is not purchased within thirty (30) days from the date the application is granted, the licensee shall at the time that the license is purchased, provide proof that the vehicle is mechanically fit.
4. No person shall use or operate any taxicab defined in Section 1, within the boundaries of the City of Pembroke without obtaining a license issued by the City authorizing them to carry on their business and occupations within the boundaries of the City and for which said person shall pay the City, at the time of taking out said permit, the fee prescribed for by this By-law in Schedule "A".
5. Every person who keeps a vehicle as a taxicab shall obtain a license issued by the City authorizing the use of the vehicle for the purpose indicated on such a license and shall pay, at the time of taking out such license, the fee prescribed by this By-law. There shall be a separate license taken out for every taxicab operated by the Owner.
6. Where two (2) or more persons carry on or engage in a partnership in a taxicab, the license may be issued in the name of the partner only, but when the application for a license is made, the name and address of each member of the partnership shall be set out therein.
7. Taxicab Owner's license shall expire on the first day of July of each year.
8. Taxi Driver's licenses shall expire on the thirty-first (31) day of December of each year.
9. The annual fee for each license is as set out in Schedule "A".
10. All fees for renewal of Owner and Driver licenses under this By-law shall be paid to the City within thirty (30) days of their expiry, failing which all licenses become null and void and must be returned to the City.
11. Every application for an original license by the Owner under the By-law shall be in writing, signed by the Applicant on forms provided by the Chief Administrative Officer and;
  - a) shall be filed with the Chief Administrative Officer; and,
  - b) shall be accompanied by the permit fee prescribed in Schedule "A" by this By-law; and,

- c) shall be accompanied by such information and materials as may be reasonably required by the Chief Administrative Officer.
12. Every application for a Taxicab Driver's license shall be in writing, signed by the applicant on forms provided by the Chief Administrative Officer, and
- a) shall be filed with the Chief Administrative Officer; and,
  - b) shall be accompanied by two (2) satisfactory passport style photographs of the Applicant; and,
  - c) shall be accompanied by the license fee prescribed in Schedule "A" by this By-law; and,
  - d) shall provide proof that the Applicant holds a valid driver's license issued under the *Highway Traffic Act* (Ontario), qualifying the Applicant to operate the class of vehicle for which the application is being made, as set out in Section 2(1); and
  - e) shall be accompanied by such information and material as may be reasonably required by the Chief Administrative Officer.
13. Every application for the renewal of a license issued under the authority of this By-law shall be in writing, signed by the Applicant, on forms provided by the Chief Administrative Officer; and
- a) shall be filed with the Chief Administrative Officer; and,
  - b) shall be accompanied by the license fee prescribed in Schedule "A" by this By-law; and,
  - c) shall be accompanied by such information and material as may reasonably be required by the Chief Administrative Officer; and,
  - d) Provide proof that the applicant continues to hold a valid driver's license issued under the authority of the *Highway Traffic Act* (Ontario) as stated in Section 2(1); and
  - e) Provide one (1) new passport style photograph.
14. Every application required under this By-law to be made to the City shall be submitted to the Chief Administrative Officer, which shall be dealt with in accordance with this By-law.
15. The Chief Administrative Officer shall, upon receipt of an application for a license, make or cause to be made, all examinations and investigations required to be made by this By-law (including a "Consent for Criminal Record and Driving Record Check"), as per the attached Appendix "A", relative to such application. The Chief Administrative Officer may refuse to issue a license in cases where it is deemed in the best interest of the public safety.
16. If the required investigation and examination into an application for a taxicab Owner's license or a taxicab driver's license does not disclose any reason why the application should not be granted, the Chief Administrative Officer shall issue such a license unless, in his opinion, the granting of a license shall be contrary to the public interest.
17. All licenses issued under this By-law shall be issued by the Chief Administrative Officer in the name of the City on forms supplied by the Chief Administrative Officer, if any license is issued subject to conditions, such conditions shall be sent forth on or attached to the license.

18. The City may refuse to grant a license if applied for or may grant a conditional license if the Applicant signifies that he is prepared to accept the conditions imposed on his license and to make no objections to those conditions imposed by the City.
19. An Applicant for a license who has been refused a license by the Chief Administrative Officer may apply to the City requesting a hearing before City Council.
20. the Chief Administrative Officer, upon the issuance of a license, shall furnish the applicant with:
  - a) the license which shall be numbered and set forth in the name of the person licensed and the make, model, style and vehicle identification number of the vehicle he is authorized to drive or operate to have driven or operated, and in the case of a taxi driver's license, shall contain the name and license number of his employer or the business with whom he is contracted; and
  - b) an identification card signed by the licensee in the presence of the Chief Administrative Officer or his designate.
21. An owner's license issued hereunder shall contain a description of the particular vehicle to which the license applies along with full insurance particulars for the said vehicle as mentioned in Section 5(2)(d). The permit may not be altered or otherwise made to apply to more than one specific vehicle.
22. No Owner's license issued under the provisions of this By-law shall be transferable, but the Owner of any taxicab desiring to obtain an Owner's license for any new vehicle in substitution for a vehicle duly licensed hereunder shall make an application in writing for such exchange to the Chief Administrative Officer, giving a full description of the taxicab to be retired from service, and a full description of the vehicle to be placed in service in substitution therefore, along with any other material deemed necessary by the Chief Administrative Officer and City Council on receipt of such application, together with the report and recommendation of the Chief Administrative Officer thereon, may permit the substitution of the said new vehicle upon payment of a replacement fee as set out in Schedule "A". In every such case a new Owner's license shall be issued for the balance of that current year in respect of each such new or substituted vehicle, and the original owner's license shall be deemed to be revoked.
23. In the event of the death of a holder of an Owner's license, the death shall be reported to the Chief Administrative Officer within seven (7) days of it happening, and the widow/widower, or if there is none, the children or their guardians, or the beneficiary, shall have a period of six (6) months within which to arrange for the continuance of the business without the appropriate permit being suspended or cancelled.
24. The City, in the case of an Owner's license being applied for pursuant to the death of a license holder, shall require the Applicant, at his/her own expense, to provide the Chief Administrative Officer with such necessary information and materials as specified in this By-law in respect to the new Owner's license in the same manner as though applying for the issuance of an original license.
25. Upon the expiry, or revocation of a taxicab owner's license, the license and taxi license plate shall be returned to the Chief Administrative Officer within forty-eight (48) hours of the expiry or revocation of such license.

26. A license may be held by an Owner who does not use the license on an active licensed vehicle for a period of twelve (12) months after which time the license and taxi license plate shall be returned to the Chief Administrative Officer.
27. If a license has been issued under this By-law and, prior to the expiration of the license, an application for the renewal of the license is received as herein provided, the Chief Administrative Officer may issue a new license in accordance with the application.
28. Where a licensee has not renewed a driver's license in accordance with this section, such license is null and void and is no longer in force and effect. The said license shall be returned to the Chief Administrative Officer within forty-eight (48) hours after the expiration date.
29. Notwithstanding anything in this part, the Chief Administrative Officer may refer an application to City Council where, in his opinion, it is proper to do so.
30. No person shall enjoy a vested right in the continuance of a license and upon the issuance, renewal, expiration, cancellation or suspension thereof, the value of the license shall be the property of the City.
31. No taxicab can exceed an age of ten (10) years. The age of a vehicle is determined by subtracting the production date of the vehicle from the licensing year.
32. An Applicant for an Owner's license shall submit in writing to the Chief Administrative Officer a request for a new license.
33. Every owner who applies for the transfer of taxi license plates to another vehicle must complete the transfer sheet as set out by the Chief Administrative Officer.
34. No Owner shall operate, or permit to be operated any wheelchair accessible vehicle unless said vehicle;
  - a) complies with *R.R.O. 1990, Reg. 629 Entitled Vehicles for the Transportation of Physically Disabled Passengers*, pursuant to the *Highway Traffic Act*; and,
  - b) complies with *Canadian Standards Association Standards D409-M84 (Motor Vehicles for the Transportation of Persons with Physical Disabilities)* or *D409-92 (Motor Vehicles for the Transportation of Persons with Disabilities)*; and,
  - c) has been furnished a valid certificate; and,
  - d) is in compliance with all aspects of this By-law.

## **6. Vehicle Equipment and Maintenance**

1. Every Licensed Taxicab Drive and Owner shall insure an operating taxi vehicle:
  - a) is equipped with a spare tire and necessary equipment to make change to; and,
  - b) is equipped with a first aid kit approved by the Municipal Law Enforcement Officer; and,
  - c) the exterior of the vehicle is clean in appearance as weather dictates; and,

- d) the interior of the vehicle is clean, dry and the upholstery is clean and free of defects and tears; and,
  - e) is free from mechanical defects; and,
  - f) the exterior paint colour of the taxicab is of one colour as described in the vehicle and free of paint defects.
2. Every taximeter shall be used when the seal therein is attached, intact or after due notice has been given to the Chief Administrative Officer and authority has been obtained to operate until the taximeter has been resealed by the Municipal Law Enforcement Officer.
3. Every taxicab shall be equipped by the Owner with a taximeter of a type approved by the Chief Administrative Officer and the taximeter is to be so located in the taxicab as to be clearly visible to the passengers at all times.
4. No taxicab shall be operated when the taximeter is out of order or defective in any way.
5. all taximeters shall be:
- a) attached to the vehicle in a location and manner approved by the Chief Administrative Officer; and,
  - b) adjusted in accordance with Schedule "B" attached to this By-law; and,
  - c) tested by running the taxicab to which it is attached over a measured track or distance before being sealed or put into service; and,
  - d) clearly illuminated so as to be easily visible by passengers in the vehicle between dusk and dawn; and,
  - e) submitted to the Chief Administrative Officer whenever he deems it necessary for testing, inspection and further sealing; and,
  - f) kept in good working condition at all times and used only when the seal thereupon is intact and shall not be used when the seal has been broken or in any way tampered with or the taximeter is defective in any way; and,
  - g) used no longer than six (6) months without retesting and resealing by the Chief Administrative Officer.
6. Any subsequent resealing within a license year will be subject to a fee as set in Schedule "A" of this By-law.
7. Notwithstanding the foregoing, the sign may be removed when the taxicab has been hired for a wedding or funeral, or the vehicle is being operated by the Owner or a member of the Owner's family.
8. Every taxicab shall be equipped with:
- a) The taxi license plate, which is to be prominently displayed on the rear exterior of the vehicle.
9. Every Driver shall, on each shift before commencing driving, examine the vehicle for mechanical defects and shall similarly examine the vehicle at the end of each shift and, if he is not the Owner of the vehicle, report

forthwith to the Owner any mechanical defect of which he is or becomes aware of.

10. Every Owner shall check, immediately, any mechanical defects and shall similarly examine the vehicle at the end of the each shift.
11. Every Owner shall check, immediately, any mechanical defect in his vehicle reported to him by the Driver and shall not, in any case, operate or permit to be operated any vehicle that is not in good mechanical condition. Every Owner shall maintain his vehicles in a clean and sanitary condition and in good repair. The Chief Administrative Officer may, upon breach of this provision, notify the Owner to cease operating the vehicle under the provisions of this By-law until such time as the vehicle has been put into a clean and sanitary condition and in good repair. The Owner shall upon such notice, cease to operate his vehicle.
12. No motor vehicle for which the model year is more than ten (10) years prior to the year being licensed, may be used as a taxicab except that City Council, on the recommendation of the Chief Administrative Officer, may approve licenses for vehicle older than ten (10) years.
13. Every taxi Owner shall, as condition of the owners permit, display on the roof of every vehicle so owned an illuminated sign that:
  - a) bares the name of the taxi company from which the taxi operated from; and,
  - b) is connected to the taximeter whereby the light will extinguish when the taximeter is in the recording position.
14. Every sign as indicated in Section 6(13), shall be illuminated at all times, except when the taxicab has been hired, in which case the sign shall be extinguished.

Any taxicab not licensed to operate within the boundaries of the City of Pembroke shall keep the sign extinguished while within the boundaries of the City of Pembroke.

## **7. Vehicle Inspections**

1. Taxi Owners shall submit a Vehicle Safety Inspection Certificate from an approved licensed mechanic, based on the year of the taxi vehicle as set out below:
  - a) three (3) years of age or less – one (1) certificate per licensed year
  - b) four (4) to either (8) years – two (2) certificates per licensed year
  - c) nine (9) to ten (10) years – three certificates per licensed year
2. Vehicle Safety Inspection Certificates are valid for thirty-six (36) days after the date of issue.
3. Under an order from the Chief Administrative Officer, any such taxicab with or without a Vehicle Safety Inspection Certificate can be called into regard for “Major Mechanical Defect” and subject to inspection by an approved licensed mechanic and approved licensed facility so determined by the Chief Administrative Officer. All such orders by the Chief Administrative Officer shall be adhered to forthwith. All such orders by the Chief Administrative Officer are declared a “deficiency notice”. A deficiency notice is issued in writing to the Owner of the taxicab and/or the Driver. All costs for an inspection are born by the taxicab owner. The taxicab license plate and permit are seized until final determination of inspection. Taxi Owners reserve the right to remove and cease to

operate the subject taxicab from operation and relinquish the license plate and permit registered to the vehicle by the Chief Administrative Officer, prior to an order for a vehicle inspection. Any such plate and license will become null and void.

4. Taxi owners shall upon request, submit to the Chief Administrative Officer a list of drivers so employed by the said company and such list is to include full names, addresses and telephone numbers.
5. Taxi Owners shall upon request, submit to the Chief Administrative Officer a list of vehicles and properties so used by the taxi company.
6. Taxi Owners shall upon request, submit to the Chief Administrative Officer all current certificates issued by the *Liquor Control Board of Ontario*, for the transportation of liquor. Any taxi companies that are not in possession the said certificates shall state such in writing to the Chief Administrative Officer.

## 8. Revocation of Licenses

1. The Chief Administrative Officer may revoke or suspend any license issued under the authority of this By-law for non-compliance with the provisions of this By-law or in cases where it is deemed in the best interest of public safety. Any person whose license is suspended or revoked may appeal to City Council.
2. In the event of any license issued under this By-law being cancelled, revoked or expired the previous holder thereof shall not, without approval of the City, apply for another license before the lapse of six (6) months from the date of such cancellation, revocation or expiration. Issuance of a new license will have an expiry date consistent with the license time period as outlined in this By-law.
3. The Chief Administrative Officer may, at his discretion, continue the suspension of a license should it be reinstated, revoked, or until the completion of any investigation into the suspension of the license.
4. The Chief Administrative Officer or his designate may suspend any license for:
  - a) any contravention of the *Criminal Code of Canada*;
  - b) any contravention of the *Narcotic Control Act* (Canada) or the *Food and Drug Act* (Canada);
  - c) the accumulation of more than seven (7) demerit points under the *Highway Traffic Act* (Ontario);
  - d) any breach of the *Liquor Control Act of Ontario* pertaining to the unlawful sale, purchase or transportation of liquor;
  - e) any contravention of any section of this By-law; and
  - f) any charge laid pursuant to any **Federal Statute, Provincial Statute or Municipal By-law**, the circumstances surrounding which are serious and may, in the opinion of the Chief Administrative Officer, cause sufficient concern to warrant the suspension of the license.
5. The holder of any license that has been revoked, suspended or expired shall forthwith surrender such license to the Chief Administrative Officer and the Chief Administrative Officer shall have access to any premises, vehicle or other property for the purpose of receiving or taking such license.



**9. Records**

1. No taxicab driver while operating a taxicab shall obstruct hinder or delay any Police Officer or any Municipal Law Enforcement Officer in the City of Pembroke in conducting examinations of the said taxi vehicle and its records compliance required in this By-law.

**10. Duties of the Chief Administrative Officer**

1. The Chief Administrative Officer shall be charged with the enforcement of the By-law and in connection herewith shall do or cause to be done, the following:

- a) report to City Council whenever he shall be required by them to do so;
- b) make all necessary enquiries in connection with the issuance of a license, or the suspension and revocation of a license as may be required by this By-law;
- c) keep a register of all licenses approved, which shall contain the name, address and phone number of the Applicant, the amount paid for and the date of the license and such further records as City Council may request;

The register shall also contain, but is not limited to, the make, vehicle identification number and condition of all vehicles owned and operated by such Owner or other designated licensed driver;

- d) furnish each person who is purchasing a license or permit with a copy of this By-law;
  - e) ascertain, by inspection and enquiry from time to time, or as often as City Council directs, whether or not the person receiving licenses continues to comply with the provisions of this By-law;
  - f) cause inspections to be made of all taxicabs to ensure that the vehicle meets the requirements of this By-law; and
  - g) cause inspections to be made of all taximeters to ensure that they are properly sealed and register accurately and to take such other precautions as may be necessary to prevent interference or tampering with the said taximeter on their calibration.
2. The Chief Administrative Officer may delegate a Police Officer, or the Municipal By-law Enforcement Officer or any other employee of the City, any of the rights or duties delegated to him under this By-law and such person, while so acting, shall have and perform such rights and duties and shall stand in the place and instead of the said Chief Administrative Officer.
  3. The Chief Administrative Officer upon reasonable grounds may require any person licensed under this By-law to produce a medical certificate from a licensed physician which states the person is fit to operate a taxicab in compliance with this By-law.

**11. Passenger Fares**

1. Every person ordering or arranging to use a vehicle licensed under this By-law shall pay the fare unless:
  - a) the Owner or Driver has demanded more than the authorized fare or charge; or

- b) such order or arrangement has been cancelled a reasonable time prior to the service ordered or arranged for; and
  - c) the driver and/or vehicle have not complied with all the requirements of this By-law.
2. In the event of a dispute between the Driver and a passenger, they shall submit such a dispute to the Chief Administrative Officer and if such dispute cannot be solved amicably, each party shall have his own recourse according to the law.
  3. Any person employing a vehicle licensed under this By-law may require the Driver thereof to furnish a receipt for the cash amount of the fare. Such receipt shall include the driver's name, the number of the driver's taxicab license, the name of the Owner of the taxicab and the date of the transaction.

## **12. Tariffs**

1. City Council may review the fares permitted to be charged b taxicabs for the purpose of establishing new rates.
  2. The rates of fare to be charged by the Owner or Drivers of the taxicabs shall be exactly shown in Schedule "B" and no greater or lesser amounts shall be demanded or received.
  3. When a taxicab is operating on the taximeter basis, the rate of fare charged shall be exactly as shown on the taximeter, together with any additional charges as authorized by Schedule "B",
  4. No Owner or Driver shall publish or use a tariff or demand or receive rates or charges other than those authorized by this By-law, whether such rates or charges are determined by distance or by time or by flat rate.
  5. If a call originates or extends beyond the limits of the City of Pembroke, the Driver and the passenger may agree, before the start of the trip, to a flat rate but the taximeter must be in recording position at all times while within the City of Pembroke.
  6. At the conclusion of a trip, the Driver shall call the passenger's attention to the amount of the fare registered on the taximeter.
  7. The tariff or rates herein authorized shall be computed from the time when or the place at which the passenger first enters the vehicle to the time when or the place at which the passenger discharges the vehicle.
13. 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 or penalties set opposite such provision in the table of Fines and Penalties as set out in Schedule "C" of this by-law and/or a penalty pursuant to s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
  14. If a section of this By-law may be found by any court of law to be bad, illegal or beyond the powers of City Council to enact, such section thereof shall be deemed to be separate and independent there from and shall be enacted as such.
  15. Schedule "A", "B" and "C" and Appendix "A" are hereby adopted and declared to form part of this By-law.

## **16.**

- a) That By-law 2014-10 and any other By-law inconsistent with the provisions contained in this By-law are hereby repealed.
  - b) This By-law shall take effect and become in full force and effect upon the day of the third reading and passage thereof.
17. This By-law shall take effect and become in full force and effect upon the day of the third reading and passage thereof.

**Read a first and second time this 17<sup>th</sup> day of May 2016**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer/Clerk

**Read a third time and passed this 17<sup>th</sup> day of May 2016**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer/Clerk

**Schedule "A"**

Number	Type of Fee	Fee
1	Taxicab Owner License	\$500.00
2	Taxicab Owner License Renewal	\$200.00
3	Replacement License for New Taxicab	\$75.00
4	Taxicab Driver License	\$75.00
5	Taxi Driver License Renewal	\$75.00
6	Unscheduled resealing of a taximeter	\$10.00
7	Replacement of photo identification/license (loss, theft or change of stand or name)	\$15.00

Taxicab Owner license pro-rate fee shall be the \$500 fee divided by the remaining months to the license expiry date.

## Schedule “B” – Taxicab

1. Minimum fee of three dollars and seventy-five cents (\$3.75).
2. A basic fee of three dollars and seventy-five cents (\$3.75) for one to four passengers.
3. Over four passengers: fifty cents (0.50¢) extra for each passenger.
4. After the first kilometer each one/twenty-second (1/22) kilometer or any part thereof: ten cents (.10¢).
5. Waiting time: fifteen cents (.15¢) for each thirty (30) seconds of waiting time requested by the passenger.
6. Luggage: Hand luggage or small parcels are carried free. Large boxes or parcels that must be carried in the trunk are one dollar (\$1.00) extra.
7. Flat Rates: Edwards Mazda to West End and points in between: seven dollars and fifty cents (\$7.50).  
  
Pembroke Mall to Spruce Street at Drive-in Road and points in between: six dollars and thirty cents (\$6.30).  
  
Valley Automotive to PEM-Ice II and points in between: seven dollars and fifty cents (\$7.50).  
  
Township of Laurentian Valley: area bounded by Elgin Street, north of the CNR Line and Jean Avenue – the City of Pembroke: taximeter rates shall apply.
8. Sunday Operations: When approved by the City, taxicabs may operate along the City bus routes on Sundays between the hours of 10:00 a.m. and 6:00 p.m. The Basic fee for this service shall be two dollars (\$2.00) for each passenger.

## Schedule “C”

### By-law 2016-25 Taxi Regulation Part I Provincial Offences Act

Item	Column 1 – Short Form Wording	Column 2 – Provision creating or defining offence	Column 3 – Set Fine
1	Driver – Fail to display, facing the rear seat in clear view, valid taxi photo identification license card	S. 3 (1)	
2	Driver – Fail to surrender taxi photo identification license card/Ontario Driver’s License to Provincial Offences Officer	S. 3 (3)	
3	Driver purchase liquor – Fail to surrender valid license to transport by Liquor Control Board of Ontario	S. 3 (5)	
4	Driver transporting liquor – Fail to surrender valid license to transport by Liquor Control Board of Ontario	S. 3 (5)	
5	Driver/owner – Smoke product containing tobacco in a taxi cab/stand	S. 3 (6) (a)	
6	Driver/owner – Hold lighted tobacco product in a taxi cab/stand	S. 3 (6) (c)	
7	Driver – Fail to keep interior/exterior of taxi cab in clean and sanitary condition or in good repair	S. 3 (8) (a)	
8	Driver – Fail to provide full information of passengers carried	S. 3 (8) (d)	
9	Driver – Fail to travel by most direct route to point of destination	S. 3 (8) (g)	
10	Driver – Fail to keep personal appearance neat and clean while on duty	S. 3 (8) (h)	
11	Driver – Operate taxi cab without valid taxi cab license	S. 3 (9) (a)	
12	Driver – Operate taxi cab while occupant fails to occupy position with seat belt	S. 3 (9) (b)	
13	Driver – Operate taxi cab with passenger under the influence of any intoxicant while not accompanied by sober passenger	S. 3 (9) (c)	

Item	Column 1 – Short Form Wording	Column 2 – Provision creating or defining offence	Column 3 – Set Fine
14	Driver – Operate taxi cab with material piled to obstruct view	S. 3 (9) (d)	
15	Driver – Permit immoral/indecent/disorderly conduct in vehicle	S. 3 (9) (f)	
16	Possess radio frequency scanner in taxicab	S. 3 (9) (h)	
17	Driver – Fail to keep daily trip sheet	S. 3 (10) (a)	
18	Wash taxi-cab on city owned property	s. 3 (10) (d)	
19	Operate taxi-cab – Fail to adjust meter with existing current rates	S. 3 (11)	
20	Take on additional passengers after taxi-cab has departed	S. 3 (13)	
21	Charge fare in excess of amount recorded by taxi meter	S. 3 (16)	
22	Taxi unlicensed within municipality – Fail to extinguish roof sign	S. 3 (17)	
23	Out of town taxi operating without license from home municipality	S. 3 (18)	
24	Taxicab driver – Unlawfully solicit for fares	S. 3 (19)	
25	Taxicab – Exceed the age of 10 years	S. 4 (13)	

Note: the general penalty provision for the offences listed above is Section 13 of By-law 2016-25, a certified copy of which has been filed.

## Appendix "A"

### Part A

This form is to be completed by Applicants for Owner licenses as well as Drivers licenses

Name:

Date of Birth:

Place of Birth:

Current Address:

Previous Address:

Driver's Licence Number:

Province:

### Part B

I hereby consent to the full disclosure of my police, criminal and driving records to the Owner who has offered me employment.

I release the Ontario Provincial Police from any and all liability for such disclosure.

This Notice is given pursuant to the "Freedom of Information and Protection of Privacy Act".

Signature:

### Part C

To be completed by the Ontario Provincial Police.

Checked By:

Date: Click or tap to enter a date.

Results of Check:

Documents and Records Attached:Click or tap to enter a date.